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NOTICE OF MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 27TH APRIL, 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: 18 April 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796 251

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

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

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm or from Democratic Services on 01628 796310 or democratic.services@rbwm.gov.uk	11 - 40
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	41 - 42

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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, 30 MARCH 2016

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

Also in attendance: Councillor Jack Rankin

Officers: Neil Allen, Wendy Binmore, Melvin Andrews, Daniel Gigg and Adam Jackson

APOLOGIES FOR ABSENCE

None received.

DECLARATIONS OF INTEREST

Cllr M. Airey – Declared a personal interest in item 16/00339 as his wife is an employee of the charity that had brought the application to Panel. He confirmed he would not take part in the discussion or the vote.

Neil Allen, Legal Officer made a statement advising the Panel that both Councillor Jack Rankin and Councillor Wesley Richards were not voting members of the Panel and would not be taking part in the vote on any items that had been brought the Panel. Therefore, there was no DPI for them to declare.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 2 March 2016 be approved.

PLANNING APPLICATIONS (DECISION)

<u>Application</u>	<u>Applicant and Proposed Development</u>
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15/03184*	Britel Fund Trustees Ltd: Refurbishment of the existing office and erection of side and roof extension, amendments to fenestrations and associated landscaping, cycle parking and ancillary works at Hovis Court, 69 Alma Road, Windsor SL4 3HD – THE PANEL VOTED to DEFER and DELEGATE the application and authorise the Borough Planning Manager to grant planning permission following receipt of the legal agreement, and with the conditions listed in Section 10 of the main report and the additional/amended conditions in Section 3 of the Panel Update Report as listed below:
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- **Condition 2 amended to:** Samples of the materials to be used on the external surfaces of the refurbished part of the building and the extensions shall be submitted to and approved in writing prior to their construction. Details of the (porous) materials to be used for any new or replacement hard surfacing shall also be submitted to the Local Planning Authority for

approval in writing prior to its construction. 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.

- **Condition 7 amended to:** Prior to the construction of the extensions full details of soft (including planting along the southern boundary) landscape works, shall be submitted to and approved in writing by the Local Planning Authority. Works shall subsequently be undertaken in accordance with the approved details and soft landscape 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 and in the interest of on and off site trees. Relevant Policies – Local Plan DG1 and N6.
- **Additional Condition:** The rating level of the noise emitted from fixed plant and stationary equipment shall not exceed the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142:2014. Reason: To protect the residential amenities of the area. Relevant Policy – Local Plan NAP3.

(The Panel was addressed Councillor Jack Rankin in objection and Brian Coughlan, the agent in support of the application).

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

16/00339 Mr Bristow: Change of use from 2 x C3 (Dwelling house and flat) to Sui Generis (HMO) with 8 bedrooms, 1 x C3 Studio flat and 2 x B1 filming studio at 75 Frances Road, Windsor SL4 3AQ – **THE PANEL VOTED to DEFER and DELEGATE the application and authorise the Borough Planning Manager to grant planning permission following receipt of a legal agreement and with the conditions listed in Section 9 of the Main Report and with the additional and amended conditions in Section 3 of the Panel Update Report as listed below:**

- 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 Policy – Local Plan NAP2
- No development shall take place until a detailed scheme of noise insulation measures for the proposed filming studio has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 82333: 1999 ‘Sound Insulation and Noise Insulations for Buildings – Code of Practice’. Reason: In order to safeguard the amenities of adjoining residential occupiers.
- 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.

(The Panel was addressed by Councillor Jack Rankin in objection and James Richards on behalf of the applicant in support of the application).

Four Councillors voted in favour of the motion (Alexander, Bicknell, Collins, and Muir), three Councillors voted against the motion (Cllrs Bowden, Rayner and Shelim), Councillor M. Airey left the room during the discussion and vote.

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of Planning Appeals Received and the Appeal Decision Report were noted.

The meeting, which began at 5.00 pm, finished at 8.15 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

27th April 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

Item No.	1	Application No.	15/04214/FULL	Recommendation	REF	Page No.	13
Location:	53 Arthur Road Windsor SL4 1RT						
Proposal:	Loft conversion and rear dormer with raised ridge line and insertion of roof light to front.						
Applicant:	Mr And Mrs Wix	Member Call-in:	Not applicable	Expiry Date:	15 February 2016		

Item No.	2	Application No.	16/00043/FULL	Recommendation	REF	Page No.	22
Location:	The Queen 282 Dedworth Road Windsor SL4 4JR						
Proposal:	Erection of 6 x one bedroom flats with associated works and the creation of a new vehicular access, following demolition of public house.						
Applicant:	S L J Property Development Ltd	Member Call-in:	Cllr Collins	Expiry Date:	3 March 2016		

Item No.	3	Application No.	16/00189/FULL	Recommendation	PERM	Page No.	34
Location:	Street Record Brocas Street Eton Windsor SL4 6BW						
Proposal:	Replacement of existing bench and landscaped area.						
Applicant:	Eton Town Council	Member Call-in:	Not applicable	Expiry Date:	11 May 2016		

Planning Appeals Received

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

27 April 2016

Item: 1

Application No.:	15/04214/FULL
Location:	53 Arthur Road Windsor SL4 1RT
Proposal:	Loft conversion and rear dormer with raised ridge line and insertion of roof light to front.
Applicant:	Mr And Mrs Wix
Agent:	Peter Rees
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Haydon Richardson on 01628 796046 or at haydon.richardson@rbwm.gov.uk

1. SUMMARY

- 1.1 The increase in the main ridge height and the scale and bulk of the proposed dormer extension would appear visually discordant and unsympathetic to the character and appearance of the host dwelling, neighbouring terraces and area in general. The proposal would significantly detract from the character of the host property and would be at odds with the roof scape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and would fail to integrate with, and respect, the appearance of the existing street scene, adjoining terraces and original dwelling.

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

- | | |
|----|---|
| 1. | The increase in ridge height and excessive mass and bulk of the dormer window and its poor design would result in a discordant form of development which is unsympathetic to the host dwelling and the area in general. |
|----|---|

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application relates to a mid terrace Victorian dwelling situated on the north side of Arthur Road. The exterior of the building is a mixture of brick and render; the windows are upvc. The development site is also located within Flood Zone 3. The surrounding area is characterised by two storey terraces finished in brick and render, most of which have two storey outriggers with mono pitched roofs.
- 3.2 Properties within the area have undergone numerous forms of development; ground and first floor rear extensions are not uncommon in the area. In recent years dormers similar to that which is proposed have been granted planning permission at 27, 29 and 35 Arthur Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There have not been any previous applications at the site.
- 4.2 The application seeks planning permission to raise the ridgeline of the existing property and construct an L shaped dormer with Juliet balcony; the proposed works form part of a loft conversion which would provide 2 new bedrooms. One obscure glazed window would be sited in the side elevation of the dormer and rooflights would be installed in the dwellings front roof slope.

- 4.3 The proposed L shaped, flat roof dormer extension would extend to the full width of the enlarged roof and wrap around the existing first floor outrigger, projecting 3.7m from the existing roof slope to the full depth of the outrigger.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Parking	High risk of flooding
	✓	✓	✓
Local Plan	DG1, H14	P4	F1

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

- Interpretation of Policy F1 – Areas liable to flooding
- Cookham Village Design Statement

More information on this document can be found at:

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

Other Local Strategies or Publications

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

- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- impact upon the character and appearance of the host dwelling and the area in general;
- area liable to flood.
- impact on the living conditions of occupiers of neighbouring properties, and
- impact on highway safety;

Impact upon the character and appearance of the host dwelling and the area in general.

- 6.2 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene. The National Planning Policy Framework (NPPF) was published in March 2012 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 59 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new buildings in relation to neighbouring buildings and the local area more generally.
- 6.3 Local Plan Policy H14 advises that extensions should not have an adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general. Policy DG1 seeks to secure a high quality standard of design.

- 6.4 The application seeks planning permission to raise the ridgeline of the existing property and construct an L shaped dormer with Juliette balcony; the proposed works form part of a loft conversion which would provide 2 new bedrooms. One obscure glazed window would be sited in the side elevation of the dormer and rooflights would be installed in the dwellings front roof slope. The ridge height of the dwelling would be raised by approximately 0.6m above the ridge height of the immediate neighbours (No.55 and No.51) and would be similar of similar height and size to the roof extensions recently granted and built at no. 35 Arthur Road. Similar proposals have been granted at no's 27 and 29 Arthur Road; however these permissions have not been implemented.
- 6.5 The proposed dormer extension would wrap around the existing first floor outrigger to the rear of the dwelling and would project 3.7m from the existing roof slope. The raising of the ridge height would have two effects; the ridge height of the application property would be noticeably higher (approximately 0.6) than the property immediately to the west (No. 55) and considerably higher (approximately 0.6m) than dwellings to the east (No's 51 and 49); and as the both neighbouring roof slopes would not be altered, the ridge of the new roof will not maintain its alignment with the other terraced dwellings along Arthur Road and this will be readily apparent from public areas. Additionally due to the considerable difference in heights between the proposed development and its two most immediate neighbours; the proposed rear dormer is likely to be visible from Arthur Road; impacting detrimentally upon the street scene.
- 6.6 The proposal by reason of its increase in height, the scale and bulk of the proposed dormer extension would appear visually discordant and unsympathetic to the character and appearance of the area and detrimental upon the appearance of the row of terraces. The way the dormer window links between the main roof and the rear extension would create an awkward appearance which is considered to be poor design. It would significantly detract from the character of the host dwelling and be at odds with the roof scape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and the proposed dormer extension would fail to integrate with and respect the appearance of the original dwelling. The development would be contrary to policies Local Plan Policies DG1 and H14 and with the aims and objectives of the NPPF.

Area liable to flood.

- 6.7 Local Plan Policy F1 of the Adopted Local Plan is applied to all development within areas liable to flooding. The policy indicates that new residential development or non-residential development, including extensions in excess of 30m² will not be permitted "unless it can be demonstrated to the satisfaction of the Borough Council that the proposal would not of itself, or cumulatively in conjunction with other development: 1) impede the flow of flood water; or 2) reduce the capacity of the floodplain to store flood water; or 3) increase the number of people or properties at risk from flooding".
- 6.8 The Policy states that 'for a household, the GCA would include the additions to the property that have been completed since 26th September 1978 (as per paragraph 2.4.7 of the Adopted Local Plan) which required express planning permission including any detached garage(s) together with any outbuildings that are non-floodable'.
- 6.9 In this case the proposed development relates to the construction of a first floor extension and loft conversion, as such Policy F1 is not relevant.

Impact on the living conditions of occupiers of neighbouring properties.

- 6.10 Policy H14 requires that extensions should not result in an unacceptable loss of light or privacy to neighbouring properties or significantly affect their amenities by being visually intrusive or overbearing. It is not considered that the proposal would result in an unacceptable level of overlooking upon the amenities of neighbouring dwellings. If the application had been recommended for approval, a condition restricting this window to be obscure glass would have been attached.

Impact on highway safety.

- 6.11 In accordance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004, it is necessary for 4 bedroom dwellings to provide 3 parking spaces. It is recognised that there would be a shortfall in parking provision in accordance with the adopted Parking Strategy, 2004 as a result of this proposal, however, there are parking restrictions along Arthur Road and given its close proximity to Windsor Town Centre, no objections are raised.

Other Material Considerations

- 6.12 It is noted that there are a number of dwellings to both the east and west of the development site with rear box dormers, however it is likely that the majority of these dormers were erected under permitted development rights. The exception to this is 65 Arthur Road which was granted full permission.
- 6.13 Number 65 was granted permission for a dormer within the main roof space in 2011; however, this application did not include the raising of the ridge height of the dwelling and was of such a scale that it would have constituted permitted development. In addition to this it is flanked on either side by dormers of a similar size and design.
- 6.14 Numbers 27, 29, 35 were granted permission by the Windsor Urban Development Control Panel in 2015 respectively and the extension at no.35 is nearing completion. The extensions proposed under this application are of similar scale, bulk and mass to those approved at no. 27, 29 and 35. However each planning application should be treated on its own merits; as such there is a material difference between the development and the previously approved schemes and this objection is warranted.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 neighbouring properties were directly notified directly of the application and a site notice was posted on the 8th January 2016.

1 letter was received supporting the application, summarised as:

Comment	Where in the report this is considered
1. The neighbours have kept us up to date throughout the process of the application. We support the proposal.	

8. APPENDICES TO THIS REPORT

- Appendix A – Existing Elevations
- Appendix B – Proposed Elevations and Floor Plans
- Appendix C – Site Location Plan

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

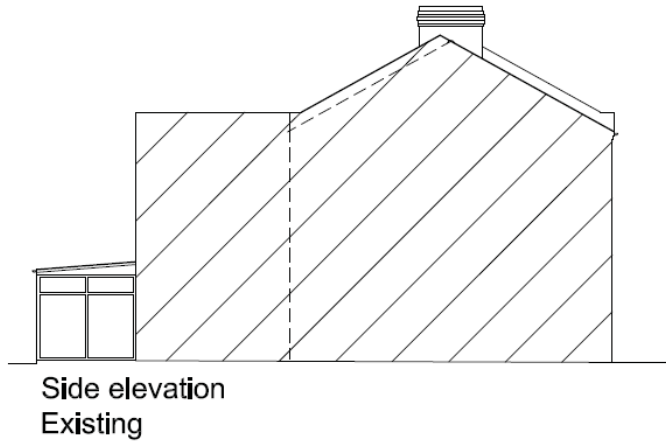
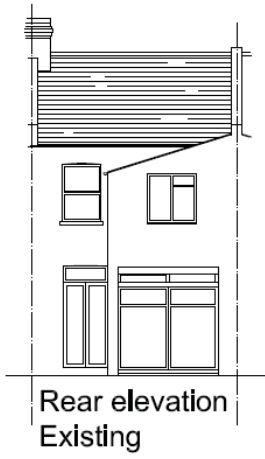
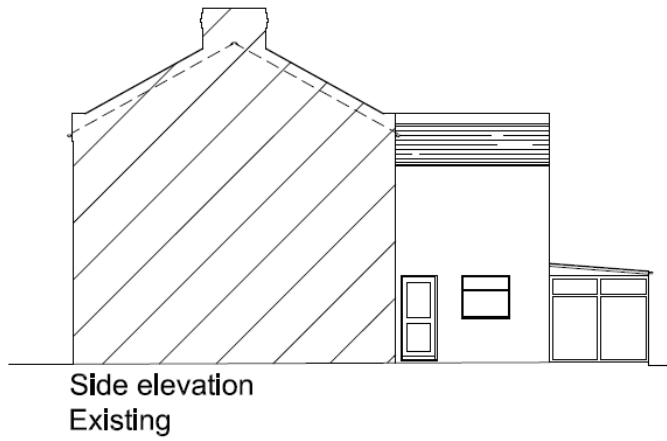
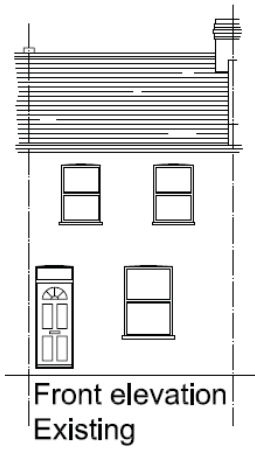
This recommendation is made following careful consideration of all the issues raised through the application process. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance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

In this case the issues have not been resolved.

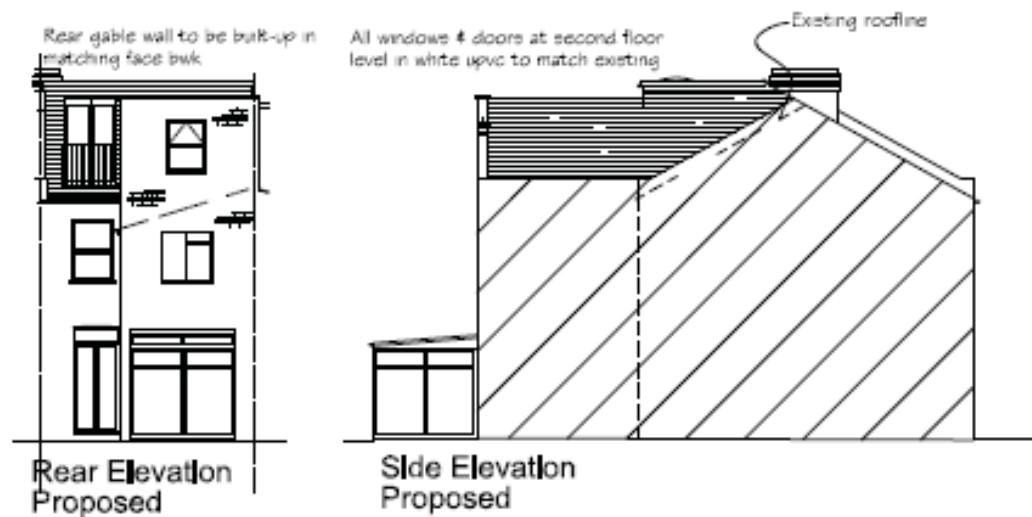
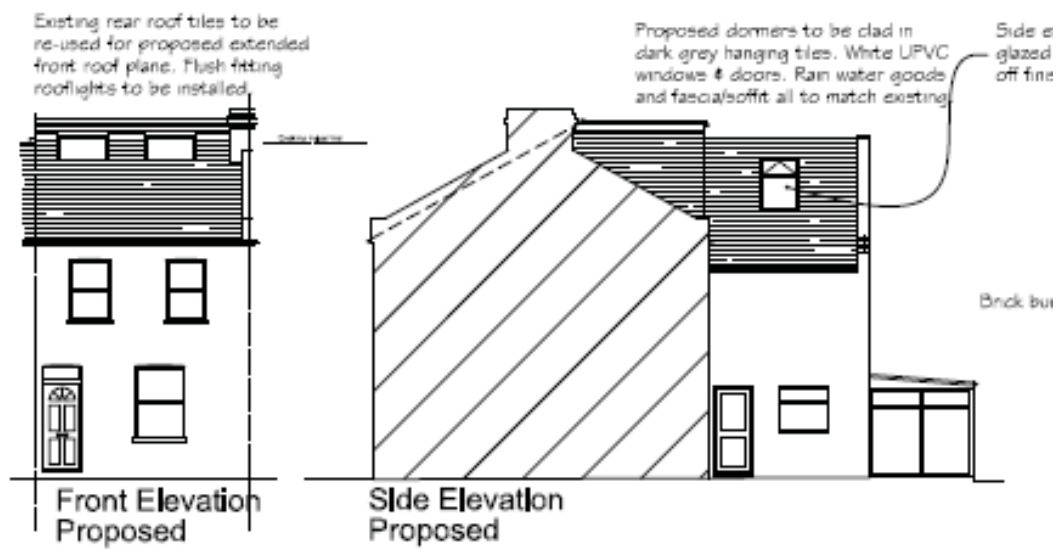
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

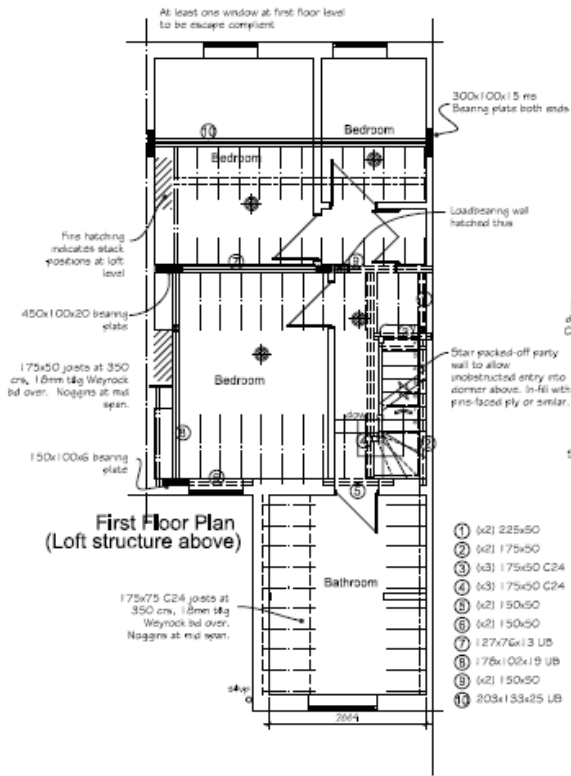
- 1 The increase in the main ridge height and the scale and bulk of the proposed dormer extension would appear visually discordant and unsympathetic to the character and appearance of the host dwelling, neighbouring terraces and area in general. The proposal would significantly detract from the character of the host property and would be at odds with the roofscape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and would fail to integrate with, and respect, the appearance of the existing street scene, adjoining terraces and original dwelling. The proposed development is considered contrary to Local Plan Policies DG1, H14 and relevant design guidance within the NPPF.

Appendix A- Existing Elevations

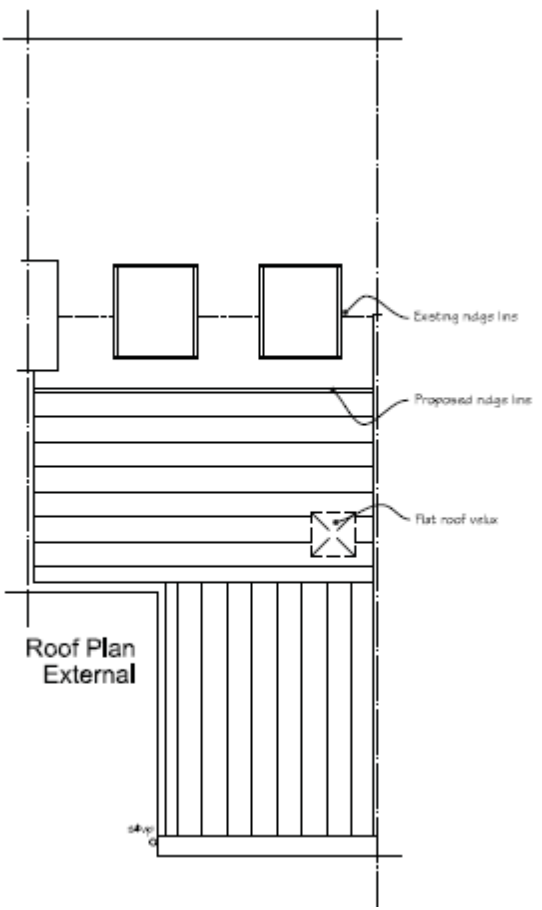
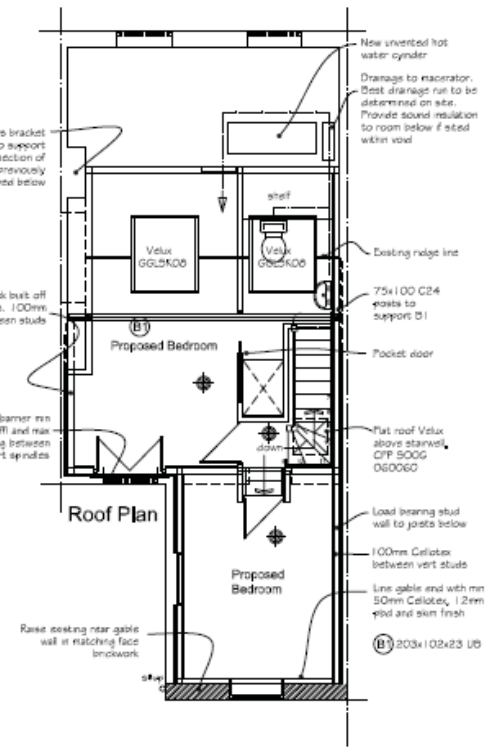


Appendix B- Proposed Elevations and floor plans





- ① (x2) 225x50
- ② (x2) 175x50
- ③ (x3) 175x50 C24
- ④ (x3) 175x50 C24
- ⑤ (x2) 150x50
- ⑥ (x2) 150x50
- ⑦ 127x75x13 UB
- ⑧ 176x100x19 UB
- ⑨ (x2) 150x50
- ⑩ 203x133x25 UB



Appendix C- Site location



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

27 April 2016

Item: 2

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

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

1. SUMMARY

- 1.1 This application was reported to Panel on the 2nd March 2016 with a recommendation for refusal. The Panel resolved to defer the application for 2 cycles so that clarification could be sought from the agent over the length of time the marketing of the property has been carried out and what uses it was marketed for.
- 1.2 The agent has confirmed that there is no further detail to add on the marketing that was undertaken, but have confirmed that the property is again being advertised for sale and will remain so until such time as this matter can be resolved. Property agent 'James Wood International' has confirmed that on Friday 4th March they commenced marketing for "The Queen Public House, 282 Dedworth Road, Windsor, SL4 4JR. They advise that they began by contacting their database of applicants with the possibility of a specific local amenity showing interest such as a youth centre, church, dry cleaners, and children's nursery (this is shown in the advert on Rightmove). At the time of writing, the agent has confirmed that 11 leads through Rightmove have been received for the re-development of the site, but there is no indication on what type of redevelopment they would be interested in.
- 1.3 Any additional information that is provided on the marketing of the property will be provided in the Panel Update, however, based on this additional information it is not considered that it has been demonstrated that there is no longer a need for a community facility.
- 1.4 The agent has suggested that to compensate for the loss of the community facility, a seating area in a covered layby to the footpath (within the application site) could be provided for use by the community. They explain it could be made to look nice and could provide a place to rest (for the elderly in particular) and it could be an area where people sit to talk. They suggest that this detail could be secured through the landscaping condition. Officers are not of the view that this would provide a suitable alternative community facility in compliance with Policy CF1 of the Local Plan. Officers would also raise concerns over who would be responsible for maintenance of the area for the lifetime of the development, and that potentially it could become a focus for anti-social behaviour.
- 1.5 An additional objection has been received since the last Panel meeting, which states:

'The loss of an amenity in our area is unwelcome and the loss of a building of real character, one of few, on the Dedworth Road is unforgivable. It is still wrong that we should lose amenities in this way and that no effort has been made to recognise that Dedworth needs as much character as it can retain. The developer has not tried to provide an amenity on the site or to retain the façade in any way. Even though there will be a loss of amenity, it seems that there will be no s106 either.'
- 1.6 The application remains recommended for refusal.

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

1. The evidence presented is insufficient to justify that there is no longer a need for

<p>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.</p>
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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 th May 2014.
15/02054/FULL	Erection of 7 x 1 No. bedroom flats and 2 x 2 No. bedroom flats with vehicular access, parking, associated amenity space, refuse storage and cycle storage following demolition of existing public house.	Withdrawn on the 30 th 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:

	Within settlement area	Highways /Parking issues	Community Facility
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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- 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 16th 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 green area close to the access, a wall rather than a fence to screen the bins, as fences soon become tatty.	6.14-6.16

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	6.25

	will prevent visitors from parking in front of their home. (2)	
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>Parking Requirements 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 based on maximum parking provision. Furthermore, in a recent appeal decision the Planning Inspector described Dedworth Road <i>'as an area of "good accessibility" with shops, services and regular bus services.'</i></p> <p>Cycle Requirements 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>Refuse Provision 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 conform that the storage facility is sufficient to cater for the number of units.</p> <p>Vehicle Movements / per day: A similar sized and fully operational public house in an accessible area could potentially generate between 30-40</p>	6.21-6.26

	vehicular movements per day. This development is likely to generate significantly less movements compared with the previous use. 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	
Planning Policy	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.	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 NPPF.

In this case the issues have not been successfully resolved.

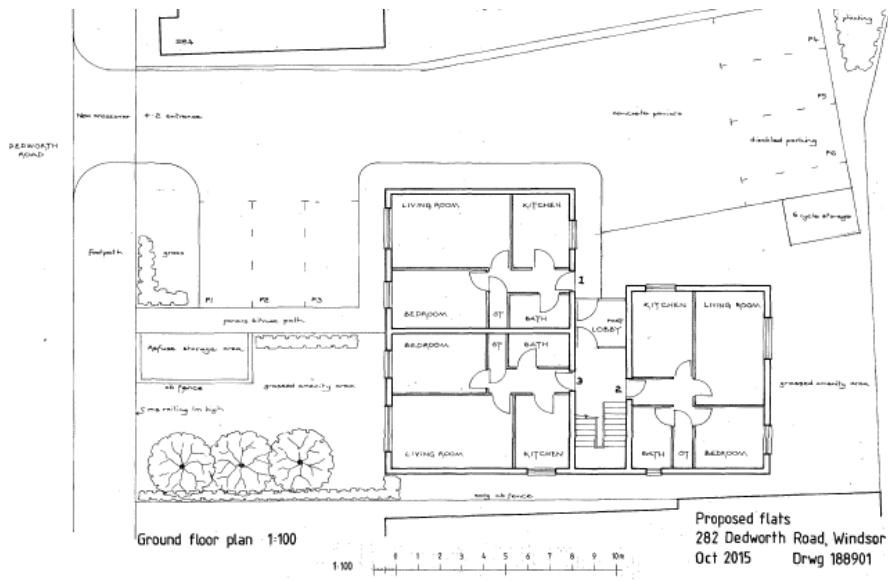
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 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).

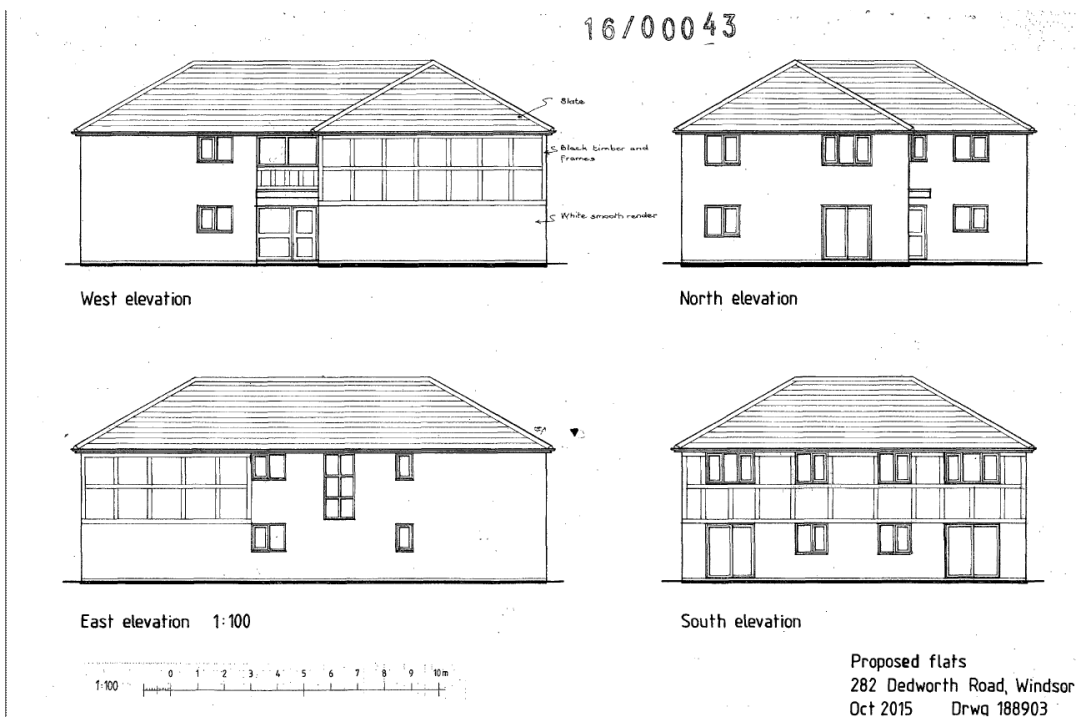
Appendix A- Site location

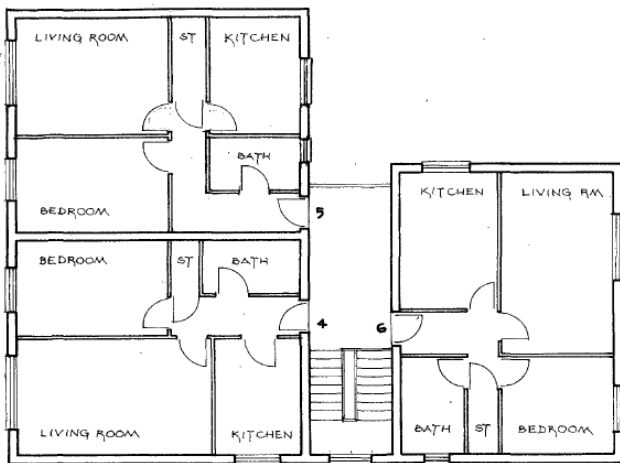
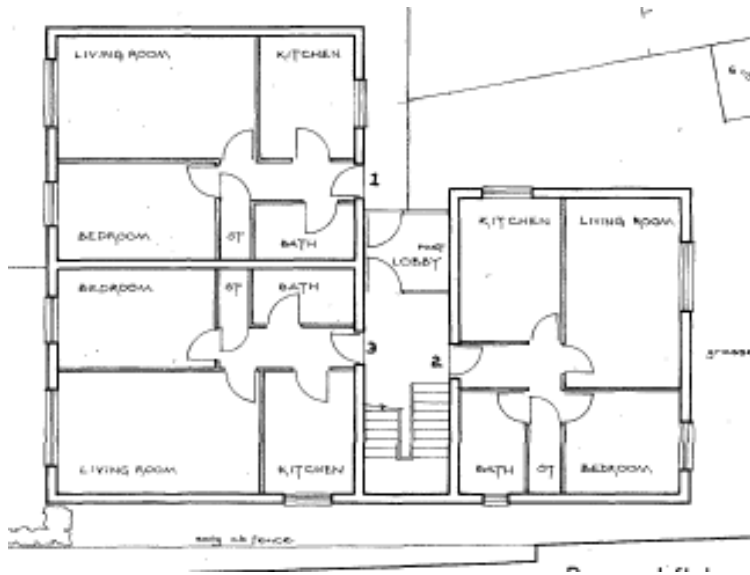


Appendix B- Proposed layout



Appendix C- Proposed Elevations and floor plans





WINDSOR URBAN DEVELOPMENT CONTROL PANEL

27 April 2016

Item: 3

Application No.:	16/00189/FULL
Location:	Street Record Brocas Street Eton Windsor SL4 6BW
Proposal:	Replacement of existing bench and landscaped area.
Applicant:	Eton Town Council
Agent:	Mr Duncan Sparks - Lewandowski Architects Ltd
Parish/Ward:	Eton Town Council
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application proposes a new bench and new brick planter. The design is considered to be acceptable and would preserve the character of the Conservation Area. There would be no adverse impact on the flood plain. There is no objection in terms of highway safety considerations. The site is described as 'street record Brocas Street' as there is no specific address point for this application site.

It is recommended the Panel authorises the Borough Planning Manager:

- | | |
|----|--|
| 1. | To grant planning permission subject to the receipt of satisfactory details about the arrangements for ongoing maintenance of the bench and planter and with the conditions listed in Section 9 of this report. |
| 2. | To refuse planning permission if satisfactory details about the arrangements for ongoing maintenance of the bench and planter are not received by 6th May 2016, for the reason that the proposed development if not suitably maintained, would be detrimental to the visual amenities of the street scene and conservation area. |

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 occupies a corner position in Brocas Street, adjacent to the Watermans Arms. The site is on the adopted highway. The Royal Borough of Windsor and Maidenhead owns the freehold of the land.
- 3.2 The site is within the Conservation Area and within an area liable to flooding (Flood Zone 2).

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history.
- 4.2 The proposal is for a new timber bench with metal supports and arm rests and a new brick planter. The bench and planter are bow shaped and the new planter would adjoin the boundary wall to Watermans Arms.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework (NPPF), paragraph 17 (Core Planning Principles); Chapter 12 (Conserving and enhancing the historic environment); Chapter 10 (Meeting the challenge of climate change, flooding.)

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Conservation Area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	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

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at: http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm
- RBWM Public Rights of Way Improvement Plan - view at: http://www.rbwm.gov.uk/web/prow_improvement_plan.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the conservation area
- ii Impact on the floodplain
- iii Impact on the highway

Impact on the character and appearance of the Conservation Area.

6.2 The proposal is for a bow shaped bench and brick planter. The seat would be made of hardwood with tubular metal supports and arm rests. The design is quite a simple, uncomplicated contemporary style. The drawings suggest that spikey Berberis would be planted within the planter. The bench has been designed to discourage people from lying on it. The existing bench is a typical park bench design with backrest.

6.3 The design of the seating and planter is considered to be acceptable and would preserve the appearance of the Conservation Area. The proposal would comply with Local Plan Policy CA2, which requires proposals to preserve or enhance the conservation area. The proposal is also considered to comply with the NPPF. Paragraph 126 of the NPPF advises that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets. It is considered that the proposed development sustains the significance of the heritage asset. Furthermore, the proposal has a public benefit in that it provides seating for members of the public to use in the vicinity of a bus stop.

- 6.4 Objections have been raised on the basis of the modern design and comments have been made that the bench would be better if it had a back rest with more seating area. The LPA needs to make a determination on the submitted proposal. The proposed development as submitted is considered to be acceptable in terms of its design and appearance and impact on the street scene and conservation area. The Local Planning Authority is therefore not seeking any amendments to the design.

Flooding considerations

- 6.5 The seat and planter would be sited within Flood Zone 2. It is considered that there would be no adverse impact on flood storage capacity. The seating is not a solid structure and both the planter and seating would be built on an existing hard surfaced area.

Highway Considerations

- 6.6 The bench and planter would be on adopted highway land. The Council also owns the freehold of the land. As such, the applicant has been required to serve notice on the Council. The applicant’s agent has advised that Eton Town Council will maintain the planter once constructed.
- 6.7 The Highway Officer has commented on the application advising raising no objections but subject to the minimum width of 1.5m as recommended in MfS (Manual for Streets) is maintained past the bench. From the submitted drawings it appears that this would be provided. This can be achieved by a suitably worded condition (see Condition 3 in Section 9 of this report). Additionally, it needs to be noted the correct licences to undertake the works on the adopted highway need to be acquired through Streetcare prior to commencement. It is understood that an application would need to be made for a licence to plant in the highway (under Section 142 of the Highways Act 1980). An informative will be attached to advise the applicants on this point. It is noted that the licence would normally not allow planting of shrubs or plants which are of a poisonous or injurious nature (whether by reason of fruit flowers leaves or otherwise) or is otherwise likely to endanger persons or animals. Further comments are awaited from the Council’s Highway Engineer on the proposed spiky berberis.
- 6.8 It would appear from the drawings that there is enough space to allow the retention of the litter bin. If the bin needs to be relocated, this is a matter for the street care team to negotiate/deal with. This is not a planning matter as such. The applicants would need to obtain a licence from the street care team for the proposed works on the highway (footpath).
- 6.9 It would appear that the lower part of the sign to the Watermans Arms may be partly obscured by the proposed planting; however, this is not a cause for concern. Furthermore, any alternative location for the signage may require separate advertisement consent.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 7.1 10 occupiers were notified directly of the application.
 The application was advertised in the Maidenhead Advertiser on 4 February 2016.
 The planning officer posted a statutory notice advertising the application at the site on 3 February 2016.

1 letter of support has been received, summarised as:

Comment	Where in the report this is considered
1. Good to see an attempt to design out anti-social issues rather than remove an amenity enjoyed by the majority.	Noted.

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

Comment	Where is this considered in the report
1. Too modern design. This is a Conservation Area where there is traditional street furniture.	See paragraph 6.3.
2. The design should incorporate a back rest. The need to discourage sleepers lying on the bench is important but could be achieved by the curvature of the bench and strategic positioning of extra arm rests. If the seating could be extended all the way round the curve it would better utilise the space.	See paragraph 6.4.
3. Is the litter bin to be replaced?	See paragraph 6.8.
4. Is the existing seat to be reutilised elsewhere?	This is a matter for Street Care. It is not a planning matter.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No comments.	See paragraph 6.3.
Highways	Highway Officer has commented on the application advising raising no objections in terms of highway safety issues but subject to the minimum width of 1.5m as recommended in MfS (Manual for Streets) is maintained past the bench. From the submitted drawings it appears that this would be provided. This can be achieved by a suitably worded condition.	See paragraph 6.6 -6.8.
Engineer – Highway Assets	Who is going to do the ongoing maintenance for this once it's constructed/planted? A Licence is required for planting in the highway. The licence would normally prevent the planting of poisonous or injurious plants. Further consideration is going to be given on the proposed planting species.	The applicant has advised that Eton Town Council will maintain the planter once constructed. See also paragraph 6.6 - 6.8. Further comments are awaited on the proposed planting and will be reported in the panel update if received in time.

8. APPENDICES TO THIS REPORT

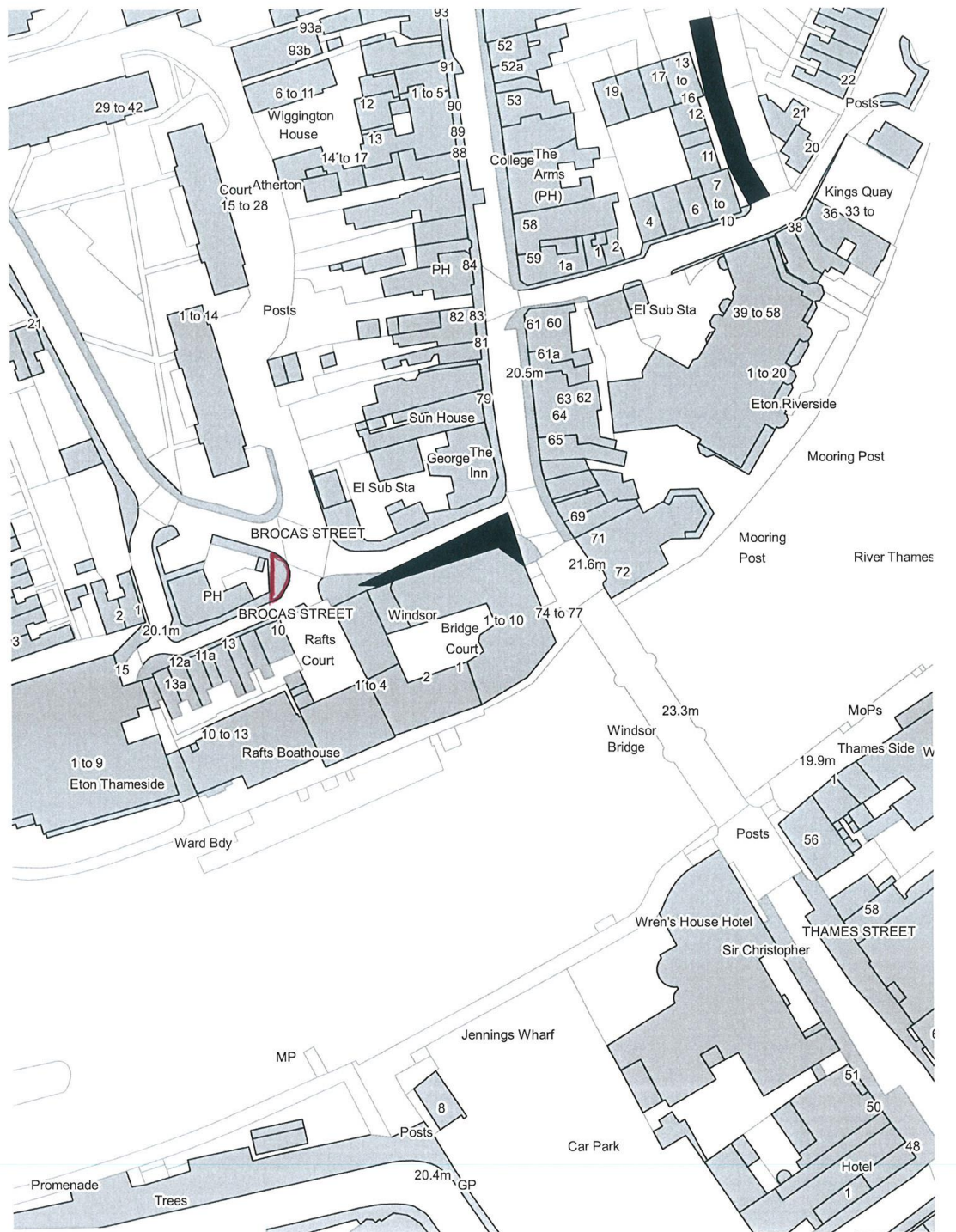
- Appendix A - Site location plan
- Appendix B - indicative layout drawings

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

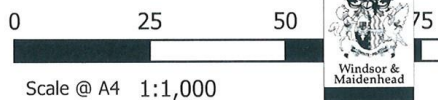
In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
- 3 A minimum pavement width of 1.5m as recommended in MfS (Manual for Streets) shall be maintained to the side and front of the proposed bench.
Reason: To ensure that there is adequate circulation space on the pavement, in the interest of highway safety. Relevant policies - Local Plan DG1, T5.
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

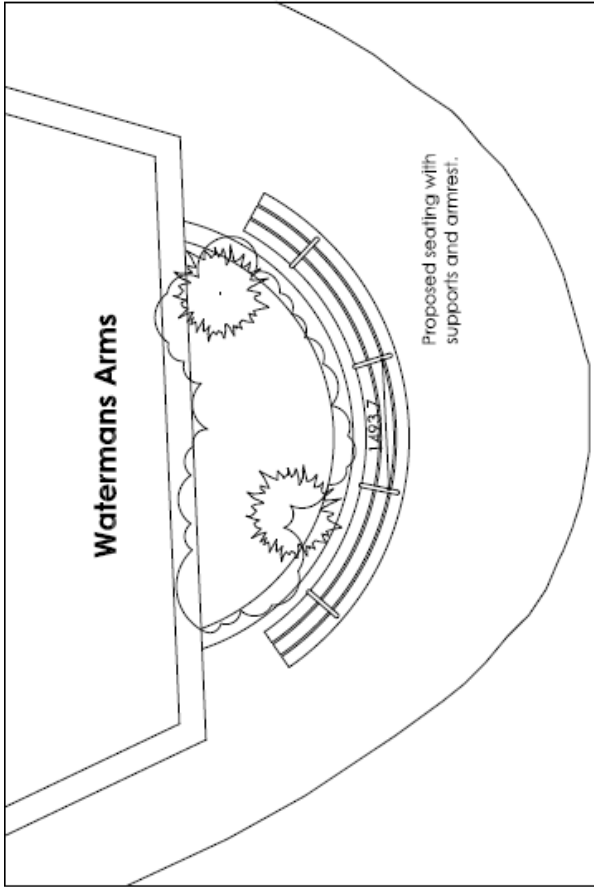


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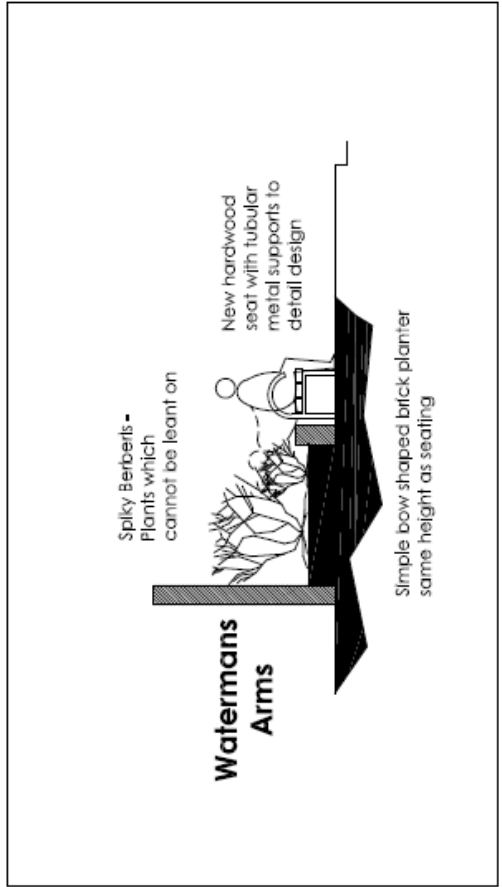


Lewandowski Architects

NOTES	
DATE	12/15/15
BY	PL
PROJECT	BROCAS STREET
LOCATION	ETON
DESCRIPTION	PLANTER AND SEAT
APPROVAL	DATE
PROJECT NO.	2429
SCALE	1:50 @ A3 12/15
DATE	12/15/15
BY	PL
PROJECT	BROCAS STREET
LOCATION	ETON
DESCRIPTION	PLANTER AND SEAT
Lewandowski Architects, Inc. 2001 17th Street, Suite 100 Eton, Colorado 80120 Phone: 303.440.1111 www.lewandowskiarchitects.com	



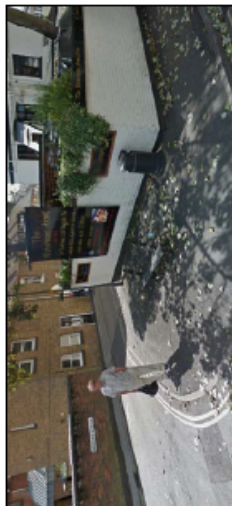
Proposed Plan 1:50



Proposed Section 1:50



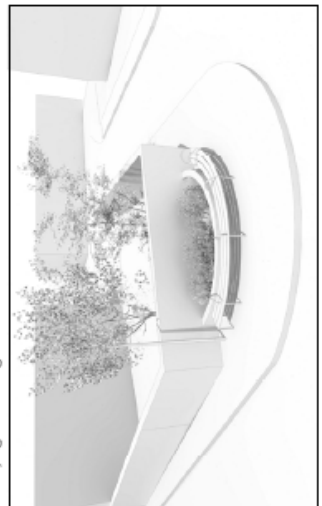
Location Plan 1:1250



Existing Bench



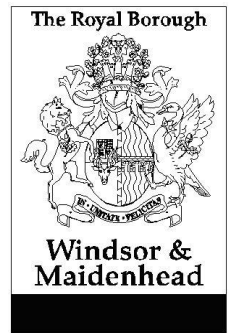
Man Ming on existing bench



Proposed Visual

Planning Appeals Received

18 March 2016 - 13 April 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 <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

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

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

Parish/Ward:	Bray Parish	Planning Ref.:	15/01185/OUT	PIns Ref.:	APP/T0355/W/ 16/3145536
Appeal Ref.:	16/00036/REF				
Date Received:	22 March 2016	Comments Due:	26 April 2016		
Type:	Refusal	Appeal Type:	Written Representation		
Description:	Outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for the development for a health and leisure club with new access				
Location:	Land At Excelsior Rowing Club Maidenhead Road Windsor				
Appellant:	Mr Nick Pellew - Castle Members Club Ltd c/o Agent: Mr John Andrews John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY				

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