

# Public Document Pack

## NOTICE OF MEETING



# WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

**WEDNESDAY, 17TH AUGUST, 2016**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL,**

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

COUNCILLORS MALCOLM ALEXANDER (CHAIRMAN), PHILLIP BICKNELL (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JOHN COLLINS, SAMANTHA RAYNER, SHAMSUL SHELMIM, JESSE GREY AND EILEEN QUICK

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, GARY MUIR, JACK RANKIN AND WESLEY RICHARDS

Karen Shepherd - Democratic Services Manager - Issued: Monday 8 August 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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628 796 251

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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 - 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. <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	11 - 42
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To consider the Essential Monitoring reports.	43 - 44
6.	<u>PANEL UPDATE REPORT</u>  The Panel Update Report was presented to the Panel on the night of the meeting.	45 - 50



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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, 20 JULY 2016

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

Also in attendance: Councillors Derek Wilson and Hashim Bhatti.

Officers: Wendy Binmore, Neil Allen, Melvin Andrews, Rachel Fletcher, Jenifer Jackson, Claire Pugh and Daniel Gigg

### APOLOGIES FOR ABSENCE

Apologies received from Councillor Samantha Rayner.

### DECLARATIONS OF INTEREST

**Cllr Alexander** - Declared a personal interest in item 16/01031 as his granddaughter attended The Windsor Girls School; he also declared a personal interest in item 16/01033 as his grandson attends The Windsor Boys School; and he Declared a personal interest in item 16/01788 as he is a Member of The Windsor, Eton and Ascot Town Partnership Board but he was not present during the discussions of this item. Cllr Alexander stated he had come to Panel with an open mind.

**Cllr Bowden** – Declared a personal interest in item 16/01788 as he was a Member of the Windsor, Eton and Ascot Town Partnership Board but was not present when this item was discussed. He stated he had come to Panel with an open mind.

**Cllr Shelim** - Declared a personal interest in item 16/01033 as his son attended The Windsor Boys School. He also declared an interest in item 16/01788 as he was a Member of the Windsor, Eton and Ascot Town Partnership Board but was not present when this item was discussed. He stated he had come to Panel with an open mind.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 15 June 2016 be approved.**

### PLANNING APPLICATIONS (DECISION)

- 15/02248\* BMW (UK) Trustees Limited: Construction of 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building at Thames Court, 1 Victoria Street, Windsor SL4 1YB – a motion to approve planning permission was put forward by Cllr Quick and seconded by the Vice-Chairman. Three Councillors voted for the motion (Cllrs Bicknell, Collins and Quick), and five Councillors voted against the motion (Cllrs Airey, Alexander, Bowden, Grey and Shelim), therefore, the motion fell away. A second motion was put forward by The Chairman and seconded by Cllr Bowden for refusal of the application – **THE PANEL VOTED to REFUSE the application in**

**accordance with the Borough Planning Manager's recommendations**

**Five Councillors voted for the motion (Cllrs Airey, Alexander, Bowden, Grey and Shelim), and three Councillors voted against the motion (Cllrs Bicknell, Collins and Quick).**

(The Panel was addressed by Catherine Hill in objection and Will Kelly, Legal and General and Tim Price, Savills in favour of the motion. A statement from Councillor Jack Rankin was read out by the Legal Officer in support of the application).

15/03135\* Howarth Homes Plc: Construction of 9 dwellings: 2 x two beds, 2 x three beds and 5 x four beds following demolition of existing dwelling. Associated landscaping and parking at Datchet Mead Cottage, 145a Slough Road, Datchet, Slough SL3 9AE – **THE PANEL VOTED UNANIMOUSLY to DEFER and DELEGATE APPROVAL for the application to Officers in accordance with the Borough planning Manager's recommendations to grant planning permission subject to demonstrating that there will be no unacceptable impacts on protected wildlife that cannot be properly mitigated and on the satisfactory completion of an undertaking to secure affordable housing and the retention of boundary hedges necessary to retain the rural edge character of the site, and with the conditions listed in Section 9 of the Main Report.**

16/03465\* Medina Property Limited: Erection of residential development of 93 dwellings including 2 x 2 bed, 4 x 3 bed houses, 25 x 1 bed, 57 x 2 bed and 5 x 3 bed flats, refuse and cycle stores, with new road and pavements/cycleways with parking (surface and underground) and amenity space, hard and soft landscaping, ancillary works following demolition of all existing commercial buildings at Street Record, Shirley Avenue, Windsor SL4 5LH– **THE PANEL VOTED UNANIMOUSLY to REFUSE the application in accordance with the Borough Planning Managers recommendations to refuse planning permission for the full reasons as listed in Section 10 of the Main report and with an additional reason for refusal relating to the development not passing the 'Exceptions Test', as set out in Section 3 of the Panel Update Report as listed below:**

- Additional reason for refusal: The applicant has failed to demonstrate that the scheme will result in wider sustainability benefits to the community that outweigh the flood risk and as such the development cannot pass the Exceptions Test. The proposal is contrary to paragraph 102 of the National Planning Policy Framework.

(The Panel were addressed Fiona Freni and Philip Newton in objection and Mark Carter, Agent and Cllr Bhatti in support of the application).

16/01031\* Miss Derczynska: Single storey infill extension, two storey front extension, demolition and relocation of bin stores and cycle shelter,



amendments to fenestration, cladding of reception block, reconfiguration of parking and associated landscaping at Windsor Girls School, Imperial Road, Windsor SL4 3RT – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Borough Planning Managers recommendations to grant planning permission on the submission of the information requested by the Lead Local Flood Authority with the conditions listed in Section 9 of the Main Report and suitably worded conditions to ensure the development is undertaken in accordance with drainage information.**

16/01033\* Miss Derczynska: Sheltered enclosure to 6<sup>th</sup> Form fire escape, extension to main visitor entrance and single storey infill extension to dining hall. Single storey extension to changing rooms and alterations to first floor fenestrations of proposed staff room. New security fence with gate at staff entrance with associated minor landscaping works at The Windsor Boys School, Maidenhead Road, Windsor SL4 5EH – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Borough planning Manager’s recommendations to grant planning permission with the conditions listed in Section 9 of the Main Report and with the additional conditions in Section 3 of the Panel Update Report as listed below:**

- Notwithstanding the submitted details, no development shall take place until full details of the invert levels of the existing surface water system and the management and maintenance plan relating to the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter. Justification – Education need as set out in NPPF as a material consideration outweighs flood risk and conflict with Policy F1 of the Local Plan and NPPF on flooding

16/01097 Mr Shymansky: Single storey rear and two storey side extensions with amendments to fenestration, following the removal of the existing non-original extensions. Part change of use to class C3 (residential) at 109 High Street, Eton, Windsor SL4 6AN – **THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY THE BOROUGH PLANNING MANAGER**

16/01098 Mr Shymansky: Single storey rear and two storey side extensions with amendments to fenestration, following the removal of the existing non-original extensions. Part Change of use to class C3 (residential) at 109 High Street, Eton, Windsor SL4 6AN – **THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY THE BOROUGH PLANNING MANAGER**

16/01683 Mr Bryant – Chesterton Holdings: Change of use of first and second floors from B1/D1 to C3 to provide 4 x 1 bed apartments at 36 – 37 Thames Street, Windsor SL4 1PR – **THE PANEL VOTED UNANIMOUSLY to DEFER and DELEGATE and grant planning permission with the conditions listed in Section 9 of the Main Report, subject to a legal agreement to restrict occupiers applying for parking permits being completed by 31 August 2016.**

16/01683 Mr Coleman – Citiesonice Windsor: Construction of ice rink and attractions from November to January for a period of 3 years at Alexander Gardensm Barry Avenue, Windsor SL4 5JA – **THE PANEL VOTED to APPROVE the application in accordance with the Borough Planning Managers Recommendations, ammending condition 1 so that permission is granted for 1 year only.**

**Four Councillors voted in favour of the motion (Cllrs Airey, Bicknell, Collins and Grey), and Four Councillors voted against the motion (Cllrs Alexander, Bowden, Quick and Shelim). The Chairman’s casting vote was used due to the vote being tied.**

ESSENTIAL MONITORING REPORTS (MONITORING)

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

The meeting, which began at 7.00 pm, finished at 8.48 pm

CHAIRMAN.....

DATE.....

# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Urban Panel

17th August 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>	16/00653/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	13	
<b>Location:</b>	Windsor Garden Centre Dedworth Road Windsor SL4 4LH							
<b>Proposal:</b>	Installation of double canopy, wash screen, 2 No. cabins for office/rest room and secure storage, water storage tank and fence (retrospective)							
<b>Applicant:</b>	Mr Shala	<b>Member Call-in:</b>	Cllr Nicola Pryer	<b>Expiry Date:</b>	31 May 2016			
<hr/>								
<b>Item No.</b>	2	<b>Application No.</b>	16/01428/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	23	
<b>Location:</b>	Eton Thameside 15 Brocas Street Eton Windsor							
<b>Proposal:</b>	2 No. new mechanically operated time locked gates to the passageway on the footpath designated 'FP51', railings and 2 No. bulkhead lights.							
<b>Applicant:</b>	Eton Thameside Management Co Ltd	<b>Member Call-in:</b>	Not applicable	<b>Expiry Date:</b>	22 August 2016			
<hr/>								
<b>Item No.</b>	3	<b>Application No.</b>	16/01599/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	35	
<b>Location:</b>	99 Vansittart Road Windsor SL4 5DD							
<b>Proposal:</b>	First floor rear extension with amendments to fenestration.							
<b>Applicant:</b>	RBWM Properties Ltd	<b>Member Call-in:</b>	Not applicable	<b>Expiry Date:</b>	8 July 2016			
<hr/>								
<b>Appeal Decision Report</b>							<b>Page No.</b>	43

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

17 August 2016

Item: 1

<b>Application No.:</b>	16/00653/FULL
<b>Location:</b>	Windsor Garden Centre Dedworth Road Windsor SL4 4LH
<b>Proposal:</b>	Installation of double canopy, wash screen, 2 No. cabins for office/rest room and secure storage, water storage tank and fence (retrospective)
<b>Applicant:</b>	Mr Shala
<b>Agent:</b>	Mr Stephen Egerton
<b>Parish/Ward:</b>	Bray Parish
<b>If you have a question about this report, please contact:</b> Nuala Wheatley on 01628 796064 or at <a href="mailto:nuala.wheatley@rbwm.gov.uk">nuala.wheatley@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This is a retrospective application for the installation of a double canopy, wash screens, cabin (converted shipping container) for office/rest room, secure storage shed, water tank and fencing in association with an existing car wash facility.
- 1.2 The application site is located within the Green Belt and the rest/office cabin and double canopy is inappropriate development. No 'very special circumstances' exist to justify allowing this development.
- 1.3 Given the harm to the Green Belt arising from the development's inappropriateness and loss of openness, it is recommended that an enforcement notice be issued to secure the removal of the canopies and cabin from the site.

<b>It is recommended the Panel:</b>	
<b>1.</b>	Refuses planning permission for the reason that the cabin and double canopy are inappropriate development in the Green Belt and because there would a harmful impact on openness (the full reasons are summarised in Section 9 of this report); and,
<b>2.</b>	Authorises enforcement action so that the cabin and double canopy are removed from the site within 3 months.

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Pryer, on the basis of Green Belt issues and so that the application can be debated in an open forum.

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

- 3.1 The application site is within the car park of the Wyevale Garden Centre, situated on the northern side, and accessed from, Dedworth Road. The site is positioned along the southern boundary of the garden centre adjacent to its access and is enclosed by a bank of mature trees and shrubs to the south and west, the car park and garden centre being to the north and east of the site.
- 3.2 The site is located within the Green Belt where there is some sporadic residential development predominantly to the north-west, including The Old Farmhouse, a Grade II listed building.

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

Ref.	Description	Decision and Date
08/01976/FULL	Installation of a hand car wash operation to include	Refused, 22.09.2008.

	siting of a cabin and post mounted canopy.	
09/02073/FULL	Use of part of the car park as a car wash facility with storage/office shed (retrospective).	Refused, 26.11.2009.
10/00619/ENF	Enforcement Notice that, without planning permission, the material change of use of part of the land to a car wash facility with the siting of a storage and office shed.	Allowed and the Notice quashed 10.11.10.

- 4.1 The application seeks retrospective planning permission for a double canopy to cover the rinse and drying areas of a car wash facility, three wash screens, a 1.6m high screen fence, a cabin (shipping container) for staff and operations, a secure storage cabin and a water tank.
- 4.2 The car wash facility within the garden centre site was the subject of an enforcement appeal in 2010. In the decision for that appeal, the Planning Inspector considered the car washing use of the site to be ancillary to the main use as a garden centre. The Inspector did not consider that a material change of use had occurred and therefore the car washing use was not inappropriate development in the Green Belt. At the time of the appeal, there was also a small shed associated with the car wash and the Inspector considered that given its small size and its appearance as being ancillary to the overall garden centre development, it too was not inappropriate development in the Green Belt.
- 4.3 The car wash facility has now been moved from the east side of the garden centre car park to the southern part of the site, adjacent to the access off Dedworth Road. In association with this use there are a number of operational developments, which are the subject of this application, these are: The rest/office cabin (converted shipping container), which measures 6m long by 2.4m wide and 2.6m high, the two canopies, each measuring 7.95m long, 5m wide and 3.3m in height, a storage cabin measuring 2m long by 1.5m wide with a maximum height of 2m, 3 wash screens, each being 2m wide and, as confirmed by the agent, no higher than 2m, plus a 1.6m high fence screening adjacent to the wash area and a water storage tank to the rear of the office cabin.

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

- 5.1 National Planning Policy Framework (NPPF): Relevant section 9, Protecting Green Belt land.

### Royal Borough Local Plan

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

	Green Belt	Listed Building	Highway Safety and Parking
Local Plan	GB1, GB2	LB2	P4

### Other Local Strategies or Publications

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

- 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:

- Whether the development is appropriate in the Green Belt;
- The impact of the proposal on the openness of the Green Belt and on the character and appearance of the area;

- iii The impact of the proposal on the setting of the nearby listed building;
- iv The impact of the proposal upon the living conditions of the occupants of nearby residential properties;
- v Whether sufficient on site parking space is available; and
- vi Whether, on balance, the proposal is acceptable.

### **Whether the proposal is appropriate development in the Green Belt**

- 6.2 The application seeks retrospective planning permission for the operational development associated with the car wash facility that exists on the site, rather than the use of the site for car washing. Under the appeal against the enforcement notice, the car wash use itself was considered by the Planning Inspector to be ancillary to the garden centre and therefore no material change of use of the whole site had taken place. Although the Inspector made his decision when Planning Policy Guidance Note 2 (PPG2), Green Belts, was in effect, rather than the current NPPF, the car wash facility on site remains of a similar size to the appeal proposal and, as such no material change of use has taken place. Accordingly, the car wash use of the site remains ancillary to the main use of the garden centre.
- 6.3 The material difference between the appeal proposal and the current proposal is the amount of operational development involved. Under the appeal proposal, the only operational development proposed was a small shed of approximately 2.3m long and 1.9m wide. At that time, the test under PPG2 was whether the development would have a material impact on the openness of the Green Belt. The Planning Inspector took the view that because the shed was small in size and appeared as being ancillary to the overall garden centre development, it was not inappropriate development in the Green Belt. Since that appeal decision, national planning policy has changed and is now outlined in the National Planning Policy Framework (NPPF). Paragraphs 89 and 90 set out the types of development that are considered not inappropriate in the Green Belt.
- 6.4 In terms of the current application, as the wash screens and fence do not exceed 2m in height they are permitted development and therefore no objection is raised to these. Paragraph 89 of the NPPF also allows for the replacement of a building in the Green Belt provided it is in the same use and not materially larger than the building it replaces, such that the storage cabin and water storage tank can reasonably be considered to be appropriate in this location. However, neither the double canopy nor the office cabin fall within the list of appropriate developments as set out in paragraphs 89 and 90 of the NPPF. As Paragraph 87 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.5 The agent has advised that the cabin (converted shipping container) is not a building as it is a moveable structure. However, one of the tests of whether a structure falls within the definition of a building is its permanence. In this case, full planning permission has been applied for in respect of the cabin, not temporary permission. While it may be capable of being moved, there is no evidence to suggest that it is intended to be temporary. It is therefore reasonable to assume it is permanent and therefore a building for which planning permission is required.
- 6.6 In summary, the proposal is inappropriate development in the Green Belt. In accordance with Paragraph 88 of the NPPF substantial weight is afforded to the harm to the Green Belt by reason of the development being inappropriate.

### **The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area**

- 6.7 The canopies and office cabin are located on what was part of the car park for the garden centre. They are permanent structures (unlike cars) and therefore result in some loss of openness to the Green Belt. Keeping the land permanently open is the fundamental aim of Green Belt Policy. Substantial weight too is afforded to the actual harm to openness.

- 6.8 Notwithstanding the impact on the openness of the Green Belt in which the site is located, it is also located within a fairly enclosed commercial site, in which there is a large garden centre building, car park and associated development. Relative to the main development on site, the proposal is modest and well screened. It is not considered that the proposal harms the rural character or appearance of the area.

### **The impact on the setting of the nearby listed building**

- 6.9 The garden centre site is located adjacent to The Old Farmhouse; however, the car wash facility is positioned approximately 70m away. Given this separation distance, together with the screening provided along the west boundary of the site and the fact that the main garden centre building is positioned much closer, it is not considered that the proposal harms the setting of the listed building. The proposals accord with Policy LB2 of the Local Plan and special regard has been paid to the desirability of preserving the setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Impact on the living conditions of neighbours**

- 6.10 Given that the use of the site for a car wash, together with the screens and fencing are lawful development, it remains to assess whether the cabin, canopies, storage shed and water tank would harm the living conditions of any neighbours in respect of causing loss of privacy, appearing overbearing and/or resulting in loss of light.
- 6.11 As the operational development relating to the use would be at least 45m away from the nearest residential property, is single storey and in use during the opening hours of the garden centre only, it is not considered that it would harm the living conditions of any neighbours.
- 6.12 Should noise disturbance arise from the use of the car wash this would fall to be investigated by Environmental Protection, under separate legislation from Planning.

### **Whether there is sufficient on-site parking for the garden centre**

- 6.13 Under a previous application, (08/01976/FULL) the garden centre provided 119 car parking spaces. A subsequent application (09/02073/FULL) resulted in a reduction to 103 spaces. Currently on site there are around 93 parking spaces, but this reduction is primarily due to a number of the spaces being used as a loading facility for the garden centre, and is not a constant figure.
- 6.14 The Authority's Parking Strategy set a parking requirement for A1 (Garden Centre) use at 1 parking space per 25m<sup>2</sup>, plus 1 lorry space per 500m<sup>2</sup>. Based upon the details submitted it is unclear whether the loading/unloading activities that occur on site, plus the general management of the parking spaces ensures that the garden centre provides sufficient spaces to satisfy its own requirement.
- 6.15 However, the site was visited by a Highways Officer to observe the car parking occupancy level during two busy periods. The site was first visited on the 26<sup>th</sup> May 2016 and on the 30<sup>th</sup> May 2016 (Bank Holiday Monday), which is widely acknowledged as being one of the busier periods for this type of use. On both occasions there was sufficient capacity within the car park so not to lead to customers parking on Dedworth Road or in the surrounding areas. Based on this evidence, the Highway Authority raises no objections to the proposal in terms of parking provision.

### **The Planning Balance**

- 6.16 As the canopies and cabin are inappropriate development in the Green Belt, as outlined in paragraphs 6.2 to 6.6 above, it remains to assess whether 'very special circumstances' exist in this case that would justify allowing the development. Paragraph 88 of the NPPF advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.



6.17 In this case, although not specifically referred to as 'very special circumstances', the agent has provided information in support of the proposal. In summary these are cited as:

- The proposal is an upgraded replacement all weather facility (to allow valeting in wet weather);
- The container is a replacement building which is allowed in the Green Belt. In any case, the container is a temporary, moveable structure that does not require planning permission;
- The operational development is small in scale and appears visually and physically ancillary to the garden centre;
- Retention of this local service is a benefit to avoid people travelling further a field to an alternative facility. It is a one-stop shop and sustainable;
- The operational development are essential facilities to a use that maintains the openness of the Green Belt;
- The proposal would bring investment, jobs and spending to the rural area;
- It helps underpin the Garden Centre's future viability and vitality;
- It sits comfortably within the existing complex and would not harm the openness, character or appearance of the open countryside and that part of the Green Belt;
- It is in line with the economic role of sustainable development and the Government's aim of boosting significantly the rural economy.

6.18 Taking each of the above points in turn, it is considered:

- The enforcement appeal related to a 'simple' car washing facility with only a small shed as operational development. The car wash can be upgraded while remaining ancillary to the garden centre.
- The previous shed associated with the car wash was 2.3m by 1.9m. If the converted container is to be treated as a replacement building then, at 6m by 2.4m it is clearly materially larger and therefore inappropriate development. While the converted container may be capable of being moved, temporary permission has not be applied for in this case and given that the use is permanent, it is reasonable to assume that the cabin is intended to be permanent too. The cabin is therefore a building that requires planning permission;
- The Planning Inspector considered the previous car washing facility and small shed to be visually and physically ancillary to the garden centre. Although within the garden centre site, the car washing facility has been moved to the southern most point further away from the main garden centre building and activities. Arguably, it is physically and visually detached from the garden centre. Notwithstanding this, the scale of operational development has materially changed since the appeal and therefore it is not comparable to what was previously allowed on the site;
- Given the decision on the enforcement appeal allowed a car wash facility on this site, there is no objection to this use. As such, this "local service" would not be lost as a result of planning. It would still remain a 'one-stop shop' if people visiting the garden centre got their cars washed at the same time;
- The issue of whether the operational development is essential to the use of the site is not a test within the NPPF when assessing the appropriateness of the development in the Green Belt;

- It is not clear from the information provided what investment has arisen in the area as a direct result of the development, nor any additional jobs that may have been created or additional spending in the rural area;
- It is not clear from the information provided is whether it is critical to the viability of the garden centre;
- While it is acknowledged that the operational development would not harm the character and appearance of the rural area, it would result in loss of openness to the Green Belt;
- It is acknowledged that the proposal may make a positive contribution to the rural economy although no specific evidence of this has been submitted with the application.

6.19 In weighing up the various issues, in line with Government advice substantial weight is given to the harm to the Green Belt by reason of inappropriateness and loss of openness. It is not considered that there is any other harm in addition to this. In favour of the proposal, the “upgraded all weather facility” is considered to add to the vitality of the garden centre and some weight is given to this. However, in the absence of any specific evidence, no weight is given to the other issues given in support of the application. As such, it is not considered that there are other considerations that clearly outweigh the substantial harm to the Green Belt, and therefore very special circumstances do not exist in this case.

6.20 As this is a retrospective application, the Planning Authority must consider whether it is expedient to take enforcement action to remove the canopies and cabin from the site. As this operational development causes harm to the Green Belt, it is recommended that an Enforcement Notice is issued.

## OTHER MATERIAL CONSIDERATIONS

6.21 The issue of potential problems from surface water has been raised by local residents. As this is not a major application, the Lead Local Flood Authority has not been consulted on the application to advise on this matter. Should the use of the car wash cause surface water problems in the area specifically to pollution of waters, it would be a matter for the Environment Agency to investigate and resolve, rather than the Local Planning Authority. As it stands, the use of the site as a car wash did not give rise for concern by the Planning Inspector and, with the removal of the operational development that facilitates the car valeting, it is not considered that the continuation of the car wash as allowed at appeal should lead to an increase in surface water run-off.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 3<sup>rd</sup> March 2016

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

Comment	Where in the report this is considered
1. The scale of the development represents an intensification of use which is inappropriate in the Green Belt and contrary to policy.	6.17.
2. The increase in surface water could exacerbate flooding.	6.20.
3. It is extremely noisy.	6.12.
4. Adjacent to a Grade II listed building.	6.9.

5.	No longer there to enhance Garden Centre, attracting its own business.	6.17.
6.	Trees and Hedges adjacent to site have been removed, taking away some of the screening from the listed building.	6.9.
7.	Light industrial use unacceptable in the Green Belt.	6.2 & 6.17.
8.	Canopies and Cabins have been stated within application as only being visible once inside the car park. This is untrue as they are visible from Dedworth Road.	6.8.

### Statutory consultees

Consultee	Comment	Response
Bray Parish Council	Object as unacceptable development in the Green Belt (GB2).	Agree.
Highway Authority	No objections to the planning application.	Noted.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Office/rest room elevations and plans
- Appendix C - Double canopy elevation
- Appendix D - Elevations of operational development
- Appendix E - Storage shed elevations and plans

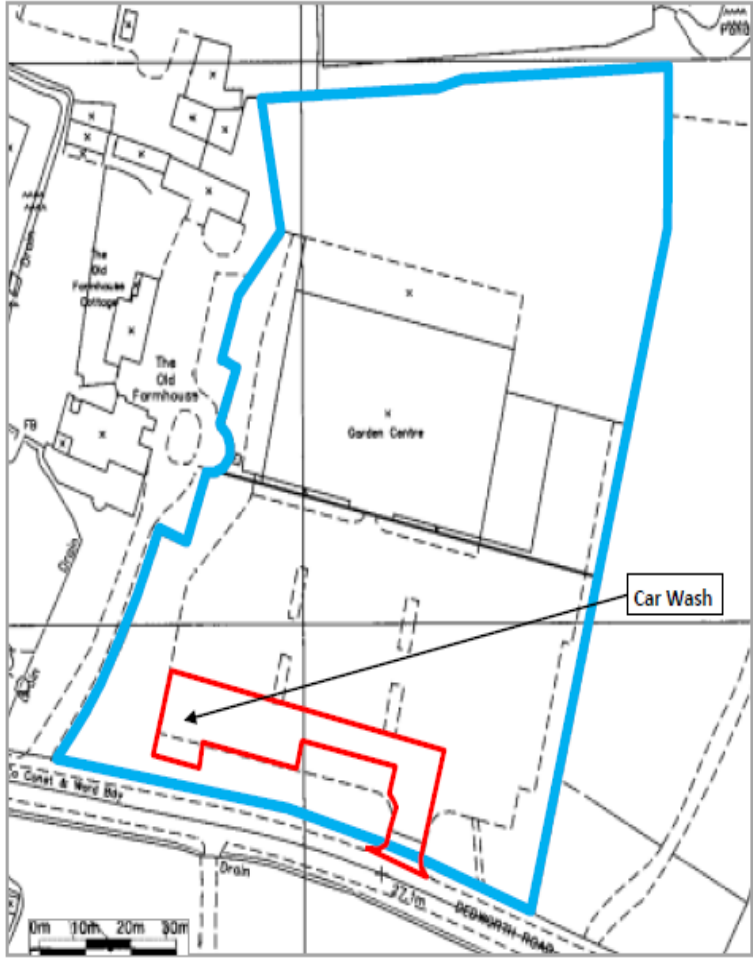
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have not been successfully resolved.

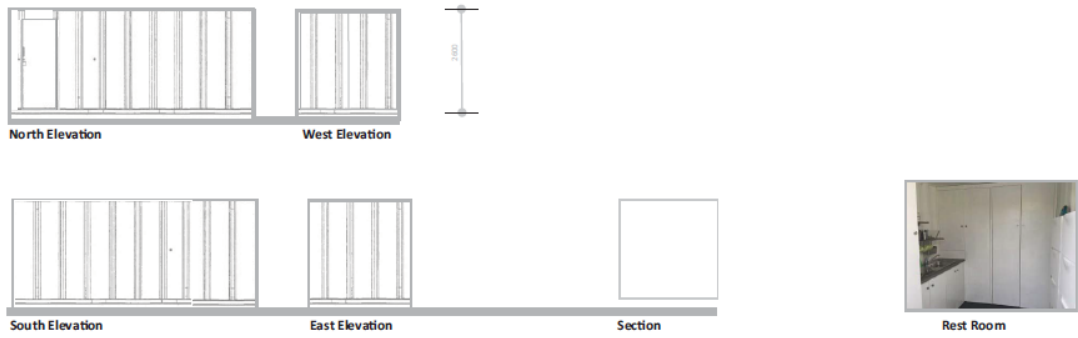
## 9. REASON RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal, specifically the double canopy and office/rest room cabin, represents inappropriate development in the Green Belt contrary to paragraphs 89 and 90 of the National Planning Policy Framework (NPPF), March 2012 and saved Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003). Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweighs the harm caused by the reason of inappropriateness and the other harm identified in subsequent reason for refusal.
2. The proposal would have a greater impact on the openness of the Green Belt than the previous car wash development allowed on the garden centre site contrary to saved Policy GB2 (A) of the Local Plan and paragraphs 89 and 90 of the NPPF.

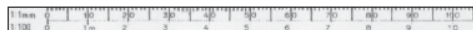
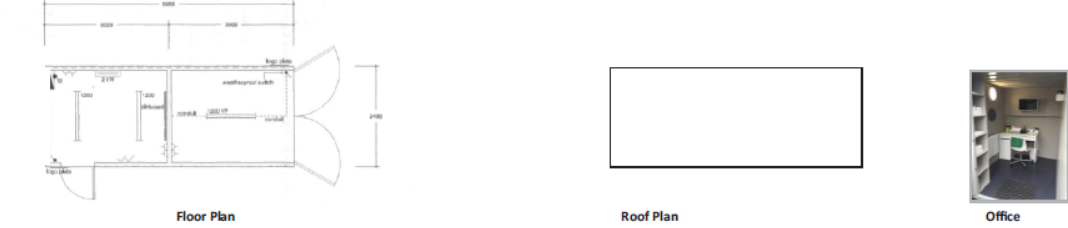
APPENDIX 1



APPENDIX 2



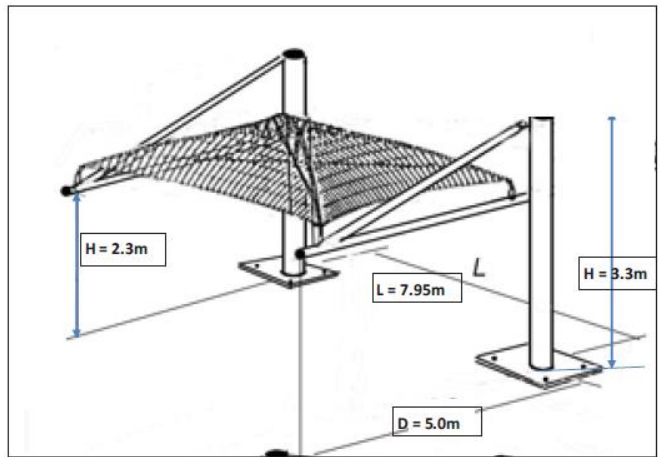
Building Size 6.058m x 2.438m (Externally)



TITLE: Rest/Office Area Cabin	SCALE: 1:100 @ A4	DATE: 15 Feb 2016
PROJECT: Wyevale - Windsor Garden Centre	DRAWING NO: 333/15/04	



APPENDIX 3



TITLE: Canopy Details	SCALE: n.t.s.	DATE: 15 Feb 2016
PROJECT: Wyevale - Windsor Garden Centre	DRAWING NO: 333/15/06	





## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

17 August 2016

Item: 2

<b>Application No.:</b>	16/01428/FULL
<b>Location:</b>	Eton Thameside 15 Brocas Street Eton Windsor
<b>Proposal:</b>	2 No. new mechanically operated time locked gates to the passageway on the footpath designated 'FP51', railings and 2 No. bulkhead lights.
<b>Applicant:</b>	Eton Thameside Management Co Ltd
<b>Agent:</b>	Mrs Jessica Stileman
<b>Parish/Ward:</b>	Eton Town Council
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposal is to provide gates on both ends (Brocas Street and Riverside) of the covered passageway along Public Footpath 51, in order to prevent public access by closing and locking the gates daily between the hours of 10pm and 5am. Two new bulk head lights are also proposed in the passageway. It is considered that the proposal is acceptable.

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

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The site lies on the south side of Brocas Street and on the northern side of the river Thames. The site is within the Conservation Area.
- 3.2 This is predominantly a residential area and there is a public house (Waterman's Arms) on the opposite side of Brocas Street.

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

Ref.	Description	Decision and Date
11/02769/FULL	Demolition of existing buildings, with the exception of River House and retention of the North wall of Winters and redevelopment of Eton College Boathouse to provide a boathouse and 13 residential dwelling units with associated parking, landscaping and ancillary works including a raised walkway.	Approved 5/10/2011.
11/02770/CAC	Demolition of existing unlisted buildings in a Conservation Area, with the exception of River House and the North wall of Winters.	Approved 9/2/2012.
12/01485/VAR	Demolition of existing buildings, with the exception of River House and retention of the north wall of Winters and redevelopment of Eton College Boathouse to provide a boathouse and 13 residential dwelling units with associated parking, landscaping and ancillary works including a raised walkway as approved under planning permission	Approved 19/7/2012.

	11/02769/FULL without complying with conditions 2 (highways works) and 22 (flood risk measures) so that both conditions have the following wording inserted (or such other drawings as may have been agreed in writing by the Local Planning Authority) and so that drawing 18850/013 of condition 2 is substituted by drawing 18850/019A.	
12/02607/VAR	Demolition of existing buildings, with the exception of River House and retention of the north wall of Winters and redevelopment of Eton College Boathouse to provide a boathouse and 13 residential dwelling units with associated parking, landscaping and ancillary works including a raised walkway.	Approved 23/11/2012.
12/03161/FULL	The temporary erection of a car park with fencing and gates and a boat store with associated fencing.	Approved 2/1/2013.
13/00813/VAR	Demolition of existing buildings, with the exception of River House and retention of the North wall of Winters and redevelopment of Eton College Boathouse to provide a boathouse and 13 residential dwelling units with associated parking, landscaping and ancillary works including a raised walkway (as permitted under 11/02769 and subsequently varied under 12/01485) to substitute approved drawing number 1213/228 with revised number 1213/228a and add a condition listing the approved drawings.	Approved 20/6/2013.
15/02813/FULL	New railings and gates on the south side boundary.	Withdrawn Dec 2015.
16/00533/FULL	New railings and gates on the south side boundary.	Withdrawn April 2016.

- 4.1 This application proposes 2 No. new mechanically operated time locked gates at both ends of the passageway on the footpath designated 'FP51', railings and 2 No. bulkhead lights in the ceiling of the passageway.

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

- 5.1 National Planning Policy Framework Sections Paragraph 17 (Core Principles), Section 7 (Requiring good design), Section 12 (Conserving and enhancing the historic environment), Section 10 (Flooding).

### 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	Highways and Parking
DG1	CA2	P4, T5

### Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- Sustainable Design and Construction
  - Planning for an Ageing Population



More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Whether the principle of gating the footpath is acceptable
- ii Appearance of the gates in the conservation area;
- iii Flooding considerations

### **Whether the principle of gating the footpath is acceptable**

- 6.2 Planning application 11/02769/FULL for the redevelopment of the site to provide 13 residential units was approved on 9 February 2012. Part of the proposal included the provision of Public Square and public access to the river from Brocas Street. Formerly, there was no public access along the riverside in this location, with a gated access to the site (vehicular and pedestrian) from Brocas Street for boat transport.
- 6.3 The provision of public access to the river was put forward, and accepted through the granting of planning permission, as one of the public community benefits of the planning application 11/02769/FULL.
- 6.4 The passageway from Brocas Street to the river frontage is now part of Public Footpath 51 which runs from Brocas Meadow along the river frontage of Eton Thameside, and then through the covered passageway linking to Brocas Street.
- 6.5 The proposal is that the gates would restrict public access to the passageway section of Public Footpath 51 between the hours of 10pm and 5am. Nevertheless, public access to the riverside section of the footpath would remain available 24 hours per day from Brocas Meadow.
- 6.6 Conditions 2 and 10 on permission 11/02769/FULL are relevant to the provision and maintenance of the public access (passageway) to the river. Condition 2 provided for the access to be constructed and condition 10 which prevents any restriction through erection of a means of enclosure.
- 6.7 Condition 2 states: No part of the development shall be occupied or used until the Highway Works in Brocas Street and the passageway leading to The Brocas and landscaping and provision of the riverside walkway as set out on plan 1213/242a and the details in the Transport Statement including plans 18850/013 and 18550/007 have been provided in accordance with the drawings. Reason: In the interests of highway safety,
- 6.8 Condition 10 states: Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.

Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area.

- 6.9 The passageway has been subject to a potential alcohol-related antisocial behaviour Public Space Protection Order (PSPO) Eton Brocas and Footpath 51 (FP 51). In summary the effect of this Order includes the restriction in the public right of way over the Restricted Area (passageway) between the hours of 22:00 and 05:00 daily. At all other times the public right of way shall not be obstructed and gates the gates erected shall be locked in the open position.
- 6.10 The PSPO for Footpath 51 was approved at the Public Space Protection Order Panel (formerly know as the Alley Gating Panel) on 23/3/2016 and it is understood that the PSPO is currently ready for sealing. The Principal Rights of Way Officer has advised that the sealing and 'coming into effect' of the Order has been deferred until after this current planning application for gates - 16/01428/FULL, has been determined. The PSPO would remain in force for a statutory period of 1 year and would need to be reviewed by the Council within the next year. Depending on the outcome of the review, the PSPO may (or may not) be renewed for a further period of time (possibly 3 years).
- 6.11 By way of background, in November 2015 Thameside Management Co Ltd – the management company for the site – Council for consideration of a PSPO for partial closure of FP51. This followed a period when there had been a number of incidents in the vicinity of FP51 ranging from assaults and anti-social behaviour. Following this approach and in the light of concerns raised by Thames Valley Police the borough carried out a consultation, in relation to the PSPO.
- 6.12 The passageway is the only point of access and egress for all 13 dwellings and additional lighting at night will give residents added security. The applicant's agents state that the limited surveillance and external lighting has given rise to public loitering and anti-social behaviour and this is an ongoing concern for residents, especially at night.
- 6.13 The gates will be time-locked between 10pm and 5am daily and will have infrared sensors to ensure the safety of pedestrians during the opening and closing of the gates. Residents would have access to flats during the hours of 10pm and 5am through both the proposed gates.
- 6.14 When the gates are closed to the general public, only one gate will be able to open. The applicant's agent confirms that the openable gates at both ends will be sufficiently wide enough for disabled access.
- 6.15 For the Brocas Street entrance the entry system would consist of a keypad and fob and there would be a video intercom system fitted for all guests. The key pad would be located next to the proposed gates. The Riverside entrance, during closure times would be accessed via a stand alone key pad. Exit from the passageway will be facilitated via a fail-safe visible green exit button. There would also be an override system, consisting of a fail-safe visible green exit button to automatically open and hold back the gates even without a mains power supply (through a battery backup system). It is understood that Pinnacle Property Management will be responsible for the maintenance programme - 24hours each day.
- 6.16 It is considered that the provision of gates to restrict the use of the passageway during the hours of 10pm and 5am is acceptable and would not diminish the benefits of public access to the riverside frontage to any unacceptable extent. Furthermore, the proposed gates would improve the security for residents. It should be noted that there would still be unrestricted public access to the riverside frontage from The Brocas field on the west side of the development.
- 6.17 The proposal also includes 2 bulkhead lights within the passageway in the ceiling undercroft. This will also improve safety and security for residents and members of the public, and are considered acceptable. The Highway Officer and Rights of Way Officer have raised no objections.
- 6.18 Paragraph 17 bullet point 4 of the NPPF, advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It is considered that the additional security afforded through the gates and lights would ensure that existing and future residents have a good standard of amenity by preventing antisocial behaviour.

6.19 The PSPO contains a number of conditions regarding the operation and maintenance of the gates. A condition will be imposed on the planning permission to ensure that the gates are locked closed only between the hours of 10pm and 5am. (See conditions 2 and 3 in Section). The proposals accord with Policy R14 of the Local Plan.

**Appearance of the gates and impact on the Conservation Area.**

6.20 The proposed gates are considered to be acceptable in appearance and would preserve the character of the Conservation Area and preserve the setting of nearby listed buildings. There would be no conflict with Local Plan policies CA2 and LB2. The design and appearance would be similar to existing gates within the site. The gates would consist of steel black powder coated railings. There would be lettering (Eton Thameside) incorporated on the gates facing the river.

6.21 The application also proposes 2 bulkhead lights within the passageway in the ceiling undercroft. These are considered to have an acceptable impact on the Conservation Area. The Council’s Conservation Officer has made no comments on the application. In making this recommendation, consideration has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has also had special regard to the desirability of preserving the setting of nearby listed buildings, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; it is considered that the proposals preserve the setting of the nearby listed buildings so the statutory test is met and also comply with Policy LB2 of the Local Plan.

**Flooding considerations**

6.22 The application site is within an area liable to flood. There is no requirement to formally consult the Environment Agency for the new gates. It is noted that the gates are not solid and would allow the free flow of water through the passageway during a time of flooding. There is no objection in terms of Policy F1. (See condition 4 – which prevents the infilling of gates and railings)

**CONSULTATIONS CARRIED OUT**

**7.0 Comments from interested parties**

16 occupiers were notified directly of the application.  
The planning officer posted a statutory notice advertising the application at the site on 11/05/2016.

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

	Comment	Where in the report this is considered
1.	Conditionally support the application for limited gating of the alleyway. Residents will return to a gated frontage because of undesirables who enter the passageway from the Brocas end. The difficulties of access to residents’ homes seems undeniable.	Noted. See paragraphs 6.2-6.19.
2.	There should be a condition that a prominent ‘public footpath’ sign should be affixed to a wall immediately adjacent to the gated entrance. A sign on a pole a few feet away does not offset the private appearance of the building.	The public footpath signage is not a planning matter.

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

Comment	Where in the
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		report this is considered
1.	Unacceptable to place restrictions on footpath 51 as this was part of the 'planning gain' on the original planning application. This would set a dangerous precedent.	See paragraphs 6.2-6.19.
2.	The gate at the Brocas End of footpath 51 should either be removed if illegal, or any means of locking it removed.	This gate has been removed.
3.	The opening and closure times of the gate should be regularly and carefully monitored.	See paragraphs 6.2-6.19.
4.	No objection to the bulk head lights.	Noted.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Council's Highway Officer	No objection. The gates will open inwards away from the adopted highway. Therefore there will be no highway objections subject to a suitably worded condition to reinforce the timing of the closure.	See paragraph 6.17 and Condition 2 in Section 9 below.
Council's Rights of Way Officer	No objection.	See paragraph 6.17.
Conservation Officer	No comments.	See paragraph 6.21.

### Other Consultees

Consultee	Comment	Where in the report this is considered
Windsor and Eton Society	In the light of the Right of Way Officer's no objection, no objection is raised. However would like to put on record unease at this method of solving a problem which could have been anticipated and designed out an earlier stage. Blocking a Footpath even overnight, is a serious matter and should not be thought of as a convenient way to deal with anti-social behaviour.  Also note the comments of East Berkshire Ramblers, that if planning permission is granted it should explicitly restrict hours to 22:00 and 05:00 hours as specified on the planning application and that a mechanism should be agreed to monitor the hours of closure to ensure the gates are operated exactly and the hours are not exceeded.	See main report paras 6.2-6.19.
East Berkshire Ramblers	Feel that no restrictions at all should be placed on FP51 in order to maintain public access at all times to this footpath that was part of the 'planning gain' for this development.  If permission is granted it should explicitly restrict the hours of closure to those agreed by the Gating Panel at its meeting on 23/3/2016 – i.e. between 22pm and 5am.  Any planning permission should be conditional on the prior	See main report paras 6.2-6.19.  The gate on FP51 at the edge of Brocas meadow has been removed.

	<p>removal of the gates that were illegally installed at the Brocas End of FP51. This action was recommended by the Gating Panel, although they noted they had no authority themselves to require it.</p> <p>Would like to know what arrangements the applicant and the Council will put in place to monitor the opening and closing of the gates.</p>	
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## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

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 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.

## 9. CONDITIONS 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 gates as shown on the approved plans shall be locked in a closed position only between the hours of 2200 and 0500 daily and during this time shall not be open to the general public, with the exception of residents of 'Eton Thameside' and their visitors who can open and close the gates to access their apartments. Outside of the aforementioned hours the public right of way shall not be obstructed and the gates shall be locked in the open position.  
Reason To ensure that the public right of way is not obstructed beyond the approved closure times to enable access to the River Thames and in the interests of the safety and security of the residents and their visitors of 'Eton Thameside'. Relevant Policy - Local Plan R14, NPPF paragraph 17 bullet point 4.
3. In the event of a mains power failure the gates shall be controlled by a battery backup system to maintain the gate opening and closure times as set out in condition 2.  
Reason To ensure that the public right of way is not obstructed beyond the approved closure times to enable access to the River Thames and in the interests of the safety and security of the residents and their visitors of 'Eton Thameside'. Relevant Policy - Local Plan R14, NPPF paragraph 17 bullet point 4.
4. The gates and railings shall be constructed as approved with gaps between the railings. There shall be no infilling of the gates and railings.  
Reason To ensure that there is no adverse impact on the floodplain, to preserve the character and appearance of the conservation area and setting of nearby listed buildings and to maintain views to the river and Brocas Street. Relevant Policies - Local Plan F1, CA2 and LB2.
5. The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application (Design and Access Statement) 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.

6. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

APPENDIX A - Eton Thameside, 15 Brocas Street, Eton 16/01428

Lewandowski Architects

REV	DATE	DESCRIPTION	DRAWN
00			

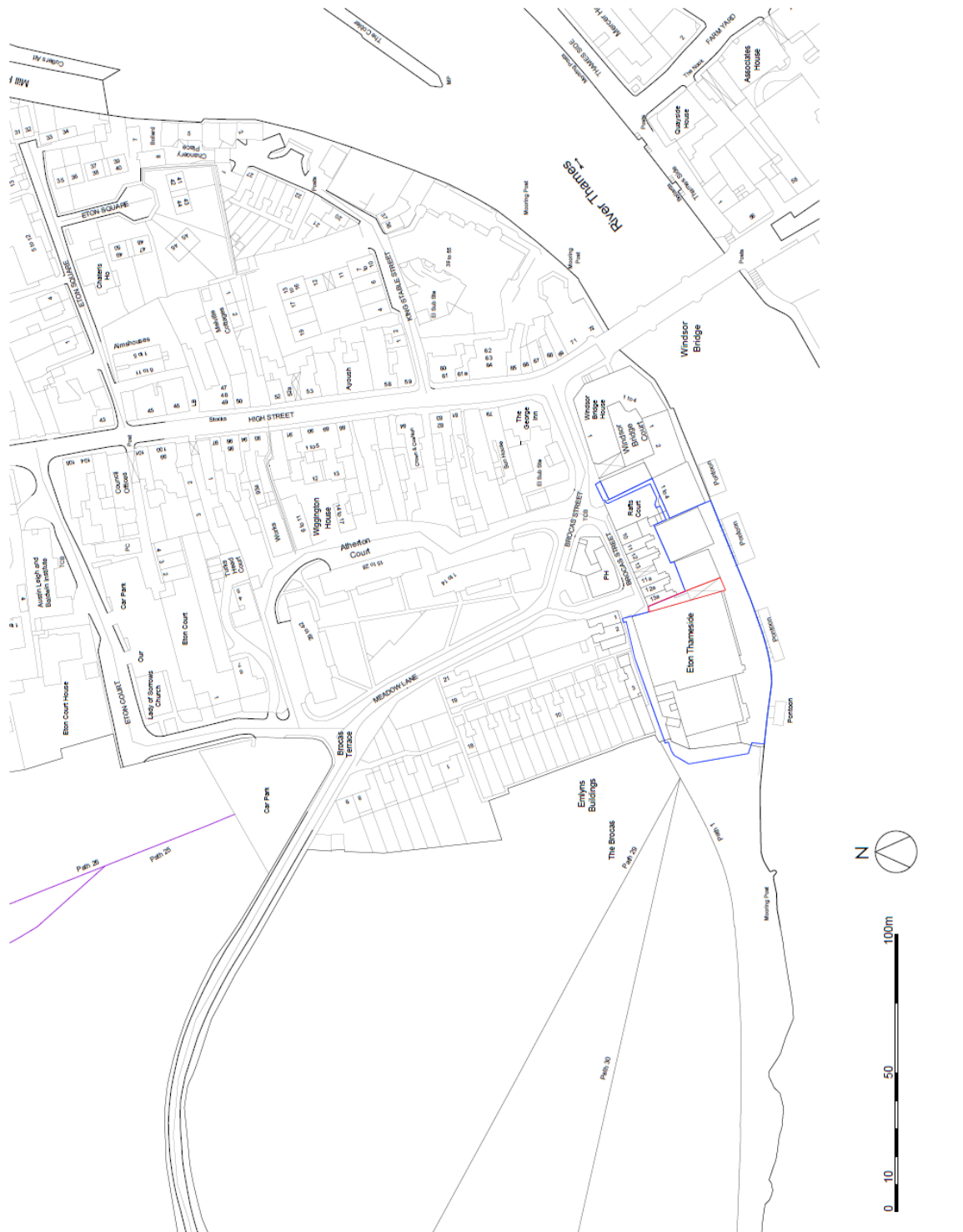
CLIENT	ETON THAMESIDE MANAGEMENT
PROJECT	ETON THAMESIDE
DRAWING TITLE	SITE LOCATION PLAN

STATUS	FOR PLANNING	DRW No	REV
PROJECT No	2408	PL	G011
SCALE	1:1250@A3	DATE	16 APR 16
		DRAWN	JAS
		CHECKED	JK

Lewandowski Architects Ltd  
 Registered in England  
 No. 0752430700  
 F. 01753 430421  
 www.lewandowskiarchitects.com



APPENDIX B - Eton Thameside, 15 Brocas Street, Eton 16/01428

**Lewandowski Architects**

NOTES

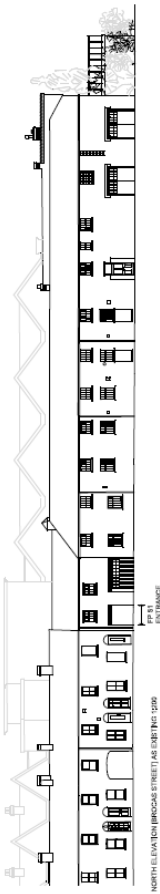
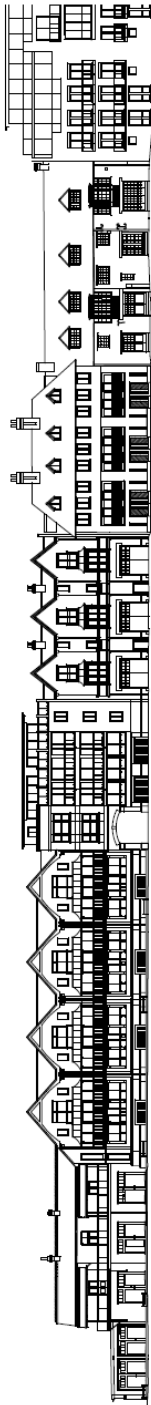
SITE LOCATION PLAN 1/1500

REV.	DATE	DESCRIPTION	DRAWN

**CLIENT:** ETON THAMESIDE MANAGEMENT  
**PROJECT:** ETON THAMESIDE  
**CHARACTER:** EXISTING PLANS AND ELEVATIONS

DATE	DATE	DATE	DATE	DATE
PLANNING	24/03	PL	C01/0	00
TEAM	1:2008/1	APR 16	JAS	RM

CONSULTANTS: ARCHITECTS: LEWANDOWSKI ARCHITECTS LTD, 15 BROCAS STREET, ETON, WINDSOR, BERKSHIRE, RG2 1JH. TEL: 01753 831238. FAX: 01753 831239. WWW.LEWANDOWSKIARCHITECTS.COM  
 ARCHITECTS: LEWANDOWSKI ARCHITECTS LTD, 15 BROCAS STREET, ETON, WINDSOR, BERKSHIRE, RG2 1JH. TEL: 01753 831238. FAX: 01753 831239. WWW.LEWANDOWSKIARCHITECTS.COM





APPENDIX B - Eton Thameside, 15 Brocas Street, Eton 16/01428

**Lewandowski Architects**

NOTES



RELOCATED PLAN 11/200

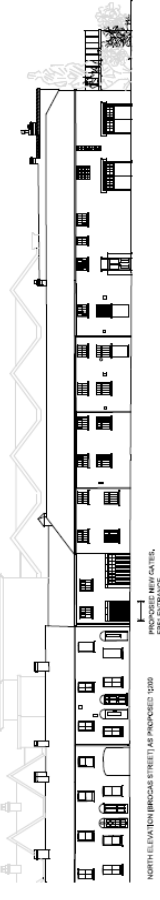
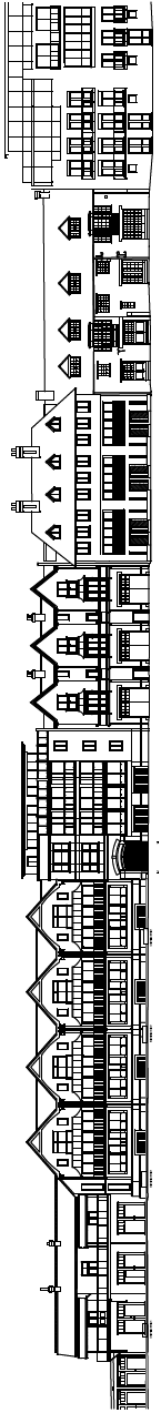
REV.	DATE	DESCRIPTION	DRAWN

CLIENT: ETON THAMESIDE MANAGEMENT  
 PROJECT: ETON THAMESIDE

DRAWING TITLE: PROPOSED PLANS AND ELEVATIONS

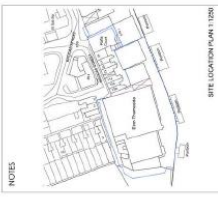
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 DRAWING NO: 24/08  
 DATE: 1.2008A1 APR 16  
 DRAWN BY: JAS  
 CHECKED BY: BM

PROJECT ADDRESS: 15 BROCAS STREET, ETON, WILTS, BA8 9JF  
 PROJECT CONTACT: Lewandowski Architects, 15 Brocas Street, Eton, Wiltshire, BA8 9JF  
 WWW.LEWANDOWSKIARCHITECTS.COM



APPENDIX B - Eton Thameside, 15 Brocas Street, Eton 16/01428

Lewandowski Architects

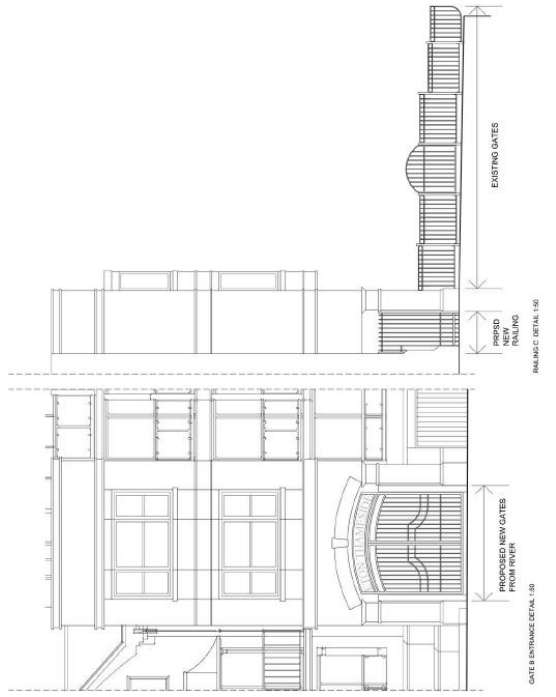
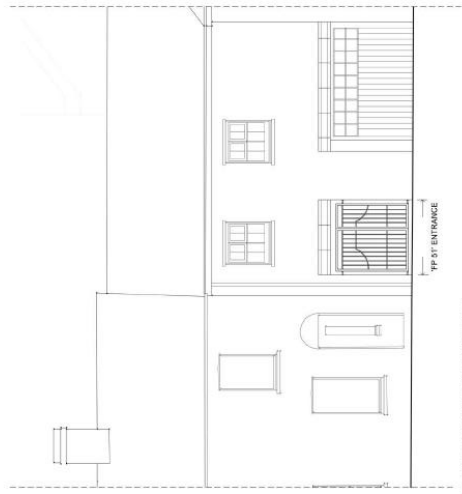
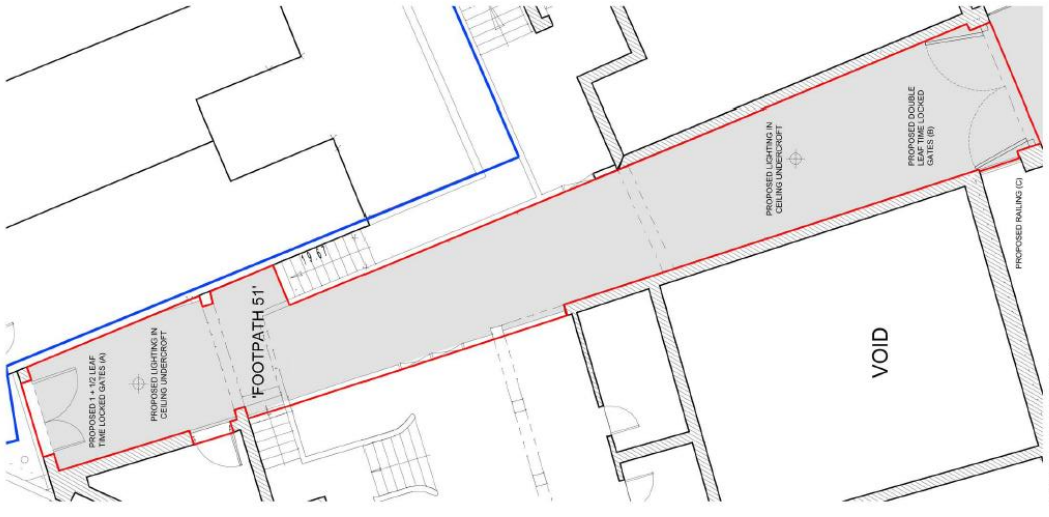


NOTE: SITE LOCATION PLAN 1:1000

REV	DATE	DESCRIPTION	BY	CHKD
01				

CLIENT	ETON THAMESIDE MANAGEMENT
PROJECT	ETON THAMESIDE
DRAWING TITLE	PROPOSED GATE & RAILING DETAILS
DATE	PLANNING
PROJECT NO.	2408
DWG TYPE	PL
DWG NO.	G-201
REV	01
SCALE	VAR 0/1 APR 16
DATE	JAS
DRAWN	RM
CHECKED	



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

17 August 2016

Item: 3

**Application No.:** 16/01599/FULL

**Location:** 99 Vansittart Road Windsor SL4 5DD

**Proposal:** First floor rear extension with amendments to fenestration.

**Applicant:** RBWM Properties Ltd

**Agent:** Mr Gary Marler

**Parish/Ward:** Castle Without Ward

**If you have a question about this report, please contact:** Brian Benzie on 01628 796323 or at [brian.benzie@rbwm.gov.uk](mailto:brian.benzie@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application seeks full planning permission for a first floor rear extension with amendments to fenestration.
- 1.2 The proposed extension and changes to fenestration are considered to preserve the character and appearance of the host dwelling and the area in general.
- 1.3 The proposals would not harm the living conditions of occupiers of neighbouring properties and there would not be any harm to highway safety.

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

### 2. REASON FOR PANEL DETERMINATION

- The dwelling is owned by the Council and as such the Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application; such decisions can only be made by the Panel.

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

- 3.1 The application property is a typical Victorian, 3 bedroom, semi detached dwelling within a small row of similar dwellings on the western side of Vansittart Road, Windsor.
- 3.2 The dwelling faces Vansittart Road and has a two storey outrigger to the rear which extends part of the width of the house. A small flat roofed single storey rear extension has been added to the rear of the outrigger during the late 1970s.
- 3.3 A number of dwellings within the row have similar two storey extensions to the rear including the adjacent properties nos. 97 and 101 Vansittart Road.

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

- 4.1 Permission is sought for the erection of a first floor extension over the existing ground floor extension at the rear of the dwelling and changes to fenestration.
- 4.2 The proposed extension would be 2.9m deep aligning with the rear building line of the ground floor extension and would roughly align with the rear building line of the outriggers of the adjacent dwellings. The height of the extension would align with the existing ridge height of the outrigger and would be similar to the height of similar extensions to the other properties in the row.

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

**National Planning Policy Framework**

- 5.1 National Planning Policy Framework: Core planning principles (paragraph 17) and Section 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	High risk of flooding	Highway Safety
Local Plan	DG1, H14	F1	P4

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

- Interpretation of Policy F1 – Areas liable to flooding
- RBWM Parking Strategy

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

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

## **6. EXPLANATION OF RECOMMENDATION**

- 6.1 The key issues for consideration are:

- i Impact on an area liable to flood;
- ii Impact on character and appearance of the area;
- iii Impact on amenity on neighbouring properties;
- iv Parking and highway safety

### **Impact on area liable to flood**

- 6.2 As the property lies within an area liable to flood the proposal needs to satisfy the requirements of Policy F1 of the Windsor and Maidenhead Local Plan. Policy F1 advises that residential extensions that result in an increase in ground covered area (GCA) of up to 30sqm will not normally be regarded as conflicting with flood plain policy. Policy F1 was adopted on the 26<sup>th</sup> September 1978 and the general notes to the policy advise that the 30sqm will be taken to include all additions that required planning permission since that date.
- 6.3 In this case the extension is at first floor level and therefore will not result in an increase in the GCA of the site. The proposal is therefore considered to comply with Policy F1 of the Local Plan.

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

- 6.4 The appearance of a development is a material planning consideration and the National Planning Policy Framework Section 7 (Requiring good design) advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.
- 6.5 The extension is to the rear of the property and therefore will be limited in views from public vantage points. The extension is limited in scale and sympathetically designed to respect the design of the host dwelling and is similar to other extensions approved within the immediate area.
- 6.6 Taking the above into account it is considered the proposed extension would respect the character and appearance of both the host dwelling and the area in general. In addition the proposed changes to the rear ground floor fenestration (changing a rear window to folding doors) are considered to be acceptable.

#### **Impact on neighbouring properties.**

- 6.7 With regard to impact on the adjoining property no.101 Vansittart Road, the current rear projection breaches the 45 degree guideline from the rear facing ground floor window in terms of loss of light. However, taking into account the offset of the extension from the boundary and that the application property is almost due north of no.101, it is considered that the proposal would not result in a significant loss of light to that property
- 6.8 With regard to the neighbour amenity at no. 97 Vansittart Road this property has a side facing door and window at ground floor level and a side facing window at first floor level. Due to the separation distance and the ridge height of the extension, it is considered that there will be no significant loss of light to the side facing first floor window at no. 97. The ground floor side facing window at no.97 serves a kitchen which adjoins a rear extension with rear facing patio doors. These doors will be approximately in line with the rear building line of the existing and proposed extensions and therefore there will be no significant loss of light to the rear of the room.
- 6.9 Lastly in respect of the side facing windows and door referred to above, it should be noted that in planning terms it is accepted that side windows do not enjoy the same freedom from visual intrusion that normally applies to windows contained in principal front or rear elevations. Indeed, light and outlook is usually restricted to side windows, particularly in a suburban environment such as this.

#### **Parking and highway safety**

- 6.10 The proposal will not result in an increase in the number of bedrooms at the dwelling. There are no on parking spaces provided on site and none are proposed, as such there is no increase in the shortfall and therefore the resulting dwelling is considered to comply with the Borough's current parking standards.

### **7. CONSULTATIONS CARRIED OUT**

#### **Comments from interested parties**

3 immediate neighbouring properties were directly notified of the application and a non-statutory site notice was posted at the site on the 24 May 2016. No letters of support or objection have been received.

### **8. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B - Existing layout and elevations.
- Appendix C - Proposed layout and elevations.

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. 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.

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

1. The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall match those of the original building unless first otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. No window(s) shall be inserted at first floor level in the north or south facing elevations of the extension 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.
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.

Appendix A: Site Location Plan

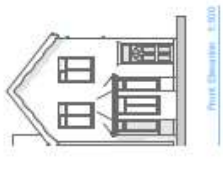
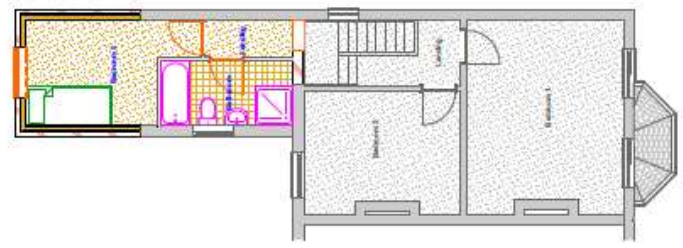
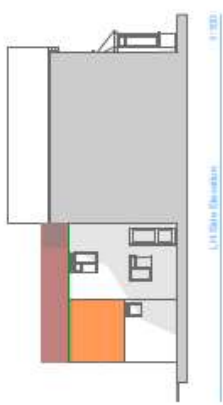
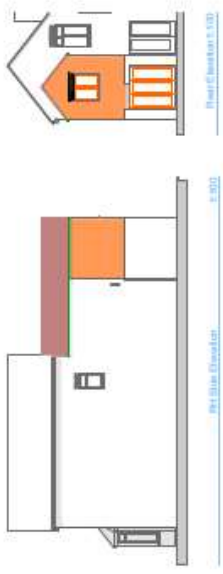


Appendix B: Existing layout and elevations.





Appendix C: Proposed layout and elevations



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## Appeal Decision Report

9 July 2016 - 4 August 2016

### WINDSOR URBAN

**Appeal Ref.:** 16/00019/REF      **Planning Ref.:** 15/01123/FULL      **Plns Ref.:** APP/T0355/W/  
15/3139531

**Appellant:** Mrs Joanne Radford- Vale Property Developments Ltd Vale House Vale Road Windsor Berks SL4 5JL

**Decision Type:** Committee      **Officer Recommendation:** Refuse

**Description:** Erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building.

**Location:** Vale House 100 Vale Road Windsor SL4 5JL

**Appeal Decision:** Dismissed      **Decision Date:** 2 August 2016

**Main Issue:** The Inspector concluded that an affordable housing contribution would not be justified for the appeal scheme. However, they considered that a satisfactory Deed of Variation document, which had the effect of releasing the appellant from the requirement to provide affordable housing whilst still leaving the various other obligations referred to above in place was required. As the deed of variation was undated, the Inspector could not be certain that there was an executable deed capable of securing the outstanding planning obligations which were necessary to justify the grant of planning permission.

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## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

### Windsor Urban Panel

<b>Application No.:</b>	16/00653/FULL
<b>Location:</b>	Windsor Garden Centre Dedworth Road Windsor SL4 4LH
<b>Proposal:</b>	Installation of double canopy, wash screen, 2 No. cabins for office/rest room and secure storage, water storage tank and fence (retrospective)
<b>Applicant:</b>	Mr Shala
<b>Agent:</b>	Mr Stephen Egerton
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

**If you have a question about this report, please contact:** Nuala Wheatley on 01628 796064 or at [nuala.wheatley@rbwm.gov.uk](mailto:nuala.wheatley@rbwm.gov.uk)

#### 1. SUMMARY

- 1.1 One additional letter of objection has been received from the neighbouring Cardinal Clinic.
- 1.2 The Council’s Environmental Protection Officer has recommended two conditions should permission be granted.

**There is no change to the recommendation in the main report.**

#### 2. ADDITIONAL INFORMATION

- 2.1 The additional letter of objection is summarised in section 2.3 below.
- 2.2 The conditions recommended by Environmental Protection are included in the table below in section 2.4.

##### Comments from Interested Parties

- 2.3 Additional neighbour comments received, summarised as:

Comment	Officer response	Change to recommendation?
Increase in noise generated by the car jet wash, constant noise of jets rebounding off cars during the cleaning process and infrequent bouts of loud music, singing, talking and shouting over the noise. Growth in activity from the business in recent months generates significant noise levels and undermines the therapeutic environment of the Cardinal Clinic.	See paragraph 6.12 of the main report.  This matter is being investigated by Environmental Protection, under separate legislation from Planning.	None

##### Comments from Environmental Protection

2.4

Comment	Officer response	Change to recommendation?
<p>Environmental Protection comments:</p> <p>Conditions recommended as follows:</p> <p>1)The noise levels on all boundaries of the site shall not at any time as a result of this development exceed LA<sub>eq</sub> 55dB, when measured over any 15 min period.  <u>Reason:</u> To protect the amenities of the area.            Relevant Policy Local Plan NAP3</p> <p>2)Works of repair or maintenance of plant, machinery or equipment shall only be carried out at the site between 08:00 and 18:00 hours Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, or Bank Holidays or Public Holidays without the prior written consent of the Local Planning Authority.  <u>Reason:</u> To protect the residential amenities of the area. Relevant Policy Local Plan NAP3</p>	<p>Had the recommendation been for approval, these conditions would have been included in the recommendation.</p>	<p>None</p>

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE**

**Windsor Urban Panel**

<b>Application No.:</b>	16/01428/FULL
<b>Location:</b>	Eton Thameside 15 Brocas Street Eton Windsor
<b>Proposal:</b>	2 No. new mechanically operated time locked gates to the passageway on the footpath designated 'FP51', railings and 2 No. bulkhead lights.
<b>Applicant:</b>	Eton Thameside Management Co Ltd
<b>Agent:</b>	Mrs Jessica Stileman
<b>Parish/Ward:</b>	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](mailto:vivienne.mcdowell@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 By way of clarification, on the front Brocas Street entrance only one gate will be openable (for residents and their visitors) during the specified closure times. On the rear Riverside entrance, both gates will be openable (for residents and their visitors) during the specified closure times.
- 1.2 The words 'approached the' were omitted in the first sentence of paragraph 6.11 (before the word Council).

**There is no change to the recommendation in the main report.**

**2. ADDITIONAL INFORMATION**

- 2.1 For clarity the first sentence of paragraph 6.11 of the main report should read: 'By way of background, in November 2015 Thameside Management Co Ltd – the management company for the site – approached the Council for consideration of a PSPO for partial closure of FP51'.
- 2.2 The first sentence of paragraph 6.14 should read: 'When the gates are closed to the general public, only one gate will be able open on the Brocas Street entrance'.







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