

NOTICE
OF
MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 12TH OCTOBER, 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, JESSE GREY, EILEEN QUICK, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, NICOLA PRYER, GARY MUIR, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: 4 October 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. 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 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	9 - 132
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	133 - 136
6.	<u>PLANNING ENFORCEMENT REPORTS</u> To receive the above reports.	137 - 148
7.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act"	

PART II - PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE</u>
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		<u>NO</u>
8.	<u>PLANNING APPLICATION 16/02486 - CONSERVATION WORKSHOP PRINCE CONSORTS HOME FARM - PART II REPORT AND APPENDICES</u> To receive the above report. <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	149 - 164

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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, 17 AUGUST 2016

PRESENT: Councillors Malcolm Alexander (Chairman), Michael Airey, John Collins, Samantha Rayner, Shamsul Shelim, Jesse Grey and Eileen Quick and Edward Wilson.

Also in attendance: Councillor Derek Wilson.

Officers: Wendy Binmore, Jenifer Jackson, Vivienne McDowell and Matthew Tucker

APOLOGIES FOR ABSENCE

Apologies received from Councillors Bicknell and Bowden.

DECLARATIONS OF INTEREST

Cllr M. Airey – Declared a prejudicial interest in item 16/00653 as he is a Parish Councillor for Bray where some months ago, the Parish Council made representations to the Borough with recommendations regarding this application; Cllr Airey took a view on the application so he was declaring a prejudicial interest. He would make representations to the Panel as Parish Councillor. He re-joined the Panel after the item ended.

Cllr Alexander – Declared a prejudicial interest in item 16/01428 as he was a Member of an Alley-Gating Panel when this site was discussed. Cllr Alexander left the room during the debate and vote.

Cllr Prior – Declared a personal issue in item 16/00653 as the objector registered to speak was know to Cllr Pryer. However, Cllr Pryer stated she had come to Panel with an open mind.

Cllr S. Rayner - Declared a prejudicial interest in item 16/01428 as she was a Member of an Alley-Gating Panel when this site was discussed. Cllr Rayner left the room during the debate and vote.

Cllr Shelim - Declared a prejudicial interest in item 16/01428 as he was a Member of an Alley-Gating Panel when this site was discussed. Cllr Shelim left the room during the debate and vote.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 20 July 2016 be approved.

PLANNING APPLICATIONS (DECISION)

16/00653* Mr Shala: Installation of double canopy, wash screen, 2 No cabins for office/rest room and secure storage, water storage tank and fence (retrospective), at Windsor Garden Centre, Dedworth Road, Windsor SL4 4LH – **THE PANEL VOTED UNANIMOUSLY to REFUSE the application in accordance with the Borough Planning Manager's recommendations to and authorised the Borough Planning Manager to refuse planning permission for the reason that the cabin and double canopy are inappropriate development in the**

Green Belt and because there would be a harmful impact on openness (full reasons for refusal can be found in Section 9 of the Main Report); and authorises enforcement action so that the cabin and double canopy are removed from the site within 3 months.

(Cllr M. Airey did not take part in the debate or the vote).

(The Panel was addressed by Pat Morrish and PCllr Michael Airey in objection).

16/01428* Eton Thameside Management Co. Ltd: 2 No. new mechanically operated time locked gates to the passageway on the footpath designated 'FP51' railings and 2 No. bulkhead lights at Eton Thameside, 15 Brocas Street, Eton, Windsor – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Borough Planning Manager's recommendations and grants planning permission with the conditions listed in Section 10 of the Main Report.**

(The Panel was addressed by Paul Edwards on behalf of the applicant in support of the application).

16/01599 RBWM Properties Ltd: First floor rear extension with amendments to fenestration at 99 Vansittart Road, Windsor SL4 5DD – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Borough Planning Managers recommendations and grant planning permission with the conditions listed in Section 9 of the Main Report.**

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of the Appeal Decision Report were noted.

The meeting, which began at 7.00 pm, finished at 7.56 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

12th October 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.	16/00695/FULL	Recommendation	WA	Page No.	11
Location:	Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ						
Proposal:	Construction of two storey development comprising 4x 1 bedroom flats and 1x 2 bed flat with associated refuse and cycle storage facilities						
Applicant:	Ms Spiero - Fieldside Associates Ltd	Member Call-in:	Not Applicable	Expiry Date:	31 May 2016		

Item No.	2	Application No.	16/01097/FULL	Recommendation	REF	Page No.	23
Location:	109 High Street Eton Windsor SL4 6AN						
Proposal:	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)						
Applicant:	Mr Shymansky	Member Call-in:	Cllr Malcolm Alexander	Expiry Date:	7 June 2016		

		Application No.	16/01098/LBC	Recommendation	PERM	Page No.	23
Location:	109 High Street Eton Windsor SL4 6AN						
Proposal:	Consent for single storey rear and two storey side extensions with internal and external refurbishments and associated works following demolition of non-original extensions to existing buildings.						
Applicant:	Mr Shymansky	Member Call-in:	Cllr Malcolm Alexander	Expiry Date:	7 June 2016		

Item No.	3	Application No.	16/01578/FULL	Recommendation	PERM	Page No.	52
Location:	51 Alma Road Windsor SL4 3HH						

Proposal: Part single, part two storey rear extension, additional habitable accommodation within existing roof space and widen vehicle access on front boundary

Applicant: Mr And Mrs Parsons **Member Call-in:** Cllr Jack Rankin **Expiry Date:** 17 October 2016

Item No. 4 **Application No.** 16/02221/FULL **Recommendation** PERM **Page No.** 58

Location: Trevelyan Middle School Wood Close Windsor SL4 3LL

Proposal: Single storey extension to West and two storey extension to East of main block

Applicant: Mr Spencer - RBWM **Member Call-in:** Not Applicable **Expiry Date:** 15 September 2016

Item No. 5 **Application No.** 16/02419/FULL **Recommendation** PERM **Page No.** 67

Location: 106 - 108 St Leonards Road Windsor

Proposal: Reconstruction of front facade, bay detail and roof of 106 St Leonards Road, together with alterations and extension to roof to 106 and 108 to facilitate conversion of loft area to habitable accommodation with roof lights, internal reconfiguration of flat layouts and amendments to fenestration

Applicant: Castle Homes (London) Ltd **Member Call-in:** Cllr Jack Rankin **Expiry Date:** 19 October 2016

Item No. 6 **Application No.** 16/02486/FULL **Recommendation** PERM **Page No.** 79

Location: Conservation Workshop Prince Consorts Home Farm Frogmore Windsor

Proposal: Erection of Conservation Workshop (revision to 15/00226/FULL).

Applicant: The Royal Household **Member Call-in:** Not Applicable **Expiry Date:** 26 September 2016

Item No. 7 **Application No.** 16/02702/FULL **Recommendation** PERM **Page No.** 88

Location: 23 And Land At 21 Clewer Hill Road Windsor

Proposal: 2 No. detached houses, pair of semi detached houses and new access following demolition of existing dwelling at No. 23.

Applicant: Quantum Estates **Member Call-in:** Not Applicable **Expiry Date:** 27 October 2016

Item No. 8 **Application No.** 16/02737/FULL **Recommendation** DD **Page No.** 105

Location: Vale House 100 Vale Road Windsor SL4 5JL

Proposal: 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.

Applicant: Mrs Radford **Member Call-in:** Not Applicable **Expiry Date:** 21 November 2016

Appeal Decision Report **Page No.** 133

Planning Enforcement Reports **Page No.** 137

Part II Report 16/02486 – Not For Publication **Page No.** 149

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 1

Application No.:	16/00695/FULL
Location:	Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ
Proposal:	Construction of two storey development comprising 4x 1 bedroom flats and 1x 2 bed flat with associated refuse and cycle storage facilities
Applicant:	Ms Spiero - Fieldside Associates Ltd
Agent:	Mr Simon Grainger - Grainger Planning Associates Ltd
Parish/Ward:	Windsor Unparished/Castle Without Ward
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission to construct a two storey building comprising 4 x 1 bedroom and 2 x 1 bedroom flats on the site. Planning permission exists to construct a community centre in the same location, of a very similar design and appearance.
- 1.2 This application was reported to the Windsor Urban Panel on 25 May 2016. The Panel Members resolved to defer the application for the rental and freehold valuation to be considered and professional property advice given as to whether the rate and freehold value is reasonable plus advice on freehold/leasehold rates based on equivalent facilities in the area with no parking.
- 1.3 The LPA has sought quotations for an external independent valuation in line with the panel resolution and the applicant has been advised of the valuation fees, but no payments have been made by the applicant to cover the costs of securing the professional valuation advice. Therefore, professional advice has not been obtained. It is common practice for developers to fund the cost of independent work. The reasoning for this is that the applicant is seeking to demonstrate that there is no longer a need for the community facility (see Policy CF1 of the Local Plan).
- 1.4 The applicant has advised that the premises was marketed at £65,000pa/£15 per sq. ft. – based on the floor area of 3,300 sq. ft. plus storage in the roof space. The applicant has provided details of advertisements that indicate that the site was advertised for rent, rather than for sale. The applicant has advised that they considered the freehold value of the land with a shell of a building on would be worth about £1.2 million and this is understood to be based on the applicant's local knowledge of the market. The applicant has confirmed that the freehold of the site was not advertised as it is the applicant's business model is to retain freeholds. Since the last panel meeting, the applicant has provided comparisons of rental rates for premises in the local area i.e. a restaurant on St Leonard Road (£27 per sq. foot), a retail shop in St Leonards Road (£23 per sq. foot) and office building in Datchet (£19 per sq. ft.). However, these comparisons are not considered to be relevant or conclusive in determining the rental rate of the application site, as a community use.
- 1.5 Whilst further information has been submitted by the applicant no independent professional view has been obtained on the rental rate sought.
- 1.6 Nonetheless, Officers consider that on balance the proposal is acceptable for the following reasons:
 - there is no conflict with Local Plan policy;
 - a satisfactory Section 106 Agreement has been submitted, to ensure that future occupants and their successors would be ineligible from obtaining a parking permits. There is no objection to a car free development in this accessible and sustainable location, given that the applicant has entered into a legal agreement to remove the right for future residents to be eligible for car parking permits. The preclusion for future occupiers to secure parking permits is required given the pressure for parking in the locality and so that it can encourage alternative travel to the car. (It

should also be noted that the last use and permitted use of the site as a community centre had no parking).

- the proposal would also result in the loss of a blank flank wall facing into the Conservation Area that is considered to be causing less than substantial harm to the appearance of the Conservation Area.

- the proposed apartment building is of a design and form that is very similar to the approved building. For this reason the proposal is considered to have an acceptable impact upon this designated heritage asset.

- 1.7 The applicant has recently lodged a non-determination appeal for this application. This means the Council cannot determine the application but needs to resolve what course of action it would have taken to enable others to handle the appeal.

It is recommended a 'would have approved' decision be noted with the conditions listed in Section 9 of this report.

- 1.8 The previous panel report for the 25th May 2016 has been repeated below with minor updates to include the neighbour comments on the panel update report, to record that the freehold was not advertised for sale, and to take into account the fact that a S106 to restrict parking permits has now been secured. An additional section on the Community Infrastructure Levy (CIL) has also been included.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site was part of the former Windsor Ex Services Club. This site has now been partially redeveloped and a row of terraced town houses fronting on Lammas Court has been constructed. The application site comprises the parcel of land that was planned to be, under the original permissions for the site, a replacement community facility. This piece of land is currently hoarded and unused as the development of the site was only partially implemented by the construction of the residential part of the scheme.

- 3.2 The site is located within the Inner Windsor Conservation Area within walking distance of the shops and facilities on St Leonards Road and the Town Centre, including the train stations.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/00832	Demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club.	Approved.
13/00833/CAC	Consent to demolish an unlisted building in a Conservation Area.	Approved 1.7.13.
14/01945/CONDIT	Details required by conditions 2 (materials), 3 (hard landscaping), 4 (slab levels), 6 (fencing), 8 (sustainability), 10 (acoustic), 11 (access), 12 (construction management plan), 13 (vehicle parking), 14 (cycle storage), 15 (refuse storage), 16 (tree protection), 17 (hard and soft landscaping) and 18 (rainwater, drainage and ventilation) of planning permission 13/00832 for the demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club.	Part refusal, part approval 14.8.14.
14/03881/VAR	Demolition of the existing services club and	Refused 13.2.15 as no

	construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works.	S106 Agreement.
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4.1 The application seeks to erect a building of a similar form and appearance as the approved building. The building would be attached to the terrace of houses and would front onto St Leonards Road. The proposed building however now proposes accommodation over three floors by utilising the roof of the building. The development would comprise 4 x 1 bedroom flats and 1 x 2 bedroom flat in the roof, accessed from the St Leonards Road frontage of the building. There would be no car parking associated with the development.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, CF1	CA2	N6	T5, P4

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

- Planning Obligations and Developer Contributions
- Sustainable Design and Construction

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The acceptability of the loss of a community facility;
- Whether the proposal preserves or enhances the character or appearance of the Conservation Area;
- The principle of providing additional dwellings;

- iv Impact on amenity; and,
- v Car parking and highway safety;

Loss of a community facility

- 6.2 Policy CF1 of the adopted local plan seeks the replacement of community facilities unless it can be demonstrated that there is no need for them. The applicant has made a case that the whole site originally comprised a former ex-services club which effectively provided a private member drinking establishment with some ancillary uses. The club closed in June 2012 and it is understood the remaining club members used the Alma Road Social Club. The applicant considers that the previous use class was more akin to Class A4 (drinking establishment) than Class D2 (assembly and leisure). Given the text in paragraph 3.3.3 of the Local Plan that new community facility uses should be available to the whole community and meet a local identified need, the applicant considers the former use to be either A4 or Sui Generis; based on the character of the former use, they do not consider it was a community facility in the sense of Policy CF1 of the Local Plan. The 2013 proposal intended to re-provide premises for the ex-services club. However, it is understood that the ex-services club disbanded due to a rapidly diminishing (and ageing) member base and that there is now no longer a local need for the replacement ex-services club.
- 6.3 The applicant's case is noted, however, it is clear that during the consideration of the planning application in 2013 the ex services club was considered to be a 'community facility' and to this end a replacement facility was proposed as part of the application. The use class of the facility is not considered material to whether the proposal comprises a community facility. In order to comply with Policy CF1 it is considered necessary for this community facility to be either re-provided elsewhere, as a new facility, or that the applicant demonstrates that there is no need for it.
- 6.4 Notwithstanding the use class issue and whether or not the former use was a community facility or not, the applicant has advised that they have marketed the replacement club building on a without prejudice basis.
- 6.5 The site was marketed from May 2013 for use class D1/D2 purposes on a letting basis with a rental equivalent to £15/sq. ft. The opportunity was first marketed in the Bayliss Media Ltd group of newspapers and there has been an advertising board on the hoarding for the last 12 months. In addition, the site has been and remains on the website of Walter Giles Euro-Commercial. A number of expressions of interest were received from various religious groups, nurseries, day centres, tennis clubs and societies. However, none of the expressions of interest proceeded any further due to the lack of on-site car parking.
- 6.6 The applicant is of the view that taking these factors into account and the length of time the site has been marketed that there is very little likelihood of this site being used for D1/D2 purposes given the absence of off-street car parking and its location within the midst of a residential area and that the marketing exercise of the preceding over 30 months demonstrates there is no longer a local need. Therefore, the redevelopment of the site for an alternative use is in accordance with the requirements of Policy CF1.
- 6.7 Whilst it is noted that the community centre building has been marketed for nearly 3 years and no interested parties have been found, this should be considered with some caution. The marketing is for an unconstructed building, of which work to build has not commenced; this could have affected interest, if there were parties who were looking for an immediately available building. As such, whilst some weight should be given to the marketing exercise, it is considered that this should be weighed against the fact that the building has not been constructed.
- 6.8 Consideration should also be given to the impact of the current partly constructed building upon the appearance of the Conservation Area, as discussed in detail below. The blank flank wall facing onto St Leonards Road did not form part of the approved scheme and the only way to rectify this harm is to build the approved community centre. Planning enforcement powers to require a building to be constructed are limited. The applicant advises that they are of the view that they part implemented their planning permission. The current blank flank wall is considered

to cause less than substantial harm to the appearance of the Conservation Area and the proposal would result in a well designed building in the Conservation Area, removing this harm.

- 6.9 The loss of the harm to the appearance of the Conservation Area is not considered to be an overriding factor in the case for the loss of the community facility. The marketing that has been carried out and the case made by the applicant in relation to the marketing of the building and the fact that the original user of the building is no longer interested in a replacement is considered to make a case that there is no need for a community facility, thereby complying with Policy CF1 of the Local Plan.

Impact on the Conservation Area

- 6.10 The site is located within the Inner Windsor Conservation Area. Proposals within the Conservation Area should preserve or enhance the character or appearance of the Conservation Area.
- 6.11 The proposed building would measure 9.5m high and 18.1m wide, with a depth of 9.4m. The approved building would measure 9.5m high and 18.1m wide, with a depth of 9.4m. Amended plans have been received during the application as concerns were raised that the changes to the building from that approved had diluted the architectural quality.
- 6.12. Paragraph 132 of the NPPF is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.13 Due to the partial implementation of the 2013 planning permission, which granted permission for one building, an unauthorised blank flank wall of the terrace of houses fronts onto St Leonards Road. This blank, flank wall is considered to cause less than substantial harm to the appearance of the Conservation Area.
- 6.14 The proposed flats are of a similar design to the approved building and the revisions to the plans have ensured that the architectural quality of the building remains the same as the approved scheme. The proposed building would contribute towards an improvement in the appearance of this part of the Conservation Area, for this reason the proposal is considered to preserve the character and appearance of the Conservation Area. 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.
- 6.15 A Field Maple tree which lies to the North of the building on land outside of the applicant's control is shown to be removed on the submitted plans. On the previously approved scheme, no objection was raised in respect of the relationship of the building and this tree. It remains the case in this scheme that the relationship would be acceptable. An informative is recommended pointing out that the tree is not within the ownership of the applicant and cannot be removed without the landowner's permission.

Principal of providing additional dwellings

- 6.16 The site is within the settlement of Windsor in an accessible location close to the amenities of the town centre where there is no objection to the principle of providing additional dwellings, subject to all other matters being satisfactorily addressed.

Amenity

- 6.17 The proposed dwellings would each have a small balcony or terrace. Whilst there is no outdoor amenity space this is not unusual for flatted developments and the dwellings would benefit from the amenities of the town centre.
- 6.18 The siting of the building is comparable to the previous scheme and no objections are raised to the impact of the bulk or mass of the building upon the amenities of nearby occupiers. The building has been designed so that there would be no loss of privacy to nearby occupiers.

Car parking and highway safety

- 6.19 This section of St Leonards Road joins Victoria Street with Goslar Way and is subject to a 30mph speed limit. The site is situated in a Residential Zone E parking area where pay and displays (8am- 8pm) and business permit parking (8am- 6pm) applies. Lammas Court is an adopted residential cul-de-sac where on street parking is applicable for holders of a residential parking permit.
- 6.20 Based on typical D1 (community) and C3 (dwelling houses), the previous Ex-Servicemen Club (622m²) could potentially generate between 38 and 76 trips per day and the approved smaller club (279m²) could generate between 16 and 32 trips per day, whereas the residential scheme attracts 12 to 24. Given the relatively accessible nature of the development together with the parking controls in the area, the normal day to day trips are likely to be significantly lower than the figures quoted.
- 6.21 Similar parking restriction applies for the following neighbouring roads in the surrounding area:
- St Marks Place – Residential Permits 8am- 8pm
 - Queens Road – Residential Permit and Pay & Display, Mon-Sat from 8:30am – 5:30pm
 - Beaumont Road – Residential Permit and Pay & Display, Mon-Sat from 8:30am – 5:30pm
- 6.22 As a walking distance the site is circa 0.81km from Windsor & Eton Central Station plus a further 0.150km from Windsor Town Centre. With reference to the Authority's parking standard, a development comprising 1 and 2 bedroom units within 0.80km from a rail station that operates a frequent service is considered to be within an accessible location. As such mindful of the trip numbers of the approved and previous community centre, when compared to the proposed apartments, and the likely parking need of a community centre, together with the accessible location of the site there is no objection to no parking being provided at this site.
- 6.23 This would ensure that the proposal does not increase the demand for on parking. A satisfactory Section 106 Agreement has been submitted, to ensure that future occupants and their successors would be ineligible from obtaining parking permits.
- 6.24 The plans indicate a cycle parking store shared with the refuse/recycling bins. The design of the cycle parking spaces does not comply with the Authority's standard. However, this can be covered by a planning condition (condition 9).

Other Material Considerations

Housing Land Supply

- 6.25 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.26 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable but would attract an exemption if the applicant claims a self build exemption. In the absence of a self-build exemption the CIL liability, based upon the chargeable residential floor area (£240/100 per sq.m).
- 7.2 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has not yet submitted the required forms including the assumption of liability for payment on the net increase in gross internal floorspace.
- 7.3 However, it is considered that the required CIL payment for the proposed development would be in the order of approximately £88,080.00 – based on a net increase of approximately 367 sq.m. The floorspace figures still need to be agreed between the applicant and LPA.

8. 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 22nd March 2016.

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

	Comment	Where in the report this is considered
1.	No parking spaces have been allowed for, just bicycle spaces, yet there would be 4 or 5 extra cars requiring parking spaces, plus visitors. Even if residents don't possess cars, their visitors certainly will and this will cause problems.	6.18-6.22.
2.	Concern about the legality of a S106 regarding non issue of parking permits for residents of this development. In the light of a recent case, it is believed that such a restriction/condition could be unenforceable.	The LPA is satisfied that the S106 is an appropriate mechanism to restrict parking permits.
3.	We have already lost several spaces at the entrance to Lammas Court and on the side of the road in front of Beulures Place.	Noted.
4.	Perhaps there are too many flats being considered for such a small space.	6.15.
5.	Very surprised to read that Lammas Court Management Company has not been consulted, the Directors would have been able to circulate the application to the 42 properties in the Court.	In accordance with local and national policy a site notice has been displayed and adjoining properties notified. The Council notifies properties and would not notify Management Companies.
6.	When the new houses were building the area lost 6-8 spaces used for parking and more cars now try to park in the Court at night and vehicles are regular parked on the pavement or double yellow lines.	Noted.
7.	Unlikely to use bicycles.	Noted.

8.	The Transport statistics do not show the problems we have every day.	6.18-6.22.
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection.	6.18-6.22.
Conservation Officer	A verbal discussion – amended designs are acceptable.	6.10-6.14.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Plans and elevations
- Appendix C - Approved plans and elevations under 13/00832

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

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS TO BE GRANTED ON APPEAL (Non-determination appeal)

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. No development shall take place until samples of the materials to be used on the external surfaces of the development and a scaled section drawings of the windows and doors, along with details of the materials to be used for the windows and doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
4. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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. Relevant Policies - Local Plan DG1.
5. No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how then development would be efficient in the use of energy, water and materials in accordance with

the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

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

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

7. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - LocalPlan T5.

8. Further details of all external rainwater, drainage and ventilation shall be submitted to and approved by the Local Planning Authority in writing prior to their installation and shall be installed in accordance with the approved details.

Reason: To protect and preserve the character of the conservation area. Relevant Policies - Local Plan CA2

9. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

10. No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

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

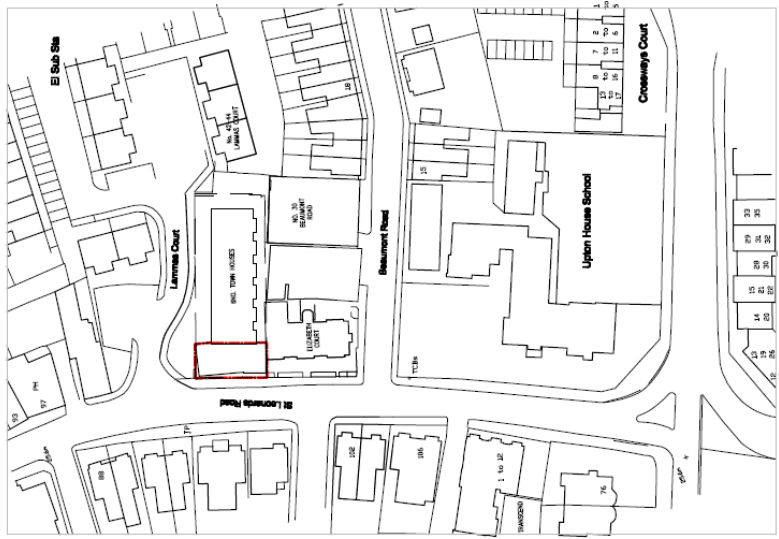
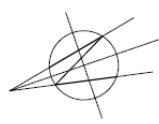
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

1. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
2. No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
3. The Field Maple to the north of the building is not within the control of the applicant and cannot be removed without the owner's permission.

APPENDIX A - 16/00695 – Former Windsor Ex Services Club, 107 St Leonards Road, Windsor

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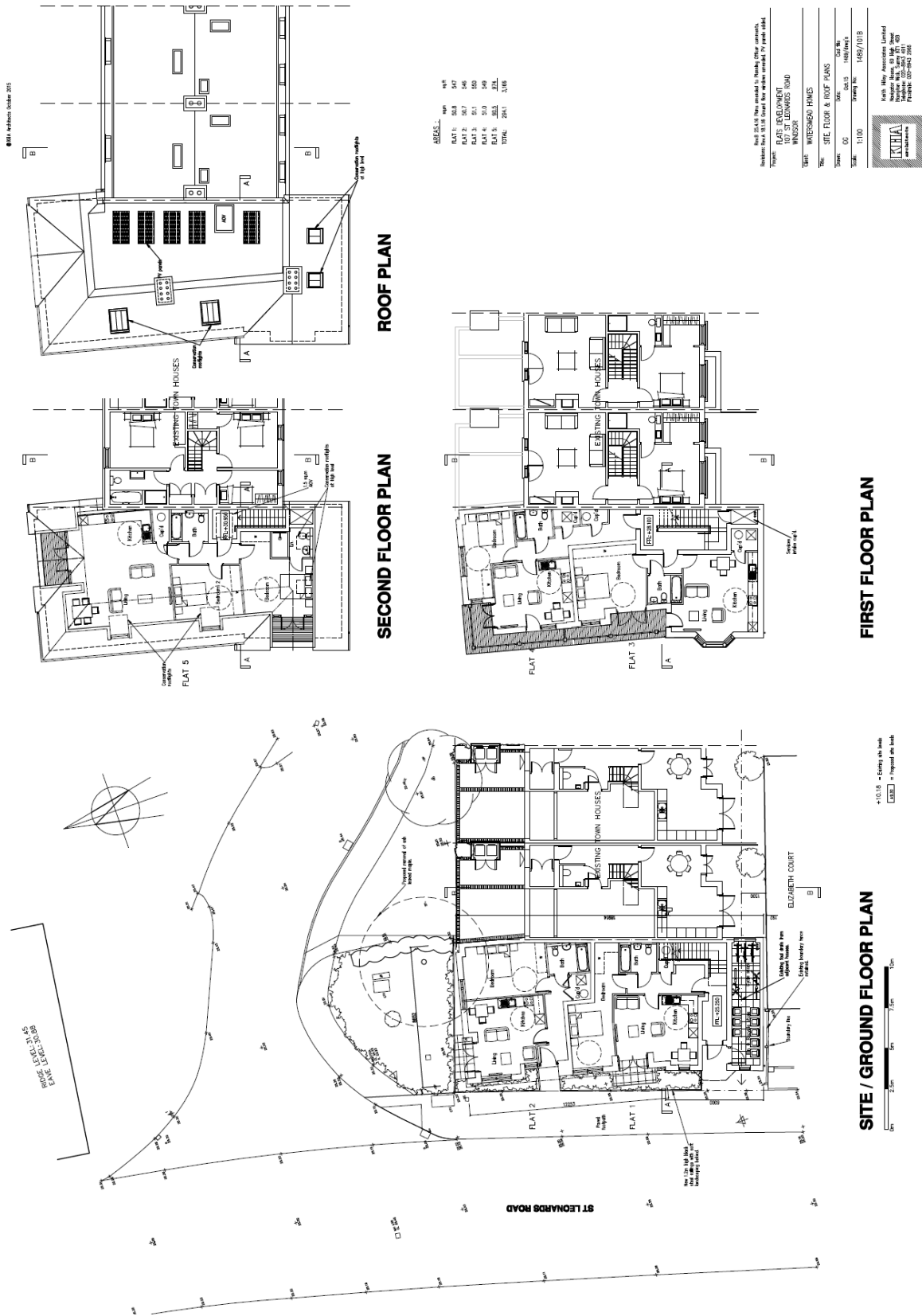


BLOCK PLAN

Name:	107 ST LEONARDS ROAD
Project:	INDUSTRIAL
Client:	INTERMED HOLDINGS
Drawn:	CC
Scale:	1:500
Date:	16/07/15

107 St Leonards Road
 Windsor, NSW 2682
 Phone: 02 9837 2000
 Fax: 02 9837 2001

Appendix B - 16/00695 – Former Windsor Ex Services Club, 107 St Leonards Road, Windsor



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 2

Application No.:	16/01097/FULL
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	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)
Applicant:	Mr Shymansky
Agent:	Mr Alex Chapman - Lewandowski Architects Ltd
Parish/Ward:	Eton Town Council/Eton With Windsor Castle Ward
If you have a question about this report, please contact: Rachel Fletcher on 01628 685687 or at rachel.fletcher@rbwm.gov.uk	

Application No:	16/01098/LBC
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	Consent for single storey rear and two storey side extensions with internal and external refurbishments and associated works following demolition of non-original extensions to existing buildings. Part change of use to C3 (residential).
Applicant:	Mr Shymansky
Agent:	Mr Alex Chapman - Lewandowski Architects Ltd
Parish/Ward:	Eton Town Council
If you have a question about this report, please contact: Rachel Fletcher on 01628 685687 or at rachel.fletcher@rbwm.gov.uk	

1. SUMMARY

- 1.1 This report considers both the full planning and listed building consent applications for this proposal, which is to extend the building at the sides and rear, and to provide three flats on the first and second floors of the building in place of two flats. The site is in a Conservation Area and the building itself is Grade 2 listed. The design and layout of the scheme is considered acceptable in this sensitive context.
- 1.2 The site is in a floodable area, and while a Flood Risk Assessment has been submitted and the Environment Agency has not objected, the application has not demonstrated that the Borough's housing needs cannot be met in a site with a lower flood risk by passing the 'sequential test' and that a safe flood escape route can be provided for future residents. Without this information, the application does not meet the requirements within the NPPF for acceptable residential development for floodable areas.
- 1.3 In considering the listed building application, the Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application has been considered on the basis of the Development Plan, and notwithstanding the flood issues noted above, the proposal is considered to comply with Local Plan Policies DG1, CA1, CA2, LB2 and the corresponding advice in the NPPF.
- 1.4 An earlier version of this report was published in the agenda for the Windsor Urban Panel meeting of 20th July 2016. However, the applications were withdrawn from that agenda pending receipt of additional information on the issues which now form reasons for refusal of the full planning application. The report has since been updated to reflect these issues and in addition to further clarify impacts on trees.

Recommendation 1: 16/01097/FULL

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 11 of this report):

1.	A sequential test assessment of other available sites at a lower risk of flooding has not been submitted, contrary to advice in the NPPF 100 to 104 and Planning Practice Guidance.
2.	It has not been demonstrated that there is a safe flood escape route available for future residents in the event of a safe flood event, contrary to advice in the NPPF and PPG and to Local Plan policy F1.
3.	The proposal does not provide sufficient on-site car parking, and would result in additional demand for on-street car parking in an area within which demand exceeds supply.

Recommendation 2: 16/01098/LBC

It is recommended the Panel grants listed building consent with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- Application 16/01097 was called in at the request of Councillor Alexander, irrespective of the recommendation, because of the degree of public comment and interest in the application and it was felt appropriate to bring the corresponding listed building consent together with it.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is a listed building on the western side of the High Street close to its junction with Eton Court. The site forms part of the Eton Conservation Area. The building itself consists of a number of elements dating over several centuries of construction and occupation. Some of these are of significant architectural and historic interest visible both internally and externally, although there also appear to be at least two unauthorised PVC framed replacement windows in the rear and side elevations.
- 3.2 The ground floor of the building is currently occupied by a photographic studio business and contains reception areas, studios, offices and store rooms. Access to this is from the High Street. The first floor contains offices, a store room used by the photographic studio business and part of an apartment which also occupies part of the second floor. The second floor is in residential use. Both business and residential uses share car parking to the rear.
- 3.3 The site is within Flood Zones 2 and 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to extend the existing building to the side and rear following the demolition of the existing single storey side and rear extensions, which are not considered to be of any historic significance. The extensions would be built on the same footprint as the existing, with the most prominent part of the proposal being the two storey side extensions to replace the existing single storey, while those at the rear would be single storey in height. Internal works are also proposed, re-ordering the existing internal rooms mainly at first and second floor levels but with some minor alterations on the ground floor.
- 4.2 The proposals will also result in some of the commercial space at first floor level becoming residential accommodation, and with the extensions one additional 2 bed flat would be provided, resulting in one 1-bedroom flat and two 2-bedroom flats / maisonettes over the first and second floors. (The existing accommodation consists of one 1-bedroom flat and one 2-bedroom flats/maisonettes.)
- 4.3 The majority of the ground floor would remain in business use, with a small portion of the new extension to be utilised as an entrance foyer for the residential accommodation above; first and second floor levels would be occupied solely by residential accommodation, as follows:
- Maisonette 1 will occupy parts of the first floor including parts of both the existing building and

the proposed extension, and provide two bedrooms and an open plan living room and kitchen. This apartment also has a terrace which would be located above the proposed single storey rear extension. Two sash windows on the rear elevation would be replaced with double glazed timber sash windows of matching appearance.

- Maisonette 2 would also be spread across parts of both the existing building and new extension, with a new opening proposed in the end gable wall of the original building to provide access between the living room and kitchen. The bathroom will be accessed via an existing window opening which is proposed to be enlarged to become a doorway and the existing staircase would be retained to provide access to two double bedrooms at second floor level. A new roof light is proposed above this staircase to provide natural light, ventilation and additional headroom.
- Maisonette 3 would be located solely within the existing building and use the existing main staircase to provide access from the living room, kitchen and bathroom at first floor to a second floor bedroom. The existing roof light over the main staircase will be repaired where necessary and retained.

4.4 The property has the following planning history:

Ref.	Description	Decision and Date
97/76026/LBC	Installation of street lighting flood lamp with associated cable and control box to front elevation	Permitted 02.02.1998
15/03655/FULL	Single storey rear, part two storey, part three storey side extensions.	Withdrawn 16.12.2015
15/03657/LBC	Consent for single storey rear, part two storey, part three storey side extensions, Internal and external refurbishments and associated works following demolition of non-original extensions to existing buildings.	Withdrawn 16.12.2015

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 2, 4, 6, 7 10, 11 and 12.

Royal Borough Local Plan

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

Within settlement area	High risk of flooding	Conservation Area	Listed Building	Highways, car parking and cycle storage	Area specific policies
DG1, H10, H11	F1	CA1, CA2	LB2, LB3	T5, P4, T7	ETN1

Supplementary planning documents

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

- Interpretation of Policy F1 - Areas liable to flooding

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 Parking Strategy
- RBWM Strategic Flood Risk Assessment
- RBWM Townscape Assessment

View the above guidance at:

http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

- Conservation Area appraisal - view at http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Whether the proposal would harm the special historic or architectural interest, including the setting of, listed buildings, and if there is harm whether there are public benefits that would outweigh that harm;
- Whether the proposal would preserve or enhance the character and appearance of the Eton Conservation Area, including impacts on trees;
- Other design issues;
- Whether the proposal would, either by itself or cumulatively with other similar proposals, impede the flow of flood water, reduce the capacity of the flood plain to store flood water, or increase the number of people or properties at risk from flooding;
- The impact on the amenities of the neighbouring residents; and
- The adequacy of parking on the site and the impact on highway safety in the area.

Impact on the historic character and fabric of Listed Buildings

- 6.2 The Council has had special regard to the desirability of preserving listed buildings and their setting, and any features of special architectural or historic interest which they possess, as required under Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the application has been considered on the basis of the Development Plan, including Local Plan Policy LB2 and the NPPF. Paragraph 131 of the NPPF says that when determining applications local authorities should take account of the desirability of sustaining and enhancing heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.3 A significant part of the south-facing flank wall of the original building would be covered up. Whilst the current visibility of the gable elevation is interesting and an attractive feature, covering up the majority of the gable elevation would not reduce the historical significance of the building. As the heritage statement sets out, within the last century this elevation was largely obscured from view because buildings continued along the western side of High Street.
- 6.4 It is considered that the blend of contemporary and traditional architectural features as a design approach for the side extension is appropriate because it ensures the extension represents the era within which it was constructed and allows the listed building to remain prominent and visually distinct. The quality of finish will be important and can be managed through condition. The proposed use of brick as a traditional material will compliment the listed building.
- 6.5 Proposed internal alterations to facilitate the new flats are small scale and would retain, to a large extent, the existing layout of the listed building. Where modifications are to be made they have carefully been chosen in locations that have far less significance such as the 19th century rear extensions to the building. A new single doorway through the gable wall of the oldest part of the building to facilitate the flat arrangements is a minor change that would not harm the special interest of the building.
- 6.6 It is considered that the setting of other important listed buildings including those along the High Street would not be compromised. Current views from Jubilee Square area towards Grade II listed St John's church to the north east would be obscured however it is not considered that

this view is an essential part of the significance of the church building, although serendipitous views are an attractive element of a townscape.

- 6.7 Overall, the proposals retain and repair the important historical fabric of the listed building. It is considered that the proposals would preserve the special interest of 109 High Street and therefore would not cause harm as set out in the NPPF. The quality of the proposal together with some traditional external materials ensures the scheme complies with Local Plan Policy LB2. The public benefits of the continued use of the building for residential use together with much needed repairs to the building are genuine heritage benefits. It is also considered that the proposal would not harm the setting of nearby listed buildings.

The character and appearance of the Conservation Area including impacts on trees

- 6.8 NPPF 126 advises that new development should make a positive contribution to local character and at paragraph 137 that opportunities for new development should be sought in Conservation Areas that enhance or better reveal the significance of the Conservation Area. Where a proposal would cause less than substantial harm NPPF paragraph 134 explains that there should be public benefits from the scheme that outweigh that harm including putting the building to its optimum viable use.
- 6.9 The design of the side extension is clearly contemporary, and would provide a clear contrast between the old and new buildings at the site. While this differs from the styles of surrounding buildings, the design is of high quality and it is considered that this will preserve the appearance of the Conservation Area by providing an appropriately scaled extension that is “of its time” while also achieving a considerable sympathetic approach to the extension of the building. The more traditional but less visible extensions at the rear are also considered to be acceptable. In arriving at this recommendation special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.10 The proposed extensions are therefore also considered to achieve the aims of paragraph 126, and while some of the historic fabric - part of the side wall at first floor level and (in perspective) the second floor level will be lost in views from surrounding public viewpoints - the restoration and refurbishment of the listed buildings will achieve the aim of paragraph 137. The heritage benefits of the continuing use of the building for largely commercial use on the ground floor with residential above and the repairs to be undertaken to the building constitute heritage benefits and therefore the scheme meets the requirements of NPPF paragraph 134.
- 6.11 There are a number of trees located adjacent to the building. These include an ash and a lime on the southern boundary of the car parking area to the rear, and a young maple on the Eton Court street frontage towards its junction with the High Street. Local Plan policy N6 requires a tree survey to be submitted with any application where existing trees are a feature of the site and for good quality trees to be retained. While no tree survey was submitted, the site plan notes that the ash tree is 6.7m from the rear wall of the building, and the lime just less than 13.8m. The ash tree although with a sizeable trunk has been pollarded about 2.5 - 3.0m above ground level, and because of this it is highly unlikely that it could be graded at anything above ‘C’ category under BS5837. Had the application been recommended for approval BS5837 compliant tree protection around all adjacent trees prior to demolition and construction would have been conditioned.
- 6.12 Along with the small park at the corner of Eton Court, the young maple on the Eton Court street frontage makes an important contribution to the streetscape. The Tree Officer has commented that this tree was planted to replace a horse chestnut that formerly grew in this location but was removed because it was diseased, and raised an issue with the potential impact on this tree from future pruning as a result of the location of the first floor side extension. It is noted that four new first floor windows in the extension would face this tree, including the corner “wrap around” window that would face both frontages. Both this window and the next one towards the rear on the south facing elevation would serve a kitchen living room. The next window towards the rear would serve a stairwell, and the closest window to the rear corner of the extension would serve a bedroom that would also be served by a rear facing window. The tree is at present young enough to allow formative pruning that should not be detrimental to its longer-term form, and

given that the two habitable rooms closest to the tree would be served by more than one window it is not considered that a possible need for future pruning to improve light for future occupiers is such that the future impacts on this tree would be detrimental of the character and appearance of the Conservation Area, and no objection is sustained on this issue.

- 6.13 The design and access statement explains that it is not anticipated that the building work would disturb the planting in Jubilee Gardens. This area is outside the application site boundary, although it is stated that the applicant intends to reinstate any plantings which are compromised in the construction of the development. If the Council were minded to approve the scheme a condition would be required to ensure that tree protection extended to both the street frontage tree noted at 6.12 and this amenity planting, and any tree fencing on the public highway would require a separate highways license.

Other design issues

- 6.14 Policy N2 (Setting of the Thames) requires further consideration of design in this specific setting, and Policy DG1 also seek high standards of design in the layout, appearance and landscaping of new development. The Council's consideration of these matters is assisted by the Townscape Assessment (TA), which provides a very detailed assessment of the Borough's townscape areas and characteristics. The TA classifies the area as a Historic Town Core, and while there is an area of post-war flats to the south west this is not visible from public vantage points around the application site.
- 6.15 In the event that planning permission is granted, there is some scope for introducing discreet landscape elements in the rear car parking area, which would further contribute to the setting of the listed building and to the character and appearance of the Conservation Area.
- 6.16 As noted above, the overall design is considered to be acceptable in this historic context. It is also satisfies the requirements of policy N2 and DG1 in this respect.

Flooding issues

- 6.17 The site lies within an area at risk from flooding. Flood Zone 3 is land assessed as having a 1 in 100 or greater annual probability of river flooding (>1% in any given year), and is classified as being at High Risk in flooding terms; Flood Zone 2 is at a moderate risk of flooding. The building itself is in Flood Zone 2, while the land to the rear is in Flood Zone 3. Local Plan Policy F1 provides for residential development within the flood plain only where it can be demonstrated that the proposal would not, either alone or cumulatively with other development, impede the flow of flood water and increase the number of people at risk from flooding. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) both support this stance. NPPG also advises that development should be directed to the least vulnerable part of its development site.
- 6.18 NPPG advice requires the following information to be provided for residential sites in areas that are at risk of flooding:
- (i) a 'sequential test' assessment of other available sites, which should demonstrate that there are no less floodable sites where the development could be provided,
 - (ii) a site specific Flood Risk Assessment, and
 - (iii) for development in Flood Zone 3, a demonstration that the development would provide wider sustainability benefits to the community (the 'exceptions test').
- 6.19 No sequential test document had been submitted at the time of writing this report, and this issue remains to be fully addressed before any planning permission can be granted for the application. In the absence of a demonstration that there are no less floodable sites where the development could be provided and in accordance with advice at NPPF 100 - 104 the application should therefore be refused.
- 6.20 A site specific Flood Risk Assessment has been submitted which sets out that the proposal would not result in any additional coverage at ground floor level and that the proposal would therefore result in no loss of flood plain capacity or impedance of the flow of flood water.

However the application has not demonstrated that a safe escape route can be provided, and the application must also be refused for that reason.

- 6.21 Because the building itself is in Flood Zone 2 and in line with advice in NPPG as cited above, the application is not required to pass the 'exceptions test'.

Impacts on the amenities of the neighbouring residents

- 6.22 It is not considered that either the additional windows provided in this extended building or the rear facing first floor level balcony would result in any significant overlooking or loss of privacy to nearby properties. The proposal would also not result in any perceptible loss of light to windows serving adjacent properties.

Parking and highway safety

- 6.23 The site is deemed to be within a sustainable area being within 500m from the Windsor and Eton Riverside train station which has links to London. Therefore the minimum parking standard as provided in the Council's *Parking Strategy* is deemed to be acceptable, which is for 1.5 spaces per 60sqm for the ground floor commercial use (3 spaces per 120sqm) and 1 car parking space for each one or two bed flat. The highways officer advises that the current provision of eight existing spaces is two short of this standard. The proposal is to allocate five spaces for the shop and one space for each of the flats. Given the existing shortfall in on-site car parking, a section 106 planning obligation to restrict future residents of the new flats from being eligible for on-street parking permits would be required in the event that planning permission is granted. However a section 106 obligation has not been completed and the third reason for refusal is therefore recommended on the basis that the proposal does not provide sufficient on-site car parking, and in the absence of this control the proposal would result in additional demand for on-street car parking in an area within which demand exceeds supply.
- 6.24 In the event that planning permission is granted, conditions requested in the Highways consultation response should be included. This would include a requirement for submission and approval of a construction management statement.

Other Material Considerations

Housing Land Supply

- 6.25 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.26 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme as identified in this report, contrary to the adopted local policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

Aircraft noise

- 6.27 The area is subject to significant aircraft noise, and in the event that planning permission is granted a condition setting out measures to protect future occupiers from aircraft noise should be included in any permission. Because of the listed status of the building, it may however be the case that it will only be the new building fabric that can be made fully compliant with current requirements in this respect.

Living conditions of future occupiers

6.28 The proposed residential unit that will be located to the rear of the building will benefit from a first floor outdoor terrace area. While the two maisonettes that are closest to High Street will not, the existing accommodation does not benefit from private amenity space and therefore there is in essence no change in that situation. It is considered that the living conditions of future residents would be adequate and thus meet the requirements of the Core planning principles of the NPPF (paragraph 17).

Archaeology

6.29 The plan of the medieval town is largely unaltered and previous investigations along the High Street have recovered medieval and post-medieval remains. This proposal therefore lies in an area of archaeological importance and has the potential to impact on significant buried remains, particularly on the High Street frontage, where opportunities for archaeological investigation in Eton have been very limited.

6.30 Had the application been recommended for approval a condition would have been used to secure the appropriate details relating to archaeology. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities ‘should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution at the rate of £240 per sq.m. for the new floorspace to be provided.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

Ten occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 18 April, and the application was advertised in the Maidenhead and Windsor Advertisers on 21 April 2016.

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

Comment		Where in the report this is considered
1.	Scale and design of the proposed side extension is inappropriate in this location and as part of a listed building.	6.2 - 6.16
2.	Contemporary architecture has often been unsuccessful in Eton	6.2 - 6.16
3.	Concerns about construction traffic, as the rear of the site provides access to other nearby residential properties.	6.23 - 6.24
4.	Impacts on trees on site and on the street frontage.	6.11 - 6.13

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	The proposed development as submitted is unlikely to increase flood risk on site and elsewhere. Therefore, we have no objection to the proposal as submitted. However, the application must also successfully pass the flood risk sequential test to be deemed appropriate within flood zone 2	6.17 - 6.21

	and provide a safe access and escape route to ensure adequate flood resilience.	
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Other Consultees

Consultee	Comment	Where in the report this is considered
Highways:	No objections subject to section 106 to control access to future parking permits for the new flat, and to conditions.	6.23 - 6.24
Berkshire Archaeology:	This proposal therefore lies in an area of archaeological importance and has the potential to impact on significant buried remains, particularly on the High Street frontage, where opportunities for archaeological investigation in Eton have been very limited. However it is noted that the proposal involves the removal of non-original existing extensions and their replacement, along the same wall lines, with new extensions. At face value, this suggests limited impact on <i>in situ</i> remains, although the foundations for the existing extensions may be shallow and slight. A condition has been requested.	6.23 - 6.24

9. APPENDICES TO THIS REPORT

- Appendix A - site location plan
- Appendix B - proposed elevation drawings, floor plans and streetscene drawing
- Appendix C - existing elevation drawings, section 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 for the full planning permission have not been successfully resolved.

10. RECOMMENDED REASONS FOR REFUSAL FOR APPLICATION 16/01097/FULL

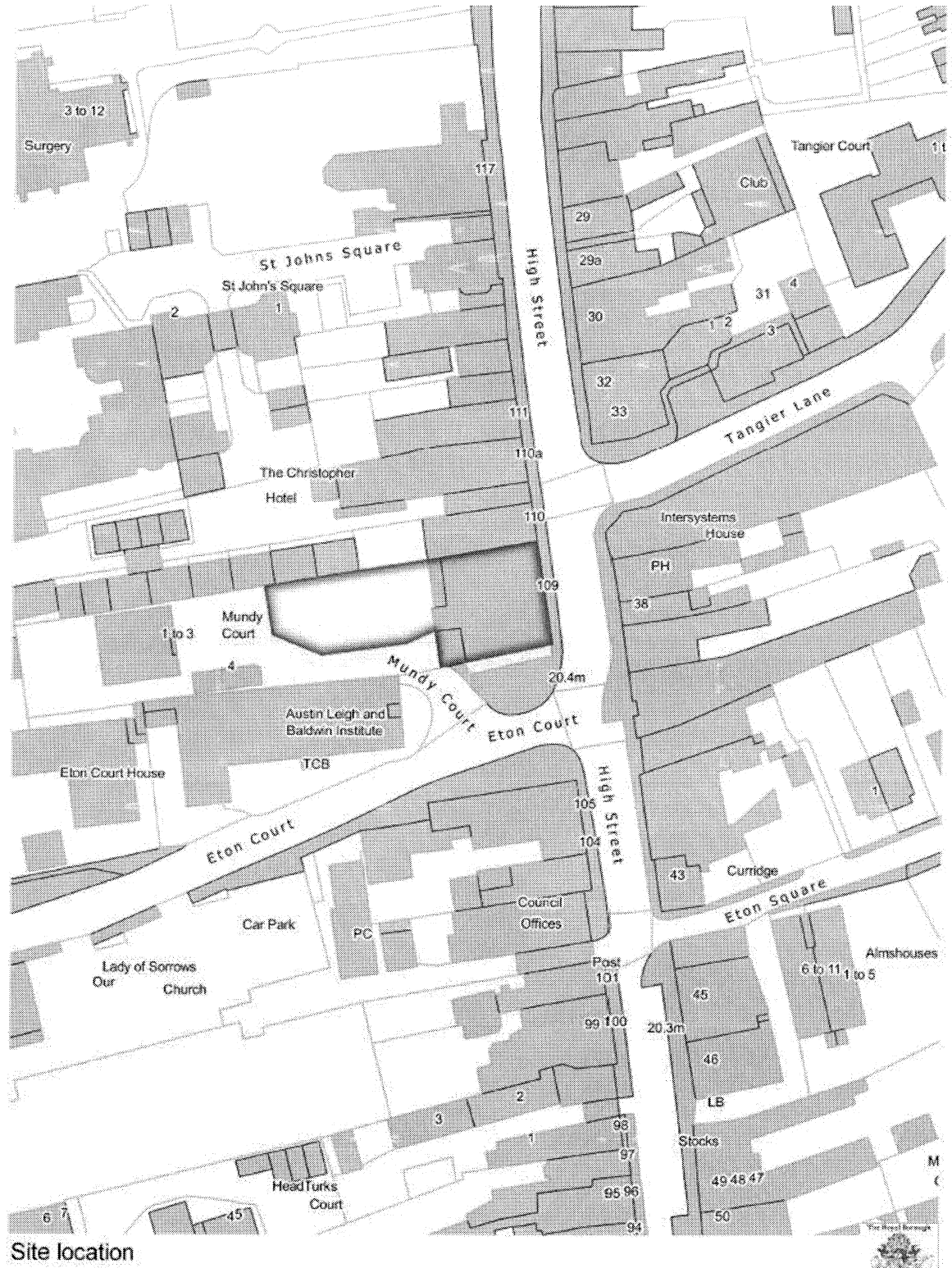
1. A sequential test assessment of other available sites at a lower risk of flooding has not been submitted and it has therefore not been demonstrated that the Borough's housing supply can only be provided if the development is approved, contrary to advice in the NPPF 100 to 104.
2. It has not been demonstrated that there is a safe flood escape route available for future residents in the event of a safe flood event, contrary to Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and advice in the NPPF.
3. The proposal does not provide sufficient on-site car parking, and in the absence of a section 106 agreement to remove eligibility of future residents for on-street car parking permits the proposal would result in additional demand for on-street car parking in an area within which demand exceeds supply, contrary to Local Plan Policy P4 and T5.

11. CONDITIONS FOR THE LISTED BUILDING CONSENT 16/01098/LBC IF GRANTED

1. The works/demolition shall commence not later than three years from the date of this consent.
Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to avoid unimplemented consents remaining effective after such lapse of time that relevant considerations may have changed.

2. Rainwater goods shall be cast iron or cast aluminium.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
3. Prior to commencement a brick panel shall be created for inspection by the Local Planning Authority showing the proposed brick, bonding, mortar type, pointing detail and shall be approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
4. Prior to their insertion, details showing a section of proposed windows and external doors including opening surrounds shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
5. Prior to its use in the development a sample of coping material to be used (and elsewhere indicated for use) shall be provided to the Local Planning Authority and approved in writing. The work shall then be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
6. Prior to the commencement of the scheme a schedule of repairs to be undertaken to 109 High Street and a timeframe for the work shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
7. Where new openings are proposed in the listed building plaster will be made good with like-for-like plaster including lime plaster which it exists. Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
8. This consent does not permit the demolition or dismantling of any part of the building or the removal of any internal feature, floor, wall or ceiling surface, except in so far as the alterations and extension hereby approved necessitate the removal of certain parts of the existing structure as shown on the approved plans.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
9. Prior to installation further details shall be provided for the balustrade including a details plan of the detail and information about the materials and finish to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved detail.
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2.
10. 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 – Location Plan



NOTES



01 TYPICAL 4. REVISIONS
00 SECOND 2015 REVISIONS

REV DATE DESCRIPTION

CLIENT MR & SHYMANSKY
PROJECT 109 HIGH STREET
EION
DRAWING TITLE PROPOSED SITE PLAN

STATUS FOR PLANNING
PROJECTING 2324
SCALE 1:200
DATE 03 MAY 15
DWG NO PL 100
REV 01
DRAWN AC
CHECKED AC

www.lewandowskiarchitects.com
109 HIGH STREET, AUSTIN, TEXAS 78701
TEL: 512.476.7000 FAX: 512.476.7001

APPENDIX B.



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HIGH STREET

The Christopher

NOLTE COURT

HIGH S

Lampost

Austin Leigh and Baldwin Institute

11404

23499

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2000

2000

bushes

timber fence

CAR PARK gravel

Mature Tree

Mature Tree

timber gate

brick wall

34

4

NOTES



FRONT ELEVATION
(EAST ELEVATION)

01 REVISED DRAWING NUMBER
00 ORIGINAL DRAWING NUMBER

REV DATE DESCRIPTION DRAWN

CLIENT
MR R SHYMANSKY
PROJECT
109 HIGH STREET
ETON
DRAWING TITLE
PROPOSED EAST ELEVATION

STATUS
FOR PLANNING

PROJECT NO
2324

DATE
MAY 15 2015

DWG NO
300

SCALE
1:100@A3

DATE
MAY 15 2015

DRAWN
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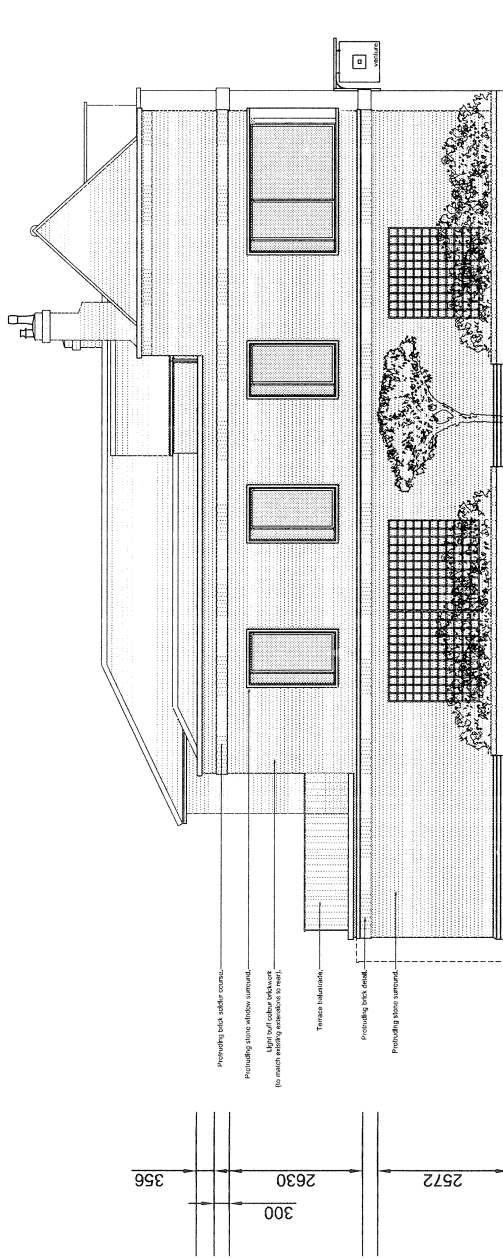
COMPILED BY
MR R SHYMANSKY

109 HIGH STREET ETON WINDSOR, BERKSHIRE SL4 4AA

T 01753 420700 F 01753 420421

WWW.LEWANDOWSKI.CO.UK

NOTES



SIDE ELEVATION
(SOUTH ELEVATION)

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REV. DATE DESCRIPTION DRAWN

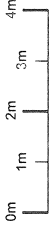
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ETON
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DATE: MAY 15
DWG NO: 301
REV: 01
DRAWN: AC
CHECKED: AC

LEWANDOWSKI ARCHITECTS
1117 N. LAUREL STREET, SUITE 200
CHICAGO, IL 60610
TEL: 312.467.8200 FAX: 312.467.8201
WWW.LEWANDOWSKIARCHITECTS.COM

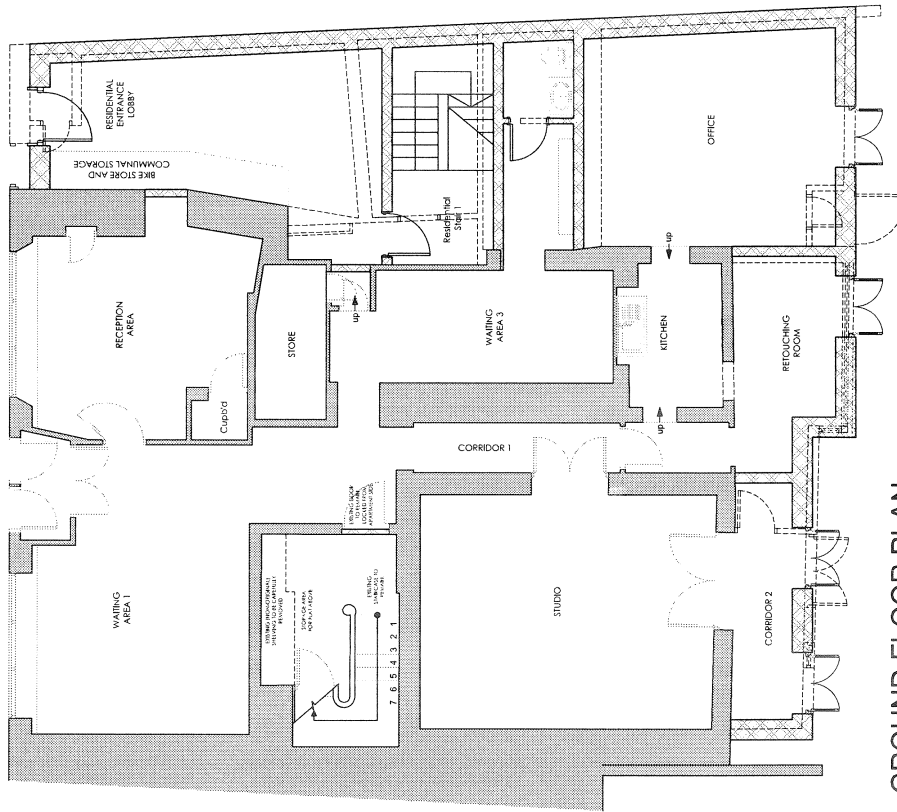
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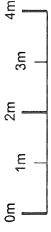
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- EXISTING STRUCTURE TO BE REMOVED
- NEW WALLS



GROUND FLOOR PLAN

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CLIENT			
MR R SHYMANSKY			
PROJECT			
109 HIGH STREET			
ETON			
DRAWING TITLE			
PROPOSED GROUND FLOOR PLAN			
STATUS			
FOR PLANNING			
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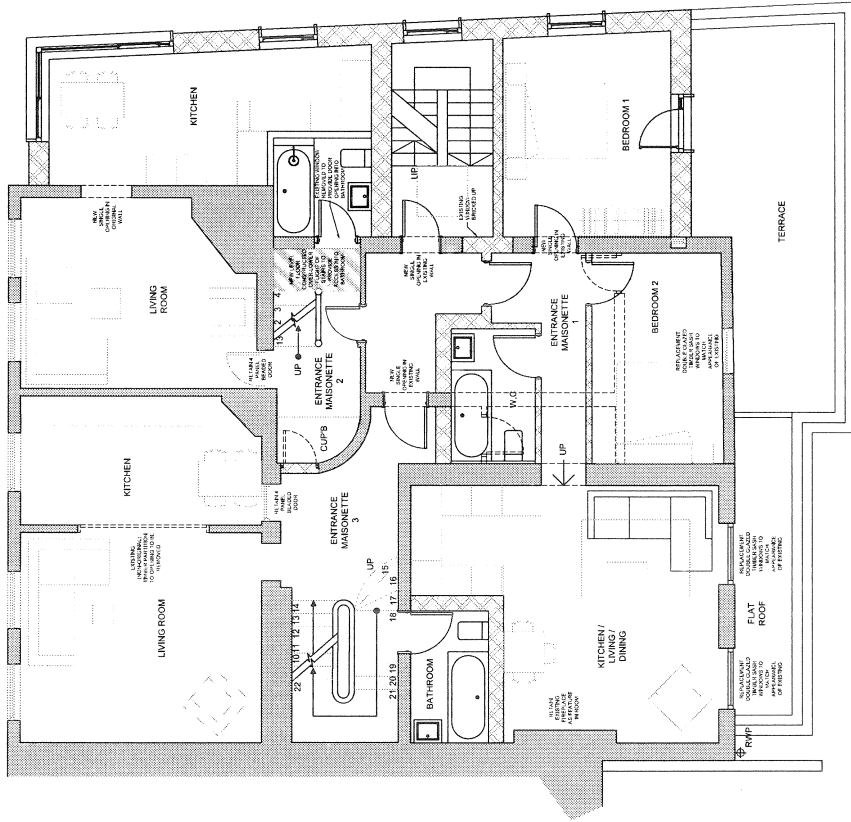
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- NEW WALLS



FIRST FLOOR PLAN

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 02: CORRECT MISSING INFORMATION

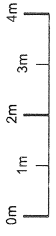
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CURT
 MR R SHYMANSKY
 PROJECT
 109 HIGH STREET
 ETON
 DRAWING TITLE
 PROPOSED FIRST FLOOR PLAN

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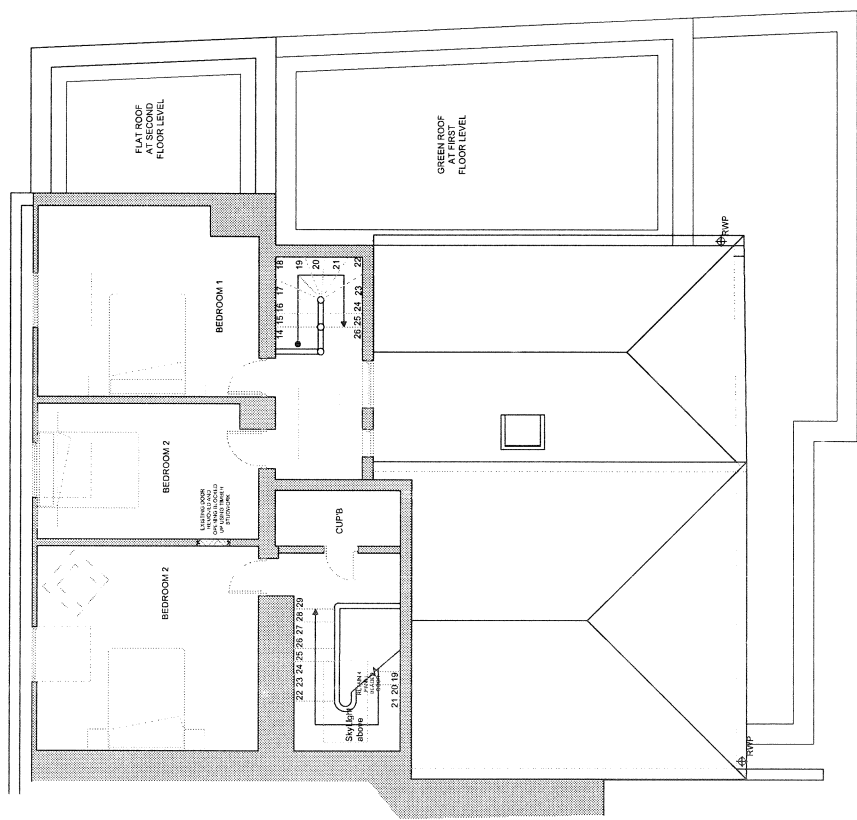
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 T: 01753 620200 F: 01753 620021
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	NEW WALLS		
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PROJECT 109 HIGH STREET			
ETON			
DRAWING TITLE PROPOSED SECOND FLOOR PLAN			
STATUS FOR PLANNING			
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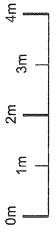
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- NEW WALLS



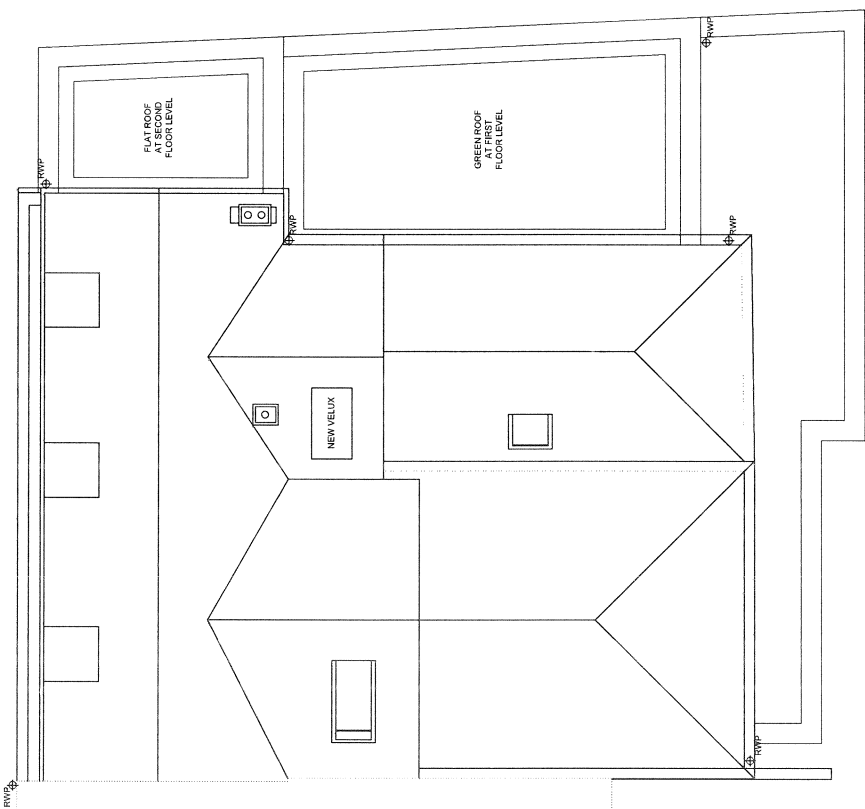
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LEGEND:

- EXISTING WALLS TO BE RETAINED
- EXISTING STRUCTURE TO BE REMOVED
- NEW WALLS



ROOF PLAN



00 3/16/2016 10:00 AM 109 HIGH STREET

REV DATE DESCRIPTION

CLIENT

MR R SHYMANSKY

PROJECT

109 HIGH STREET

ETON

DRAWING TITLE

PROPOSED STREET ELEVATION

STATUS

FOR PLANNING

PROJECT NO.

2324

DATE

1:1006/1 MAR 16

SCALE

1:1006/1

DESIGNED BY

JAS

CHECKED BY

AC

DATE

03/27/16

109 HIGH STREET, ETON, WINDSOR, BERKSHIRE, UK

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APPENDIX C.

Lewandowski Architects



NOTES

00 DOCUMENTS/IMAGING

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PROJECT	109 HIGH STREET
LOCATION	ETON
DRAWING TITLE	EXISTING SITE PLAN

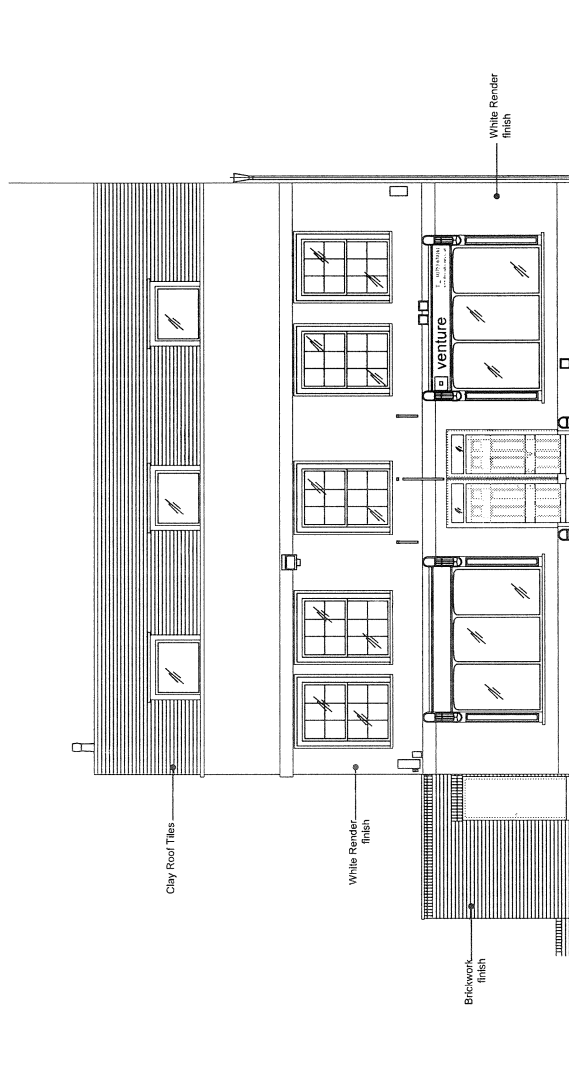
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REV	00

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3000 UNIVERSITY DRIVE, SUITE 100, WASHINGTON, DC 20007
 202-338-2700 FAX 202-338-2701
 017-338-2700 C 2324 2324
 www.lewandowskiarchitects.com



NOTES



FRONT ELEVATION
(EAST ELEVATION)

00 SECTION 1:1000

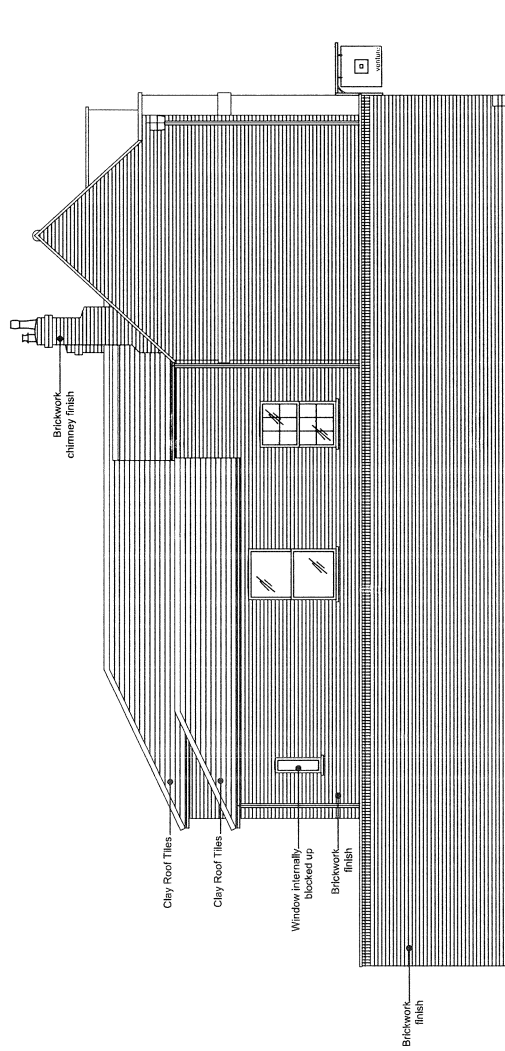
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 ETON
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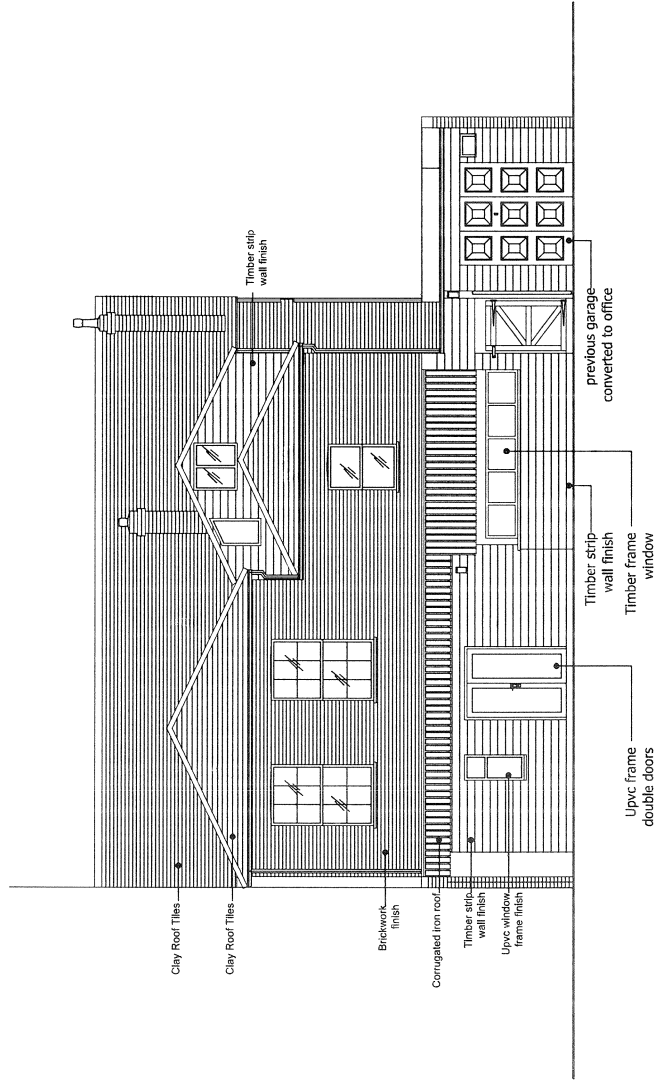
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SIDE ELEVATION
(SOUTH ELEVATION)

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NOTES



REAR ELEVATION
(WEST ELEVATION)

100 UNITS OF 1/8" = 1'-0" (1:125)

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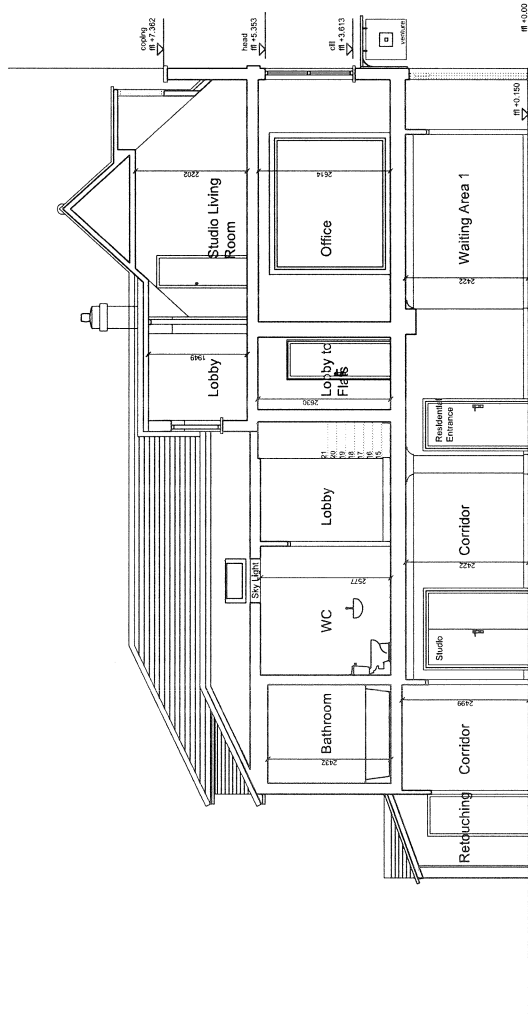
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PROJECT	109 HIGH STREET ETON
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DWG No	032
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CONTRACTOR: 109 HIGH STREET, ETON, WINDSOR, BERKSHIRE, SL4 6AA	
ARCHITECT: LEWANDOWSKI ARCHITECTS, 109 HIGH STREET, ETON, WINDSOR, BERKSHIRE, SL4 6AA	
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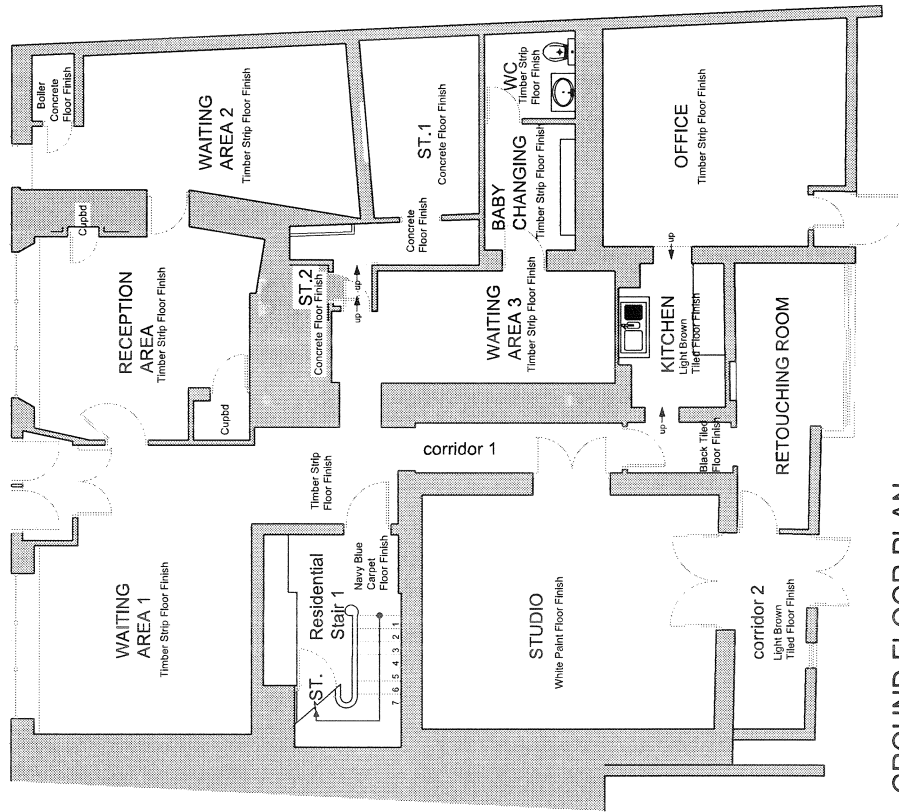
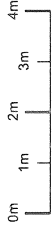
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Section A-A

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PROJECT		109 HIGH STREET							
DRAWING TITLE		EXISTING SECTION							
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<small> CONTRACTOR: J. J. BURNING COMPANY, INC. 100 W. 10TH STREET, NEW YORK, NY 10013 ARCHITECT: LEWANDOWSKI ARCHITECTS, 100 W. 10TH STREET, NEW YORK, NY 10013 100 HIGH STREET, NEW YORK, NY 10013 www.lewandowski.com </small>									

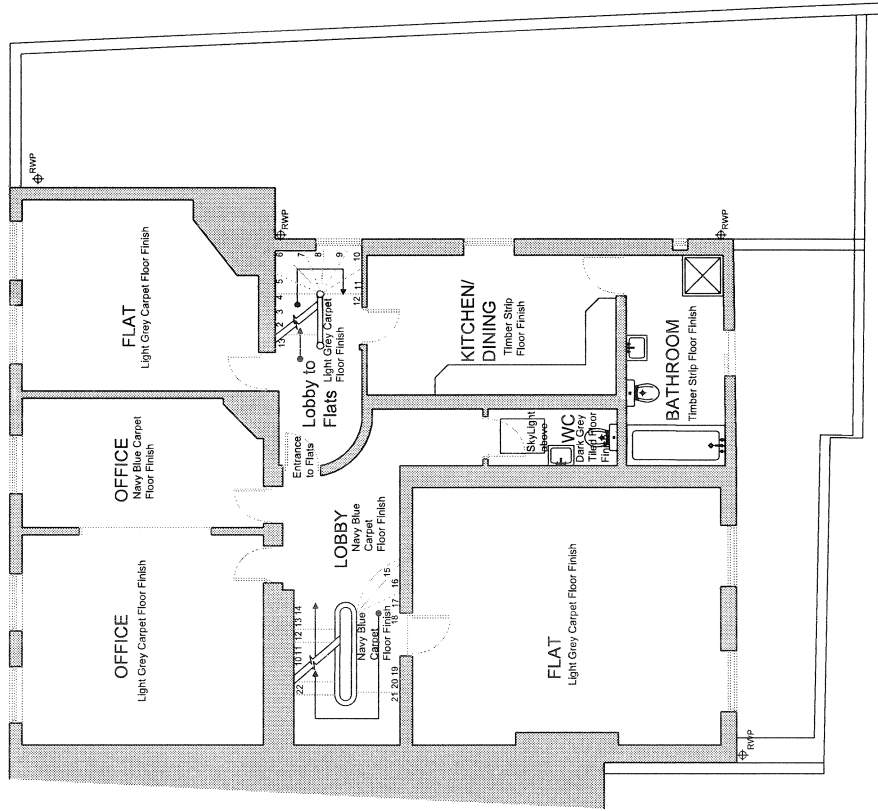
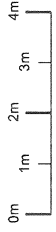
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GROUND FLOOR PLAN

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REV	DATE	DESCRIPTION	DRAWN
CUBET			
MR R SHYMANSKY			
PROJECT			
109 HIGH STREET			
ETON			
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EXISTING GROUND FLOOR PLAN			
STATUS			
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<small> CONSULTING ARCHITECTS AND INTERIORS 109 HIGH STREET, ETON, WINDSOR, BERKSHIRE, SL4 4AP TEL: 01753 634444 FAX: 01753 634445 WWW.LEWANDOWSKIARCHITECTS.COM </small>			

NOTES



FIRST FLOOR PLAN

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REV	DATE	DESCRIPTION	DRAWN
CLIENT	MR R SHYMANSKY		
PROJECT	109 HIGH STREET		
ETON	EXISTING FIRST FLOOR PLAN		
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<small>LEWANDOWSKI ARCHITECTS, 130 HIGH STREET, ETON, WINDSOR, BERKSHIRE, SL4 4AZ TEL: 01753 606000 FAX: 01753 606001 WWW.LEWANDOWSKIARCHITECTS.CO.UK</small>			

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 3

Application No.:	16/01578/FULL
Location:	51 Alma Road Windsor SL4 3HH
Proposal:	Part single, part two storey rear extension, additional habitable accommodation within existing roof space and widen vehicle access on front boundary
Applicant:	Mr And Mrs Parsons
Agent:	Mr Jeremy Evans
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk

1. SUMMARY

- 1.1 During the consideration of the application the applicants have submitted an amended drawing showing a reduction in the height and depth of the extension. The proposal is now very similar to the extensions previously approved at No. 49. It is on the basis of the amended plans that the recommendation is made.
- 1.2 The property is a large semi detached house situated in the Trinity Place Clarence Crescent Conservation Area of Windsor. It has accommodation over 3 floors, and a rear conservatory. The rear of the house has a projecting room on the ground floor with a catslide roof above it and featuring a dormer window to the bathroom above.
- 1.3 The proposal is to replace the catslide roof with a first floor extension above the existing room to accommodate a new bedroom. This would have a gable ended roof, and a new window facing the garden. All materials used would match the house, namely the bricks, roof tiles and timber framed sash windows.
- 1.4 Due to the orientation of the application site with the neighbouring dwelling No. 53,(application site sited to the north of no. 53) it is considered that the proposal would not result in a significant loss of light to windows in the rear and side elevations of the neighbouring property (No. 53). Although slightly higher by approximately 900mm than the extension approved at No. 49 Alma Road, the development would mirror the style of alterations and rebalance the look of the rear of these two properties. It is considered that the design is such that it would reflect the design of the original house, and would not be harmful to the appearance of the houses, or the street scene. The side of the extension would only be glimpsed from the street, and would otherwise not be visible from any public viewpoint.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin irrespective of the recommendation as there is public interest about the impact of the development on the Conservation Area.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The building is a three storey domestic dwelling located in a predominantly residential area. The property is semi-detached and is accessed from Alma Road. The rear of the site lies in the area at high risk of flooding, while the house itself is almost entirely outside of this area. The house is set behind a low wall along the road frontage. The site lies within the Trinity Place/Clarence Crescent Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal is for a part single, part two storey rear extension, additional habitable accommodation within the roof space, although the amended drawings have removed the proposed additional bathroom in the roof space and widening of the vehicle access on the front boundary.

4.2 There is no relevant planning history for the property.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Conservation Area
Local Plan	DG1, H14	F1	CA2

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment – view using link at paragraph 5.2
- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Whether the proposal would have any adverse impact on the character and appearance of the area, on the street scene, or on the conservation area;
- Whether the proposal would increase the risk of flooding;
- Whether the proposal would harm the amenities of the neighbouring residents; and
- Highway and pedestrian safety.

Impact on the character and appearance of the area and the adjoining conservation area.

6.2 NPPF 126 advises that new development should make a positive contribution to local character and at paragraph 137 that opportunities for new development should be sought in Conservation Areas that enhance or better reveal the significance of the Conservation Area. Where a proposal would cause less than substantial harm NPPF paragraph 134 explains that there should be public benefits from the scheme that outweigh that harm including putting the building to its optimum viable use.

6.3 The design of the proposed rear extensions at No. 51 whilst not exactly the same as those approved and constructed at No. 49 would add balance to the rear of these two properties and are clearly contemporary, providing a clear contrast between the old and new building at the site. This part of Alma Road provides a variation in the design and size of properties and this can

clearly be seen when viewing the row of properties from the rear. No. 49 and 51 form one set of semi – detached properties and No. 53 and 55 another set of semi – detached properties both sets completely different in design. It is therefore reasonable when assessing the impact of development on the conservation area to consider the impact of such development on its twin first and then the wider street scene. The design of the proposed extensions at No. 51 would in general terms mirror those of No. 49, it is considered that the proposals are of a high quality design and that this will preserve the appearance of the Conservation Area by providing an appropriately scaled balanced extension that is “of its time” while also achieving a considerable sympathetic approach to the extension of the building. In arriving at this recommendation special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.4 The proposed extensions are therefore also considered to achieve the aims of paragraph 126, and while some of the historic fabric - part of the rear wall and roof at ground and first floor level will be lost in views from surrounding public viewpoints- the extension and refurbishment of the dwelling will achieve the aim of paragraph 137.

Whether the proposal would increase the risk of flooding.

- 6.5 The area in which the extension is located is identified as being within Flood Zone 3 and as such Local Plan Policy F1 would be relevant. Local Plan Policy F1 identifies that within Flood Zone 3, residential extensions up to 30sq metres will not normally be regarded as conflicting with the flood plain. Policy F1 advises that the 30sq metres will be taken to include all additions that required planning permission since 26 September 1978. There appears to be an existing conservatory to the rear of the dwelling, however there is no planning history for this and as such this would not be considered under Local Plan Policy, and the property has the full 30 square metre allowance. The rear projection would appear to be an original feature of this property. The proposed extension would have a ground covered area of approximately 8.2sq metres. The proposal is therefore less than 30sq metres and satisfies the requirements of Local Plan Policy F1.

Whether the proposal would harm the amenities of the neighbouring residents.

- 6.6 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. 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. Light guidelines are provided in Appendix 12 of the Local Plan to assist with assessing whether a proposed extension would result in a loss of light to the neighbouring properties.
- 6.7 With regard to impact on the adjoining property no. 49 Alma Road, it is not considered that the proposed rear extensions will have a significant impact on the amenities of the neighbours in terms of loss of light or privacy over that which currently exists.
- 6.8 With regard to the neighbour amenity at no. 53 Alma Road this property has a side rear conservatory extending from the rear elevation to the line of the existing rear elevation of the application site. The proposal would extend the ground floor by 1m and increase the height from 2m at its lowest point to 3m. The proposed depth of the first floor extension would be approximately 6.4m at its highest point with the total height being approximately 6m (eaves) closest to the boundary with no. 53. At first floor level the proposed extension would not infringe the 60 degree daylighting angle from the closest rear-facing window of no. 53 Alma Road and therefore the upstairs rooms of this neighbour would not be adversely affected. No. 53 is situated to the south of no. 51 and therefore no blocking of sunlight would take place as a result of the proposed extension. The proposed two storey rear extension will be visible from the neighbour's conservatory and rear garden because of the relative positions of the two dwellings. However, the two storey element will be no closer to the side boundary than the existing side elevation of the dwelling (0.9m), it should be noted that Policy H14 (4) refers to a minimum setback at first floor level of 1m from the boundary with the neighbouring property this however, relates to side

extensions and not as in this case rear extensions and is designed to prevent a terracing affect between properties by reducing the gap. The proposed extension is set well down from the ridge of the main roof and will have a pitched roof which would serve to reduce its bulk near the boundary. Considering these factors, it is therefore considered that the proposal would not cause a harmful overbearing impact sufficient to justify refusal of the application.

- 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.

Highway and pedestrian safety.

- 6.10 Although the extension would increase the number of bedrooms in the property to five, it is considered that the apron parking in front of the property is sufficient for the house as extended, situated as it is within an urban area well served by public transport.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

Two occupiers were notified directly of the application.

The application was advertised in the Maidenhead and Windsor Advertisers on 2nd June 2016.

The planning officer posted a statutory notice advertising the application at the site on 10th June 2016.

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

Comment	Where in the report this is considered
1. With regard to Mr Evans (Bowen Evans) letter dated 20 June 2016, it states the scheme has been amended and "the roof has been lowered to match the height of the rear extension at number 49 Alma Road". Having compared the application drawing with the scheme approved and built at No. 49, I have marked on the ridge and eaves heights in red on the amended drawings to show how the current proposals are significantly higher than the extension to the adjoining house.	See Para. 1.4 and 6.3.
2. Furthermore, I should point out that 49 Alma Road is not adjacent to a residential property and is indeed some distance from the adjoining medical consultancy building so the impact of that extension are minimal and with no detrimental effects. The proposals at No. 51 however are in very close proximity and overbearing to my property [see attached marked photos]. Suffice to say I would not expect the ridge or eaves height of the extension to be any higher or the extension to be any deeper at first floor level than that at No. 49. This at the very least will reduce any unnecessary loss of day light currently enjoyed in my dining room and lessen the overbearing impact the proposed extension will have.	See Para. 6.8 (The proposal is no deeper than the scheme approved at no. 49 but is approximately 900mm higher).

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
The Windsor and Eton Society	The application refers to a two and a half storey extension but the "half" roofline height in the drawings show a full storey roofline making this a 3	The drawings have been amended to reduce the height and depth of the

	<p>storey extension.</p> <p>51 Alma Road is one of a pair of semi-detached Victorian villas in the Windsor Trinity Conservation Area. The application is at odds with the 2 storey extension to 49 Alma Road (the other semi) (reference planning application 07/01720). A comparison of the two drawings for both these extensions shows very clearly that the above application is to create a third floor extension and roofline.</p> <p>The proposal would unbalance this fine pair of Victorian villas. The opportunity should be taken to recreate a mirror image with an amended scheme in line with the 2007 scheme next door. This would enhance the Conservation Area.</p> <p>In addition, the excessive height and depth makes this proposed extension overbearing which would, in its current form, cause substantial harm to both the amenity of neighbours and the Conservation Area.</p>	<p>proposed extension, so visually it is now more in the style of first floor extension originally approved at no. 49. The proposal now offers a scheme that would visually add balance to the two dwellings.</p>
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8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan, plans 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.

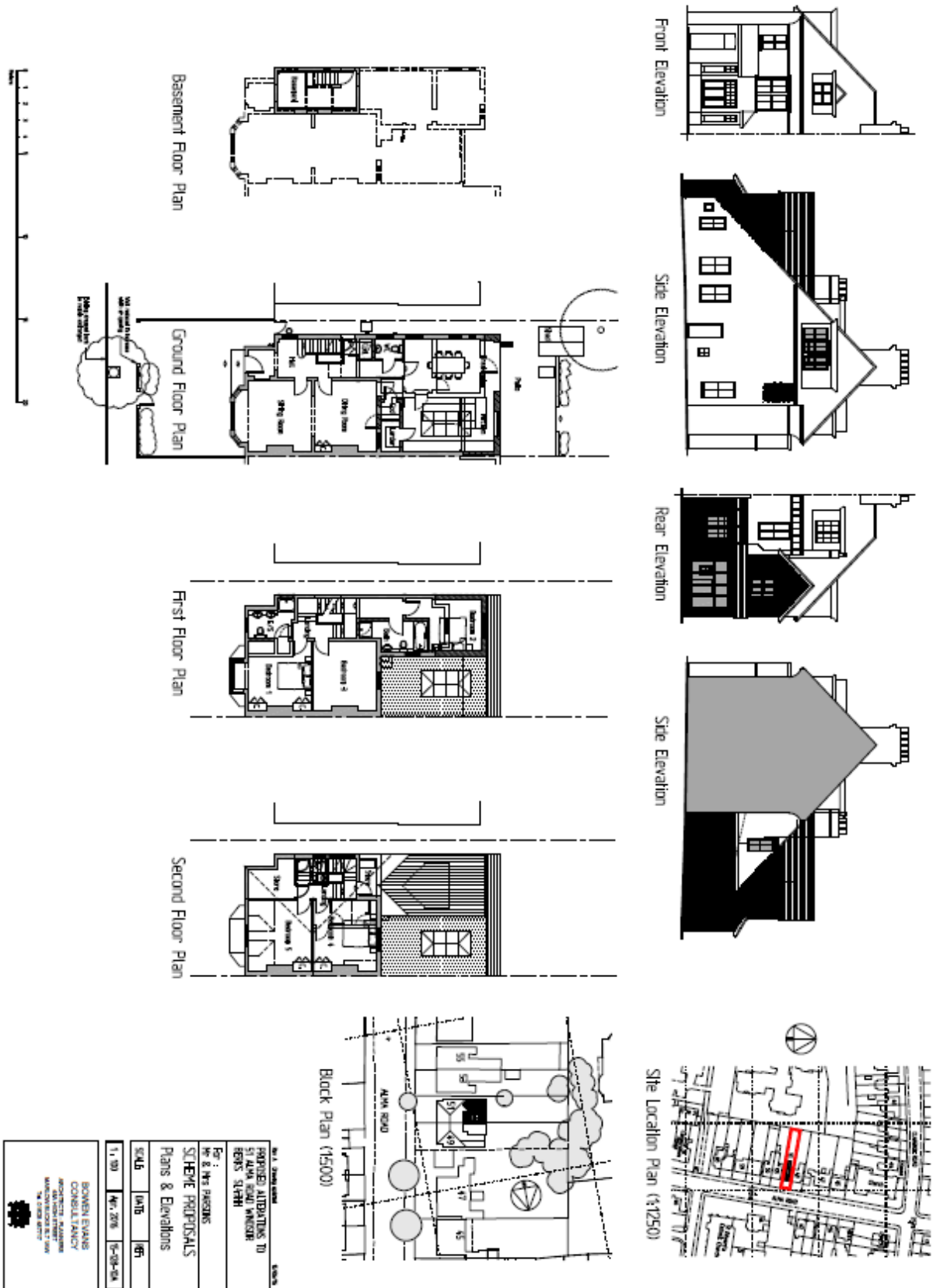
This recommendation is made following careful consideration of all the issues raised through the application. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

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 existing building unless first otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. No windows shall be inserted at first floor level in the north and 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 – 16/01578/FULL, 51 Alma Road, Windsor - Location Plan, Floor Plans and Elevations.



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 4

Application No.:	16/02221/FULL
Location:	Trevelyan Middle School Wood Close Windsor SL4 3LL
Proposal:	Single storey extension to West and two storey extension to East of main block
Applicant:	Mr Spencer - RBWM
Agent:	Mr Paul Ansell - The Anthony Smith Partnership
Parish/Ward:	Windsor Unparished/Park Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for two small extensions to the school's main block. The design and materials of the extensions will closely match the existing building. The proposal would therefore respect the character and appearance of the host building. Additionally the extensions would not be highly visible from the street and as such the character of street scene would not be harmed.
- 1.2 The proposal involves the removal of 4 trees to the west of the main block and 1 tree to the east. These trees, however, are not mature and as such they do not contribute significantly to the character of the area.
- 1.3 The orientation of the school buildings means that the proposed extensions will not face directly towards any neighbouring properties. The closest neighbouring property is also over 65 metres away. It is considered that there would be no significant harm to the amenity of neighbouring properties.
- 1.4 Parking requirements remain unchanged as the proposal merely seeks to increase the size of the existing classrooms.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is Trevelyan Middle School which is accessed off Wood Close in Windsor. The site comprises of a number of school buildings which are largely utilitarian in appearance. The site is located within a predominantly residential area with Bourne Avenue to the north and Wood Close to the east and south. The site is located partially within Flood Zone 3 and Zone 2; however, the proposed extensions are outside of these areas in Flood Zone 1.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1

Ref.	Description	Decision and Date
96/74451/FULL	Erection of single storey modular building to provide three classrooms, workshop and office and extension to music department to create drama studio.	Permitted 12.06.1996.
97/76310/FULL	To convert a grass verge running along the perimeter of the school into additional hardstanding parking spaces.	Permitted 28.01.1998.
98/77371/FULL	Erection of modular classroom and creation of	Permitted 17.11.1998.

	car parking area now occupied by horsa building.	
01/81302/FULL	Construction of a new had play area with 3.5m high ball screen fence.	Permitted 31.12.2001.
01/81619/FULL	Creation of new vehicular access from St Leonards Road incorporating new access road, car parking area and drop off/collection point; and creation of new vehicular access off Wood Close to serve existing parking area.	Permitted 27.07.2007.
02/82018/FULL	Demolition of existing buildings and erection of 99 dwellings with associated parking and access.	Refused 06.09.2002.
03/84063/FULL	Erection of a sub station.	Permitted 15.01.2004.
03/84507/FULL	Erection of single storey store room to the hall/dining room.	Permitted 09.12.2003.
08/01036/FULL	Installation of eight no. stretch fabric canopies.	Permitted 12.06.2008.

4.2 The proposal is for a single storey extension to the west and a 2 storey extension to the east of the main block. Both are flat roof extensions with heights of 6.6 metres and 3.6 metres for the 2 storey and single storey extension respectively. The proposed extensions are only 2.5 metres deep on either side of the building and increase the total floor space by approximately 105sqm. No new rooms are proposed, only extensions to an existing 8 classrooms. (Each classroom would have approximately 16m² additional space).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Section 7 (Requiring Good Design) and Section 8 (Promoting Healthy Communities)

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1	P4, T5

These policies can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on parking

The impact on the character and appearance of the area

6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposal is for extensions to the existing school buildings and the design and materials of the extensions will closely match the existing buildings. The proposal is therefore considered to respect the appearance and design of the host buildings. Additionally the extensions would not be highly visible from the street and as such the appearance and character of the street scene would not be harmed.

6.3 The proposal would result in the loss of 5 trees (4 to the west of the main block and 1 to the east). These trees are not mature nor are they covered by a tree preservation order. Their loss therefore would not have a significant negative impact on the character of the area.

The impact on residential amenity

6.4 The National Planning Policy Framework states that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The school is within a residential area; however, the closest neighbouring properties are over 65 metres away from the proposed extensions. The orientation of the school buildings also means that the proposed extensions will not face directly towards any neighbouring properties. It is considered that there would be no significant harm caused to the neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

The impact on parking

6.5 Policy P4 requires all new development to provide parking in accordance with the borough parking standards. However, parking requirements remain unchanged as the proposal merely seeks to increase the size of 8 existing classrooms.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

18 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 26.07.2016

No letters were received either supporting or objecting to the application

Other Consultees

	Comment	Officer Response
1.	Highways Authority - The Highway Authority offers no objections to the planning application.	See paragraph 6.5.
2.	Environmental Protection - This Unit has no objections to permission being granted.	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Existing and proposed plans

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

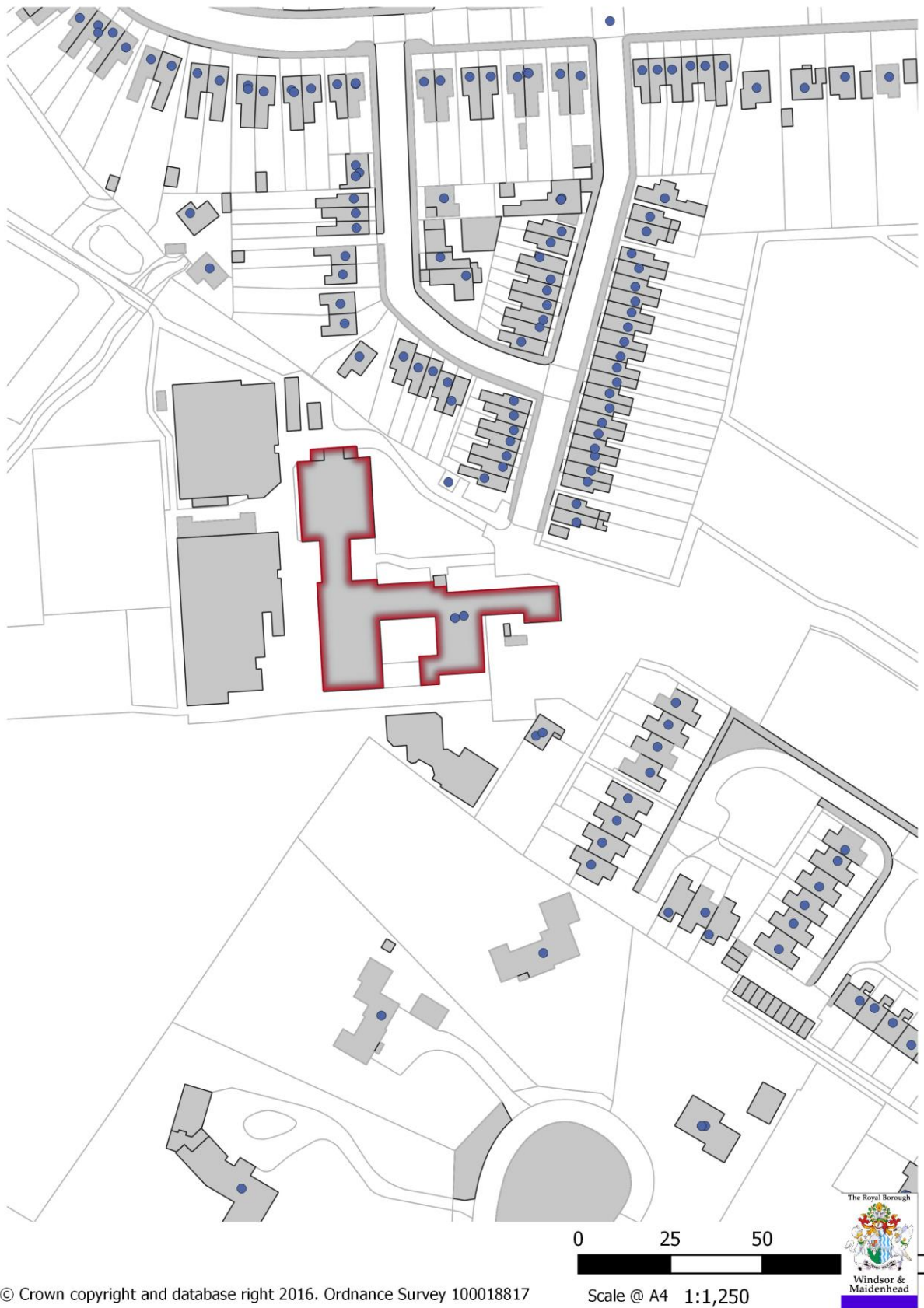
solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

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 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.
3. 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 – Trevelyan Middle School, Site Location Plan



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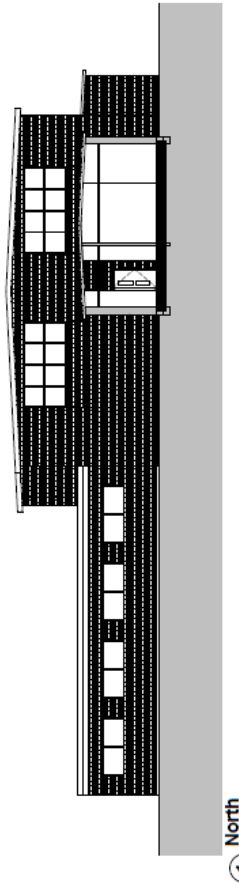
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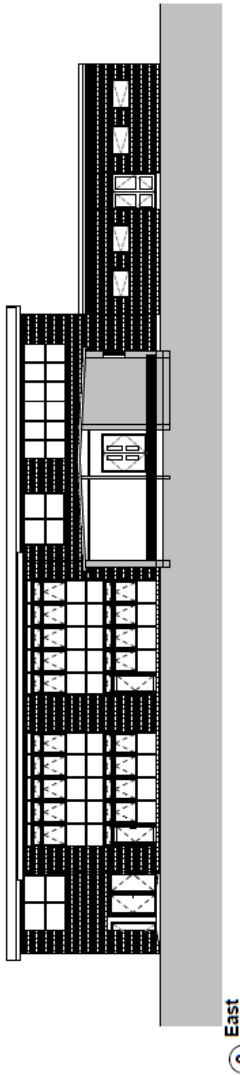
Appendix B – Trevelyan Middle School, Existing and Proposed Plans



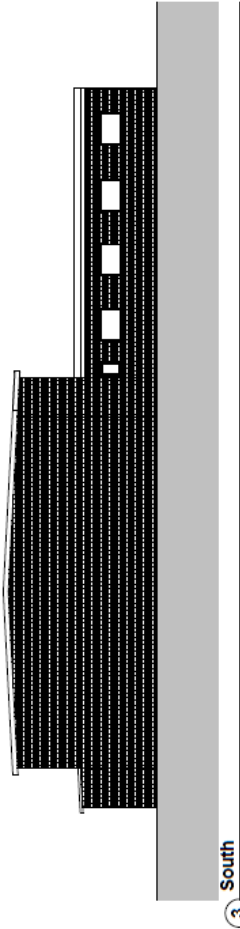
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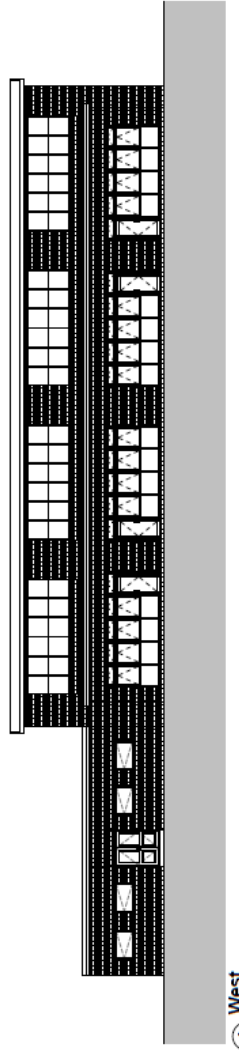
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3 South
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4 West
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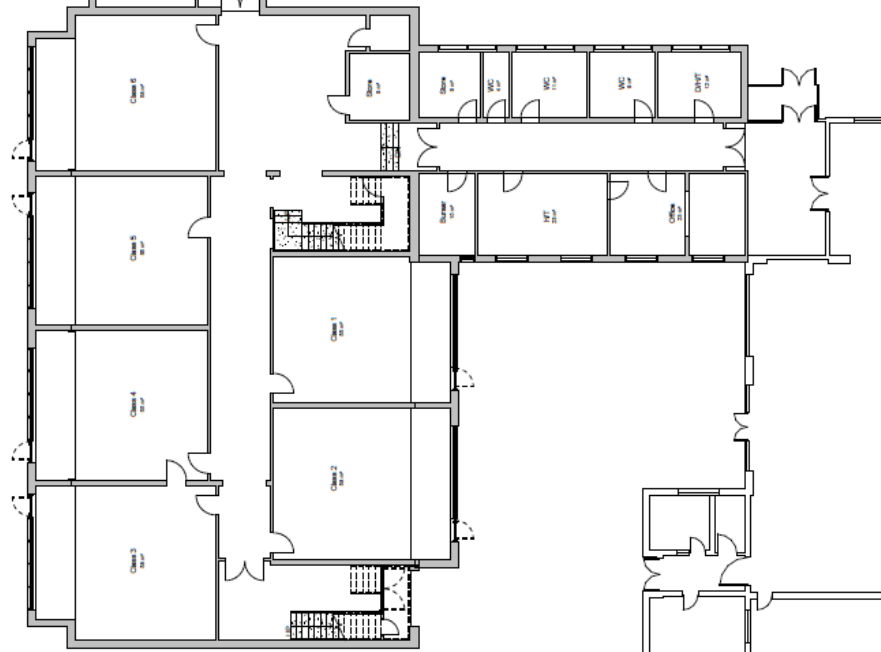
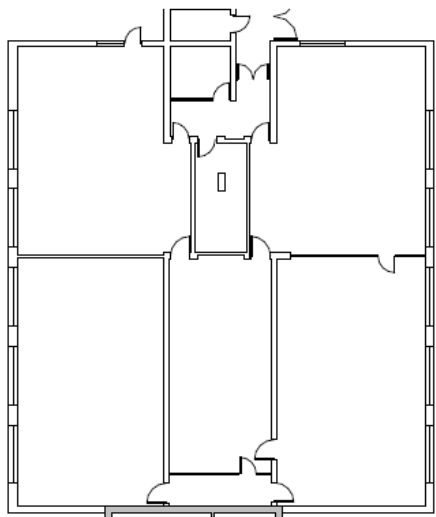
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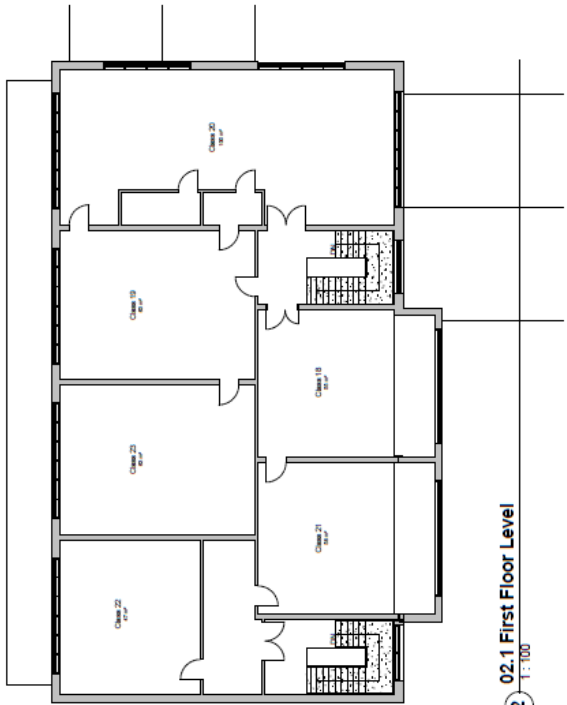
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2 02.1 First Floor Level
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Checked by: XXXXXXXXXXXXXXXXXXXX	
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Sheet No: XXXXXXXXXXXXXXXXXXXX	
Scale: XXXXXXXXXXXXXXXXXXXX	
Date: XXXXXXXXXXXXXXXXXXXX	
Project Location: XXXXXXXXXXXXXXXXXXXX	
Drawing Title: XXXXXXXXXXXXXXXXXXXX	
Drawing Status: XXXXXXXXXXXXXXXXXXXX	



1 01.1 Ground Floor Level
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2 02.1 First Floor Level
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THE ARCHITECTS ARCHITECTS 1150 G ST. SUITE 100 WASHINGTON, DC 20004 TEL: 202-462-1000 FAX: 202-462-1001 WWW: www.thearchitects.com	
PROJECT NO. 02.1 DATE: 02/15/10 DRAWING NO. 02.1-01	PROJECT NAME PROJECT LOCATION PROJECT OWNER PROJECT ARCHITECT
PROJECT NO. 02.1 DATE: 02/15/10 DRAWING NO. 02.1-01	PROJECT NAME PROJECT LOCATION PROJECT OWNER PROJECT ARCHITECT

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 5

Application No.:	16/02419/FULL
Location:	106 - 108 St Leonards Road Windsor
Proposal:	Reconstruction of front facade, bay detail and roof of 106 St Leonards Road, together with alterations and extension to roof to 106 and 108 to facilitate conversion of loft area to habitable accommodation with roof lights, internal reconfiguration of flat layouts and amendments to fenestration
Applicant:	Castle Homes (London) Ltd
Agent:	Ms Nicola Broderick - NMB Planning Ltd
Parish/Ward:	/Castle Without Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed roof alterations respect the character and appearance of the host dwelling and the surrounding area and the character of the conservation area would be preserved.
- 1.2 The proposed 2 x 1 bedroom flats and the 6 x 2 bedroom flats generate a need for 7 parking spaces. The site plan shows that 5 on site parking spaces can be provided, however the site is also entitled to 3 residential parking permits. Sufficient parking can therefore be provided.
- 1.3 The proposed alterations would not have a significant impact on the amenity of neighbouring properties.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin irrespective of the recommendation of the Head of Planning because the application is of public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The property was originally a pair of Victorian semi-detached dwellinghouses; however, the property has been in use as flats for many years. Currently there are 8 flats within the building; 4 x 2 bedroom flats, 3 x 1 bedroom flats and 1 studio flat. The building has previously been extended at the rear by 2 x 2 storey flat roof extensions either side of the central gable. The site fronts on St Leonards Road, however, vehicular access is via Osborne Mews to the south. The area is pre-dominantly semi-detached and terraced Victorian properties; however, a number of these have been extended in the past including roof level alterations. There are also some newer properties and there is a mixture of residential and commercial properties in the surrounding area. The site is located within the Inner Windsor Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
08/00473/FULL	Formation of an additional two 2 bed flats following roof alterations and 4 new dormer windows.	Refused 14.04.2008.
12/00904/FULL	Conversion of roof space with rear dormers to create 2 x studio flats.	Withdrawn 24.05.2012.

- 4.1 The proposal is for the reconstruction of the front façade, bay details and roof together with alterations and extension to the roof to facilitate the conversion of the loft into habitable accommodation. The existing building at the rear has 2 flat roof sections either side of a rear facing gable. The flat roof sections are 6 metres tall and the gable approximately 8.1 metres. The application proposes to add pitched roofs on top of the flat roof sections which will slope up from the existing 6 metre height to approximately 8.8 metres. The gable end will also be increased to match the main ridge at a height of 9.2 metres. 2 rear facing and 2 side facing Velux windows are proposed as well as 4 front facing Velux windows and a first floor side window on the north elevation.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 7 (requiring good design) and Section 12 (Conserving and Enhancing the historic environment)

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Conservation Area
DG1, H14	P4, T5	CA2

These policies can be found at:

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

Other Local Strategies or Publications

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

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The impact on the character of the host dwelling and the surrounding area and whether the character of the conservation area would be preserved or enhanced.
- ii The impact on the amenity of neighbouring properties.
- iii The impact on parking provision and highway safety.

The impact on the character of the host dwelling and the surrounding area and whether the character of the conservation area would be preserved.

- 6.2 The National Planning Policy Framework (NPPF) places great importance on good design and this is supported by Policies DG1 and H11 of the local plan which resist development which would be incompatible with the established street façade and would be of a scale that would be incompatible with or cause damage to the character of an area. The NPPF also places great importance on the conservation of heritage assets and sets out that proposals should be refused if substantial harm would be caused and in cases where less than substantial harm would be caused this should be weighed up against the public benefits of a proposal.

- 6.3 The proposed extensions and alterations would be contained within the existing footprint of the building and would assimilate well with the host dwelling. Whilst the raising of the roof would result in the extension no longer appearing subservient this is outweighed by the improvement of the loss of the two flat roof components. Whilst the proposed extensions would be visible from Osbourne Mew and Queens Road, the overall design of the extensions are, considered to be acceptable and the extensions would not be overly prominent from any public vantage points. The extensions would not detract from the character of the street scene and it is considered that the character and appearance of the conservation area would be preserved. In arriving at this recommendation special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The impact on the amenity of neighbouring properties.

- 6.4 A core principle of the National Planning Policy Framework requires that a good level of amenity is secured for all existing and future occupiers of land and buildings. The proposed extensions and alterations are contained within the existing footprint of the building and would be set away from neighbouring occupiers. The overall height of the building would also be unchanged. The roof extension would not therefore have any significant impact on the amenity of neighbouring properties. A number of Velux windows are proposed; however, as these are within the roof slope they would not cause direct overlooking to neighbouring properties. Furthermore there is already a number of first floor rear facing windows and as such the proposed Velux windows would not allow for views into private areas which are currently not overlooked. A side facing window at first floor level is also proposed; however, this would not materially alter the appearance of the building and does not therefore constitute development. This site also offers no on site amenity space. However given its location and proximity to areas of open space as well as the fact that the number of units is not increasing no objection is raised on this ground.

The impact on parking provision and highway safety

- 6.5 The site is circa 838m from Windsor and Eton Central Station and Windsor Town Centre which has many transport links and many pay and display car parks. Therefore the site is deemed to be within an accessible location. The site is located within in a Residential Zone E parking area where residential permits, pay and displays (8am – 8pm) and business permit parking (8am – 6pm Mon – Sun) applies. The site currently generates a need for 6 car parking spaces. The building will remain to have 8 flats, however, with extending into the loft the applicant has altered the layout of the 8 existing flats to; 2 x 1 bedroom flats, and 6 x 2 bedroom flats. This generates a requirement of 7 car parking spaces. Drawing number 16004/003 (proposed site plan) still only shows the existing 5 car parking spaces will be retained, therefore the parking shortfall will be increased to 2 spaces. However, the site is entitled to 3 residential parking permits meaning sufficient parking spaces can be provided. Access to the parking area to the rear of 106/108 St Leonards is via Osbourne Mews, this is an existing situation and there is no change to this access.
- 6.6 A cycle store has been provided for the site; however, it appears to be substandard. Revised plan/details would need to be submitted to ensure a practical cycle store is provided. This can be secured by condition (see condition 4 in section 10 of this report)

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution.

8. CONSULTATIONS CARRIED OUT

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 19.08.2016

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

Comment		Where in the report this is considered/Officer response
1.	Concerns were raised over the available parking for the site and the highway safety issues this would cause.	Paragraph 6.5.
2.	The application is retrospective.	It does not appear from the site visit that work is currently being undertaken and the collapse of the roof is believed to have come about from the internal works. The description has been amended to make clear that this application includes the re-building of the roof.
3.	Concerns were raised that the proposed Velux windows will cause unacceptable overlooking.	Paragraph 6.4.

Other Consultees

Consultee	Comment	Where in the report this is considered/Officer response
Conservation Officer	No objection.	Paragraph 6.3.
Highways Officer	Recommends approval subject to conditions relating to; <ol style="list-style-type: none"> 1. Vehicle Parking 2. Cycle Parking; and 3. Refuse storage 	Paragraphs 6.5 and 6.6. Also see conditions 3, 4 and 5 in Section 10 of this report.
Environmental Protection	No objections.	Noted.

9. 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 NPFF.

In this case the issues have been successfully resolved.

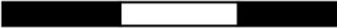
10. CONDITIONS IF PERMISSION IS GRANTED

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 materials to be used on the external surfaces of the development shall match those of the existing building unless first otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development. Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
4. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times. Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
5. 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.
6. The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A – Site Location Plan and Site Layout, 106 - 108 St Leonards Road



0 25 50



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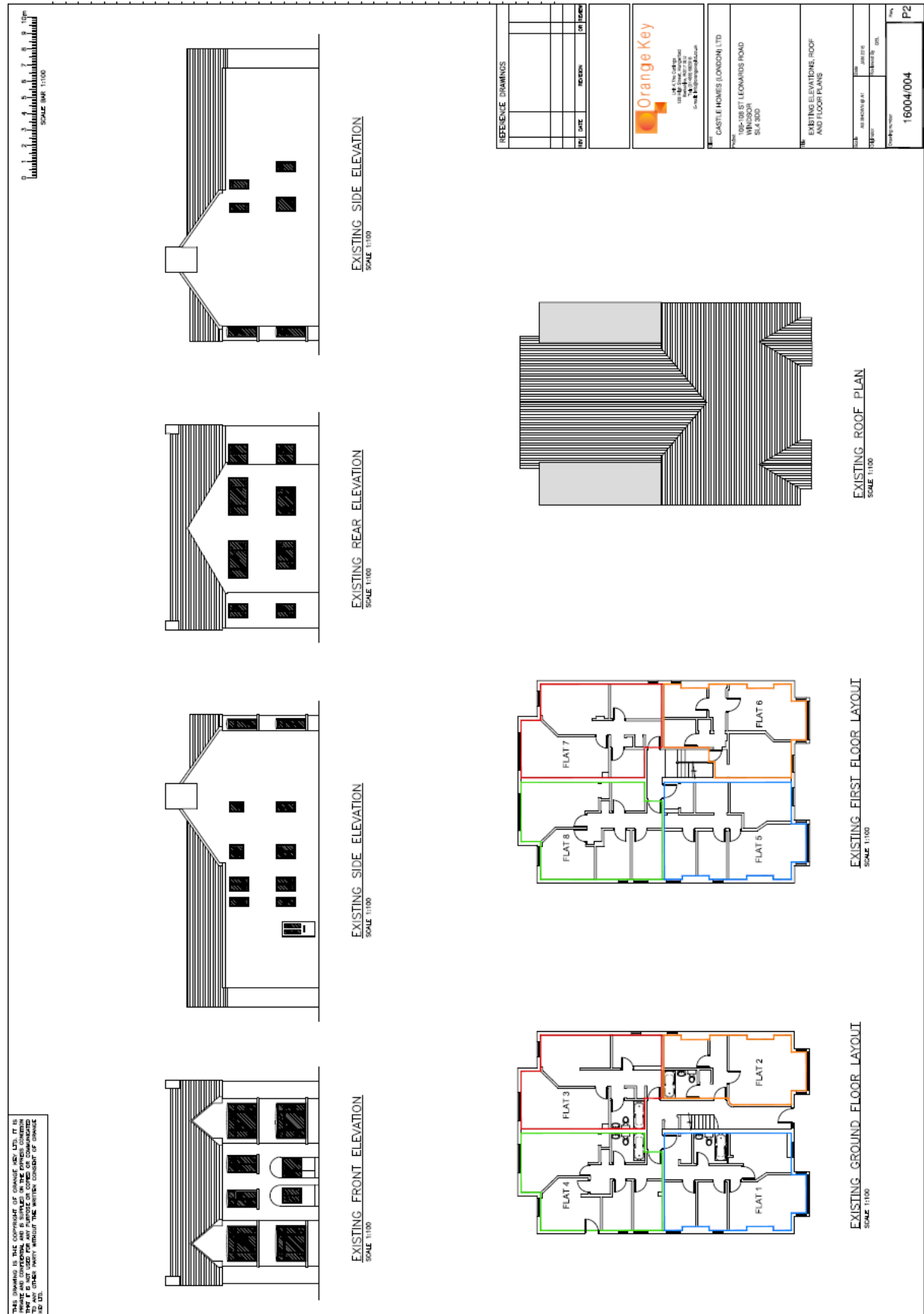
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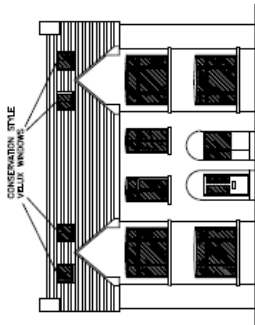


SITE PLAN
SCALE 1:100

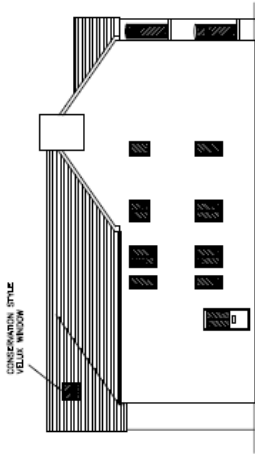


Appendix B - Plan and elevation drawings, , 106 - 108 St Leonards Road

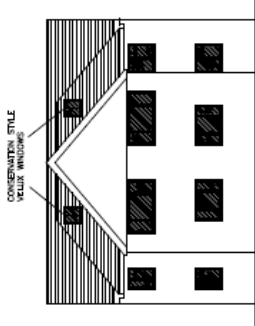




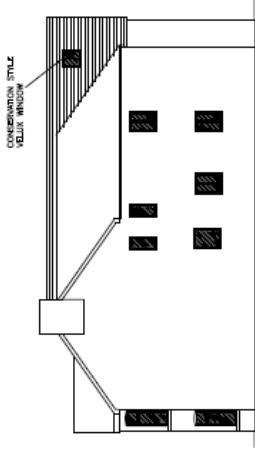
PROPOSED FRONT ELEVATION
SCALE 1/100



PROPOSED SIDE ELEVATION
SCALE 1/100

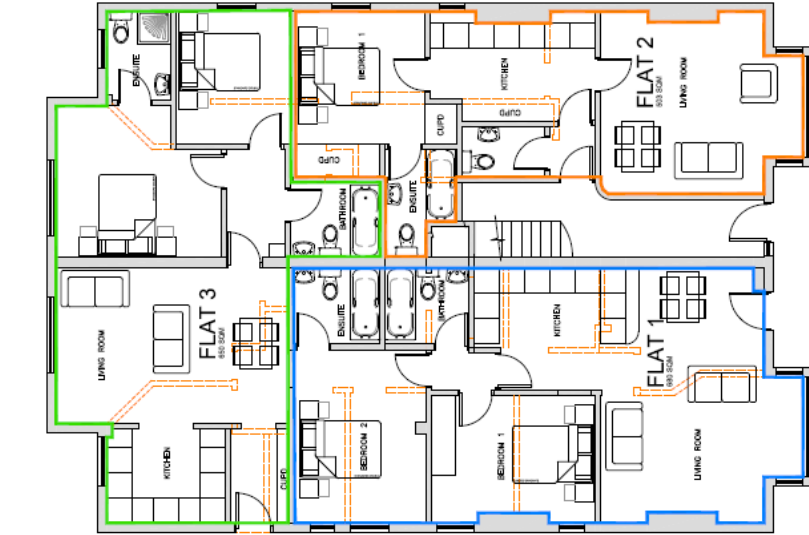


PROPOSED REAR ELEVATION
SCALE 1/100

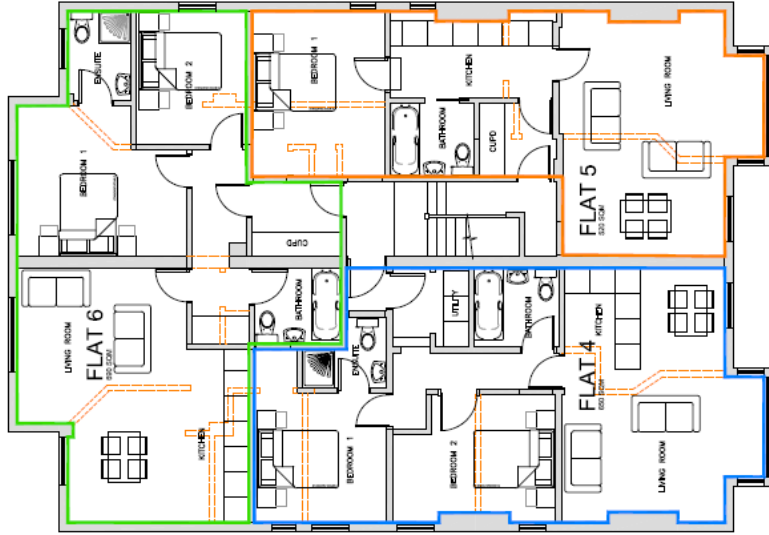


PROPOSED SIDE ELEVATION
SCALE 1/100

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PROPOSED GROUND FLOOR LAYOUT
SCALE 1:50



PROPOSED FIRST FLOOR LAYOUT
SCALE 1:50

REF	DATE	REVISION	BY

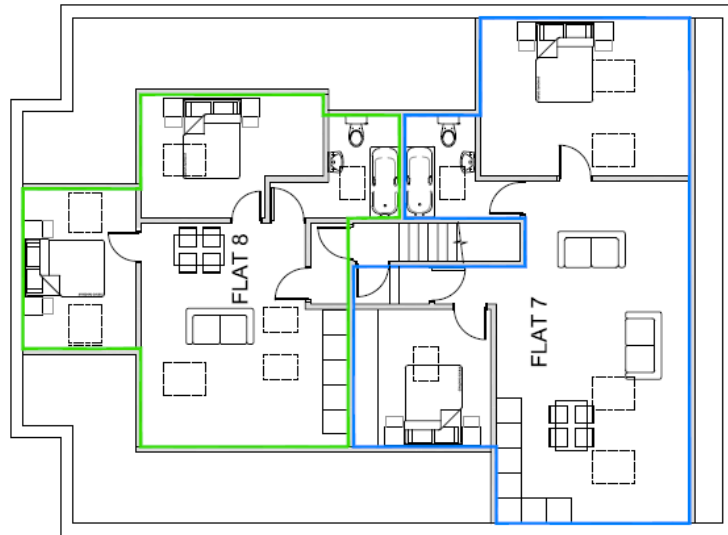


CASTLE HOMES (LONDON) LTD
168/169 ST LEONARDS ROAD
WINDSOR
SL4 3DD

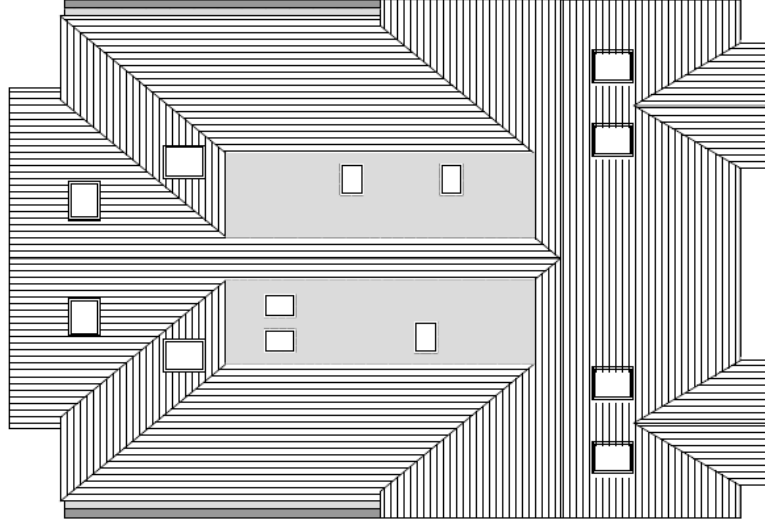
PROPOSED GROUND AND FIRST FLOOR LAYOUT

DATE	16 JAN 2016
BY	
CHECKED BY	
SCALE	1:50
PROJECT NO	16004/001
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PROPOSED LOFT FLOOR LAYOUT
SCALE 1/50



PROPOSED ROOF PLAN
SCALE 1/50

REFERENCE DRAWINGS		
NO	DATE	REVISION



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PROJECT
140-CITY ROAD (CONARMS ROAD)
WINDSOR
SL4 9SD

PROPOSED LOFT FLOOR
LAYOUT AND ROOF PLAN

DATE	20/01/2023	SCALE	1/50	DOC NO	160004/002
DATE	20/01/2023	SCALE	1/50	DOC NO	160004/002
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DATE	20/01/2023	SCALE	1/50	DOC NO	160004/002

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 6

Application No.:	16/02486/FULL
Location:	Conservation Workshop Prince Consorts Home Farm Frogmore Windsor
Proposal:	Erection of Conservation Workshop (revision to 15/00226/FULL).
Applicant:	The Royal Household
Agent:	Mr Matthew Brewer - RPS CgMs
Parish/Ward:	/Eton With Windsor Castle Ward
If you have a question about this report, please contact: Rachel Fletcher on 01628 685687 or at rachel.fletcher@rbwm.gov.uk	

1. SUMMARY

- 1.1 Full planning permission is sought for the erection of a purpose built conservation workshop for the Royal Estate. The application seeks to amend the approved scheme (15/00226/FULL) to provide a deliverable solution that will secure the relocation of the current workshop from Pug Yard, Windsor Castle. The proposal will deliver a unique facility. The previous scheme can not be delivered due to the need for an amended functional design.
- 1.2 The application site lies in the Green Belt. The proposed building would be inappropriate development in the Green Belt for which there are 'Very Special Circumstance' ('VSC') that would outweigh the substantial harm.
- 1.3 The proposed building would be within the Grade I listed historic park and garden of Home Park and within proximity of the 'model' garden buildings at the site, however would not cause harm to the significance of this designation. Minor landscaping improvements are proposed that would help the scheme assimilate into the Historic Park.
- 1.4 Due to the sensitive information submitted in support of the proposal a further report is provided confidentially in Part 2 of the Panel meeting. This is in accordance with advice provided in Planning Practice Guidance.

It is recommended the Panel authorises the Head of Planning:

To approve the application subject to no new substantive issues being raised following consultation and no call-in by the Secretary of State.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies within the Royal Gardens compound and it's 'model style' buildings, set within Windsor Castle Home Park. The Park is registered at Grade I and is located within the Royal Estate.
- 3.2 Home Park lies on the eastern side of Windsor Castle and is divided from the Main Windsor Great Park by the A308. The park is bounded by Windsor to the west and the River Thames to the east.
- 3.3 The Royal Gardens lie in a private area of the Royal Estate in the southern part of the Home Park. In the vicinity of the Royal Gardens are two farm, Shaw Farm to the west and the Prince Consort's Farm to the north east. To the north of the Royal Gardens is the Frogmore Estate.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
16/00669/CONDIT	Details required by condition 3 (hard and soft landscaping) 4 (details of railings, junction of cladding/plinth, walls, solar panels and bicycle shelters) of planning permission 15/01917/VAR as approved under 15/00226 for a new Conservation Workshop following demolition of the existing mushroom sheds and prefab concrete garages.	Approved 14.07.2016.
15/01917/VAR	New Conservation Workshop following demolition of the existing mushroom sheds and prefab concrete garages pursuant to 15/00226 without complying with condition 2 (materials), condition 3 (landscaping) and condition 4 (railings, cladding etc.) to allow submission of dates and approval periods for discharge of conditions to fit with building procurement programme.	Approved. 14.08.2015.
15/00226/FULL	New Conservation Workshop following demolition of the existing mushroom sheds and prefab concrete garages.	Approved 07.05.2015.

- 4.1 Planning permission is sought for a new 2-storey conservation studio building on the site of the former mushroom sheds.
- 4.2 The site will be accessed from the A308 and a driveway within Home Park leading to the Royal Gardens area. Parking for the facility will be located to the north west of the building and a loading bay will be housed inside the building itself.
- 4.3 The proposed building would have a rectangular footprint, be 2 storeys tall, with a dual pitch roof and central flat roof section. The eaves height of the building is 4.9m and the ridge height is 8.2m from the adjacent ground level. The land upon which the 'model' Royal Garden buildings are sited is approximately 0.5m higher than the proposed building site. The building is proposed to have fenestration in the walls and some in the roof. The exterior of the building is to be clad in horizontal timber. A small section of leylandii hedge is to be removed to the north of the proposed building to facilitate parking and new landscaping is proposed to the east. There is a line of cherry trees along part of the access route that runs to the north and east of the site.
- 4.4 The adjacent 'model' Royal Garden buildings to the west and south are primarily single storey, constructed of yellow stock bricks with red brick detailing and pitched, slate covered roofs. In the range to the south there is a 2 storey element. Some of these buildings are currently vacant. Further 'model' buildings are located to the south east. Numerous other single storey functional buildings and glass houses are located south of the 'model' buildings within the grouping. To the east are 3 cottage groupings. The site sits North West of the Windsor Farm Shop and south of Frogmore.
- 4.5 A detached cycle store to provide 10 spaces is proposed to the west of the workshop building. Details of the design of the structure are awaited, however it is expected that it would be low-height.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections relevant to this application are Core Principles, Section 7 design, Section 9 Green Belt, Section 10 flooding, Section 11 natural environment, Section 12 historic environment

Royal Borough Local Plan

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

Green Belt	Character of the area	Historic Parks and Gardens
GB1, GB2	DG1	HG1

These policies can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt;
- ii Impact on historic park and garden;
- iii Impact on landscape;
- iv Ecology;
- v Flooding;
- vi Archaeology; and
- vii Planning balance.

Green Belt

- 6.2 The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to keep land permanently open. Paragraph 89 of the NPPF indicates that with some exceptions, the construction of new buildings is inappropriate development in the Green Belt.
- 6.3 The proposed building would constitute inappropriate development in the Green Belt and therefore an assessment must be made as to whether there are very special circumstances (VSC) that clearly outweigh the substantial harm caused by inappropriateness together with any other harm, as required by paragraph 88 of the NPPF. This is assessed in the 'Planning Balance' section of the report at 6.23. Further information is provided in the accompanying Part 2 confidential report.

Impact on historic park and garden

- 6.4 The former mushroom sheds on the site have now been demolished however the garages to be demolished still remain. The sheds demolished and the garage were single storey, post-war structures of no architectural merit within the 'model' buildings they sat amongst. There are no concerns regarding their loss and impact on heritage assets. This was also the view taken with the previous planning permission.
- 6.5 The justification for the building in its form and size (as modified) is maintained from the earlier application with added justification to support the changes. The functional requirements of the building have driven the increase in height of the central portion of the building. Some fenestration changes have also been designed in to achieve better light levels. Overall, the building retains a simple, functional design, to be finished in a high quality manner. The height and mass of the building would not challenge the historical buildings within the vicinity. Conditions 2,4 and 5 have been included to ensure the external materials and finish are agreed.
- 6.6 The loss of a secondary landscape feature of Leylandii hedge would not impact on the significance of the historic park and garden. New landscaping would be more considered and less visually intrusive and would therefore enhance the setting of the model garden buildings.

- 6.7 The proposed development would not result in any harm to the significance of the heritage asset that is the Grade I registered park and would not impact on the setting of its immediate surroundings or importantly the wider setting of Windsor Castle and its associated listed buildings. In considering this planning application special regard has been had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would therefore meet the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies set out in the Government's National Planning Policy Framework document in particular those set out in section 12 of the document and would comply with RBWM's Local Plan policies HG1 and LB2.
- 6.8 The design of the new building has been carefully considered in the context of its surroundings as well as in the wider context of a changing environment to which it presents a responsible approach. The suggested architecture is simple resulting in a functional building totally fit for purpose, recognising and responsive to its important historic surroundings. The proposed design would therefore meet national design policies set out throughout the Government's National Planning Policy Framework.

Impact on landscape

- 6.9 The proposal would be located on a flat site that is surrounded by largely level land. Home Park slopes gently from north to south but it is not pronounced in this location. The land around the site is used as agricultural fields, mainly set to arable crops. Many tracks and vehicle routes near the site, and leading to it, are tree lined with modest height species.
- 6.10 Whilst there will be an increase in height and volume of the buildings on the site (ridge height increased by 0.25m and the central, flat roof section height increased by 1.9m) and, compared to the mushrooms sheds and the earlier approved scheme, it is considered that this has been minimised as much as possible. The building will be located within an existing building footprint and is no taller than the tallest building within the model buildings nearby.
- 6.11 The site generally is not visible within the wider landscape due to screening features. The proposed building sits within an existing complex of building that site primarily to the south and would not be prominent. Instead it would be assimilated and anchored into the landscape as part of the existing grouping.
- 6.12 The additional landscaping proposed will break up the appearance of the elevation, provide appropriate screening and set the building better into its context. Condition 3 is attached to ensure the landscaping is achieved.

Ecology

- 6.13 In terms of the NPPF, protecting and enhancing the natural environment forms part of 'Environmental Role' dimension of 'Sustainable Development' and is one of the Core Planning Principles (bullet point 7). The applicant has submitted field surveys and assessments of the habitat within and outside of the site to demonstrate that the proposals will not harm existing habitats and they outline opportunities for biodiversity enhancement.
- 6.14 No protected species habitat or roosting/nesting sites were identified, other than the potential for songbirds in the hedgerow. Any works affecting the birds would have to take place outside of bird nesting season. An informative is recommended setting this out.
- 6.15 Therefore, no concerns are raised regarding the proposal and impact on protected species.

Flooding – surface water

- 6.16 The proposed development would be located in flood zone 1 which is considered to have low probability of river flooding. There would therefore not be any significant risk from this type of flooding.
- 6.17 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into

the causes of the 2007 floods which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of ‘flash flooding’. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface.

6.18 A flooding assessment was undertaken and submitted with the application, incorporating comments from the Lead Local Flood Authority and Thames Water regarding foul water surface drainage.

6.19 Comments from the Local Lead Flood Authority (LLFA) are awaited and will be reported in the Panel Update.

Archaeology

6.20 The archaeology assessment submitted indicates the possibility of areas of archaeological interest in a field adjacent where a ground source heat pump is proposed outside the red line area. Comments from Berkshire Archaeology (RBWM archaeology advisors) pertaining to the similar 2015 scheme recommended a watching brief only for the ground source heat pump area. As this area is outside the red line it is not appropriate to attach a condition to this effect.

6.21 The report submitted confirms that the land below the mushroom sheds has been previously disturbed and is not likely to hold anything of archaeological interest.

6.22 In conclusion, there is no concern regarding impact on unknown archaeology within the site area.

Planning balance

Very Special circumstances (VSC)

6.23 The applicant has put forward the case for VSC which relates to the need for the conservation workshop and specifically at this site. This contains sensitive information which cannot be disclosed in Part 1. No other harm from the proposal has been identified. Therefore, it is considered that the significant weight to be given to the VSC outweighs the substantial harm that the workshop would cause to the Green Belt.

6.24 Further, to the VSC case, the NPPF requires a balancing exercise of benefits against harm. In this case, the harm to the Green Belt is considered to be outweighed by the conservation benefits.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 In line with the Council’s Charging Schedule the proposed development would now be CIL liable. However, the required CIL payment for the proposed development would be £0 based on the proposed use which does not raise a fee in the RBWM schedule.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The officer posted a statutory notice advertising the application at the site on 11 August 2016 and again on 23 September 2016. The proposal was also advertised in the paper on 29 September 2016.

No letters of representation were received.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Historic	No comments.	N/A

England		
The Gardens History Trust	No comments.	N/A

Other Consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	To be reported at Panel.	N/A.
RBWM Highways	To be reported at Panel.	N/A.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

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

In this case the issues have been successfully resolved.

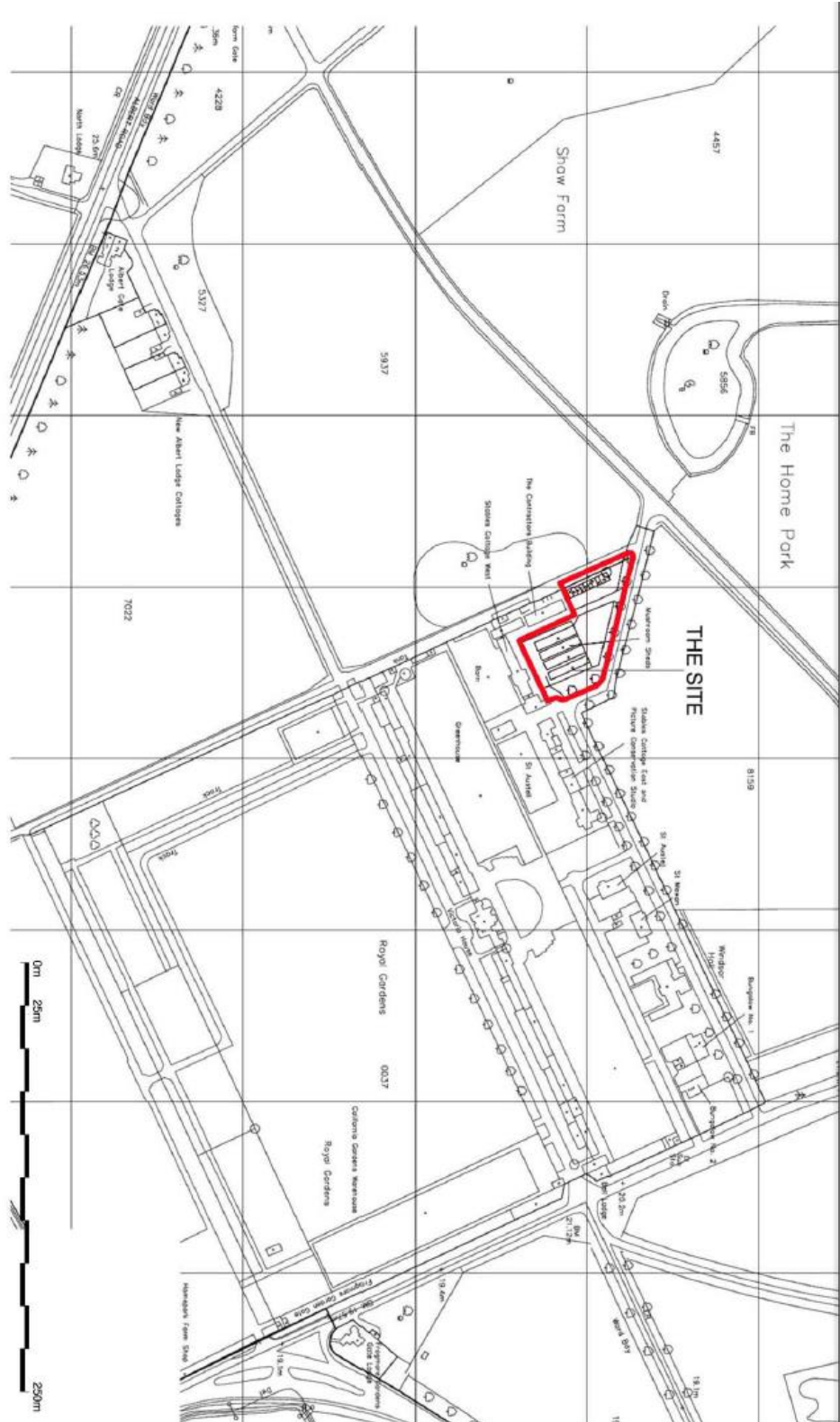
10. CONDITIONS IF PERMISSION IS GRANTED

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. Prior to undertaking any works to the external skin of the building samples of the materials to include all materials for external skin, rainwater goods, windows, doors external vents and flues, solar panels and rooflights to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details. Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1, HG1
3. The development shall be implemented in accordance with details of hard and soft landscape works. These details shall be submitted to and approved in writing by the Local Planning Authority and the landscaping works shall be carried out as approved within the first planting season following the substantial completion of the development. The landscaping shall thereafter be 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 size and species as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation. Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, HG1.
4. Prior to their installation section details of windows and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved detail. Reason: In the interests of the visual amenity of the area. Relevant Policies - Local Plan DG1, HG1.

5. Prior to their installation details of the materials and design of the proposed external steps and railings shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved detail. Reason: In the interests of the visual amenity of the area. Relevant Policies - Local Plan DG1, HG1.
6. Prior to its construction plans showing the approved cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. Reason: In the interests of the visual amenity of the area. Relevant Policies - Local Plan DG1, HG1.
7. The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A

Site location plan



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 7

Application No.:	16/02702/FULL
Location:	23 And Land At 21 Clewer Hill Road Windsor
Proposal:	2 No. detached houses, pair of semi detached houses and new access following demolition of existing dwelling at No. 23.
Applicant:	Quantum Estates
Agent:	Mr Paul Dickinson
Parish/Ward:	/Park Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for 2 new detached dwellings and a pair of semi-detached dwellings, following the demolition of number 23 Clewer Hill Road. The development is considered to have an acceptable impact on the character and appearance of the area, where a mix of housing styles exist, and the development is not considered out of keeping with the pattern and form of development in the area.
- 1.2 The proposed development will be visible from neighbouring properties, however, it is not considered that the development would be unduly overbearing or would result in unacceptable levels of overlooking to neighbouring properties to warrant refusal of the application.
- 1.3 The scheme would provide sufficient on-site parking in accordance with the Council's Parking standards, and is considered to have an acceptable impact on highway safety.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of a detached bungalow set in a long garden (23 Clewer Hill Road), and a detached dwelling number 21 Clewer Hill Road and its rear garden.
- 3.2 The surrounding sites to the application site are:
 - to the south-east side, the gardens of 17 and 19 Clewer Hill Road and beyond this a flatted development at Byron Court;
 - on the north-western side, 25 Clewer Hill Road, another smaller detached property; and,
 - to the rear is 11 and 12 Kimber Close.
- 3.3 The style of size of residential properties is varied along Clewer Hill Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
02/82563/FULL	Erection of 18 three bedroom dwellings following demolition of existing properties.	Would have refused; appeal on grounds of non-determination was dismissed.

02/82564/FULL	Erection of 18 three bedroom dwellings following demolition of existing properties.	Refused, 01.11.2002.
16/01440/FULL	Erection of 9 dwellings and new access, following demolition of number 23.	Refused on the 30.06.16.

- 4.1 The proposal is to demolish the detached bungalow at 23 Clewer Hill Road and build two detached houses, and a pair of semi-detached houses. A detached dwelling would be built in the place of number 23 Clewer Hill Road. A new detached dwelling and a pair of semi-detached dwellings would be constructed at the rear of the application site. The proposed dwellings would have a mix of pitched and hipped roofs. The dwellings would be finished in a mixture of brick and tile hanging. A new vehicular access to the houses at the rear of the site would be created between the new detached dwelling at the front of the site (plot 1) and the dwelling at number 21 Clewer Hill Road.
- 4.2 The scheme provides for areas of hardstanding for parking bays in front of the new dwellings, and each dwelling would have 2 car parking spaces. The plans show the provision for some new soft landscaping within the scheme.
- 4.3 The heights of the proposed dwellings are set out below.

	Height to ridge (metres)	Height to eaves (metres)
Plot 1	9	5.1
Plot 2	9	5.1
Plots 3 and 4 (semi-detached)	9.4	5.1

- 4.4 This application submission follows the refusal of planning permission for 9 dwellings (where the application site was larger), which was refused on the following grounds:

The layout and design of the proposed buildings would result in cramped relationships with the surrounding residential development that would be harmful to the character of the surrounding area, and would introduce a scale of built form that would be harmful to the character and amenity of its surroundings. This harm would arise from: The width of the two terraces across the site; the proximity of the two buildings comprising Plots 2 - 9 and of the ends of the access road to the side boundaries, which would result in there being little space available for significant planting along these boundaries that could assist in mitigating the impacts of the development on the properties to either side; and the amount of hardstanding in front of the Plots 2 - 9 houses, which would result in a blurring of the clearly defined plots at this site. The proposal is therefore contrary to saved policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and to advice in the National Planning Policy Framework Section 7 (Requiring Good Design).

The proposed would be detrimental to the privacy of surrounding properties at Clewer Hill Road and Kimber Close, particularly from overlooking second floor windows in the proposed townhouses (Plots 2 - 9) and from the rear balconies at Plots 6 - 9. In addition the siting and width of the terraced buildings on the rear of the plot combined with their height would present a mass that would be harmful to the outlook of the occupiers of Kimber Close. The proposal would be contrary to Core Planning Principle 4 of the National Planning Policy Framework.

While the level of car parking would be sufficient for nine 3-bedroom dwellings some of the dwellings could be utilised as four-bedroom houses, and the development does not provide sufficient car parking to meet the likely level of future demand for car parking. As such, the proposal is contrary to Local Plan Policies DG1, P4 and T5.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework (NPPF):

Paragraph 14 - presumption in favour of sustainable development;
Paragraph 17 - good standard of amenity for all; and,
Paragraphs 56, 57, 60 and 64 – Design.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Aircraft noise
DG1, H10, H11	P4, T5	NAP2

Other Local Strategies or Publications

5.3 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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i the impact upon the character and appearance of the area;
- ii the impact on the living conditions of occupiers of neighbouring properties;
- iii the living conditions of future occupiers at the development;
- iv impacts on biodiversity within the site;
- v highway safety and parking

Impact on the character and appearance of the area

6.2 The site consists largely of rear garden land, which is not considered as previously developed according to the NPPF. However, land may be developed within urban and suburban areas, provided that the key planning policy requirements at both National and Local level are properly addressed. At the local level, Local Plan policies H10, H11 and DG1 are all relevant in considering the layout, character and appearance of new residential development. These policies are considered to be consistent with those of the NPPF.

6.3 The Council's Townscape Assessment (TA) is of assistance in interpreting local character, classifying the Borough's urban areas into 17 townscape types and, within each townscape type, identifying character areas. The application site is set within an 'interwar suburb' townscape, specifically character area 8P. On the northern side of Clewer Hill Road is the Victorian Village character area 5D, and the 'late twentieth century suburb', character area 10AC abuts the site on its southern side. All three of these character areas are typical townscapes of their type, although directly to the east of the site, Byron Close is an atypical large flatted development that

is mainly three stories in height. This Close was formed across the site of the former 13 Clewer Hill Road and former rear garden land at 7, 9, 11 and 15 Clewer Hill Road, and provides 29 flats in a three storey building.

- 6.4 The proposed dwelling on plot 1 (to replace number 23) is considered to have an acceptable impact on the streetscene. In looking at the pattern of development within this part of Clewer Hill Road, it can be seen that dwellings on this side of the road tend to be set close to the road, with long rear gardens, however, the flatted development at Byron Court is set well back from the road, and this building also forms part of the character of the area.
- 6.5 It is also important to consider that the previous application for dwellings was not refused on the basis that the development to the rear of this land was unacceptable.
- 6.6 This scheme is considered to be materially different from the previously refused scheme. The previously refused scheme was deemed to be harmful to the character of the area, owing to the width of the buildings, the proximity of the buildings to the side boundaries, and the extent of hard surfacing in front of the buildings. Compared to the refused scheme where there were two blocks of terraced houses at the rear of the site, the proposed dwellings are more broken up in scale and massing. Instead of the long terraced buildings, the built form now comprises a detached and semi-detached dwelling, and the use of hipped and gable roofs reduces the mass of the building compared to the mansard roof that was used in the previously refused scheme. Even though the ridge heights of the dwellings are higher in this application, the eaves are 0.9 metres lower than in the previously refused scheme. It is considered that the overall scale massing of the buildings has been reduced from the previously refused scheme.
- 6.7 In respect of hardstanding, whilst it is acknowledged that a fairly large amount of hard surfacing would be laid down in front of the dwellings, and it would be a dominant feature, this scheme does allow for more soft landscaping than in the previous scheme.
- 6.8 It is understood that trees were previously cleared from the site; however, these were not subject to Tree Preservation Orders. It is not considered that there are any trees or vegetation on the site which are worthy of retention, and some smaller trees could be planted as part of the landscaping scheme if this application is approved (see condition 5).
- 6.9 The proposed dwellings are considered to be of a good design, and are considered to fit appropriately with the mix of housing styles in the area.

The living conditions of occupiers of neighbouring properties

- 6.10 This scheme does not have second floor windows or balconies in their rear elevations that face Kimber Close (this was part of the reason for refusal in the previous application). Whilst the proximity and relationship of the proposed buildings with the rear gardens of Kimber Close remains largely the same as in the previously refused scheme, the scale and mass of the buildings have been reduced from the previous scheme, as there is no longer a solid terrace. In addition, the style of roofs proposed is less bulky and imposing than the mansard roof in the previous scheme.
- 6.11 As a guide, habitable room windows which directly face each other should be at least 21 metres away from each other. The proposed dwellings would be over 21 metres away from the rear elevations of the dwellings on Kimber Close (numbers 11 and 12), and so it is not considered that the development would give rise to unacceptable levels of overlooking in the habitable room windows of these dwellings.
- 6.12 The first floor windows in the dwellings on plots 2-4 will be visible above the boundary wall with Kimber Close, and so the development will give rise to some views into the rear gardens of numbers 11 and 12 Kimber Close. However, given that the first floor windows in the rear elevations of the proposed dwellings are at least 11 metres away from this boundary wall, it is not considered that the first floor windows would give rise to an unacceptable level of overlooking to these rear gardens to warrant refusal on these grounds. It should also be noted that garden areas are afforded less protection in terms of privacy and overlooking than habitable rooms windows. It is considered that if new dormer windows were inserted in the rear roofspace of the dwellings on plots 2-4 that this is likely to give rise to unacceptable overlooking in to the rear

gardens of 11 and 12 Kimber Close (from elevated views), and as such a condition to remove permitted development rights to insert dormer windows in the rear elevations of these properties is recommended (see condition 8).

- 6.13 The dwellings, and particularly the roofs will be visible from numbers 11 and 12 Kimber Close. However, the test is not whether they are visible, but whether the building would harm the outlook from these properties. The style of the roofs of the dwellings on plots 2-4, means that the roofs slope away from numbers 11 and 12 Kimber Close, which helps to reduce the impact. Given that the gardens to numbers 11 and 12 Kimber Close are fairly spacious, and owing to the reduction in scale and mass in this scheme, it is considered that the new dwellings would not be overly oppressive or overbearing to the gardens of Kimber Close to warrant refusal on these grounds. Also, given the distances between the proposed dwellings and the neighbouring dwellings on Kimber Close, it is not considered that the scheme would result in an unacceptable loss of daylight or overshadowing to habitable room windows in numbers 11 and 12 Kimber Close.
- 6.14 The side facing windows at first floor level and above in plots 2 and 4 would not face any private amenity outdoor space in neighbouring dwellings, and so the relationship is considered to be acceptable. Looking at the relationship of the proposed dwellings on plots 2-4, with numbers 19 and 25 Clewer Hill Road, there would be an oblique relationship with the windows in the front elevations of these proposed dwellings, and the rear gardens and dwellings on these neighbouring plots, as such it is not considered that unacceptable levels of overlooking would arise.
- 6.15 There is a side facing bedroom window in number 25 Clewer Hill Road, however, given that there is a gap of 2.6 metres between the dwelling on plot 1 and the side elevation of number 25, it is not considered that there would be an unacceptable impact on this window. The side facing bedroom window in number 25 is the only window serving this room, but has been created as result of an extension to this dwelling. The proposed dwelling on plot 1 would breach the 25 degree light angle to a dining room window at ground floor level in the side elevation; however, the extension to this dwelling resulted in this being the only window to the dining room. It also has to be taken into account that side facing windows do not normally have the same freedom from visual intrusion that normally applies to windows contained in principal front or rear elevations.

The living conditions of future occupiers at the development

- 6.16 It is considered that each of the proposed dwellings would have reasonably sized gardens, for future occupiers. Each of the gardens would be between 8-10 metres deep and 8-9 metres wide. Also, the distances between the proposed new dwellings at the rear of the site and the rear elevations of the dwellings fronting Clewer Hill Road (plot 1 and number 21) are in excess of 20 metres, and so there is not considered that there would be unacceptable levels of overlooking arising between these dwellings. There is a window in the second floor level in the dwelling on plot 1 which would face the parking bays in front of the proposed dwelling on plot 2; this area is not a private amenity space, and so the views onto this area is considered to be acceptable.

Impacts on biodiversity within the site

- 6.17 An ecological walk over survey was undertaken in March 2016. The conclusions of this walkover survey was that there was no evidence of protected species on site.

Highway safety and convenience

- 6.18 The car parking provision of two spaces per dwelling complies with the maximum requirement for three-bedroom dwellings in the Council's *Parking Strategy*. The parking spaces comply with the dimensions for the parking spaces (2.4x 4.8 metres), with a 6 metre gap behind the parking bays to allow the cars to manoeuvre out of the parking spaces. The site layout plan shows that a refuse vehicle can manoeuvre within the site to leave in a forward gear.
- 6.19 The site layout plan shows that visibility splays of 2.4 x 43 metres can be provided, which are considered sufficient on Clewer Hill Road. The proposed access arrangements, and level of traffic from the development is considered to be acceptable in terms of highway safety. Comments from the Highways Authority will be reported in the Panel Update.

Housing Land Supply

- 6.20 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is considered that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

Other material considerations

- 6.21 Reference is made to the developer coming into to get planning permission on the adjacent land if this scheme is permitted. This application can only consider the plans put forward.
- 6.22 An objector raises concern over light from windows in the new dwellings, or new external lighting that could cause light pollution. It is not considered that such light would result in detriment to neighbouring dwellings to warrant refusal.
- 6.23 The Lead Local Flood Authority has recommended a condition on surface water drainage, but as this is not a major application there is no requirement under planning policy for the development to provide a scheme that would meet Government's requirements.

7. COMMUNITY INFRASTRUCTURE LEVY

1. The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

56 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on the 9th September 2016.

Interested parties have until the 5th October 2016 to comment, and any new planning matters raised will be reported in the Panel Update.

To date, 2 letters have been received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The scheme is overdevelopment.	6.5-6.6.
2. Overlooking into neighbouring gardens.	6.10-6.14.
3. Developer references Byron Court- this site was formerly industrial and this scheme is on garden land.	6.4.
4. The developer is likely to develop the other garden land next to the application site; this would change the character of the area.	6.20.
5. This scheme is not materially different from the previous scheme refused.	6.6.
6. This development is cramped and bulky.	6.5-6.6.
7. The dwellings are three stories in height, and higher than the previous scheme refused.	6.6.
8. There is only a gap of 1.5 metres between the detached dwelling and semi-detached dwelling; as such it will appear as one single mass.	6.6.
9. The windows in the rear elevations of the dwellings facing number 12 Kimber Close would result in loss of privacy to the bedroom windows	6.12.

	in this dwelling.	
10.	Potential light pollution from windows in the new dwellings without curtains and from any external lighting installed.	6.21.
11.	This development is swallowing up gardens.	6.2-6.6.
12.	A number of trees were removed from this site. This application contains no information on tree planting.	6.8.
13.	Concerns over detriment to highway safety onto Clewer Hill Road.	6.18.

One letter of support has been received, summarised as:

Comment		Where in the report this is considered
1.	The development is much less intrusive than Byron Court and similar in scale to properties on Clewer Hill Road.	Noted.
2.	This development is further away from the properties on Kimber Court than the Byron Court development.	Noted.

Consultee responses

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Offers no objection, but asks for a condition for the surface water drainage system to be implemented in accordance with the detailed design submitted.	6.22.
Environmental Protection	No objection, subject to a condition for details of acoustic measures to be submitted.	See recommended condition.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed layout
- Appendix C - Elevations and floor plans
- Appendix D - Plans for previously refused scheme.

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.

10. 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. Prior to the construction of the dwellings hereby approved, samples of the materials to be used on the external surfaces of the dwellings shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1.

3. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

4. No development shall take place until detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside the application site, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: In the interest of the visual amenities of the area. Relevant Policy - Local Plan DG1.

5. Prior to the construction of the dwellings hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

6. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

7. No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

8. Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house on plots 2, 3 and 4 as shown on the approved plans the subject of this permission shall be carried out.

Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed, and it is required to restrict dormer windows being inserted in the rear of the roofspace of the dwelling so as to prevent unacceptable overlooking to the gardens on Kimber Close. Relevant Policies - Local Plan H11, DG1, and in accordance with a core principle of the NPPF.

9. The window(s) in the western elevation(s) of the dwelling on plot 1 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above. No further

windows shall be inserted in this elevation (including the roofspace).

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. In accordance with the requirements of the NPPF.

10. Details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against aircraft noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences.

Reason: To protect the residential amenities of the development from aircraft noise and to accord with the Local Plan Policy NAP2.

11. Prior to the installation of any outdoor lighting, details of the lighting (specification of the lights, LUX levels and operational times) along the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so retained as operational thereafter.

Reason: In the interests of the amenity of the occupiers of neighbouring properties.

12. No gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience. Relevant Policy - Local Plan DG1

13. 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 plan



Appendix B – Proposed layout



Appendix C- Proposed Elevations and floor plans

Plot 1





GROUND FLOOR PLAN
1:50
PLOT 1



FIRST FLOOR PLAN
1:50
PLOT 1



SECOND FLOOR PLAN
1:50
PLOT 1



ROOF PLAN
1:50
PLOT 1

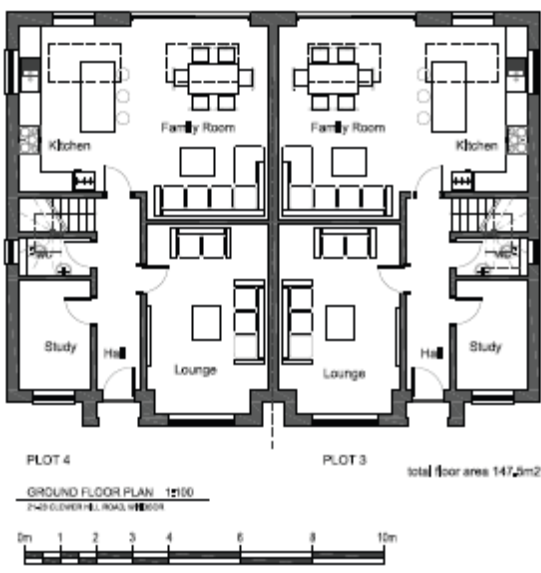
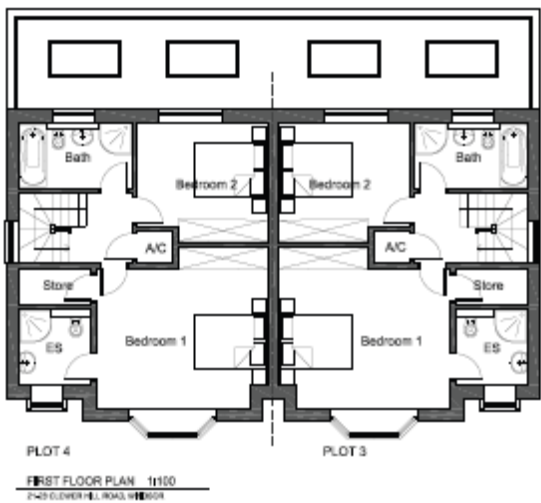
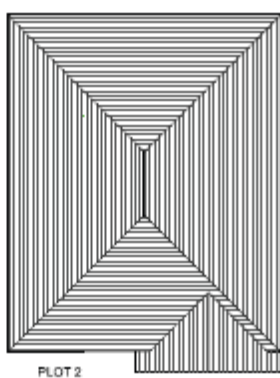
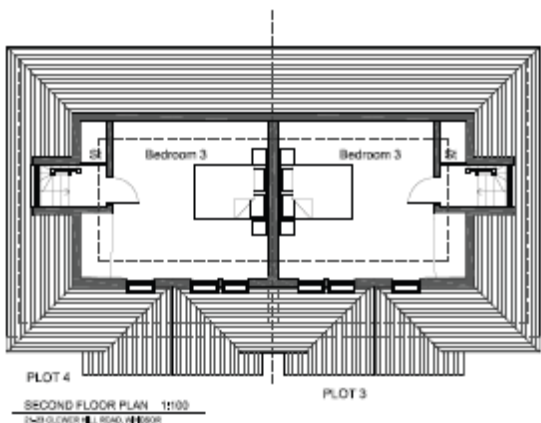
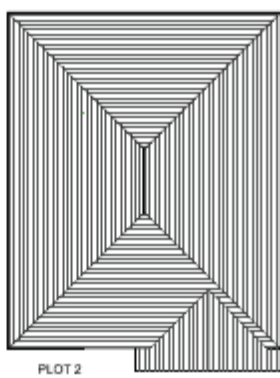
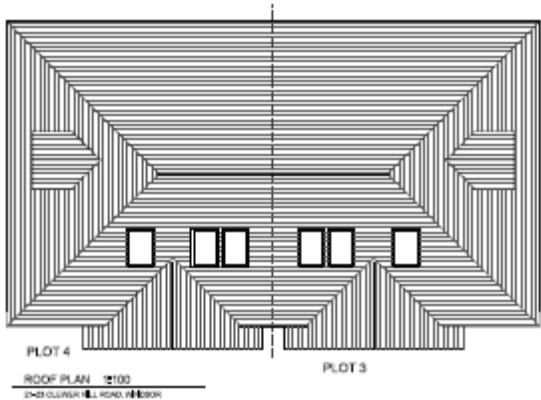


Plots 2, 3 and 4

Plots 3 and 4

Plot 2





Appendix D- Previously refused scheme





WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 October 2016

Item: 8

Application No.:	16/02737/FULL
Location:	Vale House 100 Vale Road Windsor SL4 5JL
Proposal:	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.
Applicant:	Mrs Radford
Agent:	Not Applicable
Parish/Ward:	/Clewer North Ward
If you have a question about this report, please contact: Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is essentially a resubmission of planning application 14/02975/FULL and 15/01123/FULL. The first of these was approved with provision for four of the fourteen houses at the site to be affordable (2 x shared ownership and 2 x affordable rent). The applicant then made the second application to invoke the Vacant Buildings Credit, which provides for a reduction or cancellation of any affordable housing requirement. The second application was refused, and dismissed at appeal, for reasons which are set out in the main body of this report. The Vacant Buildings Credit is also explained below at paragraphs 6.2 - 6.4.
- 1.2 This application again seeks to invoke the Vacant Buildings Credit, in order to remove the obligation to provide affordable housing as part of the development. Although the Vacant Buildings Credit was withdrawn for a period of time and this affected the outcome of the second application, it is again operative within the National Planning Practice Guidance. As explained further below, the Credit now cancels out the entire affordable housing requirement in the first application.
- 1.3 In addition, as pooled financial contributions can no longer be required in section 106 agreements completed alongside planning applications, this element must also be removed from the existing agreement. (The development remains CIL liable however).
- 1.4 Other elements of the existing section 106 obligation are still required however, and in order for this application to be approved while still retaining those elements, a Deed of Variation must therefore be completed to remove the redundant obligations for the development while retaining the other elements. Subject to a satisfactory Deed being completed, the application can be approved.
- 1.5 The design and layout of the scheme and other key issues are in all respects the same as approved in 2014. Apart from the points noted at 1.2 and 1.3, there has been no other change in any relevant local or national level policy since the existing planning permission was issued. The acceptability of the scheme's design and layout and other key issues remains unchanged.

It is recommended the Panel authorises the Head of Planning:

- | | |
|----|---|
| 1. | To grant planning permission on the satisfactory completion of a Deed of Variation to secure on-site flood mitigation, future public access through the site and maintenance of the local area of play / LAP (all of which are provided in the section 106 planning obligation in the extant permission), and with the conditions listed in Section 106 of this report. |
| 2. | To refuse planning permission if a Deed of Variation for the existing undertaking to secure the on-site flood mitigation, future public access through the site and maintenance of the local area of play is not completed by 16th November 2016, or a later date as agreed with the applicant under delegated powers, for the reason that the proposed development would not meet the requirements of the exceptions test for development in an area that is at risk of flooding and the required LAP. |

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Vale House is a two storey building comprising a number of linked elements, with car parking at the front and rear of the site, located within the Shirley Avenue - Vale Road Employment Area as designated in the Local Plan. An access road adjacent to the southern boundary runs the length of the site. There are a number of trees around the site boundaries; these areas are along the access road, on the Vale Road frontage, adjacent to the northern boundary and within the Clewer Memorial Recreation Ground to the east. The northern boundary is shared with Rutherford Close and an area of allotments to the east of the Close; this short cul-de-sac serves terrace houses along with access to garages at the rear of the 102 - 120 Vale Road (even number range).
- 3.2 The Dedworth Medical Centre shares part of the southern boundary within the designated employment area, while a single-storey industrial building and car parking is located further back along this boundary.
- 3.3 Land on the western side of Vale Road is also within the designated employment area, but is now largely within class C2 and C3 residential uses. The scale of these buildings is three-storeys in height adjacent to the road frontage, rising to four storeys at the rear and towards the corner with Hanover Way.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application is essentially a resubmission of 14/02975/FULL, which was approved with provision for four of the fourteen houses at the site to be affordable (2 x shared ownership and 2 x affordable rent). However the applicant now wishes to invoke the Vacant Buildings Credit, which provides for a reduction or cancellation of any affordable housing requirement, to provide a new permission for fourteen houses as a fully open market development. The Vacant Buildings Credit is explained below at paragraphs 6.2 - 6.4.
- 4.2 The design and layout of the scheme is in all other respects the same as approved in 2014, as shown in the following table:

Reference	Description	Decision and Date
07/01303/FULL	Change of use of approximately 1,100 sq. m of B1 (light industrial) to D1 (non residential education and training centres).	Permitted, 25 April 2008 with a condition providing for a temporary use to expire in April 2014.
14/00761/FULL	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.	Refused under delegated powers, 11.06.2014.
14/02975/FULL	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.	Permitted, 19.12.2014.
15/01123/FULL	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.	Refused, 18.09.2015; subsequently dismissed at appeal.
15/03071/CONDIT	Details required by condition 2 (Biodiversity strategy) 3 (Construction Management Plan [CMP])	Part approval / part refusal 29.01.2016;

	4 (Arboricultural method statement) and 6 (Phase 1 remediation) of planning permission 14/02975/FULL.	CMP (demolition phase only) and (Phase 1 remediation only) were approved.
16/02084/CONDIT	Details required by condition 2 (Ecological Mitigation Plan), 4 (Arboricultural Impact Assessment), 5 (Flood Evacuation Plan) of planning permission 14/02975.	Part approval / part refusal 12.09.2016; Biodiversity mitigation details only were approved although most of the tree details were also acceptable (refer to discussion at 6.19 below).

- 4.3 The 2015 application noted above sought to remove the affordable housing requirement for this development as secured in a section 106 planning obligation for planning permission 14/02975/FULL. This was on the basis that the Vacant Buildings Credit introduced in the National Planning Practice Guidance (PPG) on 28 November 2014 allowed, at the time that the application was made, for the full cancellation of the affordable housing requirement under Local Plan policy H3. However in light of a High Court ruling of 31 July 2015 (West Berkshire District Council and Reading Borough Council v. Department for Communities and Local Government) the guidance in the PPG relating to the Vacant Buildings Credit in this application was quashed and, during the lifetime of the 2015 application, it ceased to form part of the PPG. The application therefore had to be refused.
- 4.4 Subsequently the refused application was subject to an appeal, and by the time that this appeal was determined the CLG had successfully lodged its own appeal on the High Court ruling of 31 July 2015. The CLG's appeal resulted in the Vacant Buildings Credit again becoming operative within the PPG. However, because a Deed of Variation for the existing section 106 planning obligation had not been completed prior to the appeal being determined, it was dismissed for the sole reason that the other planning obligations were not provided for in a robust legal agreement.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7, 8, 10, 11 and *Decision-taking*

Royal Borough Local Plan

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

Within settlement area	Employment land	High risk of flooding	Industrial and aircraft noise	Trees	Local area of play	Highways and car parking
DG1, H10, H11	E2, E5	F1	NAP1, NAP2	N6	R5	T5, P4

- 5.3 The Council's planning policies in the Local Plan can be viewed at: http://www.rbwm.gov.uk/web/pp_adopted_local_plan.htm.

Supplementary planning documents and guidance

- 5.4 Supplementary planning documents adopted by the Council relevant to the proposal are:
- Interpretation of Policy F1 - Areas liable to flooding
 - Sustainable Design and Construction
 - Planning for An Ageing Population

More information on these documents can be found at:

Other Local Strategies or Publications

Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Strategic Flood Risk Assessment

These documents can be viewed at:

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

- Strategic Housing Land Availability Assessment - view at:
http://www.rbwm.gov.uk/web/pp_shlaa.htm
- Housing Commitments Reports - view at:
http://www.rbwm.gov.uk/web/pp_housing_commitments.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i the principle of the redevelopment of this employment site for residential use;
- ii how the Vacant Buildings Credit works and what it is intended to achieve;
- iii whether the Vacant Buildings Credit applies in this case and if so, whether this cancels out the whole of the affordable housing requirement or only part of it; and
- iv other matters that were considered in the permitted 2014 application for the site and which were found to be acceptable.

The principle of the development, including matters considered in the 2014 permission for the site

6.2 The application is essentially a resubmission of the proposals already permitted by planning permission 14/02975, and as such the acceptability of the redevelopment of the site for fourteen houses has been established. A range of matters were considered in detail during the course of assessing that application and found to be acceptable; however, as this is a full planning application these are considered again in the context of the 2014 decision, at paras 6.10 - 6.23 below.

How the Vacant Buildings Credit works and what it is intended to achieve

6.3 The Vacant Buildings Credit (VBC in this report) was introduced on 28th November 2014, in accordance with the provisions that are set out in Planning Practice Guidance. This provides a mechanism to “credit” vacant floorspace against affordable housing requirements so that affordable housing provision can be reduced or eliminated from a development proposal where the VBC is applicable. The Guidance sets out that:

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

6.4 The Guidance refers to proposals where there would be a net increase in floorspace, in which case affordable housing requirements are to be calculated only on the additional floorspace being created. No reference is made to developments where floorspace on a site will decrease as a result of the development, as is the case here; however the implication is that if all of the floorspace in the current situation could be ‘credited’, then this would cancel out the whole of the

affordable housing requirement. The Guidance also advises that the Credit applies only where buildings have not been abandoned, and that it may also be appropriate for authorities to consider whether the building has been made vacant for the sole purpose of redevelopment, and / or whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

- 6.5 If it were the case that the application building has been abandoned, or that it has been made vacant for the sole purpose of redevelopment, then the Credit would not apply. In this case however, it is considered that it does apply, for the following reasons:

Whether the Vacant Buildings Credit applies in this case and whether this cancels out part or all of the affordable housing requirement for the development

- 6.6 The application site comprises one large structure that takes the form of a series of linked buildings and a smaller building to the rear. The rest of the site is covered in hardstanding. In order to ascertain whether any part of the floorspace should be regarded either as abandoned, details of leases and a report on rental and redevelopment prospects prepared by a local chartered surveyor have been submitted. (The lease information has not been added to the public file as it is considered to be commercially sensitive, whereas the surveyor's report is publically available; it was also provided as supporting information with the 2014 application noted in the planning history above).
- 6.7 The buildings are now entirely vacant; although it is known that they were approximately 80% occupied when pre-application discussions on the redevelopment of the site were initiated in February 2012. The surveyor's report submitted for both this and the previous application set out that this has fallen to 39% by August 2013. Vacancies arose as tenants moved out on the completion of medium-term leases of three to six years, while a longer term lease was terminated due to non-payment of rent. The chartered surveyor's report on rental and redevelopment prospects sets out that, at the time of writing, the buildings were not attractive to prospective tenants as the market was at that time over-supplied and that the buildings would require significant upgrading and investment in order to be attractive to tenants. While the demand for commercial floorspace is likely to have changed since the report was written in August 2013, its conclusion as to attractiveness to tenants is unlikely to have changed. For these reasons, it is not considered that the building has been made vacant for the sole purposes of redevelopment; conversely, while they may not be attractive to prospective tenants in their current condition, this does not equate to abandonment. The buildings are therefore eligible for the VBC.
- 6.8 Regarding the credit that can be given under the VBC, the total floor area of the buildings intended for demolition is 35,153 sq.ft while the area of the fourteen houses approved is 18,276 sq.ft. The four affordable houses in the extant permission are 4062 sq.ft. in area. In effect, the credit from the buildings demolished is almost twice that needed to fully cancel out the affordable housing requirement. It is also noted that, even when the areas covered by various leases is disaggregated, that the two largest lease areas would also, by themselves, entirely cancel out the development's affordable housing requirement; these are the lease area covered by the temporary planning permission for a skills centre noted in the planning history at Section 4 above (RBWM reference 07/01303/FULL, which was vacated in March 2014) - this was for 12428 sq.ft - and by the long-term lease noted in para. 6.7 above, vacated in March 2014, which 7940 sq.ft.
- 6.9 As the credit to be given clearly exceeds the area of the proposed development, the affordable housing requirement is therefore fully cancelled out.

Other matters that were considered in the permitted 2014 application for the site and which were found to be acceptable

- 6.10 Other matters that were considered in the permitted 2014 application for the site and which were found to be acceptable.
- The acceptability of residential development within this designated employment area;
 - the principle of redeveloping the site separately from the remaining designated employment land;
 - Flooding issues;

- The amenity of future residents, including shared amenity areas and play space;
- Scale, site layout, building design and landscaping;
- Effects on the amenity and privacy of neighbouring residents and occupiers;
- Impacts on trees;
- Car parking and highway safety;
- Sustainable Design and Construction;
- Noise and potential site contamination issues; and
- Impacts on protected wildlife.

The acceptability of residential development within this designated employment area

6.11 The site is part of an identified employment site within the Local Plan, and is protected by saved Policy E5. The possible release of the site for housing was consulted on in the Borough Local Plan (BLP) Preferred Options consultation early in 2014. The Planning Policy Team advised for the 2014 application that:

- NPPF 216 advises that weight may be given to the relevant policies in an emerging plan according to its stage of preparation, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- For the Vale Road employment area as a whole, consultation responses presented a mixed picture with representations both in favour of and against the allocation of the site for residential use.

It was therefore concluded in the officer's report for the 2014 application that while the proposal was contrary to Local Plan E2 and E5, the replacement of unoccupied B class buildings with housing was acceptable.

The principle of redeveloping the site separately from the remaining designated employment land

6.12 The principle of development has already been established under the extant application 14/02975 and there has been no material change in policy which would outweigh this.

Flooding issues

6.13 The land is identified as being within Flood Zones 2 and 3, with the majority of the site being in Flood Zone 3 where there is a high risk of flooding. In accordance with the NPPF and PPG advice on flooding issues, members considered that the 2014 application was acceptable for the following reasons:

- (i) In a 'sequential test' assessment of other available sites, insufficient sites with lower flood risk are available to meet the Borough's housing needs.
- (ii) A site specific Flood Risk Assessment demonstrated acceptable levels of risk to future occupiers and properties. While the proposed flood escape route could in an extreme flood event result in hazardous depths at some points of the escape route, to the north of the site where residents on foot would have to cross Shirley Avenue, this was addressed through a requirement for the submission and approval of a Flood Evacuation Plan. The reduction in floor space noted at 6.8 above also provides improvements to the site's storage capacity for flood waters.
- (iii) The development will provide wider sustainability benefits to the community and so passed the 'exceptions test'. These wider benefits take the form of pedestrian and cycle access across the main access road, which will be of particular value if and when any adjoining parts of the Vale Road employment site is redeveloped for housing, and provision for residents to the north to use a flood escape route through the site.

Whilst these documents have not been updated given that there is an extant permission on the site this is considered to outweigh this concern.

6.14 The last point is provided for in the section 106 agreement completed for the 2014 application. The recommendation above provides for these benefits to be carried over alongside any new planning permission. This application also provides an opportunity to amend the extent of the

rights of flood escape path along the southern boundary to ensure that it would properly link to potential paths through a proposed housing allocation in the pre-consultation version of the BLP referred to above at 6.12 (the area in the extant section 106 agreement relied on additional land to the south coming forward for housing to provide this flood escape link). The flood escape plan in the existing section 106 is included here as Appendix C.

- 6.15 The Environment Agency objected to the 2014 application, although no response has yet been received on the current application. The Lead Local Flood Authority has also requested further information which was not required at the time that the 2014 application was granted. However, the extant permission remains the overriding material consideration which allows permission to be granted with these matters to be provided for by conditions and the flood mitigation provided through the section 106 obligation.

The amenities of future residents

- 6.16 Amenity issues included the relationships between dwellings within the development and bin-carry distances for houses located furthest from the road frontage. The provision and designation of an area of open space within the development as a Local Area of Play (LAP) and the accommodation and private gardens for each of the 14 houses were all considered to provide an acceptable level of amenities for future residents within the development. However in order for this application to be acceptable, the LAP must be secured through the completion of an acceptable Deed of Variation or equivalent planning obligation.

Scale, site layout, building design and landscaping

- 6.17 The appearance of the proposals and impacts on the street scene of Vale Road were assessed in detail during the previous application, and considered acceptable. Subject to conditions, no objection is raised with regard to design and layout issues.

Effects on amenity of neighbouring residents and occupiers

- 6.18 The proposed dwellings are designed to avoid overlooking of neighbouring properties, and would not therefore result in any adverse impacts on nearby residential occupiers to the north or on the opposite side of Vale Road. The relationship to the adjacent doctors' surgery is also considered to be satisfactory.

Impacts on trees

- 6.19 Impacts on an adjacent oak tree to the north of the development within the Council owned cemetery were addressed during the course of the 2014 application through the submission of amended plans that increased the separation between the building comprising Plots 7-9 and this tree. In determining that application, relationships with this and other surrounding trees were therefore considered to be satisfactory. An Arboricultural Method Statement (AMS) was recently submitted as required by condition 4 of the extant permission, which was in most respects acceptable although it was not approved because it did not include any details of underground services. The same AMS has been submitted with this application, and to allow demolition of the existing buildings to proceed it is now recommended that the details of underground services be provided as part of the landscaping condition (reference condition 9). Condition 2 as recommended below requires demolition be carried out in accordance with the submitted AMS.

Car parking and highway safety

- 6.20 The existing access will be retained to serve the residential units, by way of a 4.8 metre carriageway with a new 2 metre footway to extend from the site entrance on Vale Road to the mid-point of the access road. The site layout is generally acceptable in highways terms, although the servicing of plots 12, 13 and 14 by a refuse vehicle requires the truck driver to reverse to these plots, or alternatively for the Council's refuse operations staff to carry the bins a distance beyond that recommended in Manual for Streets. However, in practice it is likely that the driver would turn from the drive fronting plot 11 to reverse the full length of the road towards the rear three plots. This is not the preferred Highways option, but was not considered so significant as to warrant a refusal in the 2014 application. For that reason, this is also acceptable now.

Sustainable Design and Construction

- 6.21 At the time of the 2014 application, developments of 10 or more dwellings were required to meet a minimum of Code for Sustainable Homes Level 3, and provide a minimum of 10% energy requirements from on-site renewable energy sources. The Government has now abolished the Code for Sustainable Homes (CSH), although improved sustainability can still be required outside the CSH framework. For applications in floodable areas, this is also required under the “exceptions test” requirement noted above at para. 6.13 (iii). In this case, the application secures an overall sustainability improvement through the substantial reduction in areas covered in buildings and hardstanding.

Noise issues and the potential for site contamination

- 6.22 Aircraft noise is an issue for residential development in Windsor, and noise from neighbouring industrial users could potentially also be an issue at this site. The application included an acoustic assessment, which showed that the houses could meet the required standards and would not be unduly affected by noise from both of these sources. Environmental Protection have commented on the application but raised no issue in regard to acoustic insulation standards.
- 6.23 Past employment uses may have given rise to on-site contamination, and this would need to be provided in accordance with the conditions 5 and 6 as recommended below. These reflect the approval already given for a preliminary site characterisation study which allows demolition to proceed prior to the later phases of the contamination reports being completed.

Impacts on protected wildlife

- 6.24 The 2014 permission included a condition requiring a wildlife survey to be undertaken and mitigation proposals submitted and approved. The required report has been submitted and approved as noted condition 4.2 above, and condition 13 requires the approved mitigation programme to be carried out as part of the development.

Housing Land Supply

- 6.25 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore needs to be assessed for CIL liability.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

22 occupiers were notified directly of the application.

The application was advertised in the Maidenhead and Windsor Advertiser on 1st September and the planning officer posted a statutory notice advertising the application at the site on 30th August 2016.

Two letters were received from interested parties. The first of these was neither in support or opposition to the application. The second is from the Windsor and Eton Society and is in objection: They are summarised as follows:

Comment	Where in the
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		report this is considered
1.	Houses should not overlook consulting rooms at the adjacent doctors' surgery. More car parking would be useful.	6.18.
2.	The design examples shown in the Design and Access Statement are misleading because, while they illustrate houses in Windsor, they are not in this part of Windsor and hence are not relevant to the character of this area.	6.17.

Consultee comments

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority:	The application should meet several of the Non-statutory technical standards for sustainable drainage systems, and recommend that the application is not approved until further information is submitted to show that the standards will be met.	6.15.
Tree Officer:	No comments received at the time of writing, but previous comments on the conditions submission noted at 4.2 noted that tree protection as submitted was largely acceptable but should include in addition routes of underground services.	6.19.
Highway Officer:	No comments received at the time of writing, but objection to the previous application.	6.20.
Ecologist:	No objection.	6.24.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site layout; elevations and floor plans
- Appendix C - Flood escape plan and future pedestrian / cycle rights of way in the existing section 106 planning obligation

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 would be successfully resolved by the completion of an acceptable Deed of Variation or other section 106 planning obligation.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Prior to any machinery, equipment or materials are brought onto the site in connection with the development and before any demolition works are carried out, BS5837 compliant tree protection fencing and other tree protection as shown on drawing no. Arbtech AIA 01 and in accordance with the submitted Arboricultural Method Statement (Arbtech, May 2016) shall be erected, and this shall then be maintained until the completion of all construction work and until all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels

within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

3. Demolition of the existing buildings and removal of demolition materials shall be carried out in accordance with the details in the submitted TRAFFIC MANAGEMENT PLAN Dated 31/07/15, including the Appendix 2 Site logistics route drawing - Demolition Phase, which was approved under RBWM ref. 15/03071/CONDIT as required by Condition 2 of planning permission 14/02975/FULL.
4. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), a Construction Management Plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
5. Demolition of the existing buildings and removal of demolition materials shall be carried in accordance with the details in the submitted Ramball Environ Phase 1 Desk Study Assessment (Ref. UK16-21827 July 2015), which was approved under RBWM ref. 15/03071/CONDIT as required by condition 6 of planning permission 14/02975/FULL.
6. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details required under Phases 2 and 3 including soil sampling and groundwater and gas monitoring as set out in this condition shall have been submitted to and approved by the Local Planning Authority and the approved details shall then be implemented in accordance with the approved details. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Phase 4 has been complied with in relation to that contamination.

Phase 2: Submission of Remediation Scheme:

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Phase 3: Implementation of Approved Remediation Scheme:

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Phase 4: Reporting Unexpected Contamination:

In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of clause (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of clause (ii), which is the subject of the approval

in writing of the Local Planning Authority.

Reason: To ensure that any contamination within the site resulting from existing or previous uses of the land is identified and remediated. Relevant Policies - Local Plan NAP3 and NAP4.

7. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of flood compensation, finished site levels and a drainage strategy based on the principles of a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. The SUDS shall include
- (i) a rainwater harvesting system,
 - (ii) specified porous materials for hard surfaces and / or provision to direct run-off water from the hard surfaces to a permeable or porous area or surface within the development and
 - (iii) details of soakaways and / or swales to dispose of surface water.
- The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

8. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details including samples if necessary for a proper evaluation of all materials to be used on the external surfaces of the development (including rainwater goods, doors and windows and external claddings) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure that the design quality envisaged in the application is delivered. Relevant Policy - Local Plan DG1.

9. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall include:

- (i) details of boundary treatment including elevation drawings where necessary;
- (ii) materials to be used in all hard surfaces (including the access road, paths and car parking and manoeuvring areas)
- (iii) street furniture and any equipment to be provided in the local area of play
- (iv) a plan of underground services, which shall be routed to avoid existing and future root protection areas; and
- (v) for soft landscaping the species, grades and planting methods, including details that are sufficient to demonstrate that there will be a sufficient volume of soil or alternative growing media around existing trees and , for new plantings, in tree pits to ensure that the existing and new trees in the development will reach their full potential.

The approved works shall then be carried out within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, H10 and N6.

10. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), a landscape management plan including long-term design objectives, maintenance schedules and management responsibilities, including details of any management company or other mechanism to show how this will be managed by residents, shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall cover existing trees within the site and all areas of proposed landscaping other than private domestic gardens, with particular reference to the play area within the development identified as 'Plan 3'.

Reason: To ensure the long term management of the landscaped setting of the development and the play area, and to that ensure it contributes positively to the visual amenities of the area. Relevant Polices - Local Plan DG1, H10 and N6.

11. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft and neighbouring industrial noise, together with details of measures to provide ventilation to habitable rooms, shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

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

12. Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of refuse bin storage area and recycling facilities, including details of their external appearance and the materials to be used in the bin stores shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided before the first occupation of the dwellings that they serve and then 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 and DG1.

13. The development shall be carried out in accordance with the Ecological Mitigation and Enhancement Plan (Arbtech, May 2016) which was approved under RBWM ref. 16/02084/CONDIT as required by condition 2 of planning permission 14/02975/FULL, and the mitigation measures shall be implemented in their entirety within the timescales approved within the strategy and retained as such.

Reason: In order to comply with advice in the National Planning Policy Framework 2012.

14. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawings. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4 and DG1.

15. Finished floor levels to be set no lower than 300mm above the 1% AEP plus 20% allowance for climate change flood level of 21.04m AOD.

Reason: The site is in a floodable area and to ensure that the development is resilient to flood risk. Relevant Policy - Local Plan F1.

16. Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in a floodable area and whilst the development subject to this permission complies with local policy and the NPPF, further development would be unlikely to do so, and to ensure that the good design qualities of the development are retained. Relevant Policies - Local Plan F1 and DG1.

17. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no further raising of existing ground levels within the site other than those approved by this permission (including details required to be approved by conditions) without a separate planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in a floodable area and whilst the development subject to this permission complies with local policy and the NPPF, further development would be unlikely to do so. Relevant Policy - Local Plan F1.

18. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no walls, fencing, gates or any other means of enclosure shall be erected within the site or on its boundaries other than as approved by this permission (including details required to be approved by conditions), without a separate planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure that the good design qualities of the development are retained and to ensure no further impedance of flood waters. Relevant Policies - Local Plan DG1 and F1.

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

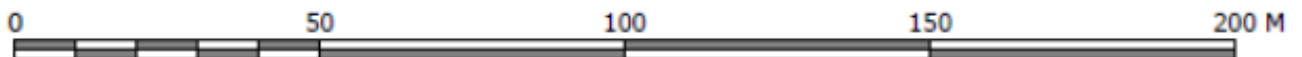
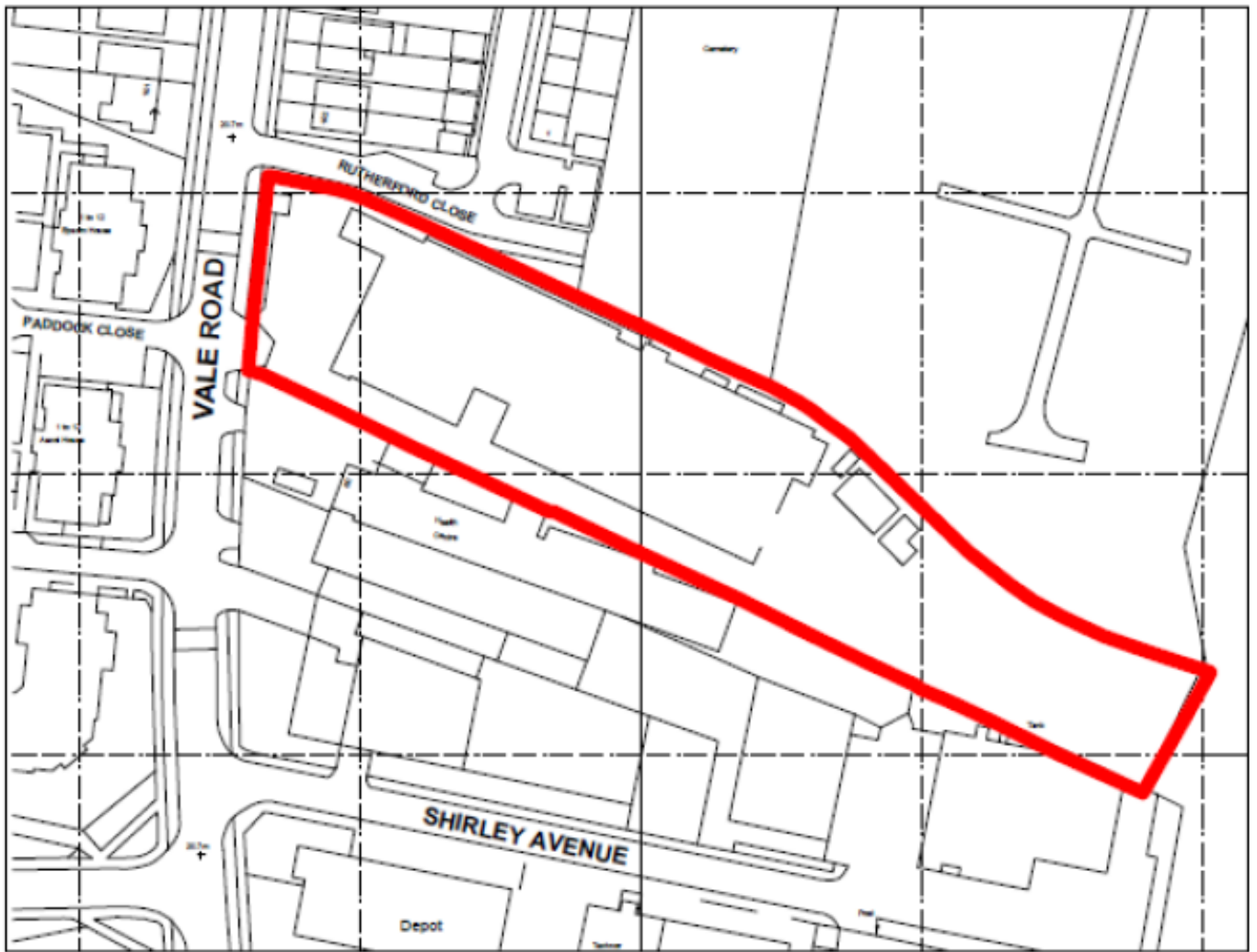
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

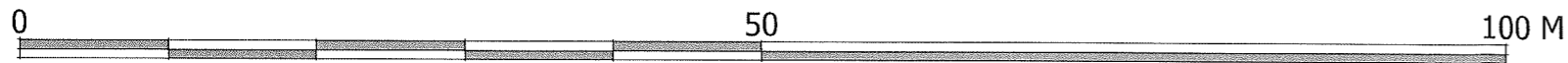
Informatives

1. This permission should be read in conjunction with a Deed of Variation to a Section 106 agreement completed on 19 December 2014 in association with planning permission 14/02975/FULL that provided for financial contributions towards local infrastructure and amenities made necessary by the development, flood mitigation, public pedestrian and cycle access over the access road within the development in association with any future residential redevelopment of land to the south, and access by neighbouring properties to the north through an additional part of the site in the event of flooding. The subsequent Deed of Variation allows for the on-site affordable housing in the earlier planning obligation to be provided instead as open market housing, in accordance with the Vacant Buildings Credit that was introduced by the Government on 28 November 2014.
2. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
5. The applicant will be required to comply with the Royal Borough of Windsor and Maidenhead Local Plan Policy (Plan NAP2) subsection 2.5.4 which states where such development is permitted; sound insulation measures should be incorporated to keep internal levels below 40 dB(A). Applicants are invited to contact the Environmental Health Unit Environmental Protection Team Leader on 01628 683830 for a copy of the aircraft noise insulation guidance notes.
6. The applicant should be aware the recommended permitted hours of work for construction and demolition working in the Authority are as follows:
Monday - Friday 08.00 - 18.00
Saturday 08.00 - 13.00
No working on Sundays or Bank Holidays.
Please contact the Environmental Protection Team on 01628 683830.
7. The applicant is advised to follow guidance with respect to dust control and these are available on the internet:
 - London Working Group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the
 - Building Research Establishment: Control of dust from construction and demolition activities.

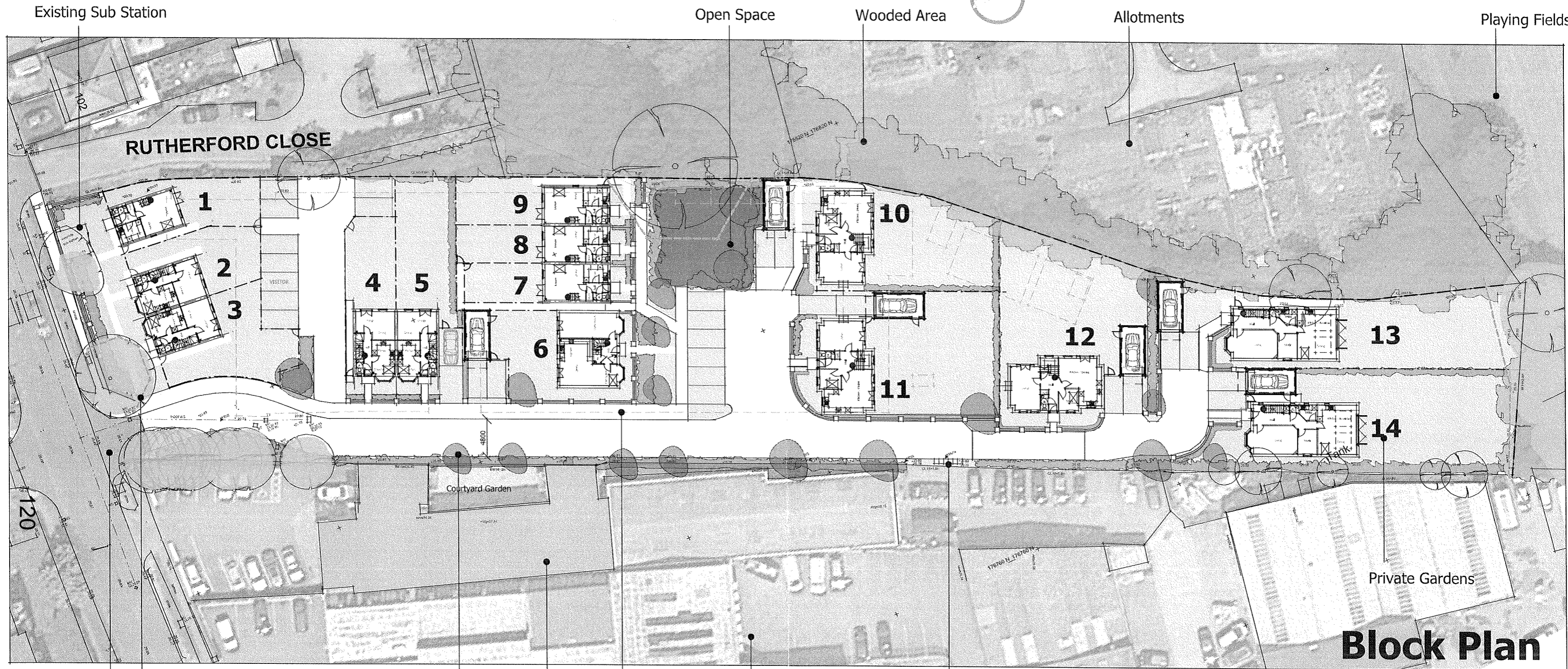
8. The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

Appendix A - Site location plan





REV #	DATE	AMENDMENTS	DRAWN	CHECKED



Block Plan

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House
Windsor

DRAWING:
Block Plan

SCALE: 1:500 @ A3 DWG NO: 1429 P 102

DATE: Sept '14 REV #

SCANNED
24 SEP 2014
Am

APPENDIX B



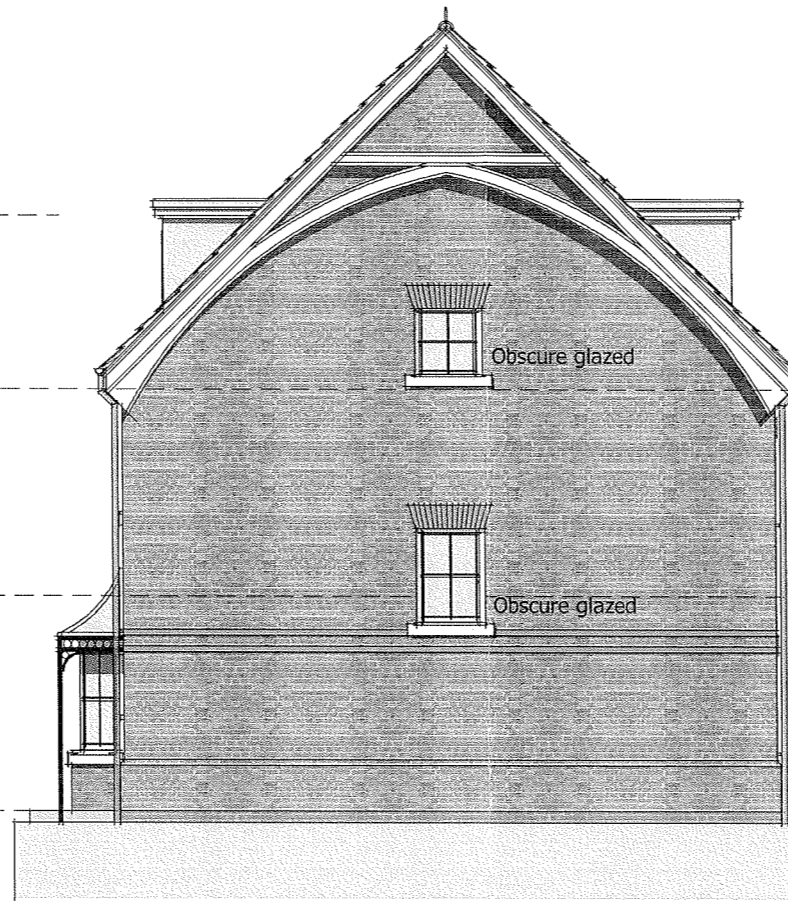
Schedule of Accommodation		
	No. of units	Parking per unit
2 bed houses	4	2 allocated/driveway
3 bed houses	4	2 driveway
4 bed houses	6	3 garage + driveway
Total	14	34 + 1 visitor space

REV.	DATE	AMENDMENTS	DRAWN	CHECKED
#				

0 1 2 3 4 5 6 7 8 9 10 M

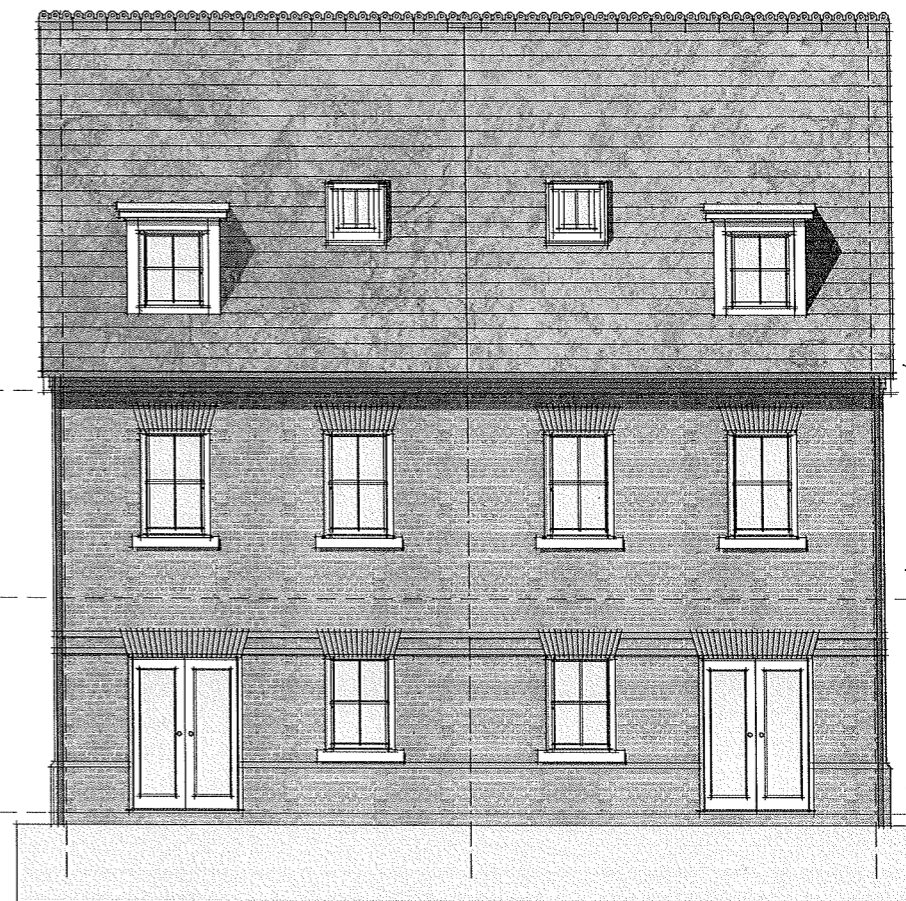


Front Elevation



Gable Elevation

(similar opposite handed)



Rear Elevation

Second Floor
5567

First Floor
2867

Ground Floor
0

House Type A

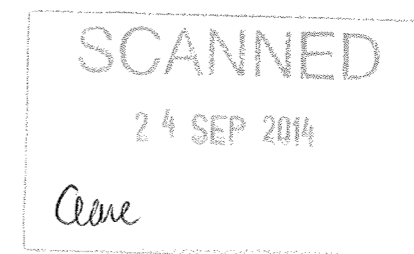
CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

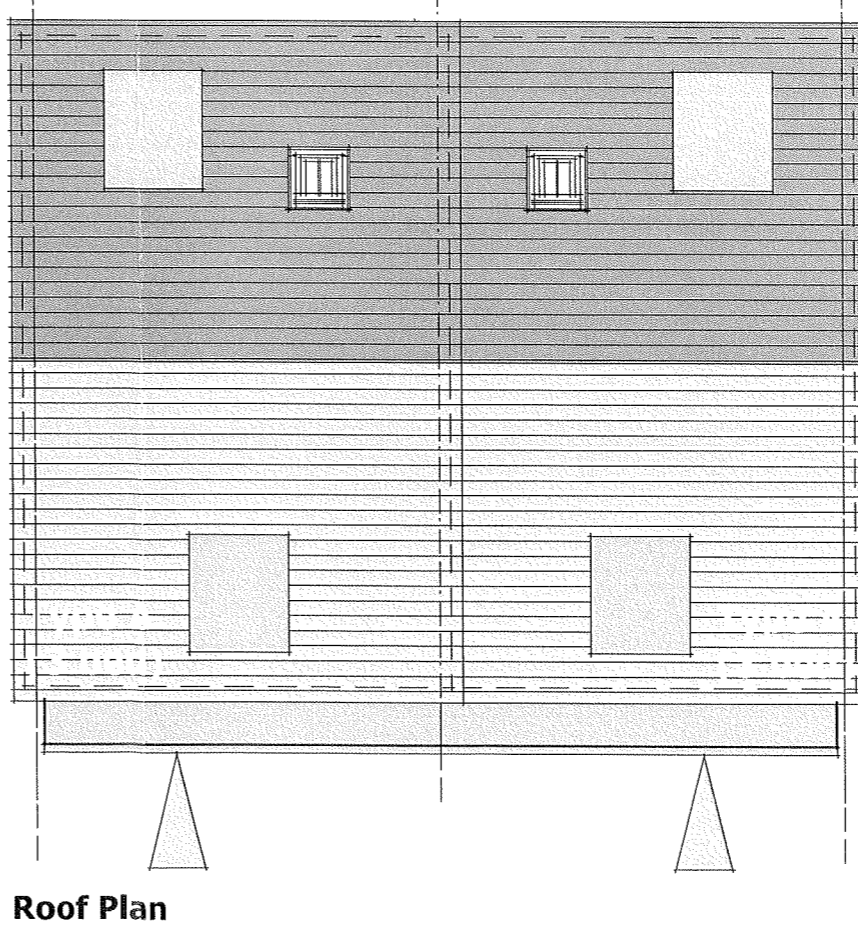
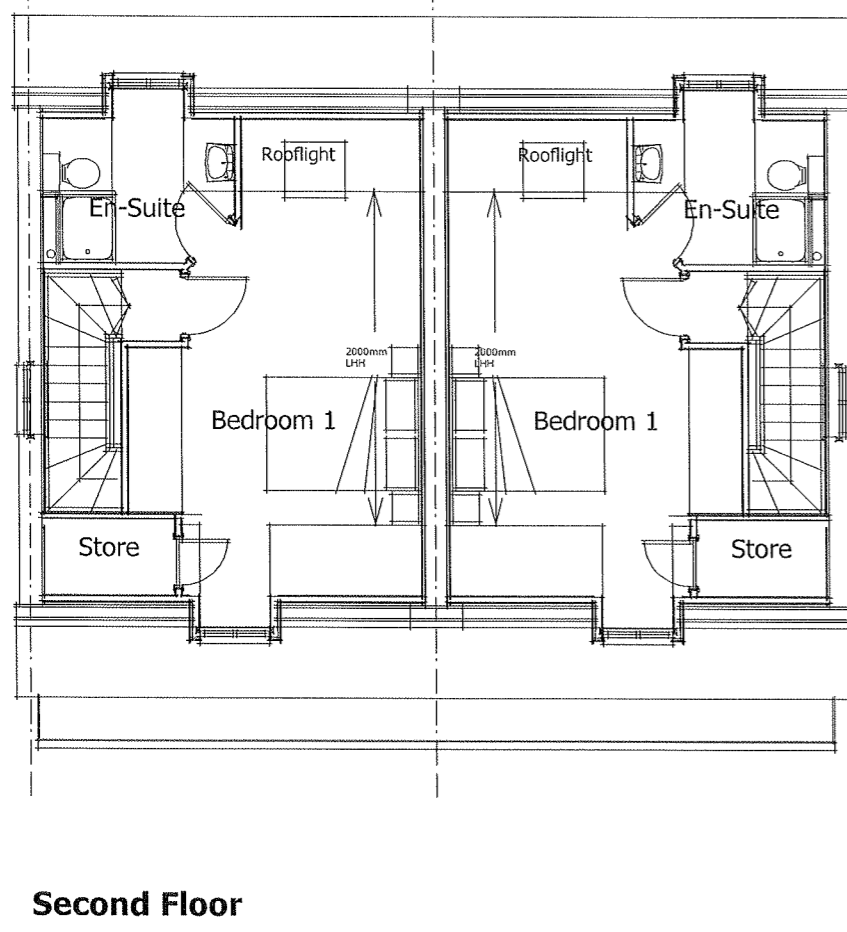
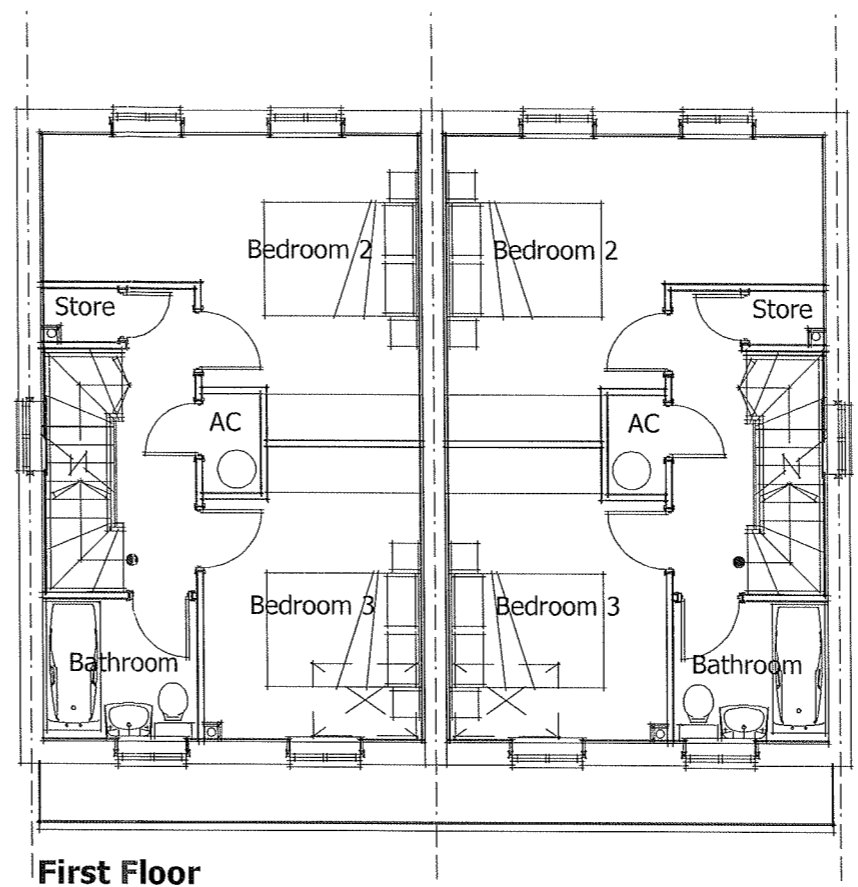
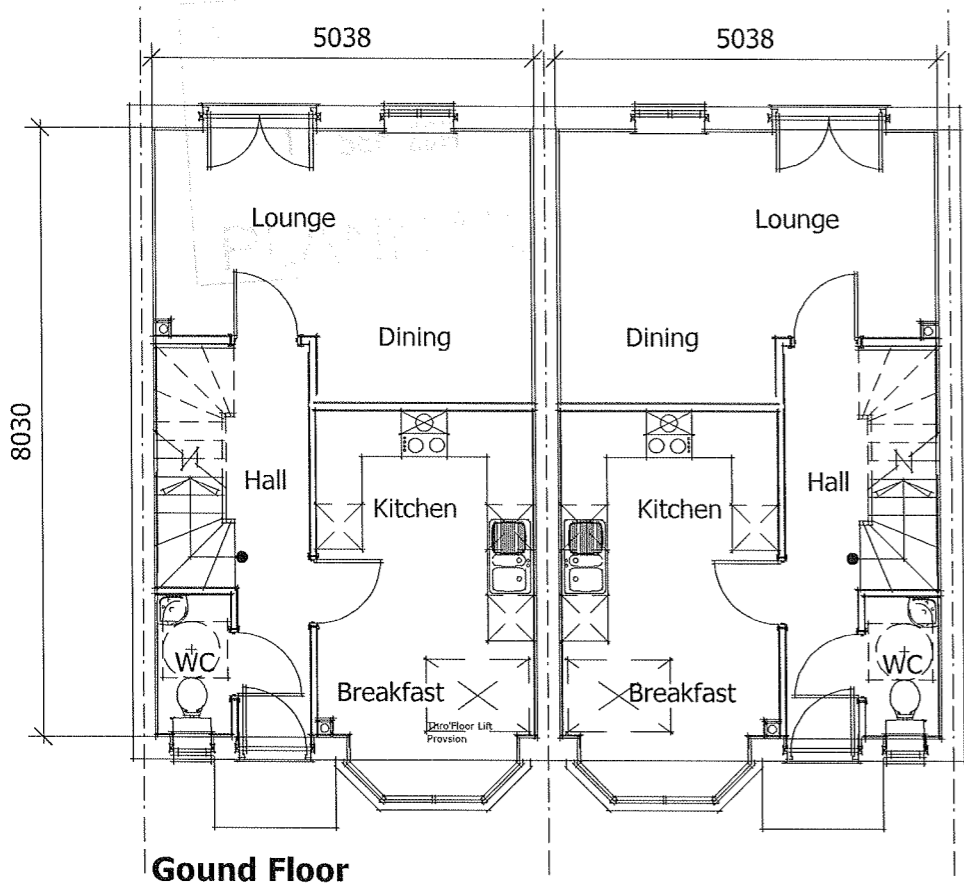
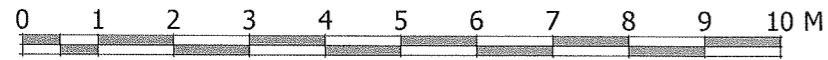
DRAWING:
House Type A Elevations

SCALE: **1:100 @ A3** DWG NO: **1429 P 105**

DATE **Sept '14** REV: **#**



REV	DATE	AMENDMENTS	DRAWN	CHECKED



0308

122

1233 sqft GIA
114.7 sqm
House Type A

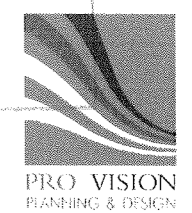
CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

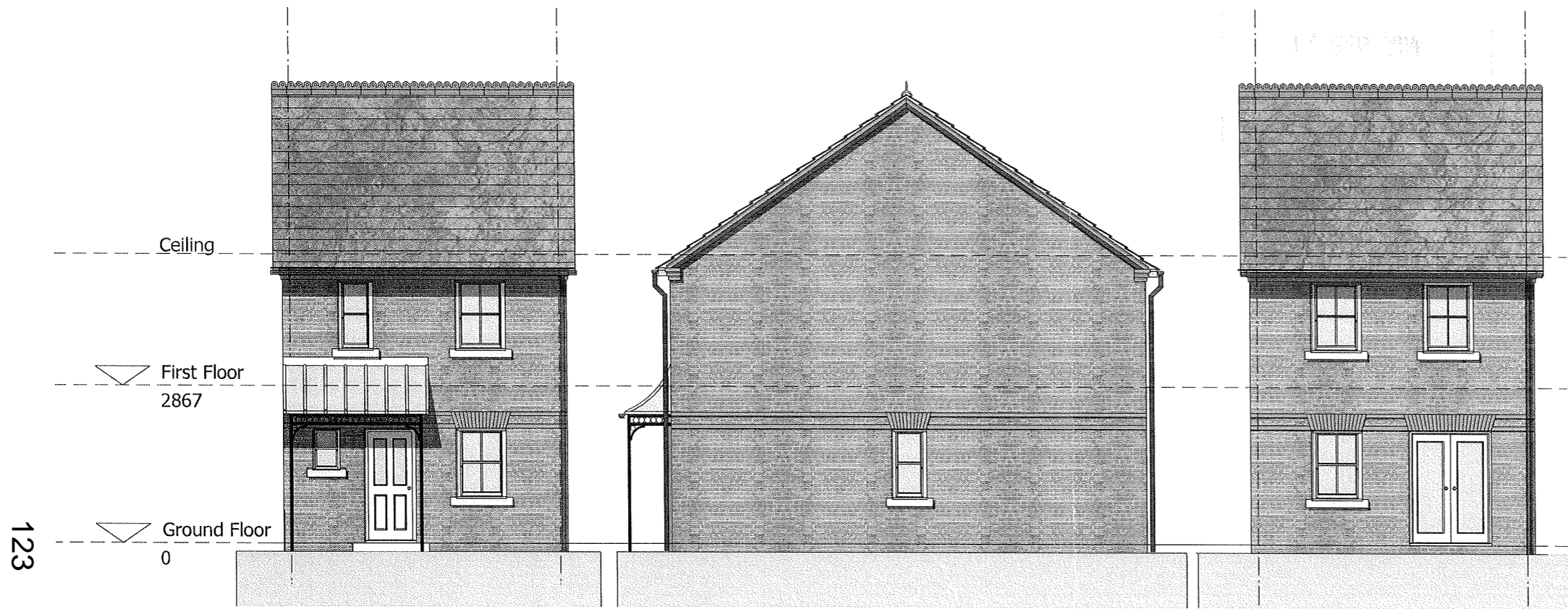
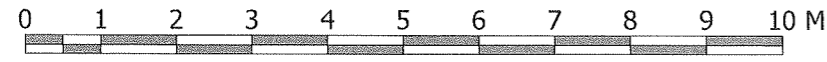
DRAWING:
House Type A Plans

SCALE: 1:100 @ A3 DWG NO: 1429 P 104
 DATE: Sept '14 REV: #
 24 SEP 2014

Clare



REV	DATE	AMENDMENTS	DRAWN	CHECKED
#				



Front Elevation

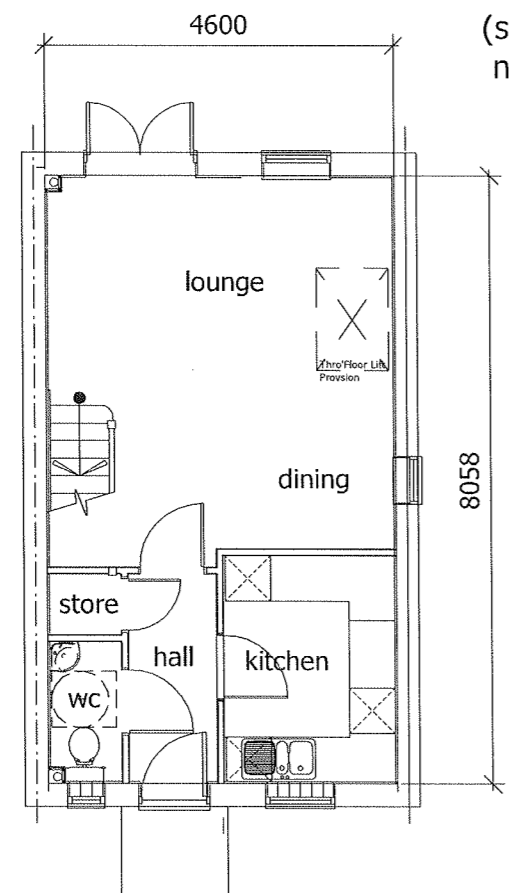
Side Elevation

Rear Elevation

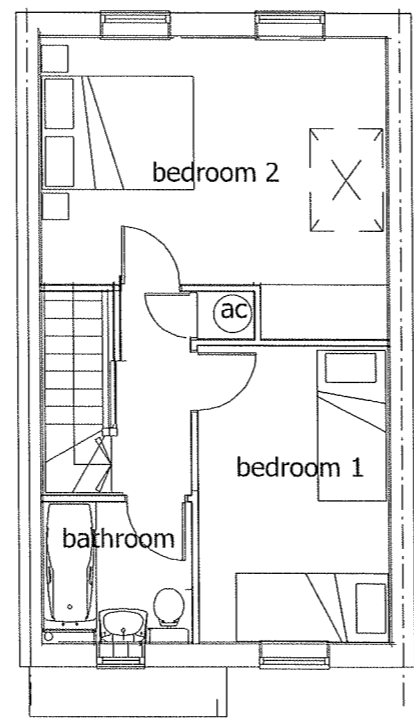
(similar opposite handed.
note; side window only applies plots 1 + 9)



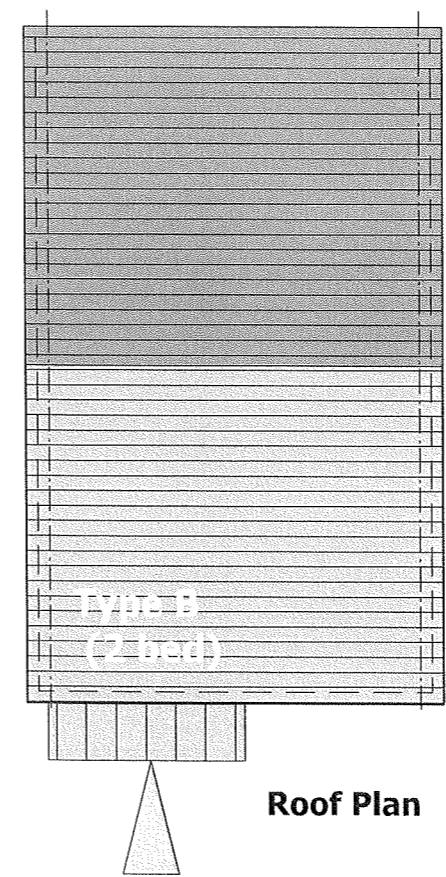
**Plots 7-9 terrace
(1:200)**



Ground Floor



First Floor



Roof Plan

798 sqft GIA
74.1 sqm
House Type B

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

DRAWING:
**House Type B
Plans + Elevations**

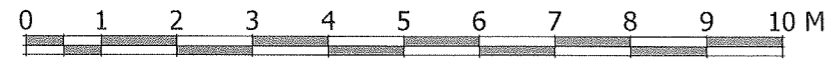
SCALE: **1:100 @ A3** DWG NO: **1429 P 106**

DATE: **Sept '14** REV: #

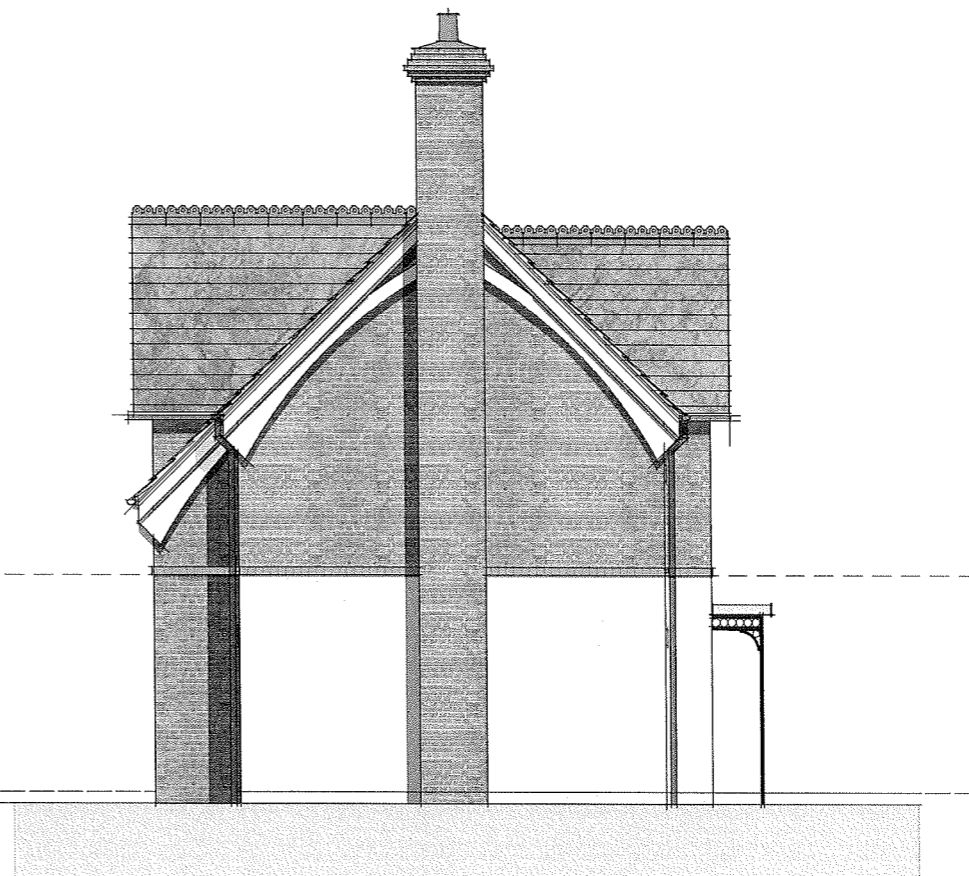
SCANNED
24 SEP 2014
Case



REV.	DATE	AMENDMENTS	DRAWN	CHECKED
#				



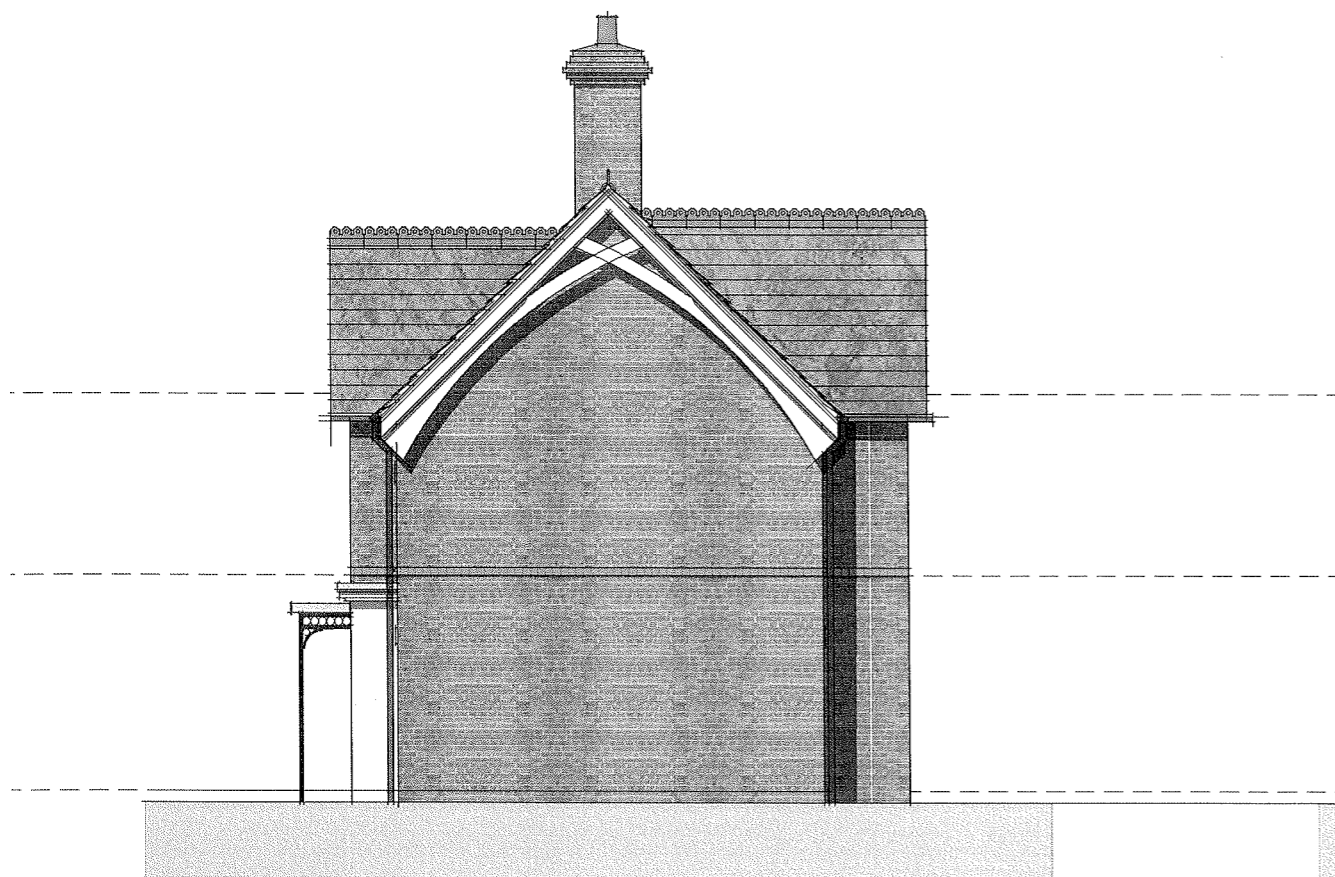
Front Elevation



Gable Elevation

124

SCANNED
24 SEP 2014
ace



Gable Elevation



Rear Elevation

House Type C

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

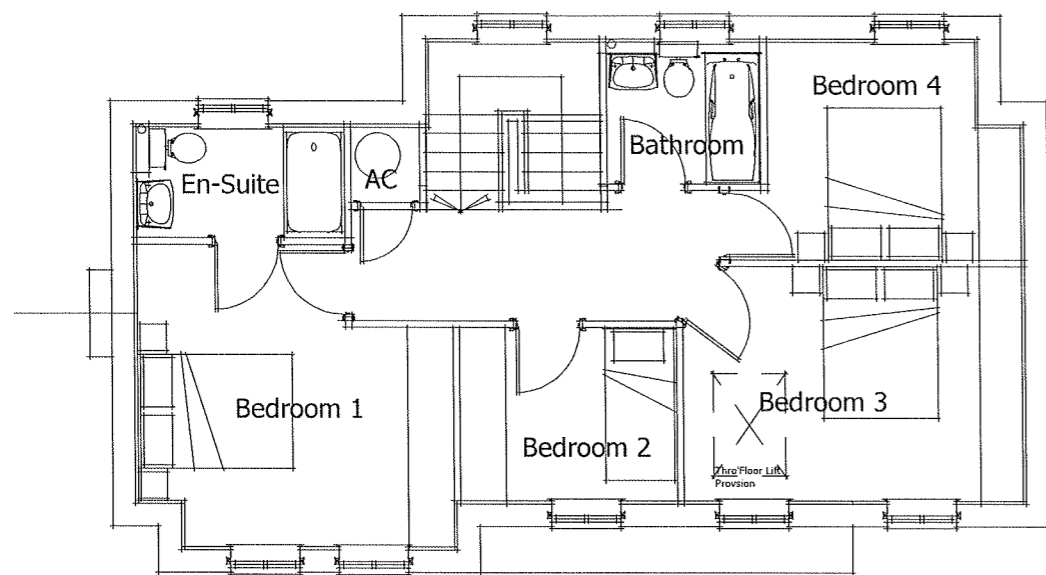
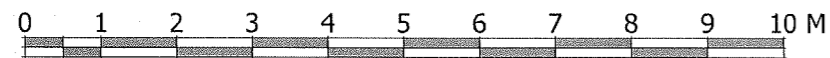
DRAWING:
House Type C

SCALE 1:100 @ A3 DWG NO. 1429 P 108

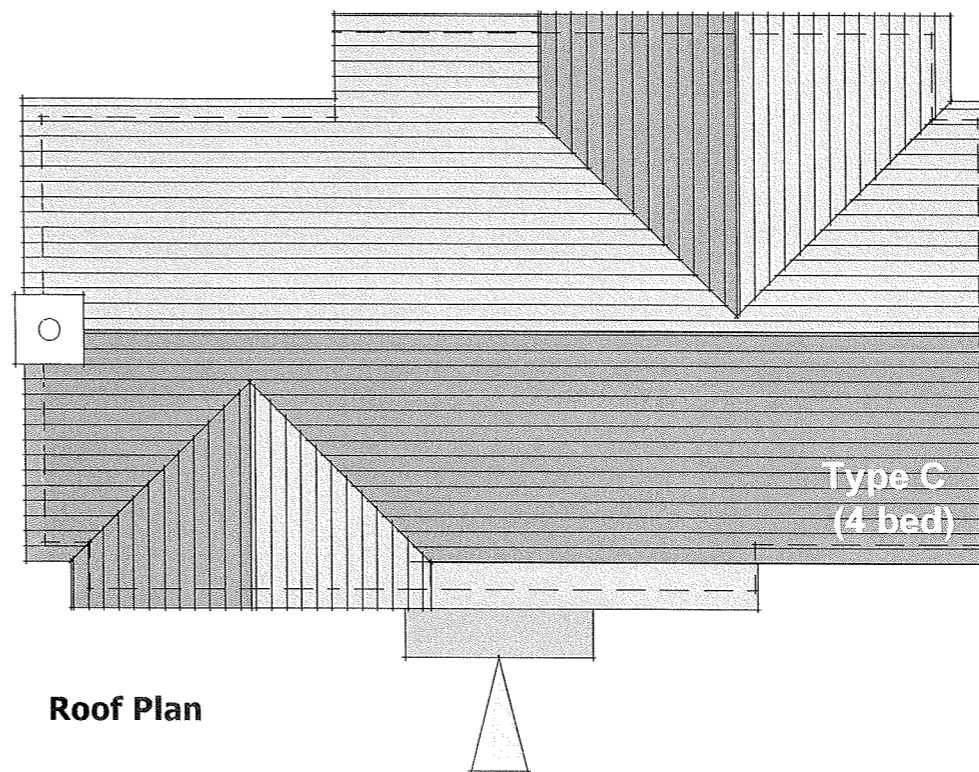
DATE Sept '14 REV: #



REV	DATE	AMENDMENTS	DRAWN	CHECKED

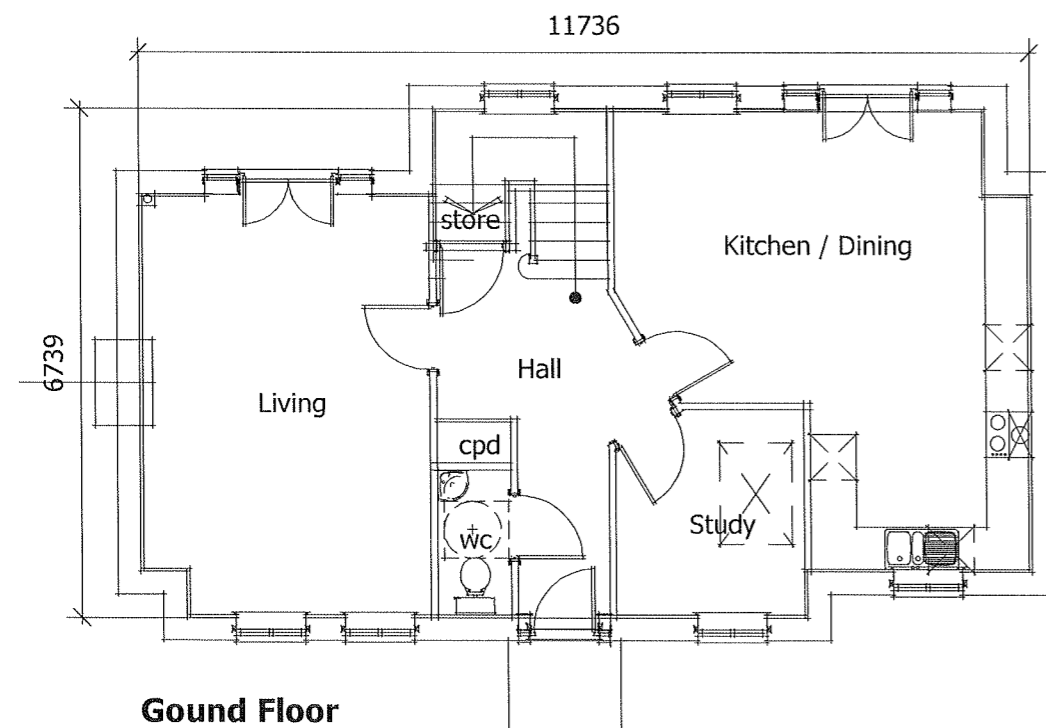


First Floor



Roof Plan

125



Ground Floor
(Plot 10 handed)

1518 sqft GIA
141.0 sqm

House Type C

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

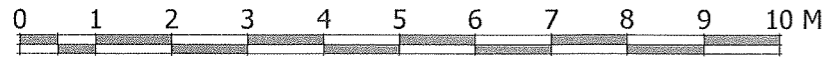
DRAWING:
House Type C

SCALE: **1:100 @ A3** DWG NO: **1429 P 107**

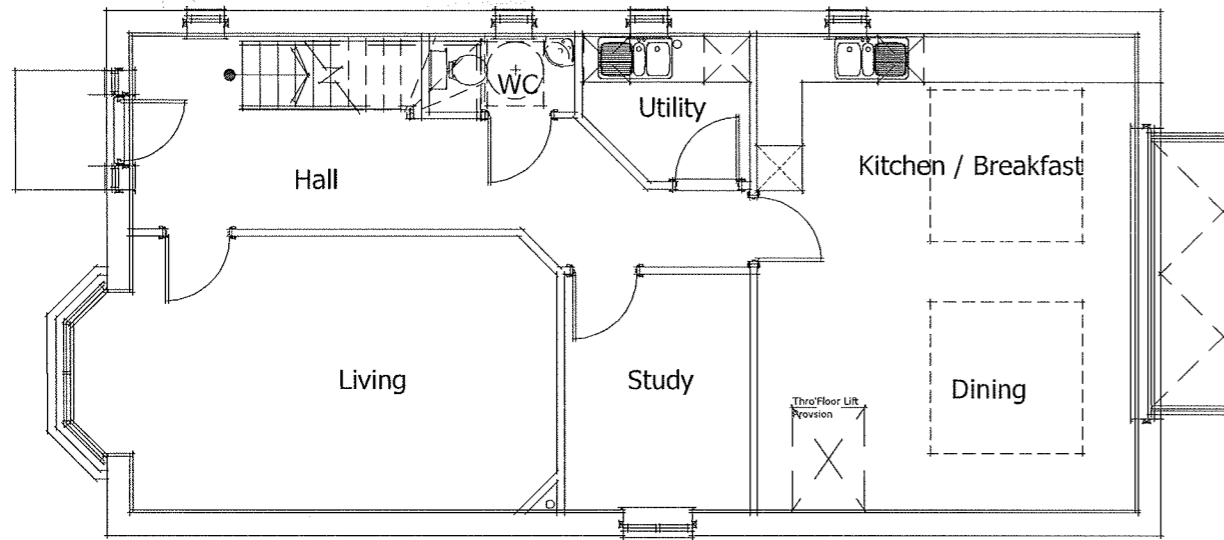
DATE: **Sept '14** REV: **#**

SCANNED
24 SEP 2014
ace

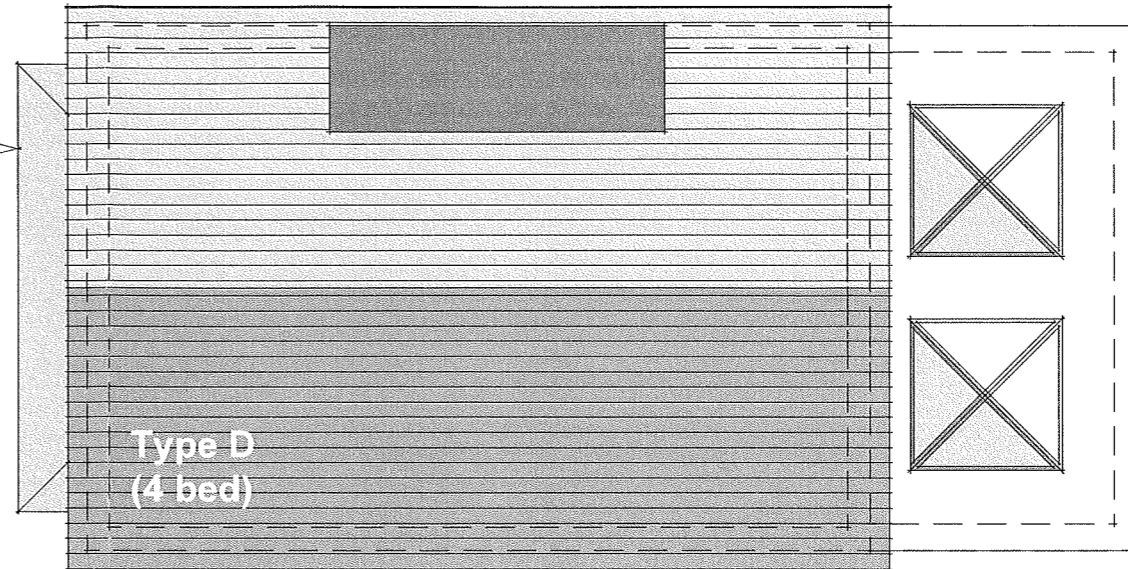




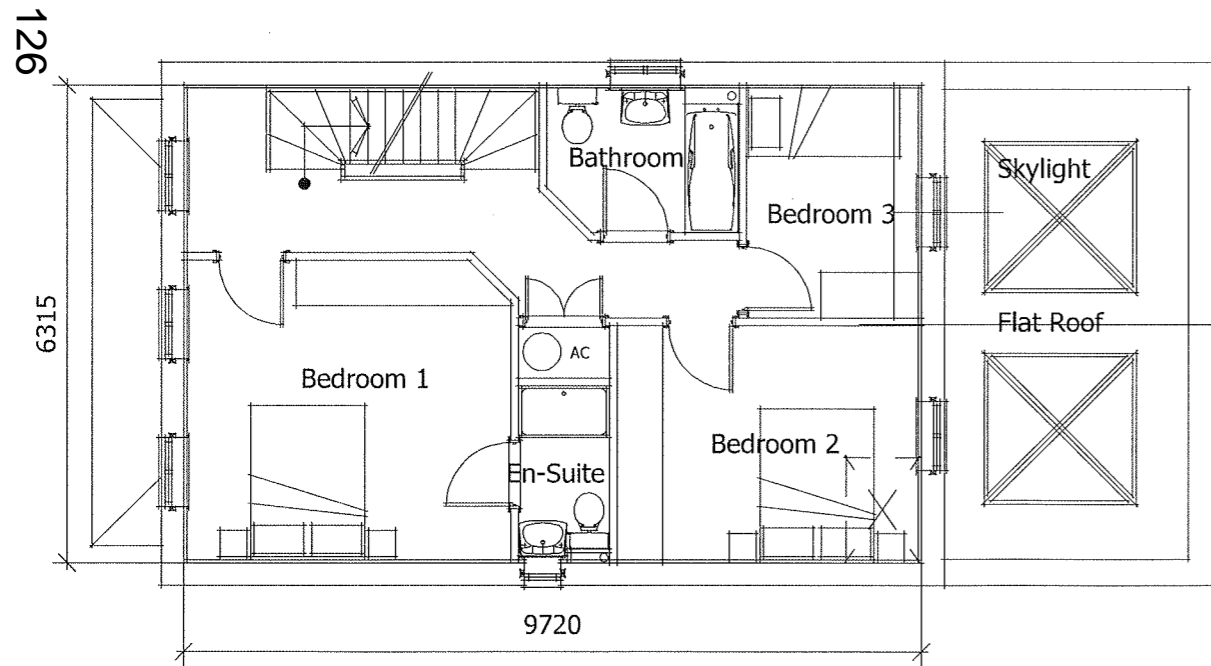
REV.	DATE	AMENDMENTS	DRAWN	CHECKED
#				



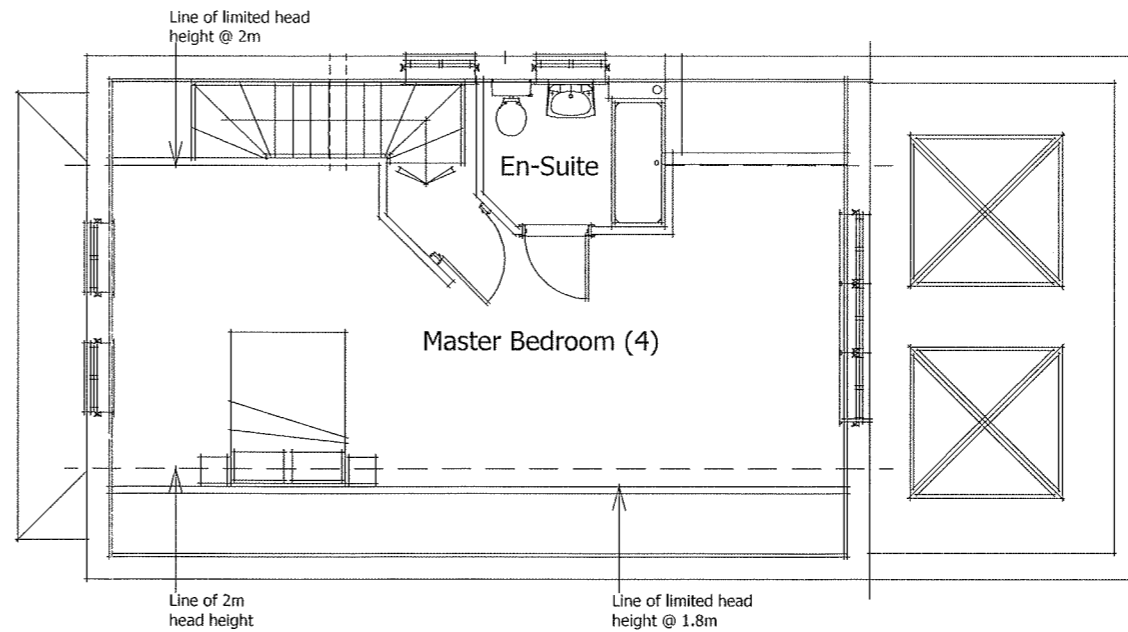
Ground Floor



Roof Plan



First Floor



Second Floor

SCANNED
24 SEP 2014
Alan

2040 sqft GIA
189.5 sqm

House Type D

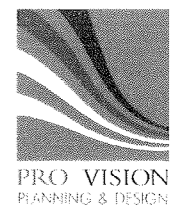
CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

DRAWING:
House Type C

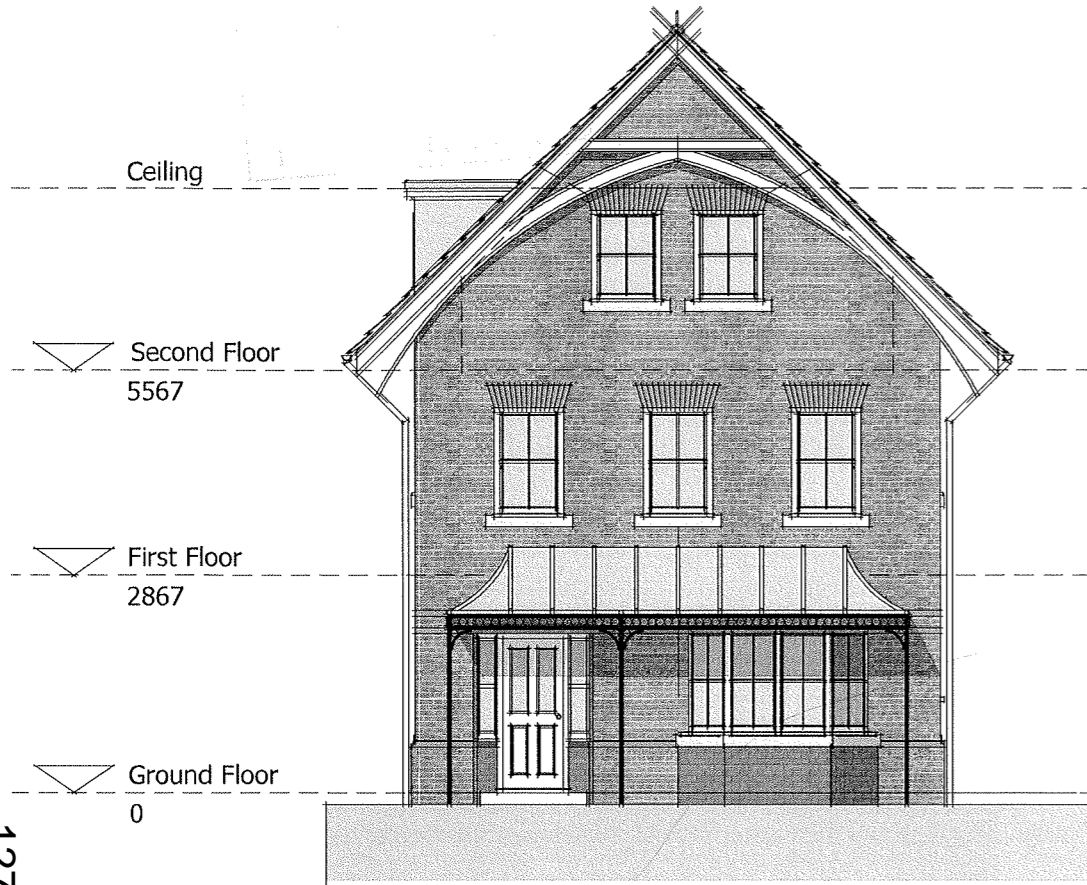
SCALE: **1:100 @ A3** DWG NO: **1429 P 109**

DATE: **Sept '14** REV: **#**

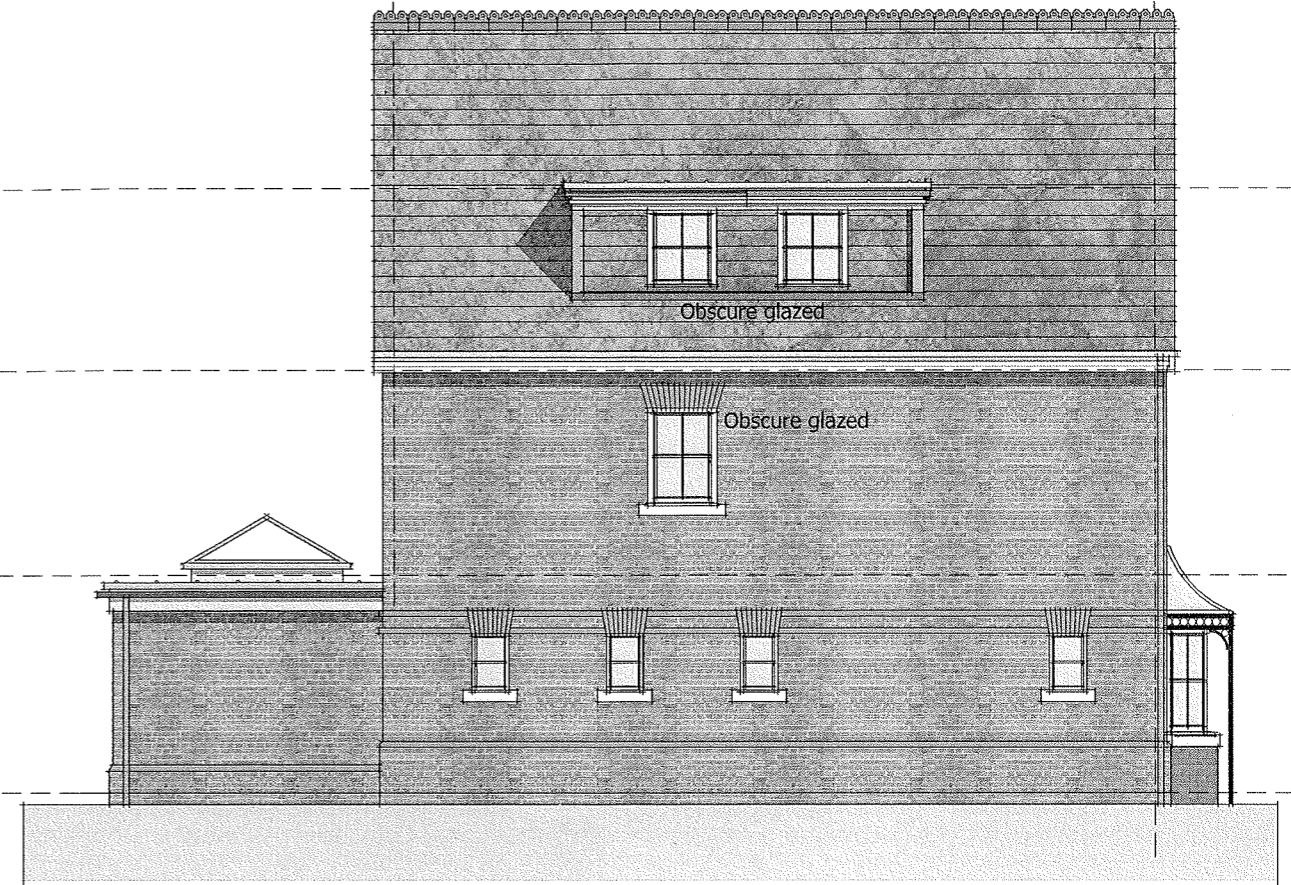


0 1 2 3 4 5 6 7 8 9 10 M

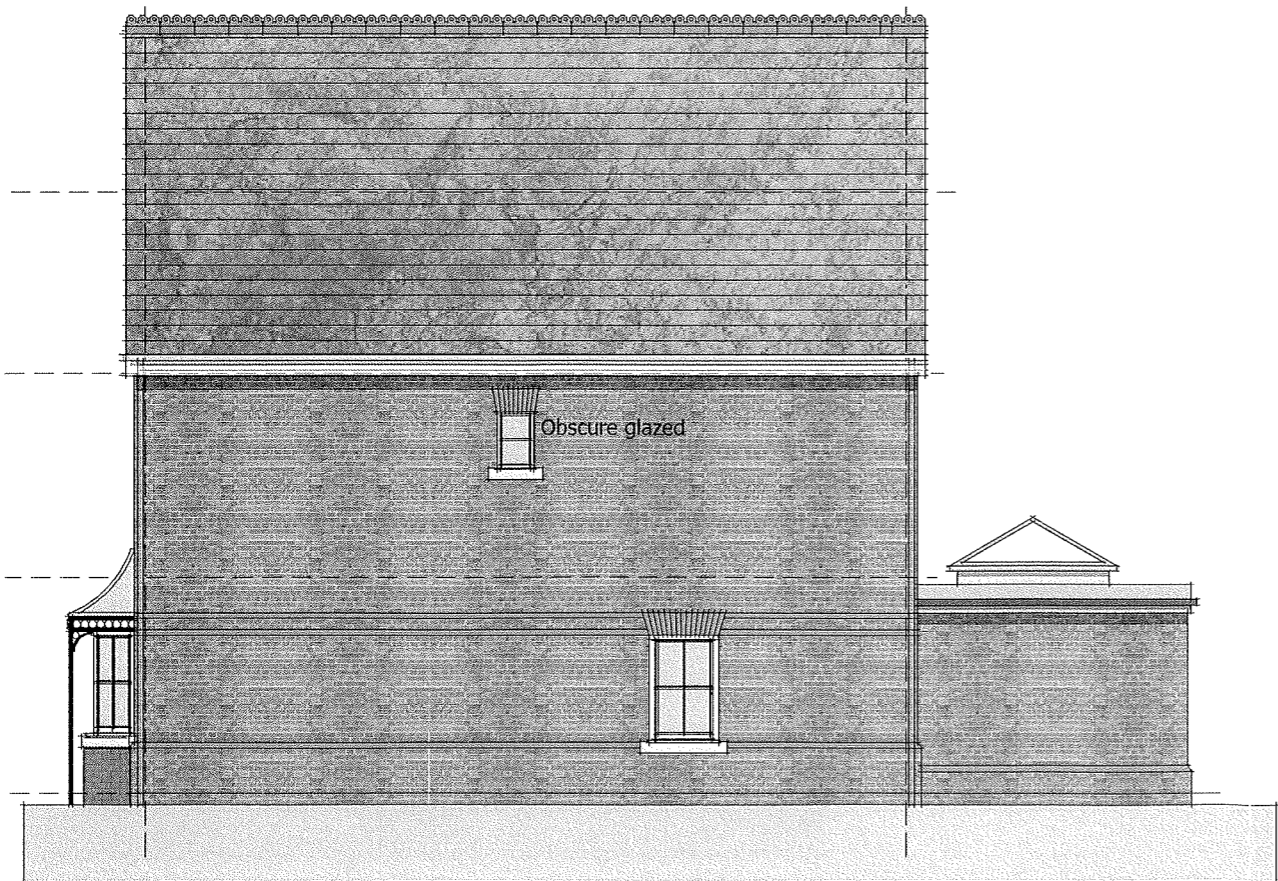
REV. #	DATE	AMENDMENTS	DRAWN	CHECKED



Front Elevation



Side Elevation



Side Elevation



Rear Elevation

SCANNED
24 SEP 2014
ave

House Type D

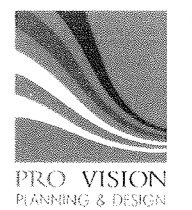
CLIENT:
Vale Property Developments Ltd

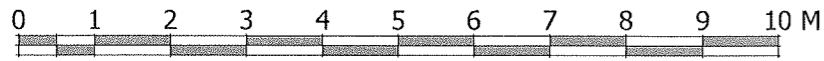
PROJECT:
Vale House Windsor

DRAWING:
House Type D Elevations

SCALE: 1:100 @ A3 DWG NO: 1429 P 110

DATE: Sept'14 REV. #

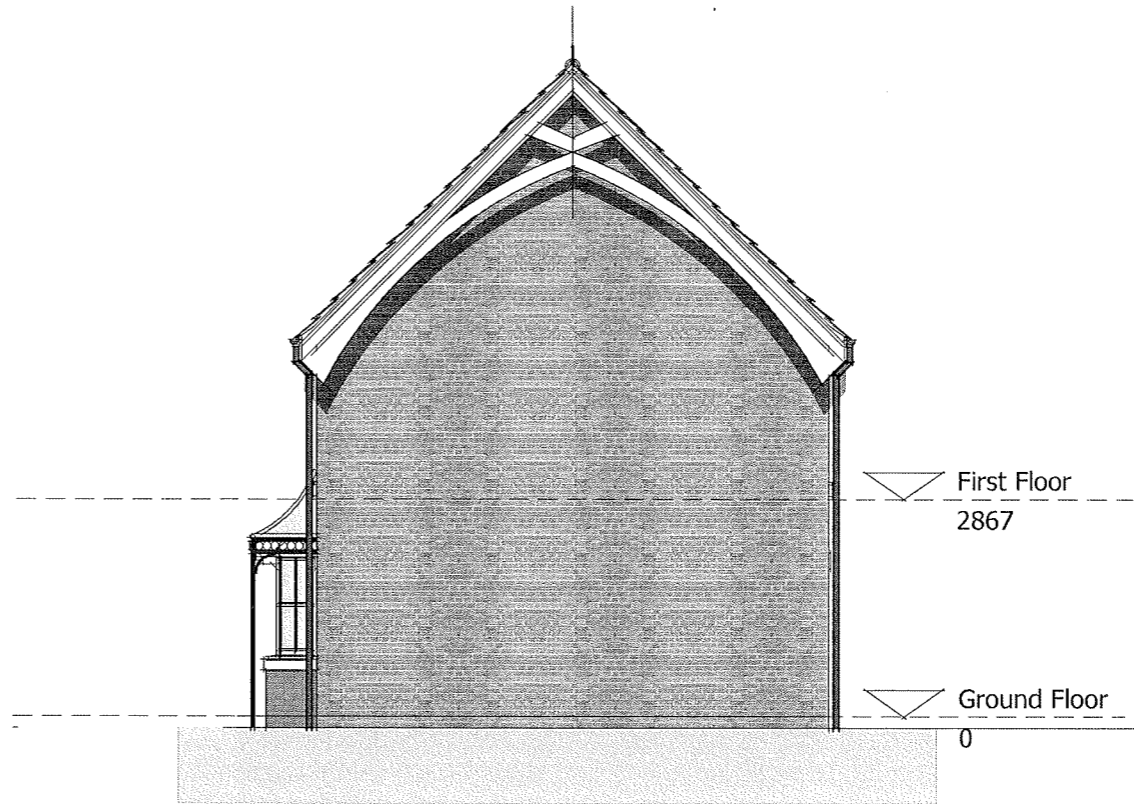




REV.	DATE	AMENDMENTS	DRAWN	CHECKED
1				



Rear Elevation

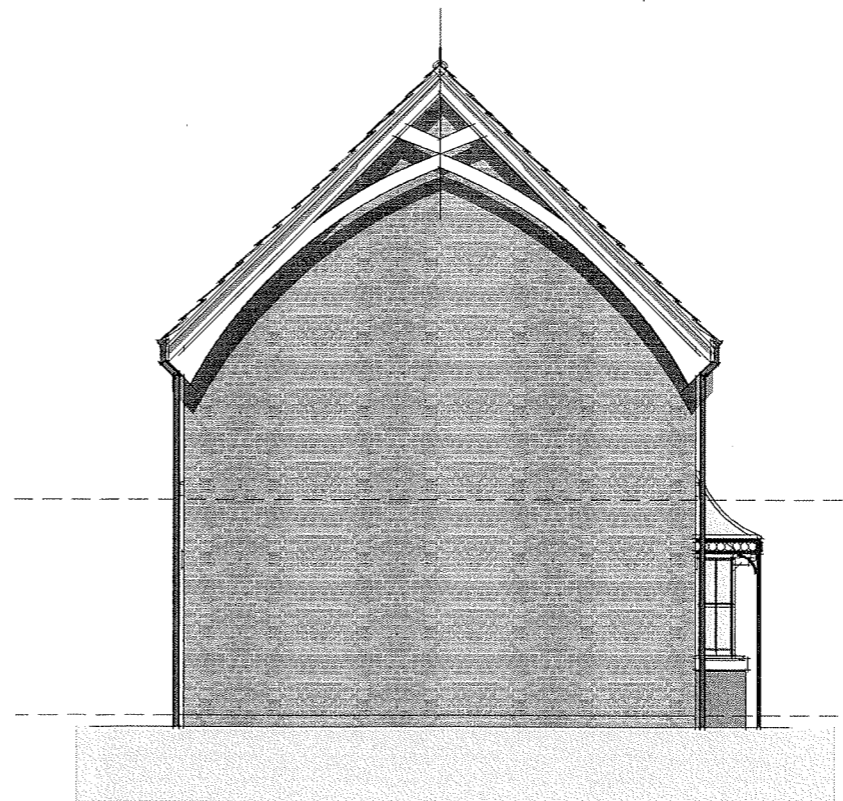


Gable Elevation

128



Front Elevation



Gable Elevation

House Type E

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House
Windsor

DRAWING:
House Type E
Elevations

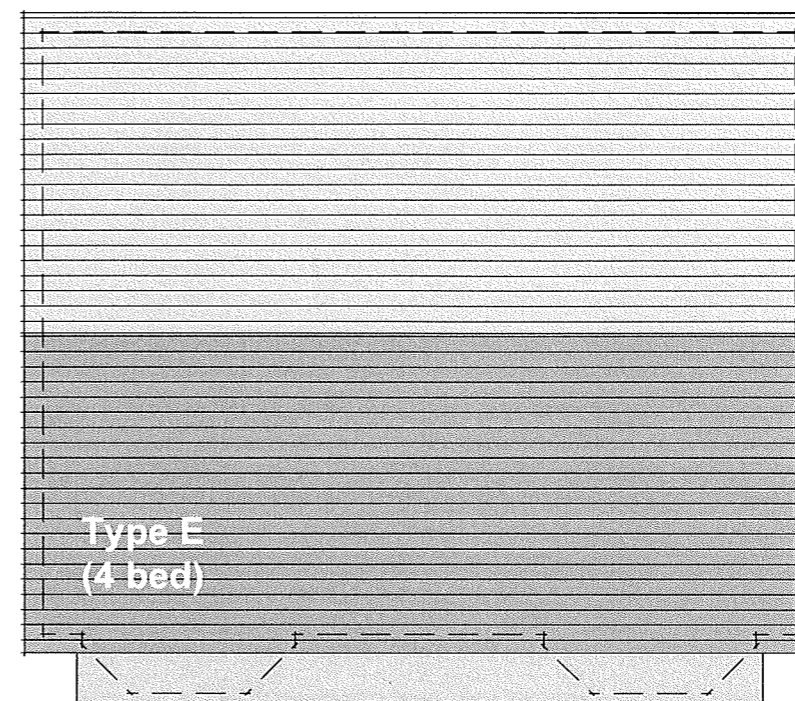
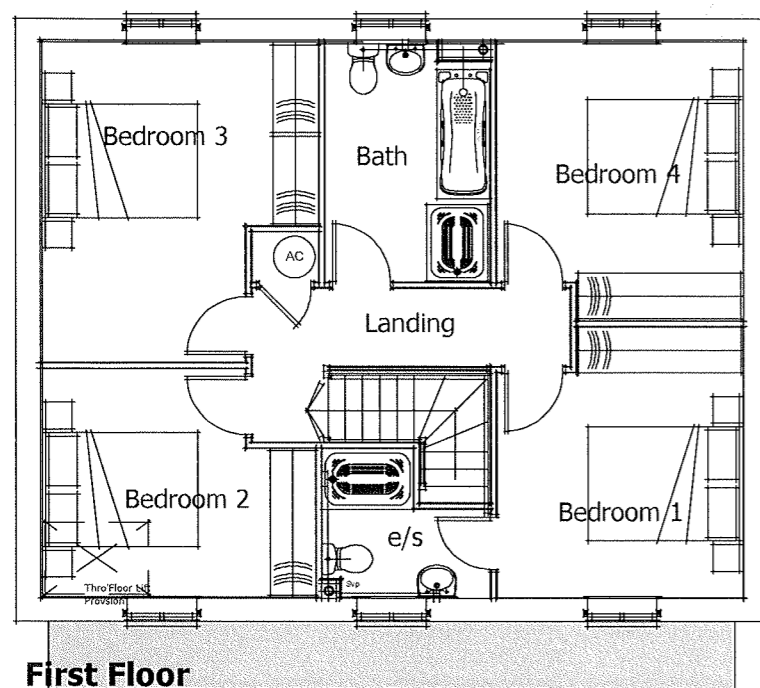
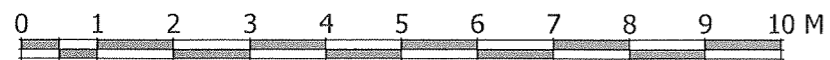
SCALE 1:100 @ A3 DWG NO:1429 P 116

DATE: Sept '14 REV: #

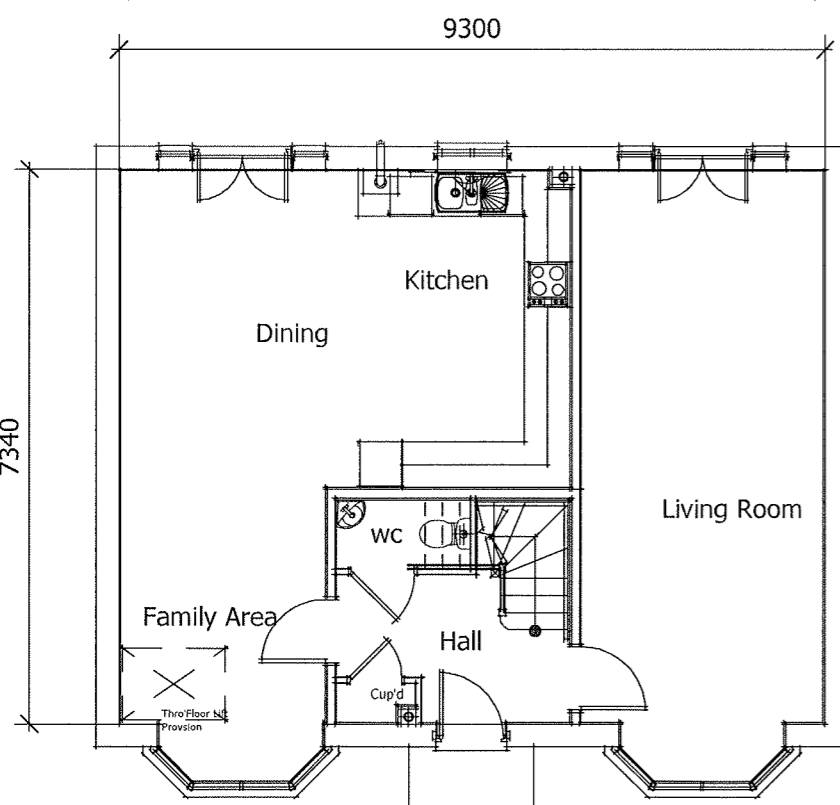
SCANNED
24 SEP 2014
aie



REV. #	DATE	AMENDMENTS	DRAWN	CHECKED



129



SCANNED
24 SEP 2014
Alan

1502 sqft GIA
139.5 sqm

House Type E

CLIENT:
Vale Property Developments Ltd

PROJECT:
Vale House Windsor

DRAWING:
House Type E Plans

SCALE: **1:100 @ A3** DWG NO: **1429 P 115**

DATE: **Sept '14** REV. #



Plan 2

Vale Property Developments Ltd

Vale House Windsor

Plan 2

L:200 B: A1

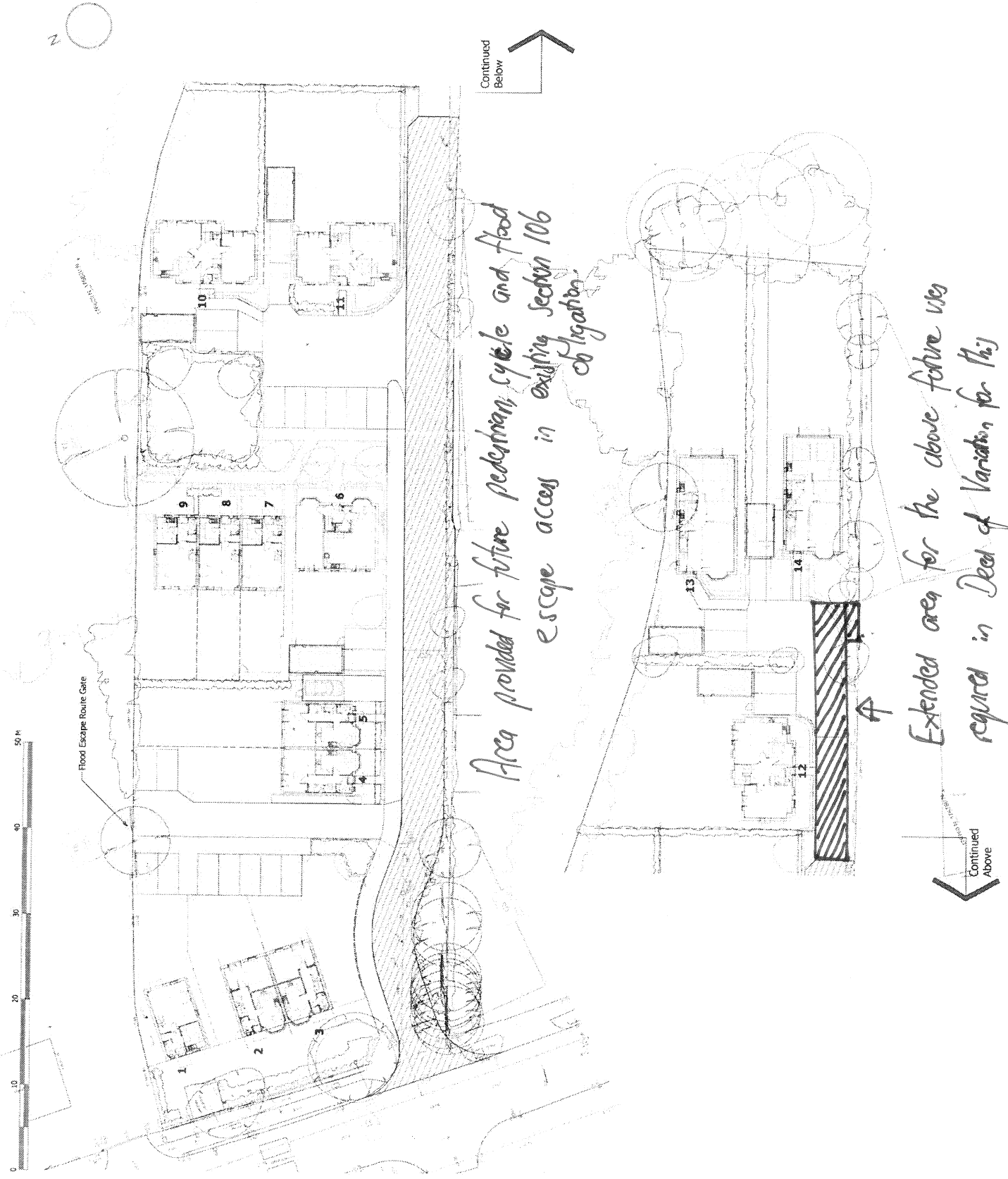
1429 P 121

Dec: 14

R

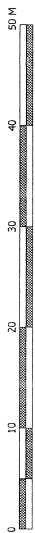


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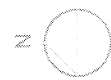
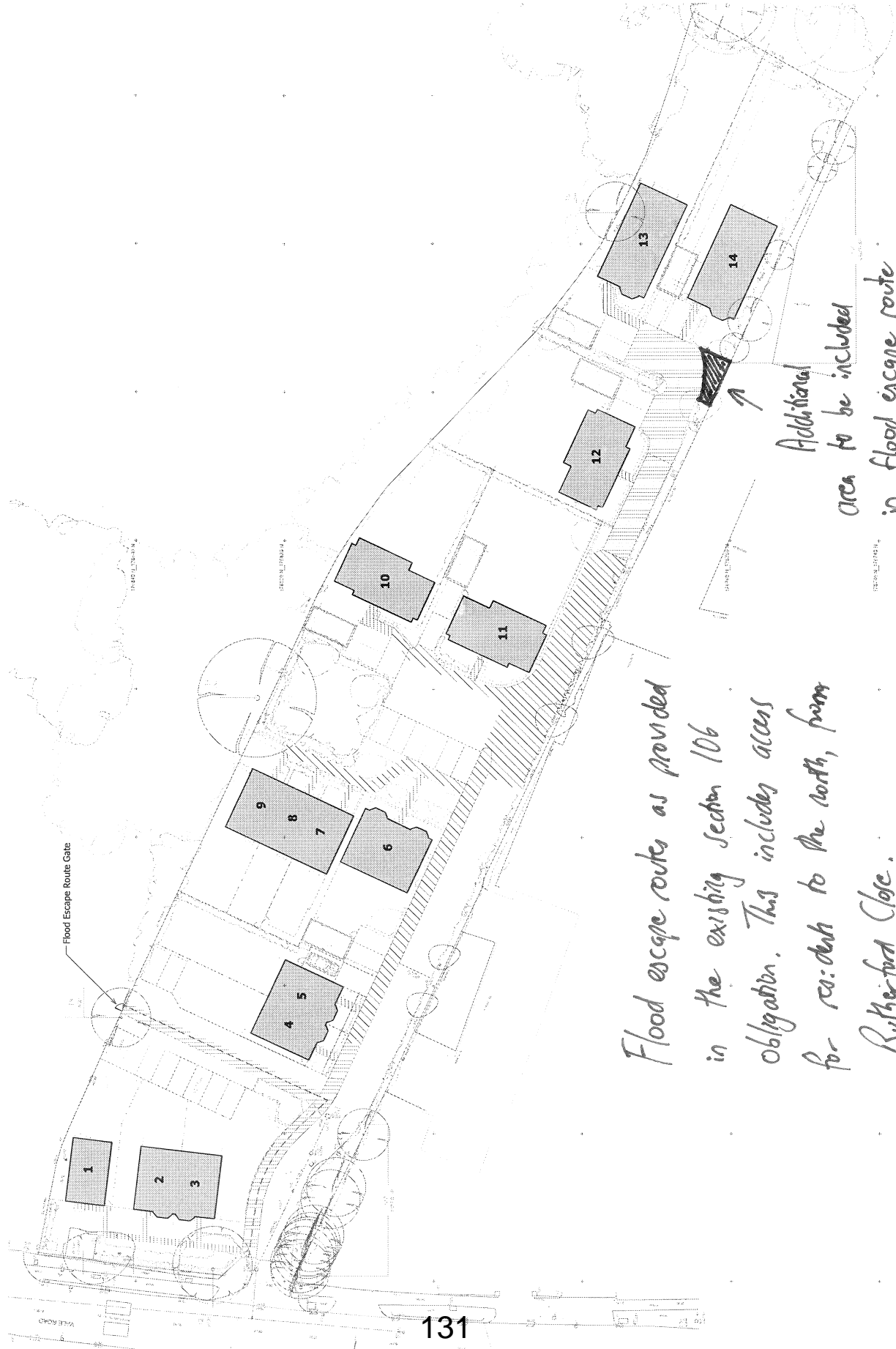
Area provided for future pedestrian, cycle and flood escape access in existing section 106 obligation.

Extended area for the above future uses required in Deed of Variation for this application.

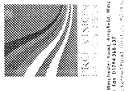


NO.	DESCRIPTION	SYMBOL
1	Proposed Access	---
2	Proposed Footway	----
3	Proposed Path
4	Proposed Cycleway	-----
5	Proposed Driveway	-----
6	Proposed Parking	-----
7	Proposed Green Space	-----
8	Proposed Tree	-----
9	Proposed Hedge	-----
10	Proposed Wall	-----
11	Proposed Boundary	-----
12	Proposed Fencing	-----
13	Proposed Gate	-----
14	Proposed Light	-----
15	Proposed Sign	-----
16	Proposed Bench	-----
17	Proposed Bin	-----
18	Proposed Planter	-----
19	Proposed Tree	-----
20	Proposed Hedge	-----
21	Proposed Wall	-----
22	Proposed Boundary	-----
23	Proposed Fencing	-----
24	Proposed Gate	-----
25	Proposed Light	-----
26	Proposed Sign	-----
27	Proposed Bench	-----
28	Proposed Bin	-----
29	Proposed Planter	-----
30	Proposed Tree	-----

- Flood Escape Route at 21.0m AOD
- Flood Escape Route at 20.75m AOD
- Raised floodable timber walkway
- Escape route from Rutherford Close



Vale Property Developments Ltd
 Site Name: Windfar
 Flood Escape Plan
 SCALE: 1:200 @ A1
 DATE: Nov '14

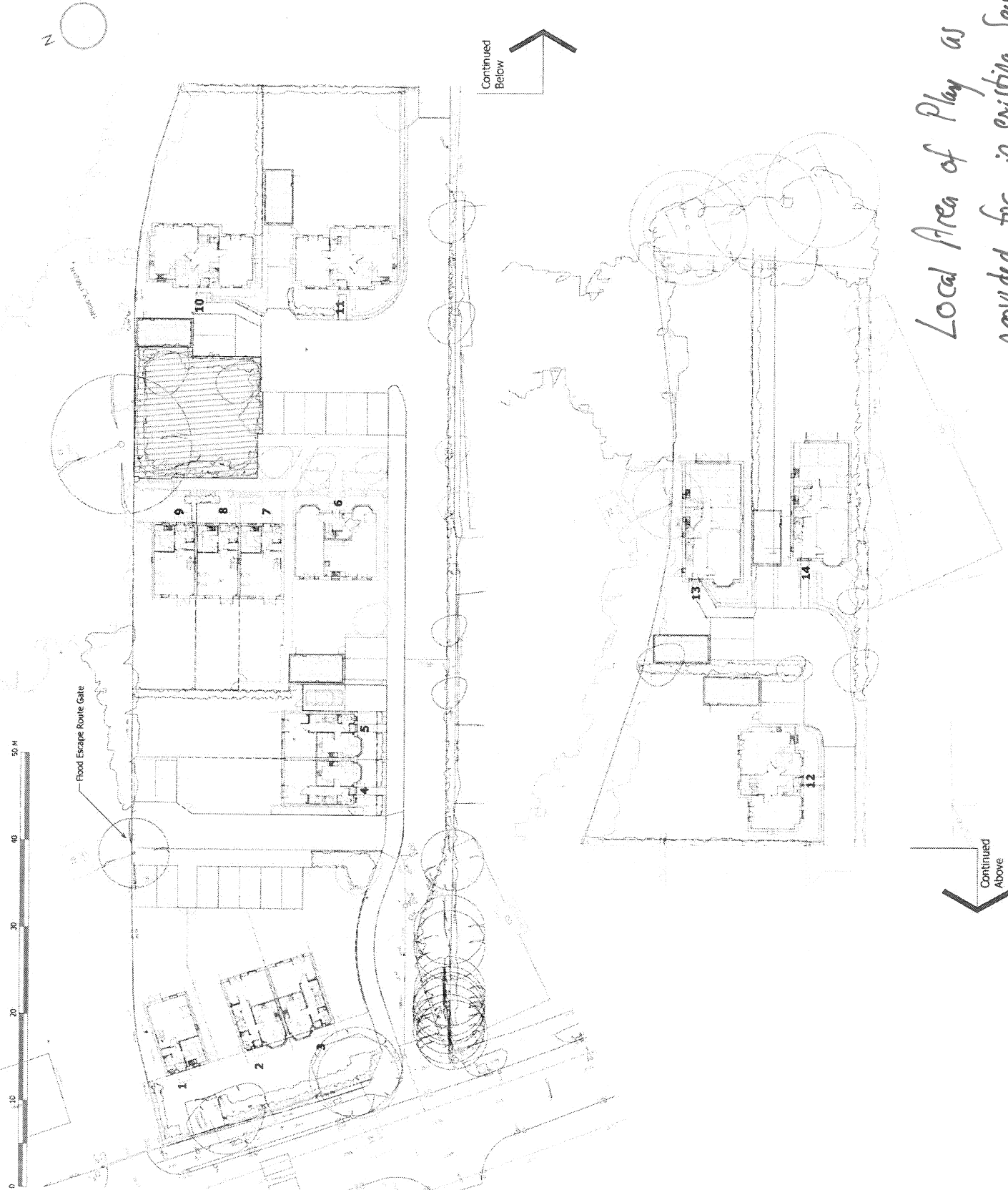


Flood escape routes as provided in the existing section 106 obligation. This includes access for residents to the north, from Rutherford Close.

Additional area to be included in flood escape route plan in Deed of Variation for this application.



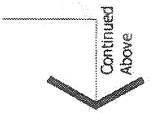
Flood Escape Route Gate



Continued
Below



Continued
Above



Plan 3

Vale Property Developments Ltd

Vale House
Windsor

Plan 3

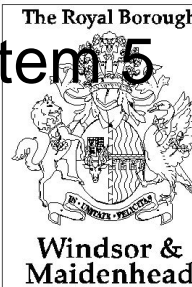
11200 N A1 1429 P 132

Dec 14 B



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Local Area of Play as provided for in existing Section 106.



4 August 2016 - 29 September 2016

Windsor Urban

Appeal Ref.: 16/00004/REF **Planning Ref.:** 15/03292/CPD **Plns Ref.:** APP/T0355/X/16/3142500
Appellant: Mrs L Lee **c/o Agent:** Dr Anton Lang Anton Lang Planning Services Ltd P O Box 462 Newcastle Upon Tyne NE3 9DY
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Certificate of lawfulness to determine whether conversion of loft into habitable accommodation with the construction of 2 dormers and installation of 3 roof lights are lawful
Location: 132 Vansittart Road Windsor SL4 5DQ
Appeal Decision: Dismissed **Decision Date:** 28 September 2016

Main Issue: Condition B.2(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 states: (b) the enlargement shall be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; The main rear roof will be replaced almost entirely by a dormer; and it is this dormer, and not the original roof, that will be joined to something; and what it will join is not the roof of an extension, but the other dormer that it is proposed to construct. The Inspector considered the advice on page 36 of the Government publication Permitted development rights for householders: Technical Guidance (April 2016 revision) and the parties' observations about it. The Introduction to the Guidance states: "It is designed to be used by anyone who wants to understand more about the detailed rules on permitted development and the terms used in those rules" and it adds: "Given the very substantial variations in the design of individual houses, this guide cannot cover all possible situations that may arise". In some respects, page 36 lends support to the appellant's case, but after a detailed consideration of how the terms of the Order apply to the particular enlargement proposed in this appeal, the Inspector came to the view that it is not permitted development. The Inspector therefore concluded that the operations would not be lawful if begun at the time of the application. The Inspector was satisfied that the Council's refusal of the application is well-founded, although not for the reasons given by them.

Appeal Ref.: 16/00006/REF **Planning Ref.:** 15/03595/FULL **Plns Ref.:** APP/T0355/D/16/3142311
Appellant: Mr Ben Sherriff **c/o Agent:** Mr Michael Williams Michael Williams Planning 17 Chestnut Drive Windsor SL4 4UT
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Single storey rear extension, alteration to roof to include a rear dormer and 2 rear roof lights
Location: 14 Albert Street Windsor SL4 5BU
Appeal Decision: Part Allowed **Decision Date:** 4 August 2016

Main Issue: The proposed single storey rear extension was granted planning permission as the Council no longer wish to pursue the reason for refusal as the proposed extension would be less than 30sqm, in compliance with the aims of Local Plan Policy F1. The proposed roof alterations and dormers were refused at appeal as they would form an incongruous roof extension which would detract from the established character and appearance of the distinctive row of terraced houses on Albert Street; contrary to Local Plan Policies DG1 and H14 of the Local Plan.

Appeal Ref.: 16/60045/REF **Planning Ref.:** 16/00801/FULL **Plns Ref.:** APP/T0355/D/16/3149252

Appellant: Mr And Mrs Nigel And Sam Lawrence **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part single part two storey extension, conversion of existing garage into habitable accommodation with amendments to fenestrations

Location: **74 Gallys Road Windsor SL4 5RA**

Appeal Decision: Allowed **Decision Date:** 4 August 2016

Main Issue: Due to the siting of the proposed works and size of the corner plot. The inspector considers that a proposal of this nature is of an acceptable size and would not appear unduly large or disproportionate. The Inspector conceded that the proposed extension would significantly alter the balance of the pair of semis because the gable would be at the end of the frontage, but overall the development would add character to the building and would not significantly harm its existing appearance enough to warrant refusal of the application.

Appeal Ref.: 16/60049/REF **Planning Ref.:** 15/03533/FULL **Plns Ref.:** APP/T0355/W/16/3145654

Appellant: Mrs H Gregory Osborne **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd 22 Tanglewood Close Pyrford Woking Surrey GU22 8LG

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Erection of single storey detached two bed dwelling with associated parking and amenity space.

Location: **Land At 24 York Avenue Windsor**

Appeal Decision: Dismissed **Decision Date:** 15 August 2016

Main Issue: The Inspector considered that the proposed bungalow would not only be uncharacteristic in this location by reason its siting and restricted plot size, but it would also appear visually incongruous within a part of the street which is dominated by robust two-storey dwellings which are relatively consistent in their intrinsic design characteristics, scale and form. In the view of the Inspector, the appeal proposal would fail to respond to its immediate surroundings and diminish the spacious qualities and character of this part of the street. However, the Inspector did not consider that the proposal would have a harmful effect on the living conditions of future occupiers.

Appeal Ref.: 16/60073/REF **Planning Ref.:** 15/03436/FULL **Plns Ref.:** APP/T0355/W/16/3151668

Appellant: Mr Daniel Coombes- Altiora Investments Ltd **c/o Agent:** Miss Catherine Wilson CSK Architects 93A High Street Eton Near Windsor Berkshire SL4 6AF

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Erection of 2 bed apartment and associated car port.

Location: **Land Rear of 91A Dedworth Road Windsor SL4 5BB**

Appeal Decision: Allowed **Decision Date:** 27 September 2016

Main Issue: The Inspector concluded that the proposed development would not harm the character and appearance of the area. There would be no conflict with Policies DG10, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003) which aim to protect the character and appearance of an area.

Appeal Ref.: 16/60077/REF **Planning Ref.:** 16/01437/FULL **Plns Ref.:** APP/T0355/D/16/
3153297

Appellant: Mr Manoj Gangarh **c/o Agent:** Mrs Joanne Brough BB Planning 24 Pinders Farm Drive
Warrington Cheshire WA1 2GF

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey side extension following demolition of existing garage

Location: **5 Ditton Road Datchet Slough SL3 9LJ**

Appeal Decision: Dismissed **Decision Date:** 7 September 2016

Main Issue: The Inspector concluded that the proposed development conflicts with the empirical terms of LP policy F1, and it had not been adequately demonstrated that a departure from its provisions is warranted.

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ENFORCEMENT REPORT

Reference and Site:

16/50241 – Land at 45 Kings Road, Windsor, SL4 2AD

Contravention:

- The erection of a rear extension in breach of conditions and not in accordance with approved plans.

Person(s) responsible:

- Ms Anna Louise Friel

Relevant Planning History:

- 14/00088/FULL - Single storey rear extension, front extension below entrance stair, first floor extension to form first floor ensuite shower room, 1 new window to rear, lowering of existing lower ground floor level and refurbishment of existing ground floor bathroom and general redecoration of property. Approved 26 March 2014
- 14/00093/LBC - Single storey rear extension, front extension below entrance stair, first floor extension to form first floor ensuite shower room, 1 new window to rear, lowering of existing lower ground floor level and refurbishment of existing ground floor bathroom and general redecoration of property. Approved 26 March 2014

ENFORCEMENT HISTORY

N/A

SITE AND SURROUNDINGS

Number 45 Kings Road, Windsor forms part of Brunswick Terrace, a series of 13 properties dating from around 1800 with a grade II listing. The properties fall within the Inner Windsor Conservation Area and hold a prominent position, the rear backing on to the Long Walk.

History:

Following a complaint to the Council about the rear extension not being built in accordance with approved plans an Enforcement Officer and Senior Conservation Officer carried out a detailed site visit with the landowner and architect in attendance.

During the site visit it was noted that by Officers that it appeared planning permission and Listed Building Consent (14/00088/FULL and 14/00093/LBC) had been implemented. It was also noted on site that no pre-commencement conditions attached to the LBC had been discharged.

Enforcement and Conservation Officers formed the opinion that the development of the rear extension was not built in accordance with approved plans and crucially materials used, in part, were not appropriate for the building.

Following communication with the agent the Council wrote to the landowner, via the agent, to carry out remedial works to address the issues and then submit a fresh application to retain the development. 2 months were given for this.

Following the expiry of 2 months a further letter was sent to the land owner, via the agent, seeking confirmation of remedial works and for access to inspect the same. The response was that an application was being prepared.

Comments:

No remedial works have been carried out and no application has been submitted.

The reasons for taking formal enforcement action and addressing each potential ground of appeal are set out below.

(a) that the building is not of special architectural or historic interest;

The building was built early in the 18th Century at its conception and has been subsequently added to through different periods with many features of the building remaining in tact, both internally and externally, which are of special historic or architectural interest. In the LPA's opinion the Listing is valid and remains extant.

(b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

Following a site visit Officers noted the rear extensions have been constructed. It is Officer opinion that the LBC has been implemented but is null and void as no pre-commencement conditions had been discharged and the development is not in accordance with approved plan, and therefore all works to the building are contrary to Section 7 of the Act and constitute a contravention of Section 9 (1 and (2).

(c) that those matters (if they occurred) do not constitute such a contravention .

In the LPA's opinion the works do constitute a contravention by the alteration to the building which affects its special interest.

(d) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;

The primary reason for the carrying out of the works appears to have been to facilitate the extension of the building. There is no evidence that they were of an urgent nature and no urgent work notice was served on the LPA.

(e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

In the opinion of the Conservation Officer LBC should not be granted for the extension as built as materials used and the completed design is not acceptable for the building. As Heritage assets are irreplaceable, any harm or loss (e.g. historic fabric) requires clear and convincing justification. This has not been the case in this instance and therefore listed building consent should not be granted for the identified contravention of Section 7

(f) that copies of the notice were not served as required by section 38(4); .

N/A

(g) except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;

N/A – works are required by Section 38 (2) (b)

(h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;

Timeframe agreed by Officers and is reasonable to carry out the identified works.

(i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;

N/A

(j) that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;

All steps are necessary and are required to ensure the effect of the unauthorised works are remedied to alleviate the current effect the works have on the building.

(k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

All steps are necessary to ensure the works carried out are remedied.

Recommendation:

Issue a Listed Building Enforcement Notice

Requirements:

- i. **demolish the rear ground floor extension or;**
- ii. **rebuild the rear extension strictly in accordance with approved plans attached to Listed Building consent 14/00093/LBC - Single storey rear extension, front extension below entrance stair, first floor extension to form first floor ensuite shower room, 1 new window to rear, lowering of existing lower ground floor level and refurbishment of existing ground floor bathroom and general redecoration of property. Approved 26 March 2014**

The period of compliance shall be 2 months.

The reasons for serving this Notice are as follows:

The Local Planning Authority considers it expedient to take enforcement action in this instance for the following reasons:

The building has been subject to extensive works without appropriate consent and the result of these works harms the historic fabric of the special architectural and historic interest of the building, which requires Listed Building consent as set out under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development continues to affect the historic and architectural interest of the rear elevation of the building. The unauthorised works are therefore contrary to Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations adopted June 2003) and the principles of Part 12 of the NPPF.

The Panel are recommended by the Borough Planning Manager to endorse enforcement action.

REFERRED TO PANEL BY:

Jenifer Jackson,
Borough Planning Manager
Town Hall, St Ives Road,
Maidenhead, Berkshire, SL6 1RF
Date:



Allotment Gardens

23

14

18 to 22

20.7m

35

Grove Road

Kings Road

26

47

57

St Marys

36

Cottages

Title

Add Team Name

Drawn by:

Date: 20/09/2016

Site:

Ref:

Scale: 1:500

Projection: OSGB1936 National Grid

141

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2012. Ordnance Survey
100018817

ENFORCEMENT REPORT

Reference and Site:

15/50425 - 2 - 4 Whites Lane, Datchet, Slough, SL3 9AN

Contravention:

Without planning permission the erection of a building, the formation of hardstanding and the storage of vehicles.

Person(s) responsible:

Mr Mohammed Azram of 7 Langley Broom, Langley, Slough, SL3 8NB

Relevant Planning History:

463405 Change of use from two cottages to four self-contained flats. (Retrospective) Permitted 15.03.85

463414 Single storey rear extension, side entrance porches, new roof and internal alterations Permitted 15.03.85

07/01920/FULL - Construction of 2 x 2 bedroom flats and 2 x 1-bedroom flats following demolition of existing. Approved 06.09.2007

Site and Surroundings:

The site is located on the northern outskirts of the village of Datchet, within a small cul-de-sac leading off the Slough Road (B376) close to the M4 motorway. There are other houses along the cul-de-sac and along Slough Road. The site lies within the Green Belt.

History:

Following a complaint to the Council about the formation of hardstanding, storage of cars and the erection of a building the enforcement team opened an investigation. Following various site visits it was established that a concrete hardstanding had been laid on land to the south west of the residential flats to facilitate the storage of vehicles, some of which appear to not be road worthy. A building has also been erected in the north eastern corner of the site.

On 31 December 2015 a Section 16 Requisition for Information Notice was served on the occupants of the flats. On 11 January 2016 the notice was returned by Network Property Design and it was established that Mr Mohammed Azram of 7 Langley Broom, Langley, Slough, SL3 8NB is the landowner. On 24 February 2016 the Council wrote to Network Property Design inviting an application to regularise the development or carry out remedial works. No response was received from Network Property Design.

Following contact with Mr Azram officers were advised a new planning agent, H.P.S Hd Design Services, had now been instructed to resolve the planning issues. On 5 May 2016 a planning application for *Construction of outbuilding and hardstanding (retrospective)* was submitted to the

Council. This was invalid on receipt and returned. Despite requests to re-submit the application this has not been done.

A site visit on 25 July 2016 by Enforcement Officers confirmed that no remedial works have been carried out and no application is pending to regularise the matter.

Comments:

The reasons for taking formal enforcement action and addressing each potential ground of appeal are set out below.

Ground (a) – that planning permission should be granted.

Main issues and policies relevant to the planning merits.

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

Issue	Local Plan Policy	Compliance	
Appropriate development in the Green Belt	GB1		No (VSC)
Acceptable impact on Green Belt	GB2		No (VSC)
Impact on flood zone	F1		no

Compliance with Greenbelt policy:

The site is located within a recognised settlement in the Green Belt in which Local Plan Policy GB1 advises that development will only be approved if very special circumstances are demonstrated. Additionally, development will not be granted permission if the development employs materials that cause harm to the Green Belt and if a change of use of the land has a greater impact on the openness of the Green Belt. In this instance no very special circumstances have been forwarded for the erection of the building. The formation of concrete hardstanding is an unsympathetic material and the storage of vehicles affects the openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning merits on a site within the Green Belt substantial weight should be given to any harm to the Green Belt. ‘Very Special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Part 9 of the NPPF and Policies GB1 and GB2 applies in this instance.

Compliance with Flood Policy

The building and formation of hardstanding will impede the free flow of flood water and will reduce the capacity to store flood water and therefore the development is contrary to Policy F1.

Ground (b) – that the breach of control alleged has not occurred.

An Enforcement Officer has visited the site and noted the development remains.

Ground (c) – that there has not been a breach of planning control.

Permitted development rights do not apply to flats and therefore the development is not permitted by Classes E and F of the Town and Country Planning (General Permitted development) Order 2015. It is the officer's opinion that the erection of a building and formation of hardstanding constitutes development under Section 55 of the Principal Act and therefore the development requires planning permission.

Ground (d) – that at the time the Enforcement Notice was issued it was too late to take enforcement action against the matters stated in the Notice.

The development was commenced in 2015.

Ground (f) that the steps required by the notice are excessive and that lesser steps could remedy any injury to amenity that has been caused.

The requirements of the Notice are the minimum the Council can stipulate to ensure the breach of planning control and resulting injury to the green belt and flood zone is remedied. Any lesser steps would continue to cause harm.

Ground (g) – that the time given to comply with the Notice is too short.

Two months is deemed by the Local Planning Authority to be a reasonable period of time for the requirements of the Notice to be complied with. The development is primarily brick and concrete and no specialist contractor or plant/machinery is required to carry out the requirements of the Notice.

Recommendation to panel

ENFORCEMENT ACTION BE TAKEN:

Enforcement Action –

1. Demolish the building identified in green on the attached plan
2. Remove from the land all materials resulting from compliance with step 1
3. Dig up all the hardstanding identified in blue outline on the attached plan
4. Remove from the land all materials resulting from compliance with step 3
5. Cease the use of land for the storage of vehicles that are either not taxed or SORN and not registered to persons currently resident on the land

The period of compliance shall be two months from the date of this Notice.

The reasons for serving this Notice are as follows:

The site is located in a recognised settlement within the Green Belt. The building, formation of hardstanding and storage of vehicles are considered to be inappropriate development and are therefore contrary to saved Policies GB1, GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and Part 9 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that would clearly outweigh the harm caused by reason of the inappropriateness of the development.

The development impedes the free flow of flood waters and therefore is contrary to Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003)

Recommend by the Enforcement Team

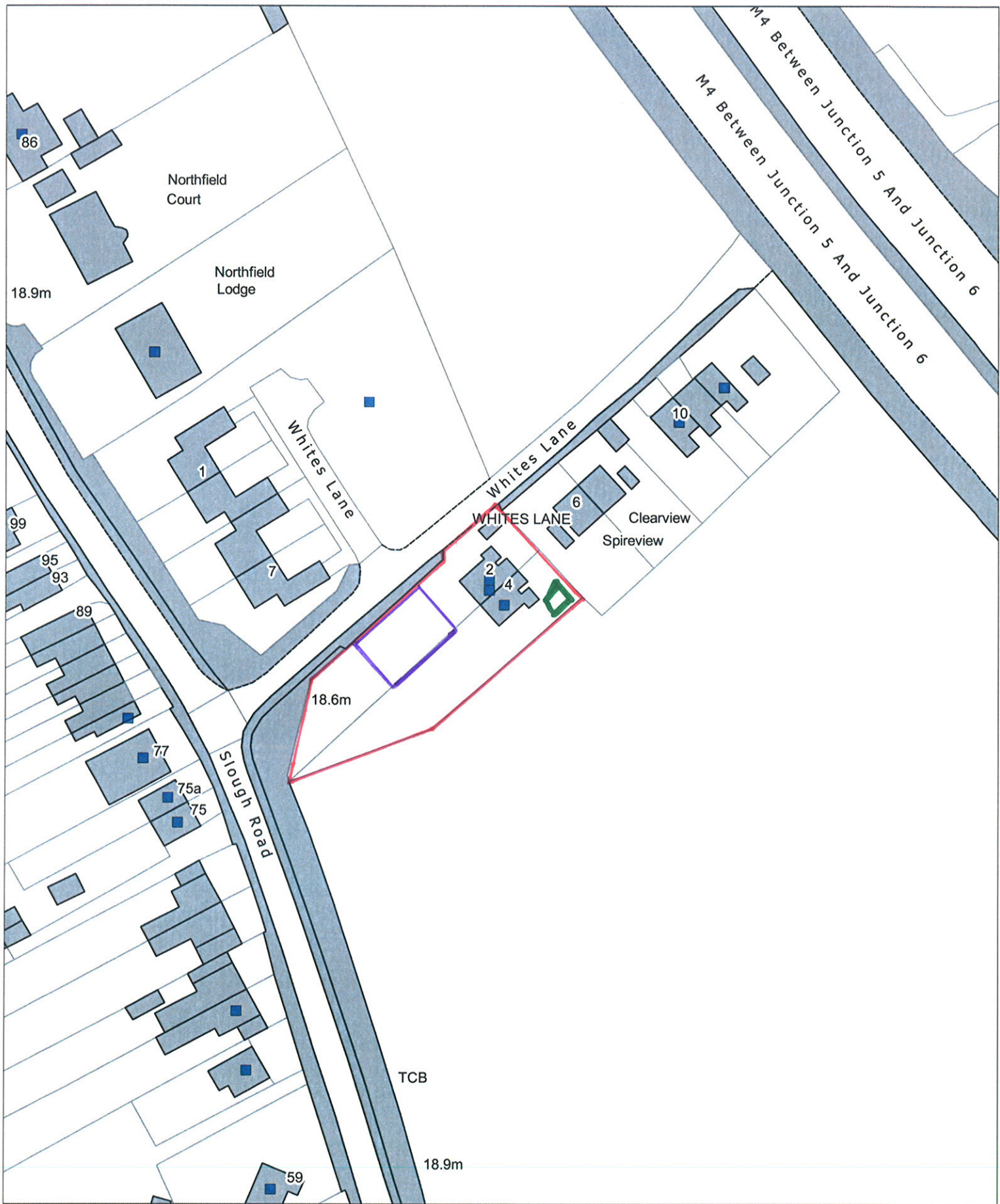
pp 

Dated: 8 September 2016

Recommended by the Borough Planning Manager



Dated: 8 September 2016



Enforcement Notice

Enforcement Ream
Arron Hitchen

Date: 18 August 2016

Site: Land at 2-4 Whites Lane

Ref: 15/50425

Scale: 1:1,000

Projection: OSGB1936 National Grid







By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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