

NOTICE  
OF  
MEETING



# WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

**WEDNESDAY, 7TH DECEMBER, 2016**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL, WINDSOR**

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: 29 November 2016

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

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the minutes of the previous meeting.	7 - 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. <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	9 - 50
5.	<u>PLANNING ENFORCEMENT REPORTS</u>  To receive and consider the above reports.	51 - 68
6.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To consider the Essential Monitoring reports.	69 - 70



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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, 9 NOVEMBER 2016

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

Officers: Wendy Binmore and Victoria Gibson, Laurel Isaacs and Adam Jackson

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M. Airey.

### DECLARATIONS OF INTEREST

**Cllr Alexander** – Declared a personal interest in item 2 as one of the objectors was a member of the same garden Allotment Association. He confirmed he had come to Panel with an open mind.

**Cllr Grey** – Declared a personal interest in item 2 as one of the objectors used to be his Ward Councillor. He stated he had come to Panel with an open mind.

**Cllr Quick** – Declared a personal interest in item 2 as one the applicant was part of the same church congregation. She stated she had come to Panel with an open mind.

**Cllr Shelim** – Declared a personal interest in item 2 as one of the objectors used to be his Ward Councillor. He stated he had come to Panel with an open mind.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 12 October 2016 be approved.**

### PLANNING APPLICATIONS (DECISION)

- 16/01097 Mr Shymansky: Single storey rear and two storey side extensions with amendments to fenestration, following the removal of the existing non-original extensions. Part change of use to class C3 (residential), at 109 High street, Eton, Windsor, SL4 6AN – **This Application was withdrawn by the applicant.**
- 16/01098 Mr Shymansky: 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 at 109 High street, Eton, Windsor, SL4 6AN – **This Application was withdrawn by the applicant.**
- 16/01578\* Mr and Mrs Parsons: Part single, part two story rear extension, additional habitable accommodation within existing roof space and widen vehicle access on front boundary at 51 Alma Road, Windsor SL4 3HH – **THE PANEL VOTED to APPROVE the application in accordance with the Head of Planning's recommendations and**

**grant planning permission with the conditions listed in Section 9 of the Main Report.**

**Six Councillors voted in favour (Cllrs Bicknell, Bowden, Collins, Grey, Quick and Rayner), one Councillor voted against (Cllr Alexander) and one Councillor abstained from the vote (Cllr Shelim).**

(The Panel was addressed by David Eglise in objection and Jeremy Evans in support of the application).

16/02702 Quantum Estates: 2 No. detached houses, pair of semi detached houses and new access following demolition of existing dwelling at no. 23 at 23 and Land at 21 Clewer Hill Road, Windsor – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Head of Planning’s recommendations and grant planning permission with the conditions listed in Section 10 of the Main Report and with the additional conditions listed below:**

1. Retention of rear wall in perpetuity
2. Remove class C also in condition 8
3. Car Parking areas to be grasscrete and permeable – add into condition 5

(The Panel was addressed by Mr Kay, Mrs Kay and Mrs Cater in objection and Mr Ross in support of the application).

#### ESSENTIAL MONITORING REPORTS (MONITORING)

Details of the Planning Appeals Received Report were noted.

#### PANEL ENFORCEMENT REPORT

**This item was withdrawn from the agenda.**

The meeting, which began at Time Not Specified, finished at Time Not Specified

CHAIRMAN.....

DATE.....



# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Urban Panel

7th December 2016

#### INDEX

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

<b>Item No.</b>	1	<b>Application No.</b>	16/02908/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	11	
<b>Location:</b>	51 Gallys Road Windsor SL4 5QU							
<b>Proposal:</b>	Front canopy (Retrospective).							
<b>Applicant:</b>	Mr Ali	<b>Member Call-in:</b>	Cllr Nicola Pryer	<b>Expiry Date:</b>	6 December 2016			
<hr/>								
<b>Item No.</b>	2	<b>Application No.</b>	16/02967/FULL	<b>Recommendation</b>	DD	<b>Page No.</b>	18	
<b>Location:</b>	32 Peascod Street Windsor SL4 1EA							
<b>Proposal:</b>	Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 no. town houses and 8 no. apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.							
<b>Applicant:</b>	The Royal London Mutual Insurance Society Ltd	<b>Member Call-in:</b>	Not applicable	<b>Expiry Date:</b>	27 December 2016			
<hr/>								
<b>Item No.</b>	3	<b>Application No.</b>	16/03274/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	36	
<b>Location:</b>	Land Adjacent To 6 Bridgeman Drive Windsor							
<b>Proposal:</b>	Erection of 2 pairs of semi detached houses with associated access and parking.							
<b>Applicant:</b>	Oakridge Developments UK Ltd	<b>Member Call-in:</b>	Not applicable	<b>Expiry Date:</b>	20 December 2016			
<hr/>								
<b>Planning Enforcement Reports</b>							<b>Page No.</b>	51
<b>Planning Appeals Received</b>							<b>Page No.</b>	69

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

7 December 2016

Item: 1

<b>Application No.:</b>	16/02908/FULL
<b>Location:</b>	51 Gallys Road Windsor SL4 5QU
<b>Proposal:</b>	Front canopy (Retrospective).
<b>Applicant:</b>	Mr Ali
<b>Agent:</b>	Mr Kaleem Janjua
<b>Parish/Ward:</b>	Windsor Unparished/Clewer North 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 No. 51 Gallys Road is a two storey, semi detached dwelling at the southern end of a row of six dwellings and occupies a corner plot on the junction of Gallys Road and Longmead. The application is for retrospective planning permission for a front canopy supported by pillars over the main doors into the house. The proposals is an amendment to an application that was approved in 2014 (ref. 14/03556) for the erection of a part two storey/part single storey side and single storey front and side extensions. It is considered that the current proposal is acceptable in terms of its impact on the character and appearance of the area as it does not detract from the open character of the corner plot location and canopies supported on columns are a feature of the locality.

**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 Nicola Pryer to allow an open and transparent discussion regarding the porch element of the retrospective application.

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

- 3.1 The application site is located at the junction of Gallys Road and Longmead and is a two storey semi detached dwelling. Planning permission has been granted for a part two storey/part single storey side and single storey front and side extensions (ref. 14/03556). Works to provide these extensions is reaching completion.
- 3.2 The surrounding area is characterised by detached, semi-detached and terraced properties which all share a uniform appearance in terms of the styles of these houses and through materials which comprise of tile hanging, brick and/or render.

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

Ref.	Description	Decision and Date
14/03556/FULL	Part two storey/part single storey single side and single storey front and side extensions	Approved on the 22/12/2014

- 4.1 The proposal is for the erection of a front canopy over the main entrance doors into the house. The canopy has already been partially constructed, so retrospective approval is sought (see the elevational drawings, attached as Appendix B).

4.2 The proposal is an amendment to application ref. 14/03556 that was approved in 2014, a copy of the elevations are attached as Appendix B.

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

5.1 National Planning Policy Framework Sections – Core Planning Principles and Section 7 ‘Requiring Good Design’.

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H14	P4

These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](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](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 appearance of the existing dwelling and the street scene; and
- ii the impact on the living conditions of neighbouring residents.

### The appearance of the existing dwelling and the street scene

6.2 The amendment in the current application relates to the front canopy, which has been partially constructed. The proposal would increase the depth of the single storey front extension by approximately 1.2m, over that previously approved under application ref. 14/03556.

6.3 The length of the front canopy is acceptable at a 1.2m projection forward of the main wall because the open character of this corner plot is retained; the space in front of the canopy to the back edge of the pavement on Longmead is around 5m. The canopy will be around 0.5m forward of the houses (no.s 28 to 36) on Longmead; it does not have an unacceptable impact on the building line of Longmead, so is not obtrusive in views along in this road. Within the wider area there are a mix of front extensions/original front elements with flat and pitched roofs; some of the roofs are supported by columns constructed in wood and brick. The pitched roof of the canopy and the pillars of this extension are acceptable in this location given that such elements are a feature of this area. Lastly, the materials are acceptable as they match the existing houses.

### The living conditions of the neighbouring properties

6.4 The front canopy is a sufficient distance from neighbouring properties, so it is not considered to have a detrimental impact on the living conditions.

**Other matters**

6.5 Objections have been received from neighbouring properties and the Windsor and Eton Society regarding the construction of the extensions carried out under planning permission 14/03556/FULL. The applicant has submitted amended drawings showing the development as constructed. The Planning Enforcement Officer has visited the site and is satisfied that an application for the front canopy is sufficient to regularize the development of the site. The re-roofing of the main roof has been carried out under Part 1, Class C, of the (General Permitted Development)(England) Order 2015 and then the roofing materials for the extension matched the main roof in order to comply with the matching materials condition of the 2014 planning permission. Furthermore, had the skylights been inserted in the roof slopes following substantial completion, and not during construction of the whole development, they would also have been inserted under Part 1, Class C, of the GPDO; for this reason, enforcement action would not be taken. The aforementioned matters relate to the 2014 permission; as this current application relates to the front canopy only planning considerations in relation to this part of the development can be considered.

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

Five occupiers were notified directly of the application.  
The planning officer posted a statutory notice advertising the application at the site on 22<sup>nd</sup> September 2016.

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

Comment	Where in the report this is considered
1. I believe this proposal would bring a graceful change to this development and create a positive addition to the estate. The proposed canopy would not only facilitate the property but also improve the visual appearance of the area.	Para. 6.3

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

Comment	Where in the report this is considered
1. The front canopy is in front of the building line and has a detrimental visual impact. If permission is grant then it will open up the floodgates to many applications from the surrounding area who want the same to their already extended dwelling. This will have a detrimental effect on the character of the area.	Para 6.3
2. Despite these being retrospective plans for the building extensions they do not show the rooflights that have been put in on the side elevation. The rooflights are unnecessary as they are over a window and are completely out of character with the surrounding area.	Para 6.5

**Other Consultees**

Consultee	Comment	Where in the report this is considered
Windsor and	The actual side elevation constructed protrudes significantly further than the approved plan and is of a different design	Para 6.3

Eton Society	resulting in the building being much closer than planned to the road.	
	The front elevation differs significantly from the approved plan.	Para 6.5
	The approval specifies the materials and finishes for the external walls. Render has been used extensively as opposed to brick as shown in the plan.	Para 6.5
	Roof lights have been deployed which were not approved.	Para 6.5
	Windows do not match existing windows.	Para 6.5

## 8. APPENDICES TO THIS REPORT

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

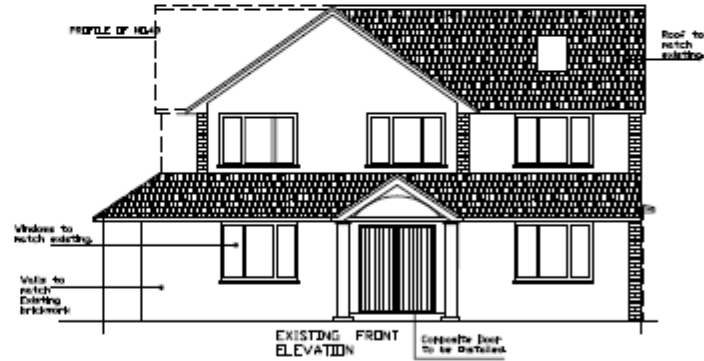
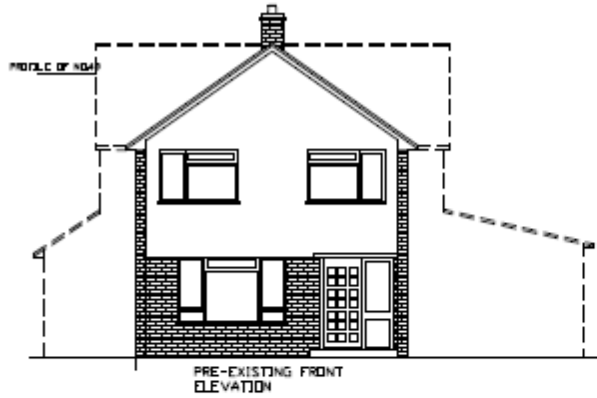
Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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

In this case the issues have been successfully resolved.

## 9. CONDITIONS IF PERMISSION IS GRANTED

- 1 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.
- 2 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.



Pre-Existing Front Elevation Planning Ref: 14/03556 /FULL	
Drawn by: KAREN JENKS Date: 7th September 2015	
Client: MR WALDALL Address: 51 GALLYS ROAD, WINDSOR, SL4 5QL	
Description: RETROSPECTIVE APPLICATION TO RETAIN FRONT CANOPY TO APPROXIMATELY SINGLE STOREY DEPTH & FRONT AND REAR SINGLE PART PART DOUBLE STOREY DEPTH EXTENSION	
Status: EXISTING, PRE-EXISTING AND APPROVED FRONT ELEVATIONS	
Application Type: HOUSEHOLDER PLANNING APPLICATION	
Drawing Number: 14/03556 /FULL	
Scale: 1:100 @ A3	Drawn: Karen Jenks
Date: 7th September 2015	Status: Final

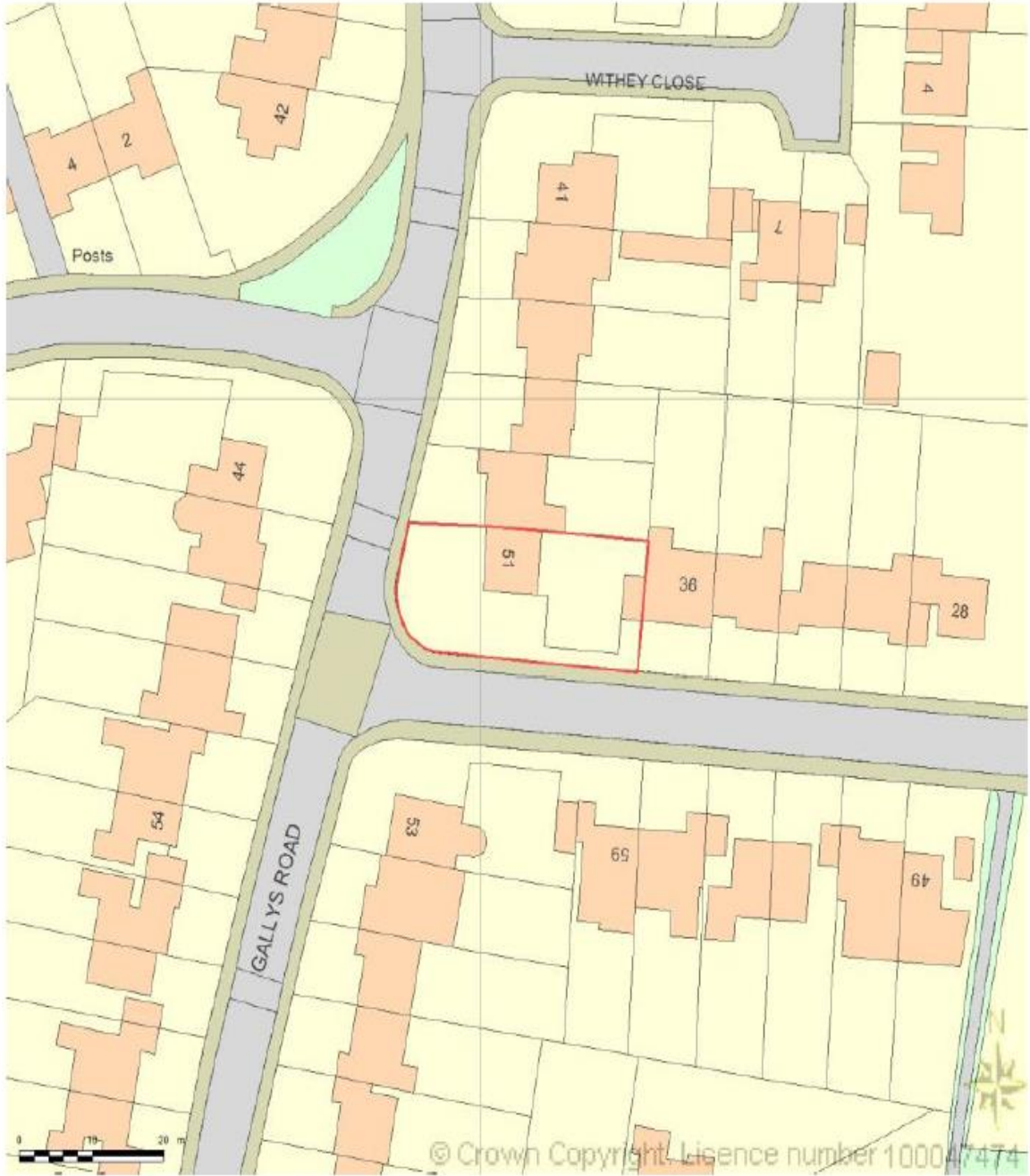
Appendix B – Front Elevation



Appendix B – Side Elevations



Appendix A - Site plan



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

7 December 2016

Item: 2

<b>Application No.:</b>	16/02967/FULL
<b>Location:</b>	32 Peascod Street Windsor SL4 1EA
<b>Proposal:</b>	Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 no. town houses and 8 no. apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.
<b>Applicant:</b>	The Royal London Mutual Insurance Society Ltd
<b>Agent:</b>	Mr Jonathan Bainbridge
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward

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

### 1. SUMMARY

- 1.1 The application seeks planning permission for the partial demolition and redevelopment of existing office accommodation to provide 13 residential units (5 town houses and 8 apartments), including the re-configuration of the existing apartment, associated development, parking and landscaping.
- 1.2 The principle of the residential redevelopment is considered to be acceptable in this town centre location. The front façade of the Listed Building facing 32 Peascod Street would be retained and the external appearance of the Listed Building not be changed. The alterations (internal and external) have been approved under a previous Listed Building Consent. The new building proposed in the scheme is of a modern appearance, and the scale of the development is considered to relate well to the scale of the surrounding buildings in this area. The scheme is considered to be of a good quality design, and would be an improvement over the existing building, and it would also obscure views of the post office building neighbouring the site. The scheme is considered to preserve the character and appearance of this part of the Conservation Area.
- 1.3 There are residential properties close to the application site, however, the proposed development is considered to have an acceptable impact on the amenity of these residential properties.
- 1.4 The scheme would provide 6 car parking spaces, but this is considered to be acceptable in this sustainable town centre location. A legal agreement will need to be undertaken to restrict parking permits for future occupiers, given the parking pressures in Windsor. Amended details for the cycle parking and bin store have been requested, however, this detail could be secured by condition.
- 1.5 Additional information was provided on the Sustainable Drainage (SUDs), and comments from the Local Lead Flood Authority will be reported in the update to Panel.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to restrict future occupiers having parking permits, and with the conditions listed in Section 10 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to restrict future occupiers having parking permits is not undertaken by the 21<sup>st</sup> December 2016, unless an extension of time has been agreed with the Head of Planning.</b>

### 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 encompasses a 18th Century Grade II Listed Building fronting onto Peascod Street. The building was constructed formerly as part of a pair of houses; very little of its historic features and plan form remains and the significance of the Listed Building relates to its external appearance. To the rear of this Listed Building, is an extension constructed in the 1980's of a functional appearance. The southern part of the site comprises a car park serving the office. The ground floor level of the building has an A1 (retail) use class. The first floor of the building (Listed Building and extension) has an office use, and the upper floor of the Listed Building has a residential use.
- 3.2 A pedestrian footway runs from Peascod Street to the rear of the site (in to the car park area). The built form is fairly tight in this town centre location, and close to the application site are residential and commercial uses.
- 3.3 The application site is situated within the Windsor Town Centre Conservation Area.

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

12/01921/FULL	Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.	Permitted on the 2 <sup>nd</sup> October 2012.
12/01922/LBC	Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.	Permitted 13 <sup>th</sup> September 2012.
14/00338/CONDIT	Details required by conditions 2 (demolition) and 3 (rooflights) of planning permission 12/01922/LBC for the partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.	Approved 26 <sup>th</sup> March 2014.
14/00339/CONDIT	Details required by conditions 2 (materials), 3 (hard surfacing), 5 (external joinery), 8 (boundary joinery), 9 (acoustic measures), 13 (landscaping), 14 (landscaping management plan), 20 (archaeological work), 22 (listed building details) and 23 (listed building roof light's) of planning permission 12/01921 for the Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and	Approved 4 <sup>th</sup> April 2014.

	parking.	
14/01125/CONDIT	Details required by condition 8 (boundary treatment) of planning permission 12/01921 for the Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.	Approved on the 15 <sup>th</sup> April 2014
14/01431/NMA	Non material amendment to planning permission 12/01921 to insert a new planning condition to list the approved drawings	Permitted on the 28 <sup>TH</sup> May 2014.
14/01706/CONDIT	Details required by condition 4 (samples of bricks) and condition 6 (slab level) of planning permission 12/01921/FULL for partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking.	Approved on the 11 <sup>th</sup> August 2014.
14/01831/VAR	Partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings comprising 5 town houses, and 8 apartments including the reconfiguration of the existing second floor apartment plus associated development, landscaping and parking as approved under planning permission 12/01921 without complying with conditions 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 20, 22, 23 and condition 24 (list of approved plans) inserted by 14/01431/NMA so that amendments can be made to the design of the scheme	Permitted on the 12 <sup>th</sup> September 2014.
14/01983/LBC	Consent for internal layout amendments; secondary gate replacement; alterations to 2nd floor rear windows and roof light; replacement side window; installation of canopy above rear doorway and erection of soil pipe to side elevation	Permitted 13 <sup>th</sup> August 2014.

- 4.1 A planning application on the adjacent site 35-37 Peascod Street for a new retail and office development is currently under consideration, however, as this has not been determined it carries very limited weight in the consideration of this application.
- 4.2 The application seeks planning permission for the partial demolition and redevelopment of existing B1 office accommodation to provide 13 dwellings, to comprise 5 town houses and 8 apartments, together with associated development, landscaping and parking.
- 4.3 Within the Listed Building, the existing ground floor retail use will be retained, the existing office space at first floor level will be converted into 1 x 1-bedroom flat and 1 x 2-bedroom flat, while the existing flat at second floor level will be retained and reconfigured (as a 3-bedroom flat).
- 4.4 The 1980's extension to the rear of the Listed Building will be demolished at first floor level above the retail unit, and redeveloped to provide 4 x 1-bedroom apartments. Beyond this, there is a "connecting block" which extends to the rear of the existing retail unit providing 1x 3-bedroom

maisonette (with an entrance at ground floor level with access from the rear of the site) and 1 x 1-bedroom ground floor apartment. Beyond the connecting block, the rear extension will provide 5 no. 2-bedroom townhouses over three storeys. The plans show external terrace areas and balconies to serve the residential units.

4.5 The proposed new building to the rear of 32 Peascod Street would range in height from 4.2 metres to 11 metres. The materials schedule includes: brick; oak boards; slate; solid timber framed glazing; and painted timber fascia.

4.6 No changes are shown to the front façade of the Listed Building facing Peascod Street. The external and internal alterations to the Listed Building have been approved under Listed Building Consents 12/01922 and 14/01983/LBC, and the applicant has confirmed there are no other changes sought to the Listed Building. The onus is in the applicant to apply for Listed Building consent again, if they have not made a start to the works to implement the consent for 2012 Listed Building consent.

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

5.1 National Planning Policy Framework Sections:

17-Securing a good standard of amenity for all  
 23- Town Centre development  
 133, 134 and 135- Heritage Assets

**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	Setting of Listed Building
DG1, H10, H11, H6	P4, T5	CA2	LB2

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](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
- RBWM Parking Strategy

More information on these documents can be found at:

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

**6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The impact on the setting of the Listed Building;
- ii Whether the development preserves or enhances the character or appearance of the Conservation Area;
- iii Parking;

- iv Impact on neighbouring amenity;
- v Sustainable Drainage

### **The impact on the setting of the Listed Building**

- 6.2 It is proposed to retain the Grade II listed building facing Peascod Street, and as such there would be no harm to the external façade of the Listed Building. External and internal alterations to the Listed Building have previously been consented, and the applicant advises they do not wish to make any further changes to the Listed Building from what was previously approved.
- 6.3 The proposed new building would be separated from the rear of the existing three storey Listed Building fronting onto Peascod Street by a distance of 10.5m at first floor level, and this provides a physical break between the Listed Building and proposed development. The remainder of the roof of the existing ground floor building between the existing and new building would become a roof top courtyard, screened by oak boards, The buildings have a 'mews' style and appear as modern buildings. They face onto the library car park at the front and over the post office site to the rear. The buildings are of a comparable height to those in Peascod Street and due to their separation from these buildings are considered to be in scale with the buildings in the locality, and would not result in harm to the setting of the Listed Building.

### **Whether the development preserves or enhances the character or appearance of the Conservation Area**

- 6.4 The views from Peascod Street would not be affected. Currently the low rise 1980's office building is low key and is of little architectural merit, and the associated car parking is a dominant feature; these areas provide a functional role to the commercial properties on Peascod Street, but do not make a positive contribution to the character or appearance of the Conservation Area.
- 6.5 The scale and mass of the proposal has been accepted previously when planning permission was granted in 2012 and then in the varied application, which sought minor design changes to the new build elements of the scheme including minor adjustments to window positions, the location of pv panels and slight changes to the position of brick detailing to the elevations from the originally approved scheme. The new buildings would extend the building southwards into the car park area of the existing site. The scale of the development is considered to be appropriate in the context of the buildings in the local area, with some variation in building roof height. The proposed building is of a modern design, and this is considered appropriate given that there are other contemporary buildings in the local area, viewed in the context of this application site. The scheme has also been designed to block views of the Post Office building which is not considered to make a positive contribution to the character or appearance of the Conservation Area. The scheme would remove elements that do not make a positive contribution to the character or appearance of the Conservation Area and would replace it with a good quality scheme.
- 6.6 It is considered that the proposed development would preserve the character and appearance of the Conservation Area. The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Parking/Highways/Cycle Store and Refuse/Recycling**

- 6.7 The scheme proposes 6 car parking spaces. Given that this site is situated within a sustainable town centre location, which is close to the train station, it is not a requirement for the residential units to have parking. The fact that that the scheme will provide 6 parking spaces is considered to be a benefit. A legal agreement will need to be secured which restricts future occupiers of the residential units applying for parking permits, owing to the pressures for on-street parking in Windsor town centre.
- 6.8 The plans show a bin store area located to the south of the proposed car parking area, and through the courtyard access off Peascod Street . The plans also show that the 5 townhouses

would have a bin store area each. These refuse arrangements have been accepted previously, however, it may be difficult for a refuse vehicle to service the bin store for the flats, which is shown in the courtyard area. Therefore it is recommended that the refuse/recycling provision is secured by planning condition, and which also secures details of the refuse strategy (see condition 10).

- 6.9 There are total of 14 cycle parking spaces being proposed which are accessed through the existing courtyard off Peascod Street. Peascod Street is a no cycle zone. Access to the cycle store would involve a long walk around the adopted footway to gain access to the cycle store from Peascod Street. It may be a more appropriate arrangement if the townhouses have cycle stores within their gardens; the applicant has been asked to consider the arrangements. Any changes will be reported in the Update to Panel, but otherwise this detail could be secured by planning condition (see condition 9).

### **Residential Amenity**

- 6.10 There are residential units in close proximity to the application site, with apartments situated in the building to the east. There are external balcony areas, and habitable room windows in apartments of number 1 Peascod Place. The proposed development would have an external terrace at first floor level which would face the side elevation of 1 Peascod Place. There would be a gap of over 11 metres between the perimeter of the proposed external terrace and the side elevation to number 1 Peascod Place. Given that this is a town centre location, where the built form is higher density, and given that members of the public utilise this the pedestrian walkway to get from Peascod Street to this area (to access the library, public car park etc), the windows in the apartments already experience a level of overlooking. Taking into account the separation distance, the higher density of development, and the location, it is considered that the scheme would have an acceptable impact on neighbouring residential amenity.
- 6.11 The provision of external terrace and balcony areas for the residential units in this town centre location is considered to provide an adequate standard of amenity for future occupiers of the units.

### **Sustainable Drainage**

- 6.12 The applicant has submitted drainage information which shows areas of impermeable surfaces to be replaced with permeable paving, together with a maintenance regime of these areas. Further comments from the Local Lead Flood Authority are awaited and will be reported in the update to Panel.

### **Other Material Considerations**

- 6.13 It should be noted that the planning permission has previously been granted in 2012 (and subsequently varied) for a very similar scheme, and the context of the site and National and Local Planning Policy remains the same in the consideration of this application.
- 6.14 A planning application is currently under consideration at number 35-37 Peascod Street, which is in close proximity to the application site. The scheme is for an A1 (retail) and B1 (Office) use, but can only be given very limited weight at this time, as a decision has not been made on the application. The proposed building at 35-37 Peascod Street would have some windows which would face the application site, however the windows serve a commercial use and would serve toilets and a stairwell, and as such the levels of overlooking would be limited to this proposed residential scheme.

### Housing Land Supply

- 6.15 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 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 may attract an exemption. In the absence of an exemption the CIL liability, based upon the chargeable residential floor area (£240per sq.m) it would be in the region of £254,640

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

27 occupiers were notified directly of the application, and have until the 9<sup>th</sup> December 2016 to comment. Any further comments will be reported in the update report to Panel.

The planning officer posted a statutory notice advertising the application at the site on the 29<sup>th</sup> September 2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 6<sup>th</sup> October 2016.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	The SUDS statement makes reference to the use of permeable pavements/roads and I promote this technique however no plans have been submitted showing their location, can the agent please submit this information along with confirmation of who will be undertaking the maintenance regime. Until further information is submitted, I recommend that the application is not approved on surface water drainage areas.	6.12
Historic England	The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.	Noted.

### Other consultees

Consultee	Comment	Where in the report this is considered
Council's Conservation Officer	The current proposal makes only very minor modifications to the design of the already permitted scheme (12/01921 and corresponding 12/01922/LBC). This scheme makes no changes to the listed building and hence no listed building consent application has been made. The minor amendments would ensure the character and appearance of the conservation area is preserved. The setting of nearby listed buildings would not be altered in a manner that would harm the special interested of those buildings.  I raise no objections to the application.	6.2-6.6
Tree Officer	There is only one tree within the site boundary, with a further two at either end of a run of car parking spaces in front of units 1 and 6. These trees will need to be protected during demolition and construction, with fencing to the outside edge of the soft ground. Details must be submitted	See recommended conditions.



	for approval	
Highway Authority	<p>The proposed housing has the potential to produce between 42 and 84 vehicle movement per day within the local highway network. The existing 413m<sup>2</sup> of office to be lost has the potential to produce in the region of 50 vehicle movements per day.</p> <p>It is stated within the applicant's application form there are currently 23 car parking spaces over 2 separate car parks. The larger of these parking areas is to be used to develop the 5 town houses proposed.</p> <p>This will leave the development with 6 parking and turning spaces. The proposals are for 6 x 1 bedroom flats, 1 x 2 bedroom flat, 1 x 3 bedroom flat and 5 x 2 / 3 bedroom town houses. Given the sites town centre location this level of parking is permissible.</p> <p>The parking spaces need to be allocated as follows - 1 to each town house and 1 to the 3 bedroom flat this will ensure this town centre area is not further inconvenienced by vehicles cruising with a view to maybe finding an available parking space.</p> <p>Central Windsor suffers from a significant shortfall in permit parking spaces therefore NO parking permits will be permitted to residents or any successors in title, this clause will need to form part of the legal agreement.</p> <p>Amended details are required for refuse and cycle storage areas, and this should be covered by planning condition.</p>	6.7-6.9
Berkshire Archaeology	<p>The Planning Statement (paragraph 6.24) states that 'a written scheme of investigation is relevant to the current proposals and works would take place in accordance with this scheme'. On this basis, Berkshire Archaeology recommends that, should this application be permitted, a condition requiring completion of the previously agreed programme of archaeological work is completed. The condition could useful refer to the previously agreed document and the following is suggested: The programme of archaeological work set out in 'A Written Scheme of Investigation for Archaeological Investigations' (AOC Archaeology reference 32136, dated October 2013) shall be implemented in accordance with the written scheme, unless otherwise agreed in writing by the Local Planning Authority</p>	See recommended condition.
Environmental Protection	<p>Recommend conditions for:</p> <ul style="list-style-type: none"> <li>• Plant noise</li> <li>• Boundary level noise</li> <li>• Repair of plant and machinery</li> <li>• Noise containment</li> <li>• Commercial vehicle movements</li> <li>• Contaminated land</li> </ul>	See recommended condition for noise containment. The other conditions recommended are not considered to be necessary.
Windsor and Eton Society	Supportive of the development in its scale and design, however, have a major concern over parking provision. Do	See 6.7

	not think the predicted net reduction in traffic movements in realistic. Pressure for parking is already an issue in Windsor.	
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## 9. APPENDICES TO THIS REPORT

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

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

- 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 development hereby approved shall be constructed using the following materials:  
  
External facing brick: BEA Chaucer Village Metric  
  
Roof: Spanish Slate  
  
Brick for chimney: Wienerberger Superwhite  
  
  
Window: Rationel, Domus, Golden Oak  
  
Door: Rationel, Domus, Golden Oak  
  
Fascia: painted timber  
bin store and planter: oak cladding  
rainwater goods: pvcu rainwatergoods on new build, and rainwater goods for the existing listed building to be cast iron.  
  
Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
  
- 3 A sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing to be used shall be prepared on site and approved by the Local Planning Authority in writing prior to the commencement of work. The work shall be undertaken in accordance with the approved details.  
Reason: To preserve the character and appearance of the Conservation Area. Relevant Local Plan Policy CA2.
  
- 4 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. 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 consent 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, N6.

- 5 Prior to the construction of the building hereby approved, full architectural detailed drawings at a scale of 1:20 (elevations, plans and sections) of windows, doors and balconies shall be approved in writing by the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the Conservation Area. Relevant Policies - Local Plan DG1 and n Policy CA2.
- 6 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 Local Plan Policy DG1.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 Prior to the first occupation of the dwellings hereby approved, details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1, 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 Notwithstanding the detail contained in the approved plans, 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. A refuse management plan shall submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling, and following first occupation of the dwelling, the management plan shall be adhered to for the lifetime of the development.  
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 Prior to the first occupation 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.

- 12 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.

- 13 The programme of archaeological work set out in 'A Written Scheme of Investigation for Archaeological Investigations' (AOC Archaeology reference 32136, dated October 2013) shall be implemented in accordance with the written scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH4.

- 16 The acoustic measures identified in the noise assessment report dated 8th August 2016 shall be adhered to and retained in perpetuity.

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

- 17 No demolition shall take place until contracts are in place for this development and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the character and appearance of the Maidenhead Town Centre Conservation Area. Relevant policies CA1 and CA2.

- 18 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



Proposed elevations

East elevation section



31 Schematic East Elevation/Section AA through existing building - Proposed  
1/24/2018

30



32 Schematic West Elevation/Section BB through existing building - Proposed  
1/24/2018

West elevation section

1/24/2018

emac Section EE - Looking north through townhouses

31



emac South Elevation 03 looking towards townhouses - Proposed

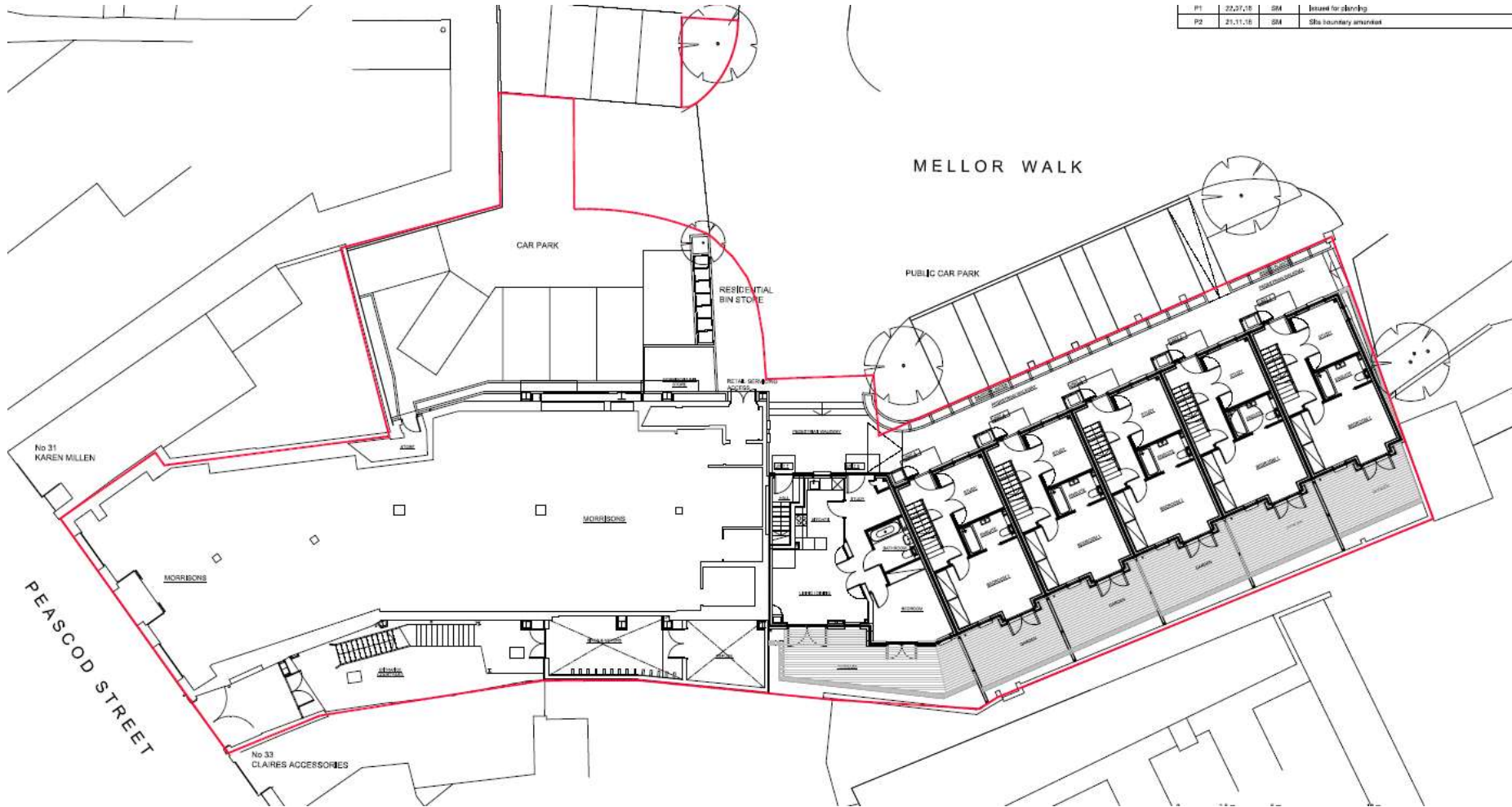
411

South elevation- looking towards townhouses

# Proposed ground floor

P1	22.07.18	SM	Issued for checking
P2	21.11.18	SM	Site boundary amended

32



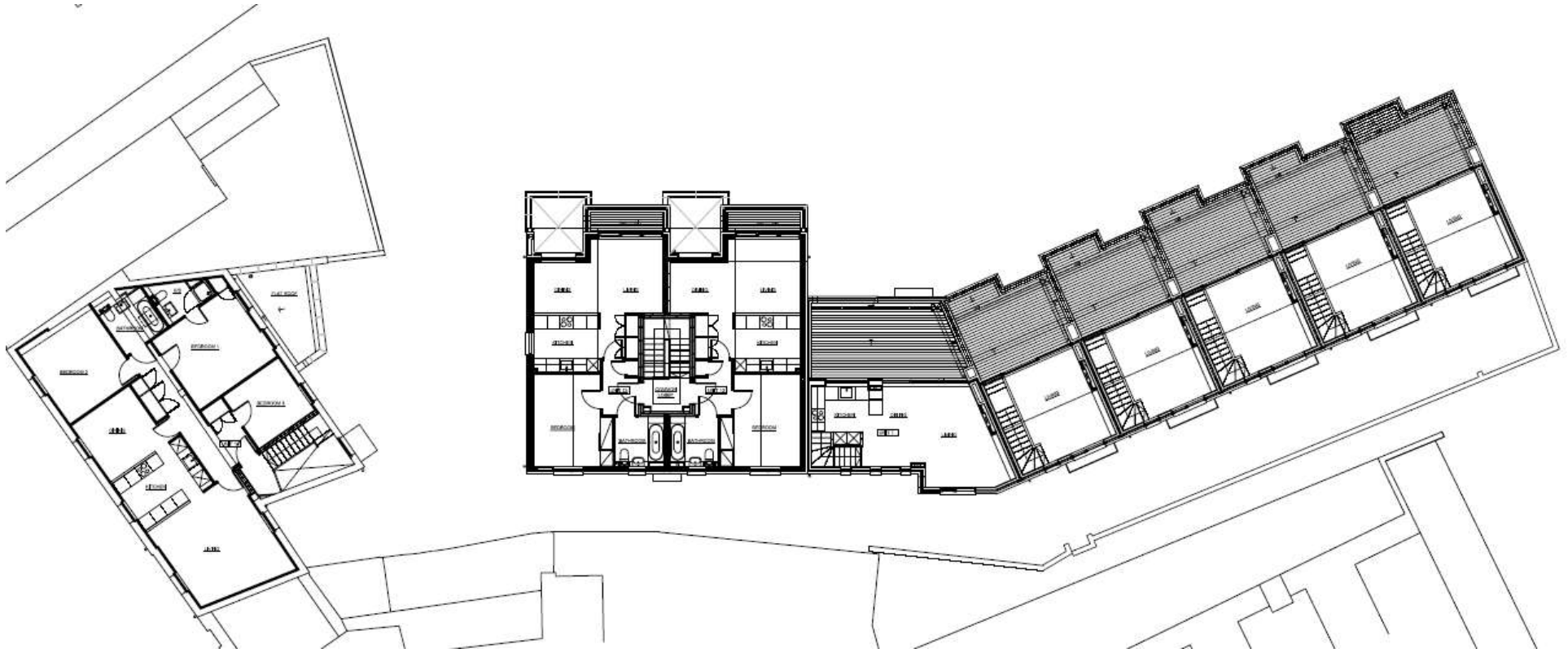


Proposed first floor

33

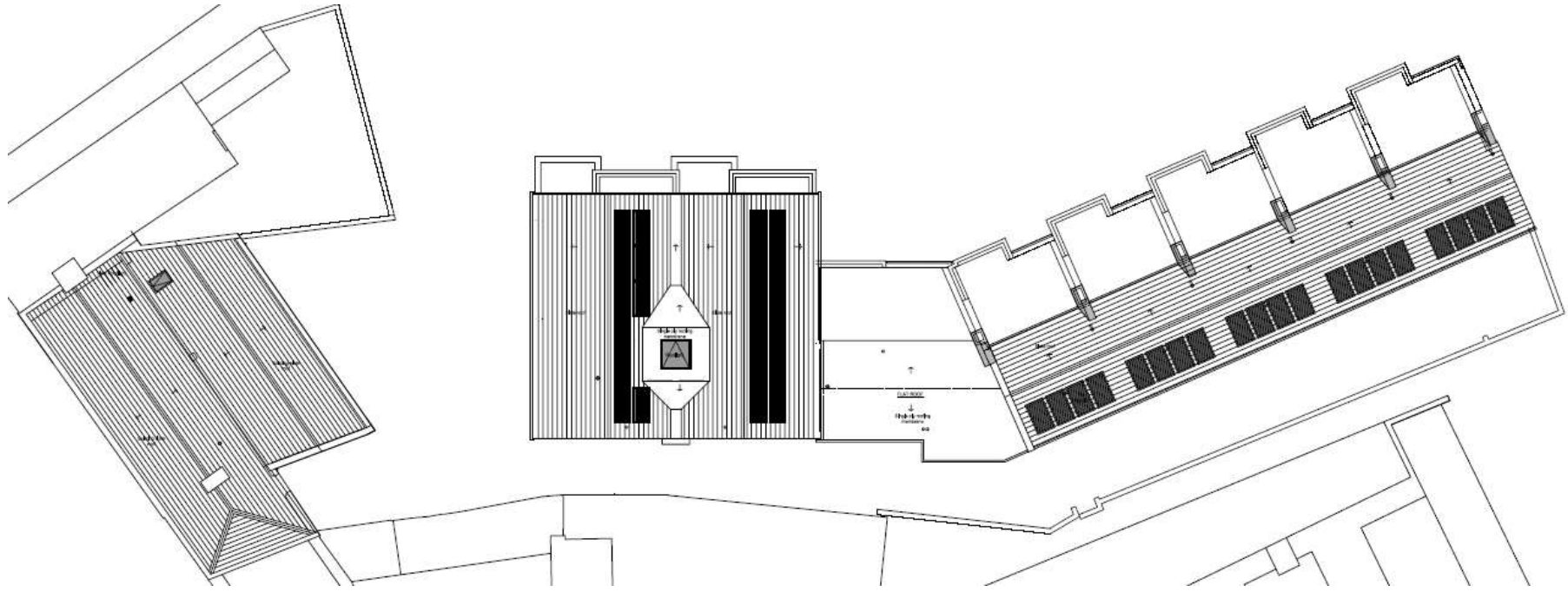


Proposed second floor plan



Roof plan

35



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

7 December 2016

Item: 3

<b>Application No.:</b>	16/03274/FULL
<b>Location:</b>	Land Adjacent To 6 Bridgeman Drive Windsor
<b>Proposal:</b>	Erection of 2 pairs of semi detached houses with associated access and parking.
<b>Applicant:</b>	Oakridge Developments UK Ltd
<b>Agent:</b>	Mr Paul Sehmi
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East Ward

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

### 1. SUMMARY

- 1.1 The proposed development for 2 pairs of semi-detached dwellings would have an acceptable impact on the character and appearance of the area, and on the setting of the neighbouring Listed Building. In terms of living conditions, there would not be any significant impact on occupiers of the neighbouring properties and the proposals would provide for a good standard of amenity for future occupiers of the development.
- 1.2 There would be sufficient on site parking which meets adopted standards. There would not be enough space on site for a refuse vehicle to turn and leave in a forward gear, however, a bin collection area is shown at the front of the site where residents can put their bins on collection day. The siting of the collection is within guidance for bin carry distance for both residents and refuse collectors. The proposals would be acceptable in respect of highway safety and convenience.

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

- The Council's Constitution does not give the 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 relates to land which is in the ownership of, and use by, number 6 Bridgeman Drive. The application site is rectangular shaped and measures circa 0.1 hectares.
- 3.2 The site is surrounded by residential properties on all sides which are two storeys in height. To the South is a listed building which has been converted into apartments.
- 3.3 The dwellings on Bridgeman Drive are gable ended buildings, with pitched roofs; they tend to be finished in brick and at first floor level there is tile hanging or plastic cladding to the front. The houses are of a fairly simple appearance.
- 3.4 Bridgeman Drive is a cul-de-sac which serves a mix of dwellings, flats and retirement flats (Bridgeman Court).

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

Application Reference	Description	Decision
16/02202/FULL	Erection of 2 pairs of semi detached houses with associated access and parking.	Withdrawn on the 30 <sup>th</sup> August 2016.

- 4.1 The application proposes two pairs of semi-detached houses. The dwellings would be sited on land used in association with number 6 Bridgeman Drive. The dwellings would be sited perpendicular to number 6 Bridgeman Drive and would be an extension to the cul-de-sac.
- 4.2 The dwellings would be set back in their plots, with the parking and turning areas provided to the front of the dwellings. A total of 8 car parking spaces would be provided on site.
- 4.3 The dwellings would have pitched roofs and would have a height of 7.4 metres to the ridge, and 4.6 metres to the eaves. The dwellings in Bridgeman drive are approximately 7 metres high. The dwellings would be finished in brick (to the ground floor level), with render applied to first floor level.
- 4.4 The proposed rear gardens would range from 8-12 metres in depth.

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

- 5.1 National Planning Policy Framework Sections:

Core Planning Principles  
 Section 14 - Decision taking  
 Section 17- Securing a good standard of amenity for all  
 Section 32 - Traffic  
 Sections 61 and 64 - Character of area  
 Section 132 - Heritage Assets

### 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	Setting of Listed Building
DG1,, H10, H11	P4, T5	NAP2	LB2

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](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](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:

- Impact on character and appearance of area;
- Impact on the Setting of the Listed Building;

- iii Residential Amenity;
- iv Parking and Highway Safety;
- v Trees

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

- 6.2 The site consists largely of garden land. Such land is not considered as 'previously development' according to definitions in the NPPF. However, such land may be developed where requirements of Local Plan policies H10, H11 and DG1 relating to layout, character and appearance are met. These policies are considered to be consistent with the NPPF.
- 6.3 It is considered that the proposed dwellings in this location in the layout shown would provide an appropriate arrangement as an extension of the cul-de-sac. The amount and form of development on the site is considered to be appropriate in the context of the established pattern of houses in Bridgeman Drive. The scheme would provide for fairly ample gardens; each garden is circa 6 metres wide and 8-12 metres deep. The proposed houses would also have front gardens that would allow for some soft landscaping to be incorporated, which will help to soften the appearance of the built form (condition 6 requires details of soft landscaping to be provided) and reflect the frontages found along Bridgeman Drive.
- 6.4 The new houses would be higher (by around 0.5m) than the dwellings on Bridgeman Drive. This height is considered to be acceptable in relation to the heights of buildings within the cul-de-sac given that the new houses will be set away allowing for the transition to these marginally taller buildings. In terms of the wider area, the height will be acceptable in glimpses through.
- 6.5 The dwellings are of a simple design, which picks up on the simple appearance of dwellings on Bridgeman Drive. It is considered that the use of brick (a common material in the area) and render is an appropriate material within this area.

### **Impact on the Setting of the Listed Building**

- 6.6 To the south-west of the application site is Recognition House which is a Grade II Listed Building dating back to 1853. The proposed dwellings are considered to be of a good design. The buildings have been kept to a scale that respects surrounding buildings, and owing to this and the space retained between the new dwellings and the neighbouring Listed Building (a gap of 18 metres), it is not considered that the development would cause harm to the setting of the Listed Building. In arriving at this conclusion, regard has been paid to the statutory test under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Residential Amenity**

- 6.7 The side elevation of the proposed dwellings would face numbers 4 and 5 St John's Drive. This flank elevation would face part of the boundaries of each of these rear garden areas, with most of the rear garden boundaries unobstructed by the two storey part of the building. The proposed dwellings would be visible from these gardens, but given that the built form will only be built along part of the rear boundary to the gardens, and the dwellings would have pitched roofs, it is not considered that the development would be unduly overbearing or lead to an unacceptable loss of light/overshadowing to these rear gardens. No windows are shown in the first floor of the side elevation of plot 4 which would face these garden areas, and it is considered it would be necessary to restrict windows being inserted in this elevation at first floor in order to protect the privacy of neighbours (see condition 12).
- 6.8 It is acknowledged that the site layout plan does not show the footprint of number 4 St John's Road accurately, however, it is not a planning requirement for this neighbouring dwelling to be shown accurately. The block plan is based on the detailed plotted on OS. Notwithstanding this, it is not considered that the proposed dwelling would reduce light to any habitable room windows

in this dwelling to an unacceptable level, given there is a distance of over 5 metres between the side elevation of the proposed dwelling and the ground floor kitchen window of number 4, and this window is angled away from the proposed side elevation, it is considered that this scheme would not result in an acceptable loss of light to this window.

- 6.9 Turning to the impact on the dwellings on Albion Place, the rear elevations of the proposed dwellings are in excess of 25 metres from the rear elevations of these dwellings. There is ample distance from the proposed dwellings for it not to have any significant detrimental impact on the living conditions of the occupiers of these neighbouring properties.
- 6.10 In terms of the impact on the flats (Recognition House) to the south, there is sufficient distance between the proposed dwelling and this building (over 17 metres) not to result in an overbearing impact or unacceptable loss of light to habitable room windows. Recognition House has large grounds, and so it is not considered that the flank elevation would be unduly overbearing to the grounds or lead to an unacceptable level of overshadowing.
- 6.11 There is a side window at first floor in 6 Bridgeman Drive, this window serves a stairwell (non-habitable room), and there would be a gap of 16 metres between the new dwelling and the side elevation. There is considered to be an acceptable impact on the amenity of this dwelling.
- 6.12 Each dwelling would have a sufficient garden area, and it is considered number 6 Bridgeman Drive would retain an adequate garden area (over 8 metres deep and 9 metres wide).

### **Parking and Highway Safety**

- 6.13 Four, 3 bedroom dwellings within this location have the potential to generate 24 to 48 vehicle movements per day. With regards to the visibility splays the access can provide sufficient visibility splays given the site being at the end of a cul-de-sac. The plan provided shows the existing access is to remain to serve the 2 existing properties and will be extended to serve the 4 new properties. There is adequate space for a car to wait on the access road if two vehicles meet at the narrower point of access and are not able to pass. It is not considered that this arrangement would adversely impact on the free flow of traffic at the end of this cul-de-sac.
- 6.14 The existing dwellings 6 and 7 Bridgeman Drive will retain the same level of parking on site and will enter and leave the site in the same manner. Each of the dwellings would have 2 car parking spaces for each 3 bed house. All of the car parking spaces measure 2.4m x 4.8m and behind each bay there is a minimum of 6.0m manoeuvrability which enables a vehicle to enter and exit the site in a forward gear. The level of parking provision would meet the parking standards set out in the Council's Parking Strategy.
- 6.15 A swept path analysis shows a 7.5 tonne box van able to enter and exit the site in a forward gear. A refuse store would be provided for each property and a collection point for refuse bins is proposed towards the front of the site. The collection point is provided because a refuse vehicle would not be able manoeuvre within the site. It is considered that the area of hardstanding for the bin collection point would need to be increased to accommodate the wheelie bins. A condition (see condition 10) is recommended to secure details of this bin collection point area to be provided (which demonstrates that the area is large enough). The siting of the bin collection point would be within recommended carry distances for future occupiers of the houses and refuse collectors. In terms of a fire engine, a fire engine can get within 45 metres of the furthest dwelling and this would meet the recommendations in Manual for Streets. The development is considered to have an acceptable impact on highway safety. A separate pedestrian access is not required for this size of development.

### **Trees**

- 6.16 The trees included in the tree survey are not subject to a tree preservation order. Two shrubs (cherry laurel and ornamental shrub) are shown for removal; there is no objection to their loss as

they offer limited amenity value. Work has been undertaken to heavily cut back and reduce the size of trees T1, T2, T3 and T5 which are both on and off-site trees to the north west and south east. A condition is recommended (see condition 5) to secure the details of tree protection measures.

## Other Material Considerations

### Housing Land Supply

- 6.17 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 the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.18 The site is not situated within the flood zone, and as this is not a major development there is no planning requirement to provide Sustainable Drainage.
- 6.19 The site notice was displayed close to the application site, as required in the planning legislation. In addition, 42 properties were directly notified of the application by letter.
- 6.20 The Highway Authority has assessed the application (taking into account the context of the local area) and considers the scheme would have an acceptable impact on highway safety.
- 6.21 An objector has raised concern over the impact of the development on number 2 St John's Road. The application site does not touch the boundary of this property, however, condition 7 requests details of the boundary treatments to be submitted to the LPA for approval.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be in the region of £84,480.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

42 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 31<sup>st</sup> October and the application was advertised in the Maidenhead & Windsor Advertiser on the 3<sup>rd</sup> November 2016

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

Comment		Where in the report this is considered
1.	Bridgeman Drive already has a large population resulting in pressure on parking, congestion and facilities. Any further development should not be allowed.	6.13-6.15
2.	Parking is already an issue in the area, and the scheme provides insufficient parking.	6.13-6.15
3.	Already considerable congestion with a dangerous access to the Cloisters, together with frequent visits from nurses and ambulances Bridgeman Court.	6.13-6.15
4.	The new access is narrow and would not allow large vehicles to enter. Fire engines would not be able to get into the site; the development would be a fire trap.	6.15
5.	Refuse and other large vehicles would not be able to get into the site- distance from dwellings to road is 25 metres.	6.15



6	There was damage to the road when the Cloisters were built, and large vehicles to build this development are likely to cause damage.	This is not a planning consideration.
7.	Development will cause flooding to Bridgeman Drive, as the existing site is a natural overflow.	6.18
8.	The SUDS system proposed is not suitable for the site.	6.18
9.	Trees will need to be cut back to facilitate the development.	6.16
10.	The 4 dwellings would be overbearing and out of keeping with other dwellings on the road.	6.2-6.5
11.	This appears to be garden grabbing which the NPPF resists.	6.2
12.	Allowing this scheme would cause danger to highway safety and could result in a resident of Bridgeman Court being knocked down.	6.13-6.15
13	A much better proposal would be for 2 detached dwellings- this would give a less overcrowding sense to the properties on St John's Drive.	Noted.
14	Scheme is overdevelopment of the site.	6.2-6.5
15	Scheme is obviously to provide family homes, and there is no pedestrian access for young children or use of buggies.	6.15
16	Criticism over where the site notice was displayed.	6.19
17	The need to store bins next to number 5 Bridgeman Drive indicates overdevelopment of the site. Is there enough capacity of the site to store recycling food and green waste?	6.15
18	Concerns over level of traffic that would be generated in the area; it would result in detriment to highway safety.	6.13-6.15
19	The information contained in the Transport Statement is not accurate.	6.20
20	Occupiers of the dwellings are likely to have more than 2 car- parking is inadequate.	6.14
21	The scheme is garden grabbing and would take away the garden for number 6; this conflicts with planning policy.	6.2-6.5
22	The design is inappropriate; the 12 original dwellings in Bridgeman Drive are detached houses, these semi-detached dwellings will look out of keeping.	6.2-6.5
23	Concerns over the impact on number 2 St John's Road.	6.21

### Other consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	All of the proposals submitted comply with the Local Authorities current standards, therefore from a highways point of view we can offer no objection to the proposal subject to complying with the following conditions: <ul style="list-style-type: none"> <li>• Access constructed in accordance with the approved drawing</li> <li>• Submission of a construction management plan</li> <li>• Parking and turning space approved and retained</li> <li>• Refuse and recycling facilities in accordance with approved drawing</li> </ul>	6.13-6.15 and see recommended conditions
Environmental Protection	No objections.	Noted.
Tree Officer	Offers no objections, subject to conditions for trees shown for retention to be retained, details of tree projection measures, and details of landscaping to be approved.	6.16 and recommended conditions.

- Appendix A - Site location plan and site layout
- Appendix B – Elevations and floor plans

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

- 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 buildings 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 No development shall take place until a 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.
- 4 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 5 No tree or hedgerow shown to be retained in the approved plan (Drawing SE7732/02) shall be cut down, uprooted or destroyed, nor shall any retained tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any approved tree work shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority. Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan (Drawing SE7732/02), shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing and ground protection in accordance with British Standard 5837. 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 consent 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, N6.
- 6 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.

- 7 Prior to the first occupation of the dwellings hereby approved, details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

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

- 8 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 9 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.

- 10 Notwithstanding the detail contained on the approved plan, no part of the development shall be occupied until a plan showing the amended bin collection point area has 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. A refuse management plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling, and following first occupation of the dwelling, the management plan shall be adhered to for the lifetime of the development.

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

Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and to ensure an adequate amount of parking is retained on site. Local Plan Policy P4

- 12 No window(s) shall be inserted at first floor level in the north east elevation(s) of the dwelling (marked plot 4 on the approved plan).

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

- 13 Prior to the first occupation of the dwellings hereby approved, details of the lighting along the access road and the car parking area (including specification of the lights, LUX levels and operational times) 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 thereafter

shall be retained as operational.

Reason: In the interests of residential amenity and the safety and security of the site. Relevant Policy - Local Plan H10, Core Principle 4 of the National Planning Policy Framework

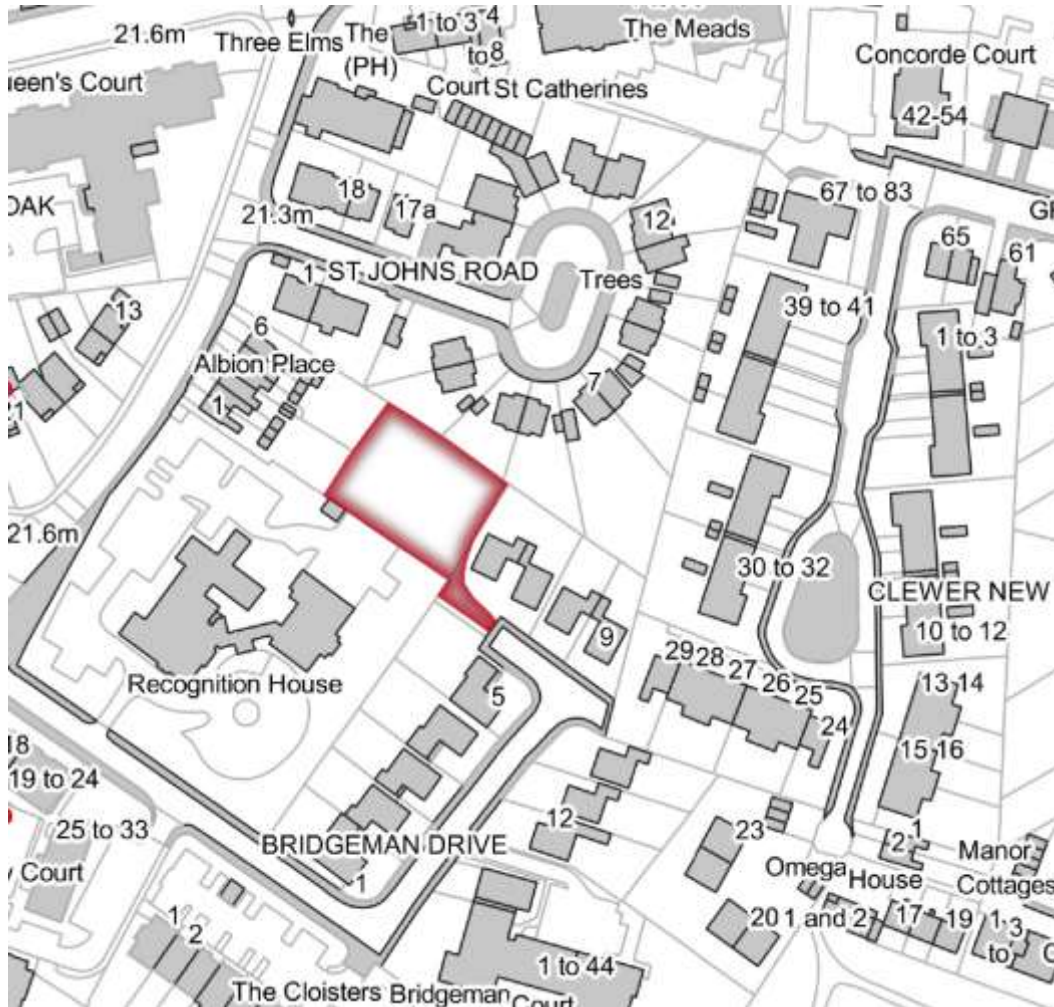
14 No gates shall be erected across the approved access Authority.

Reason: To maintain the open character of the area and in the interests of highway safety - Local Plan Policy DG1, T5.

15 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.

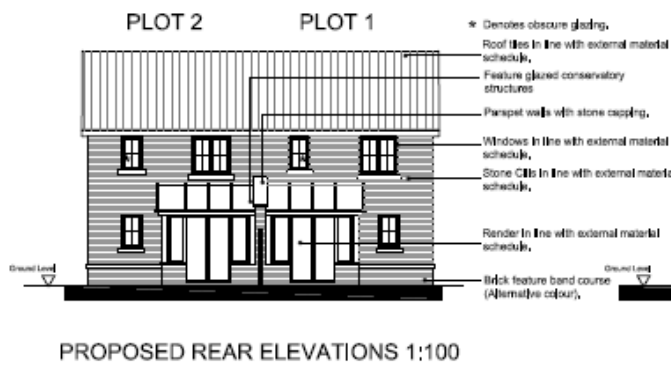
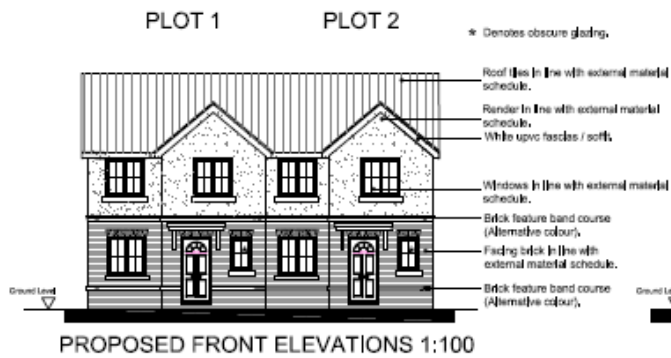
Appendix A- Site location and site layout





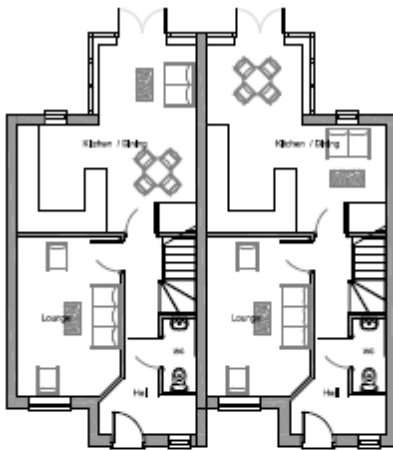
Appendix B- Elevations and Floor plans

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PLOT 1

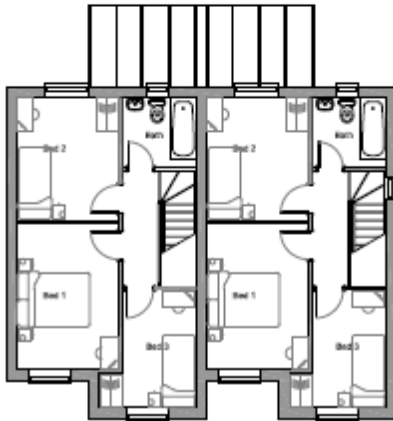
PLOT 2



GROUND FLOOR PLANS 1:100

PLOT 1

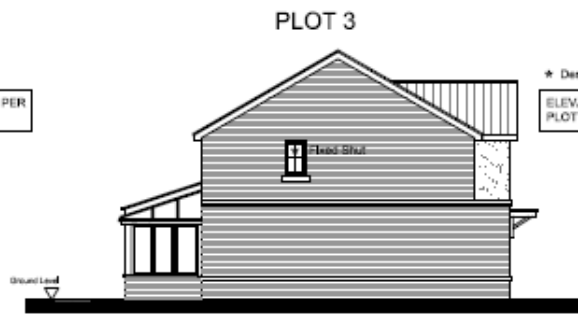
PLOT 2







\* Denotes obscure glazing  
 ELEVATION TREATMENTS AS PER PLOT 1 AND PLOT 2 ABOVE



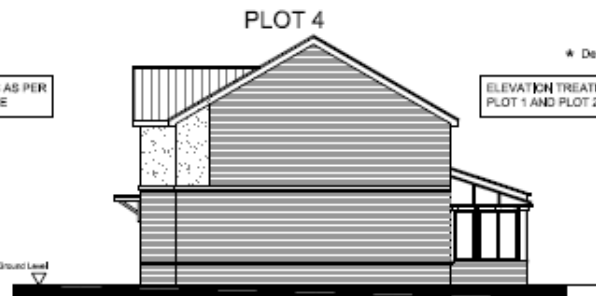
\* Denotes obscure glazing  
 ELEVATION TREATMENTS AS PER PLOT 1 AND PLOT 2 ABOVE

PROPOSED FRONT ELEVATIONS 1:100

PROPOSED SIDE ELEVATIONS 1:100

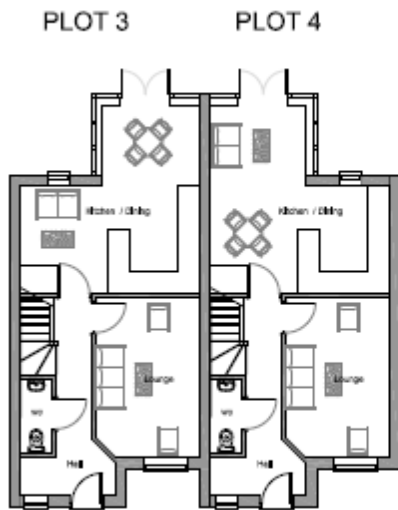


\* Denotes obscure glazing  
 ELEVATION TREATMENTS AS PER PLOT 1 AND PLOT 2 ABOVE

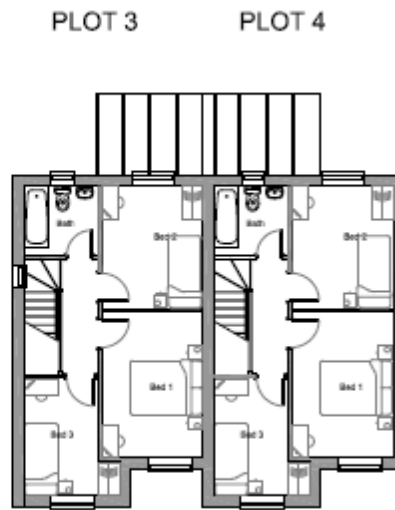


\* Denotes obscure glazing  
 ELEVATION TREATMENTS AS PER PLOT 1 AND PLOT 2 ABOVE

FIRST FLOOR PLANS 1:100



GROUND FLOOR PLANS 1:100



FIRST FLOOR PLANS 1:100

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

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## ENFORCEMENT REPORT

### Recommendation Panel

#### ENFORCEMENT ACTION TO BE TAKEN:

Enforcement Action –

- a) Cease the use of the Land for the storage and treatment of timber;
- b) Cease the use of the Land for the storage of motor vehicles;
- c) Remove from the Land all motor vehicles associated with these unauthorised uses;
- d) Remove from the Land all machinery, equipment, and materials associated with the unauthorised uses;
- e) Remove from the Land all waste associated with the unauthorised uses; and
- f) Remove from the Land all concrete and brick rubble and all materials used to form areas of hardstanding associated with the unauthorised uses.

The period of compliance shall be 6 months.

### Reference and Site

15/50358 Land south of Mill Place Caravan Park,  
Horton Road, Datchet

### Contravention

1. Without planning permission the material change of use of the land from agriculture to a mixed use of the storage of vehicles, the importation of waste and the storage and treatment of timber; and
2. Without planning permission the formation of hardstanding.

### Person(s) responsible

Tommy Michael Giles  
6 Mill Place  
Horton Road  
Datchet  
SL3 9JD

### Relevant Planning History

None

### Site and surroundings

The site lies to the south of Mill Place Caravan Site, Horton Road, Datchet and has the main Windsor - Waterloo railway line running along the southern side. It is accessed from Horton Road along the Mill Place which leads to the caravan site.

## History

1. The Enforcement section received a complaint on the 18<sup>th</sup> August 2015 concerning the use of the site for the storage of motor vehicles.
2. An Enforcement Officer visited the site on the 20<sup>th</sup> August and noted approximately 40 cars stored on the site. There were also two trucks and a digger present. No one was present at this time.
3. A site visit carried out on the 27<sup>th</sup> August showed approximately 175 cars, 2 trucks, 2 diggers and a large amount of timber. Local resident Tommy Giles, together with Denny Loverage (senior), arrived at the site explaining that the cars were an 'overspill' for airport parking and that they did not know who owned the site.
4. Various enquiries were then made with the Borough's Estates Department, the Land Registry and local neighbours regarding ownership of the land. On the 7<sup>th</sup> September 2015 a Planning Contravention Notice was served on Mark Perkins, of Step Properties, Ltd, who was known to have an interest in the land. After some further correspondence and telephone calls, this PCN was returned in April 2016. Mr Perkins also advised that Mr Tommy Michael Giles was now the owner of the site.
5. On the 26<sup>th</sup> April the Enforcement Officer met on site with Tommy Giles. Mr Giles explained that he had bought the site and that he operating a business whereby trees are brought onto the site and then shredded and then removed from the site. On site there was a large amount of trees forming a bund around the site as well as piles of wood chippings. There were also 37 cars on the site which we are advised were part of an airport parking scheme.

In addition to this, there were also piles of earth, rubble and waste as well as 1 truck, 2 diggers, 1 dumper truck, 1 skip and a large area of hardstanding on site.

6. A letter was sent to Mr Giles on the 13<sup>th</sup> June 2016 advising that the storing/treating of timber, together with the storage of vehicles, was unacceptable and that this constituted a breach in the planning control. The letter also enclosed a Planning Contravention Notice for his completion and return. The PCN was returned, duly completed, via Mr Giles' planning agent.
7. On the 20<sup>th</sup> September 2016 the Enforcement Officer revisited the site again to find the following:
  - (i) Large amounts of timber forming a bund around the site;
  - (ii) Piles of soil, rubble and waste;
  - (iii) Approximately 29 cars; and
  - (iv) 1 truck, 1 digger, 1 dumper truck and 2 skips;

## **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***

- 1 The change of use and laying of hardstanding represents inappropriate development which is harmful to the function and purpose of the Green Belt, including its openness and for which no very special circumstances have been advanced to clearly outweigh the harm that is to be caused by inappropriateness and the other identified harm. As such the development is contrary to Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and conflicts with paragraphs 87 and 88 of the National Planning Policy Framework;
- 2 The change of use and laying of hardstanding adversely impacts on the character and appearance of the surrounding area. As such the development is contrary to Policy DG1 of the Local Plan;
- 3 The site lies within an area liable to flood and the landowners have not demonstrated by means of a flood risk assessment that the materials, machinery, hardstanding and vehicles associated with the unauthorised uses would not 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. As such these uses are contrary to Policy F1 of the Local Plan and paragraph 103 of the National Planning Policy Framework;
- 4 The change of use does not provide an acceptable relationship with neighbouring residential properties for the reason that the activities associated with the use including unsociable movement of vehicles results in an unneighbourly intensification of activities on the land, contrary to Core Planning Principle 4 of the National Planning Policy Framework;
- 5 The site lies within the Wildlife Heritage Site (now known as Local Wildlife Sites) and the change of use has eradicated this wildlife habitat in what was a healthy and sustainable environment. As such the use is contrary to Policy N9 of the Local Plan and paragraph 118 of the National Planning Policy Framework; and
- 6 The change of use does not represent a sustainable form of development given the identified environmental and social harm associated with the uses and possibly economic harm to similar lawful uses within the area contrary to the advice of the National Planning Policy Framework.

***Ground (b) - That the breach of control alleged has not occurred***

An Enforcement Officer has visited the site as recently as the 19<sup>th</sup> September 2016 and noted that the unauthorised use continues.

***Ground (c) - That there has not been a breach of planning control***

The use of the land does not accord with Policies GB1, GB2, N9, and F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and the National Planning Policy.

***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 planning enforcement section became aware of this unauthorised use in August 2015. Aerial photography confirms that this was an open field before this time.

**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 Notice requires the cessation of the various unauthorised uses and also the removal of unauthorised plant, waste, vehicles and hardstanding. Any lesser steps would continue to cause harm.

**Ground (g)** - *That the time given to comply with the notice is too short*

Six calendar months is a practical time period for remedial works such as this.

Dated *Jenni Jackson 24.11.16.*

Signed

Head of Planning







19/09/2016







19/09/2016

## ENFORCEMENT REPORT

### Recommendation to panel

#### ENFORCEMENT ACTION BE TAKEN:

Enforcement Action –

1. Demolish the extension located on the flat roof of the rear of the buildings identified on the plan with a red X and further identified by the appended photograph marked AJH1

The period of compliance shall be 14 days from the date of this Notice.

### Reference and Site:

16/50324 – Spices, Silver Cottage, the Green, Datchet, SL3 9BJ

### Contravention:

Without planning permission the erection of a rear timber extension on flat roof of existing building.

### Person(s) responsible:

Mr Nazrul Islam - Spices, Silver Cottage, the Green, Datchet, SL3 9BJ

### Relevant Planning History:

10/00659/FULL Change of use of the A1 part of Silver Cottage to A3 use in conjunction with Spices Restaurant – Allowed on Appeal on 21st February 2011 with a condition stating The premises shall not be open for customers outside the following hours: 11.00 - 22.30 Mondays – Thursdays, 11.00 – 23.00 Fridays and Saturdays, 11.00 - 22.30 Sundays and Bank Holidays. No takeaway meals shall be served at any time.

11/03012/FULL – change of use of first floor store room to taxi operator office – granted pp 20 December 2011

### Site and Surroundings:

The application site is located on The Green, Datchet and comprises a two storey pair of semi-detached properties which are located within Datchet Village Conservation Area. The buildings compromise a restaurant in the ground floor, kitchen area to rear with associated rooms on the first floor. To the west is a residential property, Mays Cottage, and to the south (rear) is the railway line.

**History:**

Following a complaint to the Council about the erection of a timber extension without planning permission an Enforcement Officer visited the site and met with the owner, Mr Islam. The notes and photographs are clear that an extension had been erected and it was the Officer opinion that planning permission was required and may not be granted.

On 20 October 2016 the Council wrote to the owner, known as ‘Mr Naz’ inviting him to demolish the extension within 14 days.

A compliance visit was carried out on 11 November 2016 and an Enforcement Officer noted that the development remained.

On 15 November 2016 the Council wrote to the owner advising that the matter would now be referred to the Development Control Panel with a recommendation that enforcement action be taken.

**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	
Preserve or enhance Conservation Area	CA2		No

Acceptable impact on appearance of area	DG1		No
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**Compliance with Conservation Area Policy**

Policy CA2 states that any development should preserve or enhance the character and appearance of the Conservation Area and alterations should be of a high design standard which is sympathetic in terms of materials and detailing to adjacent buildings and the character of the area in general. The use of inappropriate materials is not permitted. Policy DG1 states that materials which are sympathetic to the transitional building material of an area should be used.

The extension has been erected using materials that are unsympathetic to the host building and therefore fails to preserve or enhance the Conservation Area. As such the development is contrary to saved Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan, 1999 (Incorporating Alterations Adopted in June 2003) and to the guidance given in Section 12 of The National Planning Policy Framework (Conserving and Enhancing the Historic Environment.)

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

An Enforcement Officer has visited the site and noted the development has been carried out as a matter of fact.

**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 Class A of the Town and Country Planning (General Permitted development) Order 2015. It is also officer opinion that Part 7 of the GPDO does not apply as the development is not on the ground floor and is within an Article 2(3) Land. It is the officer opinion that the erection of an extension 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 2016.

**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 Conservation Area is remedied. Any lesser steps would continue to cause harm.

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

14 days 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 constructed of timber and no specialist contractor or plant/machinery is required to carry out the requirements of the Notice.

**The reasons for serving this Notice are as follows:**

The extension has been erected using materials that are unsympathetic to the host building and therefore fails to preserve or enhance the Conservation Area. As such the development is contrary to saved Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan, 1999 (Incorporating Alterations Adopted in June 2003) and to the guidance given in Section 12 of The National Planning Policy Framework (Conserving and Enhancing the Historic Environment.)

**Recommended by the Borough Planning Manager**

*Jeni Jackson.*

**Dated: 16 November 2016**



Title:

Scale: 1:500

Date: 22/11/2016

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## Planning Appeals Received

**28 October 2016 - 24 November 2016**

### WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the Plns reference number and write to the relevant address, shown below.

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

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

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 16/60097/REF      **Planning Ref.:** 16/00653/FULL      **Plns Ref.:** APP/T0355/W/16/3160308  
**Date Received:** 9 November 2016      **Comments Due:** 14 December 2016  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Installation of double canopy, wash screen, 2 No. cabins for office/rest room and secure storage, water storage tank and fence (retrospective)  
**Location:** **Windsor Garden Centre Dedworth Road Windsor SL4 4LH**  
**Appellant:** Mr Robert Shala **c/o Agent:** Mr Stephen Egerton Stephen Egerton Associates 33 Wavell Avenue Colchester Essex CO2 7HR

**Ward:**  
**Parish:**  
**Appeal Ref.:** 16/60099/NONDET      **Planning Ref.:** 16/01823/LBC      **Plns Ref.:** APP/T0355/Y/16/3158644  
**Date Received:** 10 November 2016      **Comments Due:** 15 December 2016  
**Type:** Non-determination      **Appeal Type:** Written Representation  
**Description:** Consent for part single part three storey rear extension, reduction of lower ground floor front external store, internal alterations and demolition with alterations to fenestration  
**Location:** **47 Kings Road Windsor SL4 2AD**  
**Appellant:** Mr And Mrs M And K Corden **c/o Agent:** Mr Robert Kennedy Berkshire Developments Ltd The Barn Waterloo Road Wokingham Berkshire RG40 3BY

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 16/60100/NONDET      **Planning Ref.:** 16/01820/FULL      **Plns Ref.:** APP/T0355/W/16/3161288  
**Date Received:** 10 November 2016      **Comments Due:** 15 December 2016  
**Type:** Non-determination      **Appeal Type:** Written Representation  
**Description:** Part single part three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration  
**Location:** **47 Kings Road Windsor SL4 2AD**  
**Appellant:** Mr And Mrs M And K Corden **c/o Agent:** Mr Robert Kennedy Berkshire Developments Ltd The Barn Waterloo Road Wokingham Berkshire RG40 3BY

**Ward:**  
**Parish:**  
**Appeal Ref.:** 16/60101/REF      **Planning Ref.:** 16/00427/FULL      **Plns Ref.:** APP/T0355/D/16/3159084  
**Date Received:** 17 November 2016      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Rear dormer and 2 No. front roof lights to facilitate a loft conversion  
**Location:** **72 Alexandra Road Windsor SL4 1HU**  
**Appellant:** Mr Andrew Insch **c/o Agent:** Mr William Garlick 9 Alpha Road Hutton Brentwood Essex CM13 1NJ

