

NOTICE
OF
MEETING

www.rbwm.gov.uk



**WINDSOR URBAN DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 28TH FEBRUARY, 2018

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL, WINDSOR,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS MALCOLM ALEXANDER (CHAIRMAN), PHILLIP BICKNELL (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, WISDOM DA COSTA, JESSE GREY, EILEEN QUICK, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

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

Karen Shepherd – Service Lead, Democratic Services - Issued: 19 February 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796251

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the meeting will be audio recorded, and filmed and broadcast through the online application Periscope. The footage can be found through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	9 - 28
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	29 - 32
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider the following resolution:- "That under Section 100 (A)(4) of the Local government Act, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 7 and 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 3 of Part I Schedule 12A of the Act".	

PART II - PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
7.	<u>PART II MINUTES</u> To confirm the Part II minutes of the previous meeting. <i>(Not for publication by virtue of Paragraph 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	33 - 34
8.	<u>PLANNING ENFORCEMENT REPORTS (DECISION)</u> To consider the above reports. <div style="display: flex; justify-content: space-between;"> <div> ➤ Wren Business Centre, Windsor ➤ Sir Christopher Wren Hotel & Spa, Windsor ➤ Land at former Mill Stream Motors, Windsor ➤ Land North of 2 and Rear of 2 to 36 Ditton Road, Datchet </div> <div> Page 35 Page 39 Page 47 Page 57 </div> </div> <i>(Not for publication by virtue of Paragraph 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	35 - 62

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' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

Agenda Item 3

WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 31 JANUARY 2018

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

Officers: Wendy Binmore, Mary Kilner, Adam Jackson, Sian Saadeh and Ashley Smith

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Airey, Wisdom DaCosta, Jesse Grey and Eileen Quick.

DECLARATIONS OF INTEREST

Councillor S. Rayner – Declared a prejudicial interest on the enforcement report as she had been working with residents to resolve issues with the site in her role as Ward Councillor.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 6 December 2017 be approved.

PLANNING APPLICATIONS (DECISION)

- 17/03665 Mr c/o Agent: Demolition of existing 3 storey buildings across 35-37 Peascod Street containing ground floor retail and ancillary offices above to create a new part 3 part 4 storey building with new retail space on the ground floor and offices above (detailed amendments to previous planning approval ref 16/02134/FULL), at 35-37 Peascod Street, Windsor – **THE PANEL VOTED UNANIMOUSLY to grant planning permission with the conditions listed in Section 10 of the Main Report, as per the Head of Planning's recommendations.**

(The Panel was addressed David Hill, the applicant).

- 17/03743 The Provost and Fellows: Installation of anti-vehicle bollards on the pavement outside of the School Hall at Pavement Outside Memorial Buildings, Eton College, Slough Road, Eton, Windsor – **THE PANEL VOTED UNANIMOUSLY to approve the application with the conditions listed in Section 10 of the Main Report, subject to no neighbour comments being received by 1 February 2018 raising new material considerations that have not been covered in the Main Report.**

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Monitoring Reports were noted.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

To consider passing the following resolution:-

“That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act”.

The meeting, which began at 7.00 pm, finished at 7.15 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

28th February 2018

INDEX

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

Item No.	1	Application No.	16/03438/FULL	Recommendation	DD	Page No.	11
Location:	Former Windsor Rackets And Fitness Club Helston Lane Windsor						
Proposal:	The erection of five additional close care suites at fourth floor level						
Applicant:	Mr Hughes	Member Call-in:		Expiry Date:	18 October 2017		
<hr/>							
Item No.	2	Application No.	17/03636/FULL	Recommendation	REF	Page No.	17
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor						
Proposal:	Construction of 3 x 1 bedroom flats following demolition of garages 4 to 9 and stores						
Applicant:	Mr Gray	Member Call-in:		Expiry Date:	13 February 2018		
<hr/>							
Planning appeals received and Appeals decision report						Page No. 29	

This page is intentionally left blank

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 February 2018

Item: 1

Application No.: 16/03438/FULL

Location: Former Windsor Rackets And Fitness Club Helston Lane Windsor

Proposal: The erection of five additional close care suites at fourth floor level

Applicant: Mr Hughes

Agent: Mr John Montgomery

Parish/Ward: Windsor Unparished/Clewer North Ward

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

1.1 SUMMARY

- 1.2 This case has been brought to Panel to deal with a technical matter of decision-making, rather than with the planning merits of a proposed development. Permission is sought to add five close-care apartments (Class C2 – Residential Institutions) to the scheme of development already permitted on the site, which comprises a 72-bed nursing home, 58 close-care suites and communal facilities, parking and landscaping, and revised site access arrangements, approved in January 2012. The additional units are proposed to be constructed at fourth floor level, atop and set in from the plan area of the northern-most part of the approved development, in a rooftop extension similar in design to that of the “sky lounge” included in the approved scheme above part of the four storey central section of the building.
- 1.3 The application was reported to Panel on the 8th November 2017. The recommendation to Panel at this meeting was to defer powers to the Head of Planning to progress the legal agreement. Essentially, the legal agreement would secure the preparation and adoption of a strategy for the evacuation of the close care suites and of the care home via a route passing through the main building (approved under a separate planning permission and therefore technically a different development) emerging from it at its southern end where, in the event of flooding, calculated flood water levels and the distance from public highway access to a place of safety would be minimised.
- 1.4 However, the recommendation also set out that the application would be reported back to Panel if the legal agreement was not completed by the 31st January 2018 (Panel agreed to this recommendation). The legal agreement was not completed on the 31st January 2018, and as such the application is reported back to this Panel. The contents of the legal agreement are agreed, and the UU is awaiting the signatories of the relevant parties (for which there are many). It is anticipated that the legal agreement will be completed by mid-late February 2018.
- 1.5 For all the reasons set out in the main and update reports for the March 29th and May 24th Panel meetings last year, Councillors have already resolved that, subject to the safeguards of conditions and a legal agreement or Unilateral Undertaking, planning permission can be granted for the development of five additional close care suites on the fourth floor of the building granted approval under 11/00403/FULL (as amended). From the time of the last Panel meeting that discussed this scheme there has been no change in national or local planning policy, nor any revision of the proposed development, that would indicate that the proposal is no longer acceptable (subject again to appropriate conditions and legal agreement safeguards). Consequently, it is considered that the proposed development would be acceptable.
- 1.6 The recommended conditions are the same as those previously considered and agreed by the Panel in November.

It is recommended that the Panel defers and delegates authority to the Head of Planning to grant planning permission, with the conditions and informatives listed in Section 4 below, on completion of a satisfactory legal agreement or Unilateral Undertaking to secure measures to ensure a safe means of escape in the event of flooding through the development on the site approved under separate planning permission.

2. BACKGROUND PAPERS FOR THE APPLICATION

- 2.1 For a description of the site, its planning history, the proposed development, relevant national and local planning policy, and an explanation of the recommendation, together with consultation comments and representations made by neighbours and members of the public, please refer to the main agenda reports and update reports for this planning application for the Windsor Urban Development Management Panels can be found here:

(<http://rbwm.moderngov.co.uk/ieListMeetings.aspx?Act=earlier&CId=362&D=201801031900&MD=ielistmeetings>)

3. APPENDICES TO THIS REPORT

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

4. CONDITIONS AND INFORMATIVES RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The units of residential accommodation hereby approved shall be used only for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification) or any equivalent classification of use which is defined by the level of care associated with the occupation of the accommodation. No part of the development shall be first occupied until details of the scope and duration of care facilities and services to be provided to occupiers of the close care suites have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and services shall be kept available for use by residents of the development at all times.
Reason: To ensure that the residential accommodation provided is appropriately used and retained to meet the identified housing needs of the area. Relevant Policies - Local Plan H3, H8 and H9 and guidance contained within the NPPF 2012.
- 2 The Leylandii hedge along the western boundary of the site shall be retained and maintained and, if in part or whole it is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, it or that part of it shall be replaced within the first planting season following such event, in accordance with a scheme of replacement tree planting that shall have first been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and protects the amenities of the neighbouring residents. Relevant Policies - Local Plan DG1, N6 and guidance contained within the NPPF 2012.
- 3 No part of the development shall be first occupied until measures to ensure appropriate levels of sound insulation have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.
- 4 No part of the development shall be first occupied until measures to ensure that occupiers are adequately protected from air pollution have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the

duration of the occupation of the development.

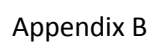
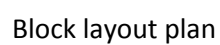
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.

- 5 No part of the development shall be first occupied until the vehicular access to the site has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the duration of the occupation of the units.
Reason: To secure a safe and convenient means of vehicular access to the site in the interests of road safety. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 6 No part of the development shall be occupied until vehicle parking and turning space for one vehicle has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall at all times be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking and turning facilities in the interests of the safety and convenience of all users of the highway network. Relevant Policies - Local Plan P4, DG1 and guidance contained within the NPPF 2012.
- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 8 No part of the development hereby approved shall be first occupied until details of the hard and soft landscaping of the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall show the escape route for all users of the building in the event of flooding. The details required shall comprise the design, appearance, construction details, materials, levels and finish for all free-standing or retaining structures and means of enclosure, and all roads, paths, external parking spaces and other hard surfaced areas, and the location, species, size and planting density of all trees, hedges, shrubs herbaceous plants and areas to be grassed, together with programmes of implementation and after care (of a minimum of 5 years). The landscaping scheme shall be completed in accordance with the implementation programme, and any trees or other plants which die, are damaged or destroyed or become no longer viable within 5 years of the completion of the implementation programme shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity, the provision of safe escape from the building in the event of flooding, and the protection of the water environment, in accordance with national and local planning policy as set out in policies DG1, H10, F1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan and guidance contained within the National Planning Policy Framework 2012.
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

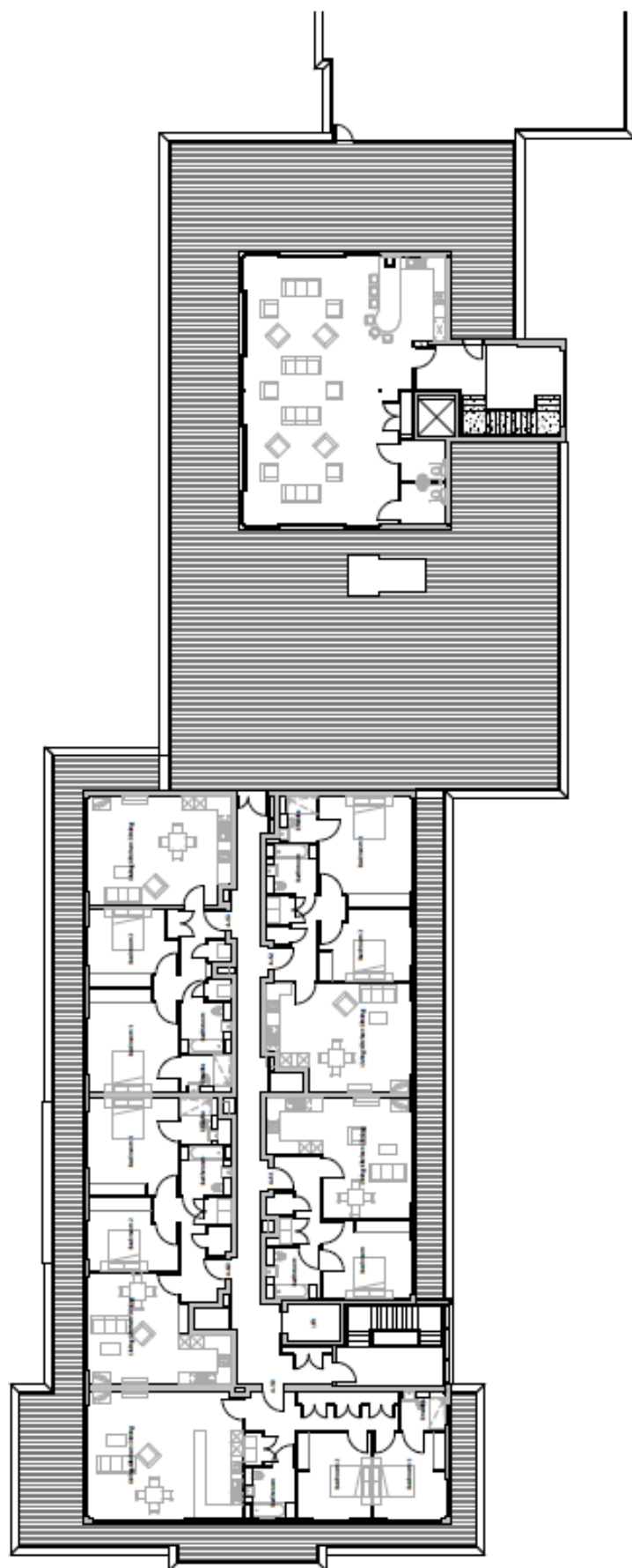
Informatives

- 1 This permission is governed by and shall be read together with the Agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated xx xx 2017.
- 2 The applicant is reminded of the need to enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the new and the stopping-up of the existing vehicular access.

Location plan







WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 February 2018

Item: 2

Application No.:	17/03636/FULL
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor
Proposal:	Construction of 3 x 1 bedroom flats following demolition of garages 4 to 9 and stores
Applicant:	Mr Gray
Agent:	Mr Sean Kelly
Parish/Ward:	Windsor Unparished/Clewer East Ward

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal seeks planning permission to construct 3 x 1 bed units. It is acknowledged that this scheme would make a contribution to the Borough's housing stock through the provision of 3 units, however the application is recommended for refusal on the grounds that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	Cramped development of the site resulting in an unsatisfactory layout.
2.	Design and appearance of the 2 storey building would be out of keeping with the general character and visual amenity of the surrounding residential area.
3.	Insufficient tree information supplied with the application
4.	Failure to demonstrate that adequate parking and turning can be achieved with the site to serve the development.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden, irrespective of the recommendation, on the grounds that local residents oppose the density and access of this development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the northern side of Clewer Hill Road and forms part of a garage court. The garages are accessed via a narrow driveway from Clewer Hill Road. A pair of semi-detached dwellings have recently been completed to the east of the entrance to the site on Clewer Hill Road. The site lies to the rear of maisonettes, numbered 54-60 Clewer Hill Road and adjacent to the parking/ garaging area situated to the rear of the neighbouring flats at Haileybury Court. To the north and east of the site lie 6 & 7 Addington Close. A mature protected oak tree lies within the adjacent garden of number 7 Addington Close.

The site lies within a predominantly residential area with a mix of housing styles and ages.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves the demolition of 6 garages and a store, and the erection of 3 x 1 bedroom residential units comprising a pair of two storey, mews style houses and a single storey one bed unit. The two storey element would have a flat roof and measure 5.3m in height. A small area of communal amenity space is to be provided at the front of the building. A grassed area is to be provided to the rear of the single storey unit. A timber cycle enclosure and timber bin enclosure are also proposed. Three car parking spaces are shown to be provided in front of the units. It is also proposed to retain 3 of the existing garages for use by existing tenants.

- 4.2 The external materials of the building would be brick.

Ref.	Description	Decision and Date
02/81891/FULL	Demolition of six garages and erection of two semi-detached dwelling houses with associated parking.	Dismissed on appeal
03/83436/FULL	Demolition of 6 lock up garages and 2 stores and the erection of a 4 bedroom detached house.	Refused
15/03216/FULL	Change of use and conversion of 5 garages and 2 storage buildings to a single storey dwelling with parking and amenity space.	Refused
16/01203/FULL	Partial demolition of garages and change of use and conversion of 6 garages and 2 storage buildings to a single storey dwelling, with parking, access and amenity space.	Permitted

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework:

- Core principle 4 – Good standard of amenity for all existing and future occupiers,
- Section 6 (Delivering a wide choice of high quality homes),
- 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	Trees
DG1, H10, H11	P4, T5	N6

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3, H05
Makes suitable provision for infrastructure	IF1, IF2
Trees	NR2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the character and appearance of the area.
- ii The impact of the proposal on the neighbouring amenity and the amenity of future occupiers.
- iii The impact on the adjacent TPO tree.
- iv Highways and parking.

Impact of the character and appearance of the area

- 6.2 Local Plan Policy DG1 sets out the design guidance for new development. One of these is that harm should not be caused to the character of the surrounding area through development which is cramped. Paragraph 5.7.3 states that this policy should be considered together with Policy H10, which refers specifically to new residential development scheme, requiring them to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density which would be incompatible with or cause damage to the character and amenity of the area. Bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- 6.3 The site lies within a predominately residential suburban area with a mix of housing types and styles including terraces, flats, maisonettes, semi-detached and detached dwellings. The site is set behind numbers 54-60 Clewer Hill road and currently forms part of a garage court. Whilst the site is not readily visible from the public realm it is visible from the adjoining neighbouring properties.
- 6.4 The principle of residential development on this site has already been established and this current application follows a recent approval to erect a 1 x 2 bed single storey dwelling on this site under planning permission 16/01203/FULL. The current proposal is sited within the confines of the footprint of this extant permission. However it is now proposed to create 3 x 1 bed dwellings. Two of the units are proposed to be 2 storey with a third unit comprising a single storey return element.
- 6.5 The site is constrained by its size and shape and the building would come close to the site boundaries. Whilst the footprint of the development is the same as the previously approved scheme and the density of development would be comparable with surrounding residential densities this is not the only measure of acceptability of a development. In this case the provision of 3 units on the site necessitates the need to provide additional spaces for bins, bikes, entrances, footpaths and parking. It is necessary to consider whether or not the layout functions well and provides a good sense of space around the building as well as an attractive, high quality place to live. The small amenity space to the front of the building would not be high quality as it would be surrounded by parking, open to the other parts of the site where other

users are and surrounded by footpaths. The rear space would be over shadowed by the adjacent tree, not easily accessible and would create issues for residents whose bedroom would be directly overlooking it. In terms of parking, the third space only has 5m for manoeuvring which is below the 6m minimum clearance which would be required. All these factors are considered to be indicative of an unsatisfactory, cramped layout and it is considered that the current layout could not support 3 units on the site.

- 6.6 The proposed development has been designed in a mews style, courtyard development and the 2 storey buildings would have flat roofs with an overall height of 5.3m. This type of mews design is not a typology common to the area and the fact that the first floors have three blank sides' makes for poor design as well as being an indication of poor layout. It is considered that the proposal would appear at odds and out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general.
- 6.7 The permitted scheme under application number 16/01203/FULL for a single storey 2 bed unit has a much more spacious layout and provision for a useable, private amenity space. The 2 parking spaces would also be well laid out so as to have plenty of room for manoeuvring/turning and provides a much more satisfactory layout. On this basis, whilst the extant permission has established the principle of development and the footprint remains the same and carries weight in relation to those elements of the scheme, there are significant differences between the two schemes in relation to the scale and layout of the proposal.
- 6.8 It is concluded that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

Impact on the neighbouring amenity and the amenity of future occupiers

- 6.9 As noted above the submitted plans indicate only a small communal garden and the scheme is considered to lack sufficient quality and quantity of outdoor amenity space for future occupiers, contrary to bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF which states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- 6.10 In terms of the impact of the proposed building on the amenities of neighbours it is not considered that the proposed building would have any adverse impact on light and outlook from any neighbouring properties given the distances which would be maintained. The two storey dwellings have been designed to have first floor windows in the front elevation only and would serve bedrooms and dressing rooms. These windows would be sited approximately 11m from the flank boundary with number 6 Addington Close which is considered to be a reasonable separation distance in this urban context. However a separation distance of just 7m to 7.5m would be maintained between the proposed first floor windows and the flank boundary with number 7 Addington Close and concern has been raised by the neighbours regarding the potential for overlooking and loss of privacy from the proposed development. In determining the appeal under application number 02/81891/FUL for a similar separation distance of 7m from primary bedroom windows to the neighbouring boundary the Inspector found the relationship to be acceptable concluding 'that the proposed development would not lead to unacceptable overlooking of adjacent properties or gardens.' On this basis it is not considered that an objection on the grounds of overlooking and loss of privacy could be substantiated however in the interest of neighbourliness the dressing room window could be conditioned to be obscure glazed to help minimise the potential for overlooking.
- 6.11 The ground floor windows would not introduce an unacceptable level of overlooking or loss of privacy to the neighbouring properties providing suitable boundary fencing/treatment is provided and this could be secure by condition in the event of planning permission being granted.

Impact on the adjacent Oak Tree

- 6.12 There is a protected Oak tree adjacent to the northern boundary within the garden of number 7 Addington Close which is an important landscape feature. As before the proposal sits within the British Standard Root Protection Area. This portion of the development is within the existing

built footprint and it was previously concluded under application number 16/01203/FULL that the proposed development would reduce the development within the RPA. An Arboricultural Method Statement and Tree Protection Plan was submitted and approved under the previous application. This current application now includes a timber cycle enclosure which is proposed to be constructed off a pre-existing slab. No updated tree information has been supplied with this current application and an updated Arboricultural Method Statement and Tree Protection Plan are required for consideration under this current application. Insufficient tree information has therefore been supplied with this current application and it has not been demonstrated that the proposal would not cause harm to the protected tree.

Highways and parking

- 6.13 The site is accessed via a drive off Clewer Hill Road, a classified road. The proposal involves the removal of a number of garages and the loss of these garages has already been accepted in principle under previous proposals for this site. A total of 3 parking spaces are shown to be provided in connection with the 3 x 1 bed units and three garages are to be retained for use by private individuals.
- 6.14 The Highway Authority has noted that the current width of the access does not comply with RBWM's current highway design guide. However it is acknowledged that the application is likely to result in a reduction of vehicle usage and there have been no recorded collisions within the vicinity of the access within the last 5 years. The use of the existing access is therefore deemed acceptable.
- 6.15 The application includes the provision of 3 parking spaces which complies with RBWM's current parking strategy. However the parking arrangement proposed is inadequate. A minimum clearance between the parking bays and restricted boundary should be 6m rather than the 5m shown to be provided. The proposed parking layout is therefore inadequate and needs to be reviewed.
- 6.16 The application includes one secure, covered cycle parking provision for each dwelling which complies with RBWM's current guidance.
- 6.17 Refuse storage is proposed perpendicular to the proposed parking bays. The proposed location of the refuse bins exceeds the maximum carrying distance from the highway. Therefore refuse access and turning for refuse vehicles must be accommodated within the site extent. Vehicle swept paths have been provided for a vehicle accessing the site, manoeuvring and exiting in forward gear. However details of the type and size of vehicle have not been provided. Refuse vehicle swept paths must be carried out, with vehicle details shown.
- 6.18 The proposed layout fails to show that adequate parking and turning can be accommodated within the site.
- 6.19 A number of the public responses have referred to the fact that the parking spaces perpendicular to the garages will be inaccessible due to existing residents parking outside their adjoining garages. The agent has confirmed that the applicant owns the entire garage forecourt and the owners/users of the adjoining garages are under existing legal obligation not to obstruct/park on the garage forecourt. Whilst not strictly a planning matter a letter has been supplied by the client's solicitors in response to a letter received from local residents. It confirms that they only have rights of way over the forecourt in front of the garages and that they are obliged by a restrictive covenant in their title deeds, and an express covenant in their leases, not to obstruct the forecourt.

Other Material Considerations

Housing Land Supply

- 6.30 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.31 It is acknowledge that this scheme would make a small contribution to further boosting the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form advising on the existing gross internal residential floor space of 157 sq.m and a proposed internal floor space of 208 sq.m. In order for the internal floor area of the garages to be deducted from the proposed GIA residential floor space the applicant will need to provide evidence that the garages to be demolished have been in lawful use for parking for 6 months in the last 3 years. In the absence of this evidence the applicant will need to amend the CIL forms and the CIL payment will be based solely on the new floor space figures.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

A site notice was posted on a lamp post in Clewer Hill Road close to the application site on 15th January 2018. A total of 15 neighbours have been notified and 8 letters have been received objecting to the application from 6 separate addresses. The objections are summarised as:

Comment	Officer Response
Residents of Haileybury Court and no.6 Addington Close are missing from the notification list	Additional notification has been carried out.
Existing roofs and gutters of garages made out of asbestos.	This would be covered by separate regulations.
Design & size of development is alien and overbearing to surrounding properties. Incompatible and out of keeping with area.	See assessment (para 6.6)
Loss of privacy and amenity to numbers 6 & 7 Addington Close	See assessment (para 6.10 & 6.11)
Cramped and density would have detrimental impact on amenities of existing properties	See assessment (para 6.5)
Little or no amenity space for future occupants	See assessment (para 6.5)
Too close to Oak tree. Future pressure to reduce tree which could threaten viability.	See assessment(para 6.12)
No visitor parking provided. Displacement of more cars onto Clewer Hill Road which is already heavily parked could cause highway problems	See assessment (Para 6.15)
Third parking space would be tight squeeze and other 2 spaces could be difficult to use with access to garages being required.	See assessment (6.19)

Tenants of garages have always parked in front of their garages. This would make parking plan unviable.	See assessment (6.19)
Emergency vehicles must be able to turn within access area.	See assessment (6.18)
If claim for prescriptive easement to park outside garages is successful turning arrangements would be unworkable,	See assessment (6.19)

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	Use of the existing access is deemed acceptable. Proposed parking layout should be reviewed. Refuse vehicle swept paths must be carried out with vehicle details shown. Principles of application does not raise any significant highway concerns however amendments to current arrangements must be made to ensure parking and turning can be accommodated.	6.14 -6.18
Tree Officer	Formal comments awaited but tree officer has verbally confirmed that updated Method Statement and Tree Protection Plan is required.	6.12
Environmental Protection Officer	No comments received to date	

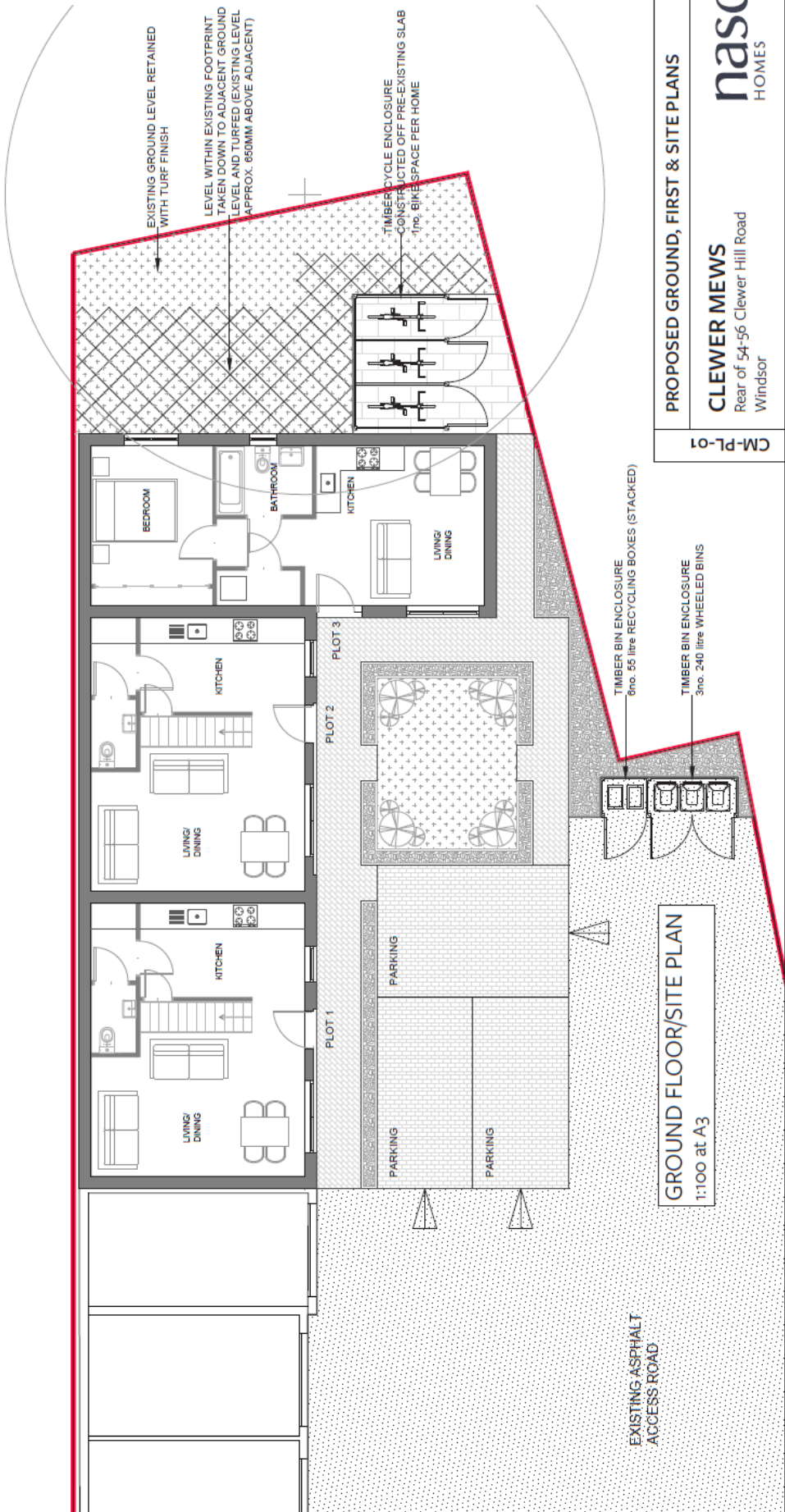
9. APPENDICES TO THIS REPORT

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

10. REASONS RECOMMENDED FOR REFUSAL.

1. The proposed development, by virtue of its siting, layout, form and design would result in a cramped layout of the site and would appear out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
2. Insufficient tree information has been supplied with the application to enable proper consideration of the impact of the proposed development on the adjacent protected oak tree. As such the proposal is contrary to policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
3. The application has failed to properly demonstrate that an adequate parking layout and turning arrangement can be provided to serve the proposed development. As such the proposal is contrary to policies T5 and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).

FIRST FLOOR PLAN
1:100 at A3



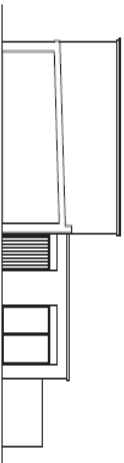
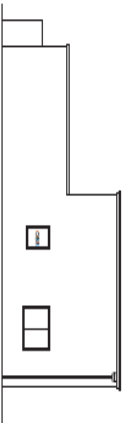
PROPOSED GROUND, FIRST & SITE PLANS

CLEWER MEWS
Rear of 54-56 Clewer Hill Road
Windsor

nascot
HOMES

CM-PL-01

FRONT ELEVATION
1:100 at A3



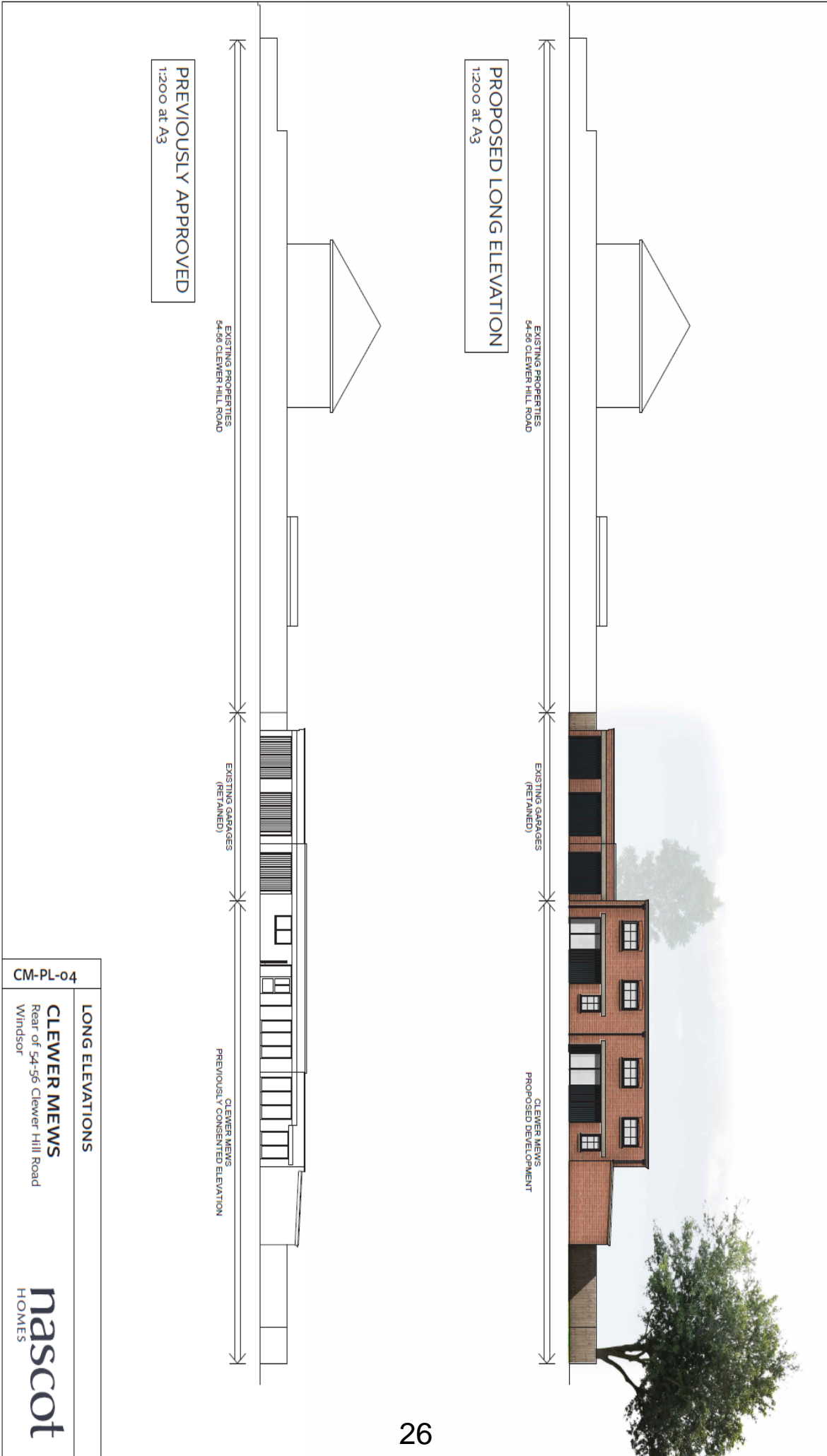
SIDE ELEVATIONS
1:200 at A3



REAR ELEVATION
1:200 at A3

PROPOSED ELEVATIONS	
CLEWER MEWS	
Rear of 54-56 Clewer Hill Road	
Windsor	

CM-PL-02

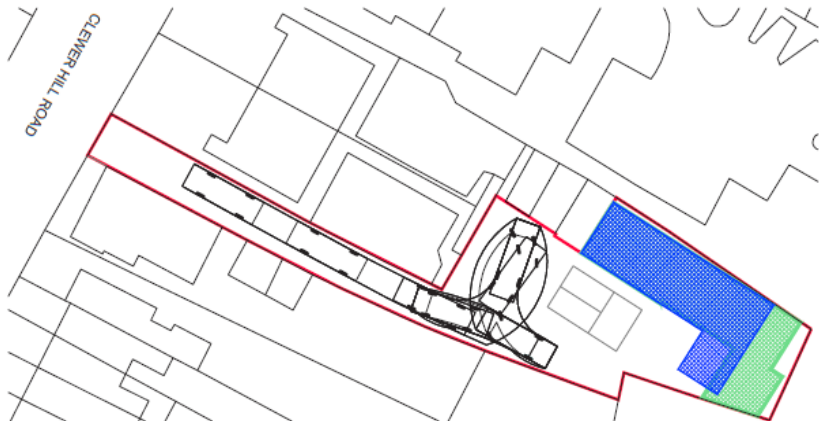


Appendix A

SITE LOCATION PLAN
1:1250 at A3



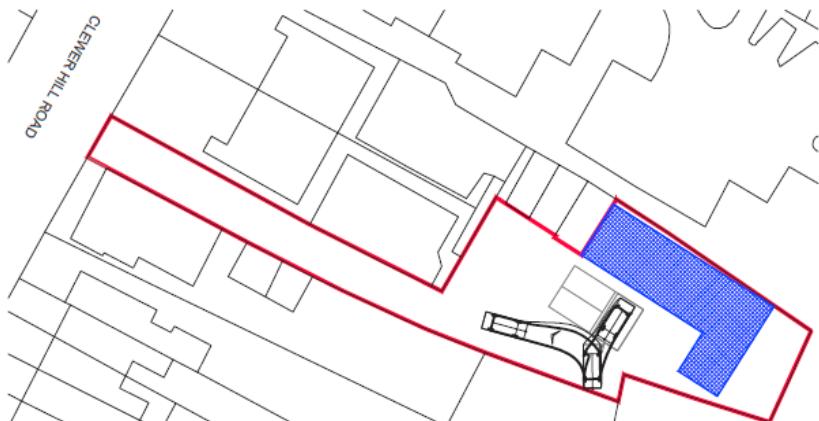
BLOCK PLAN
1:500 at A3



PROPOSED BUILDING
FOOTPRINT = 133m²

EXISTING BUILDING
FOOTPRINT = 157m²

PARKING TRACKING
1:500 at A3



CM-PL-03A

LOCATION PLAN, BLOCK PLAN & TRACKING

CLEWER MEWS
Rear of 54-56 Clewer Hill Road
Windsor

nascot
HOMES

This page is intentionally left blank

Planning Appeals Received

20 January 2018 - 16 February 2018

WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://app.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:

Parish: Eton Town Council

Appeal Ref.: 18/60020/REF **Planning Ref.:** 17/02376/FULL **Plns Ref.:** APP/T0355/W/17/3188273

Date Received: 24 January 2018 **Comments Due:** 28 February 2018

Type: Refusal **Appeal Type:** Written Representation

Description: Change of use of shop (A1) to residential (C3)

Location: **Studio 101 101 High Street Eton Windsor SL4 6AF**

Appellant: Mr Anthony Cove **c/o Agent:** Mrs Catherine Hannan CH Architech 52 Walsh Avenue Warfield Bracknell RG42 3XZ Berks

Appeal Decision Report

20 January 2018 - 16 February 2018

WINDSOR URBAN

Appeal Ref.: 17/60058/ENF **Enforcement Ref.:** 16/50423/ENF **Plns Ref.:** APP/T0355/F/17/3174706

Appellant: The Sir Christopher Wren Hotel Limited **c/o Agent:** Mr Malcolm Honour RPS CgMs 140 London Wall London EC2Y 5DN

Decision Type: Enforcement Notice **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Unauthorised works to a Listed Building.

Location: **The Gate House Rear of 50 And 51 Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**

Appeal Decision: Part Allowed **Decision Date:** 31 January 2018

Main Issue: The enforcement notice was upheld, corrected and varied. The allegations relating to the removal of historic windows were removed and the notice was tied to the extant applications that detail the approved screening for the ventilation system and other alterations to the building.

Appeal Ref.: 17/60090/NOND **Planning Ref.:** 17/01725/LBC **Plns Ref.:** APP/T0355/Y/17/3183315

Appellant: The Sir Christopher Wren Hotel Ltd **c/o Agent:** Mr Malcom Honour RPS CGMS Bastion House 140 London Wall London EC2Y 5DN

Decision Type: Delegated **Officer Recommendation:** Would Have Approved

Description: Consent for installation of new ventilation systems for kitchen and some bedrooms including ducting and plant, Erection of roof top plant screen and alterations and partial replacement of windows and new gates for refuse and basement areas.

Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**

Appeal Decision: Allowed **Decision Date:** 31 January 2018

Main Issue: This application we would have approved and was appealed for non-determination.

Appeal Ref.: 17/60091/NOND **Planning Ref.:** 17/01724/FULL **Plns Ref.:** APP/T0355/W/17/3183308

Appellant: The Sir Christopher Wren Hotel Ltd **c/o Agent:** Malcom Honour RPS CGMS Bastion House
140 London Wall London EC2Y 5DN

Decision Type: Delegated **Officer Recommendation:** Application Permitted

Description: Installation of new ventilation systems for kitchen and some bedrooms including ducting and plant, erection of roof top plant screen and alterations and partial replacement of windows and new gates for refuse and basement areas.

Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**

Appeal Decision: Allowed **Decision Date:** 31 January 2018

Main Issue: This application we would have approved and was appealed for non-determination.

Appeal Ref.: 17/60114/REF **Planning Ref.:** 17/00816/FULL **Plns Ref.:** APP/T0355/D/17/3187165

Appellant: Mrs Beverley Eves **c/o Agent:** Mr David Howells 72 Cedar Avenue Hazlemere High Wycombe HP15 7EE

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

Description: Retrospective Annex

Location: **12 Princes Close Eton Wick Windsor SL4 6LZ**

Appeal Decision: Dismissed **Decision Date:** 29 January 2018

Main Issue: The appeal property is located within Flood Zone 2 and as such is in an area that is deemed to be at medium risk of flooding. Paragraph 103 of the National Planning Policy Framework (2012) (the Framework) states that local planning authorities should only consider development appropriate in areas at risk of flooding where the implications of doing so are informed by a site-specific flood risk assessment (FRA). The associated footnote stipulates that this is required for all proposals for new development (which includes minor development such as domestic outbuildings) in Flood Zones 2 and 3. The scheme results in the loss of flood storage capacity within the floodplain of the River Thames. In the absence of an FRA, the flood risk resulting from the scheme is not known. In these circumstances a precautionary approach needs to be taken. The Inspector therefore concluded that the appeal scheme is contrary to the Flooding guidance set out within paragraph 103 of the NPPF.

Appeal Ref.: 17/60115/REF **Planning Ref.:** 17/01943/FULL **Plns Ref.:** APP/T0355/D/17/3187725

Appellant: Mr Briffa **c/o Agent:** Mr Mark Darby 2 Lavender Close Tamebridge Walsall WS5 4ST

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

Description: Raising of main ridge and construction of L-shape rear dormer

Location: **75 Arthur Road Windsor SL4 1RT**

Appeal Decision: Dismissed **Decision Date:** 29 January 2018

Main Issue: Due to its design, size, and siting the proposal would form an overly dominant, incongruous, and ultimately harmful addition to the property and western portion of the row of terraces on Arthur Road contrary to Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) and the core planning principles of the National Planning Policy Framework (2012).

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank