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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 25TH APRIL, 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 - Democratic Services Manager - Issued: 17 APRIL 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

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	11 - 62
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	63 - 64

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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' 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, 28 MARCH 2018

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Malcolm Beer, Michael Airey, Jesse Grey, Eileen Quick, Samantha Rayner, Shamsul Shelim and Edward Wilson

Officers: Wendy Binmore, Ashley Smith, Lindsay Jennings and Sian Saadeh

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bowden and Wisdom Da Costa.

DECLARATIONS OF INTEREST

Cllr S. Rayner – Declared a personal interest in item 18/00057 as she had spoken to residents in her capacity as Ward Member. She confirmed she had come to Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 28 February 2018 be approved.

PLANNING APPLICATIONS (DECISION)

17/03636* Mr Gray: Construction of 3 x 1 bedroom flats following demolition of garages 4 to 9 and stores at Land to Rear of 54 to 60 Clewer Hill Road, Windsor – **THE PANEL VOTED UNANIMOUSLY to refuse planning permission for the following summarised reasons (the full reasons are identified in Section 10 of the Main Report), as per the Head of Planning’s recommendations:**

- 1. Cramped development of the site resulting in an unsatisfactory layout. The 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.**
- 2. The proposal would mean poor amenity for future occupiers.**

(The Panel was addressed by Antony Grey in objection and Peter Gray the applicant).

17/03866 Mr Turnbull – Radian Housing: Erection of 2 no. three bedroom dwellings and 1 no four bedroom dwelling with associated landscaping and parking, following demolition and removal from the site of the existing garage court at Garages Rear of 39 and 53 Montrose Avenue, Datchet, Slough – **THE PANEL VOTED UNANIMOUSLY to grant planning permission in accordance with the Head of Planning’s recommendations and with the conditions listed in Section 10 of the Main Report.**

- 18/00057 Reverend La Stacey: Change of use of land to provide an extension to existing churchyard at Land East of St John The Baptist Church and Cemetery, Eton Wick Road, Windsor – **THE PANEL VOTED to refuse planning permission for the following summarised reasons (the full reasons are identified in Section 10 of the Main Report), as per the Head of Planning’s recommendations:**
- 1. The proposed development would pose an unacceptable risk of pollution to groundwater which is contrary to the guidance set out in paragraph 109 of the NPPF and Local Plan Policy NAP4**

(The Panel was addressed by Cllr Ron Lewandowski in support and Reverend La Stacey the applicant).

Six Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Beer, Bicknell, Shelim and E. Wilson), two Councillors voted against (Cllrs Grey and S. Rayner), and one Councillor abstained from the vote (Cllr Quick).

- 18/00065 The Windsor Forest Colleges Group: Variation to planning application 01/81424 (allowed on appeal) to remove condition 14 (satellite car park) for the erection of new college building on corner of Trinity Place/St Leonards Road plus provision of ancillary 120 space car park and landscaping (amended 27/05/02 and 8/10/02) at 34 – 52 St Leonards Road, Windsor – **THE PANEL VOTED to grant planning permission in accordance with the Head of Planning’s recommendations.**

(A statement of objection was read out by the Legal Officer on behalf of Councillor Rankin).

Eight Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Beer, Bicknell, Grey, Quick, S. Rayner and E. Wilson), one Councillor voted against (Cllr Shelim).

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the details of the Essential Monitoring Reports.

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 for the remainder of the meeting whilst discussion takes place on item 7 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of schedule 12 A of the Act”

The meeting, which began at 7.00 pm, finished at 8.35 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Rural Panel

25th April 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.	17/03205/FULL	Recommendation	PERM	Page No.	
Location:	Threeways And D M Kitchens Dedworth Road Windsor						
Proposal:	Redevelopment of existing residential dwelling to provide 4 no. one bedroom flats, construction of 5 no. one bedroom flats following the demolition of retail/residential building along with associated landscaping, parking and cycle parking.						
Applicant:	Mr Pelton	Member Call-in:	N/A	Expiry Date:	9 January 2018		
<hr/>							
Item No.	2	Application No.	17/04007/FULL	Recommendation	PERM	Page No.	
Location:	Alexandra Gardens Barry Avenue Windsor SL4 5JA						
Proposal:	Construction of ice rink and attractions from 30th October 2018 to 21st January 2019						
Applicant:	Mr Coleman	Member Call-in:	N/A	Expiry Date:	30 April 2018		
<hr/>							
Item No.	3	Application No.	18/00200/FULL	Recommendation	DD	Page No.	
Location:	Frances Lodge 53 Frances Road Windsor SL4 3AQ						
Proposal:	Change of use from C1 to C3 and construction of x1 dwelling with detached triple garage including habitable space above, following demolition of the existing building						
Applicant:	Mr And Mrs Cresswell	Member Call-in:	Cllr Rankin	Expiry Date:	23 March 2018		
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 April 2018

Item: 1

Application No.:	17/03205/FULL
Location:	Threeways And D M Kitchens Dedworth Road Windsor
Proposal:	Redevelopment of existing residential dwelling to provide 4 no. one bedroom flats, construction of 5 no. one bedroom flats following the demolition of retail/residential building along with associated landscaping, parking and cycle parking.
Applicant:	Mr Pelton
Agent:	Ms N Broderick
Parish/Ward:	Bray Parish/Clewer North Ward
If you have a question about this report, please contact: Josh McLean on 01628 796044 or at josh.mclean@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal involves the demolition of the existing building fronting Dedworth Road and replacement with a new two-storey building and alterations and extension of the existing dwelling to the rear to provide a total of 9no 1-bedroom self-contained units.
- 1.2 The proposal is considered to be acceptable in relation to the loss of an existing small retail space, impact on character and appearance, impact on amenity and highway safety and parking.

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

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the northern side of Dedworth Road and consists of two separate buildings.
- 3.2 At the front of the site is a two-storey building which fronts onto Dedworth Road. It has an open drive-through element on the left hand side and a vacant retail unit at ground floor level. There is one flat at the rear on the ground floor and a further two units at first floor level. There is an area of hardstanding at the front of the property which provides 4 off-street parking spaces with further spaces located at the rear via the drive-through. The second part of the site consists of a two-storey detached, four bedroom dwelling which is located at the rear of the site and is accessed via a long driveway along the west of the site.
- 3.3 To the east of the site is a modern residential development (The Limes) comprising two-storey dwellings. To the west is Wyevale Garden Centre which is located within the Green Belt. The area to the west also forms part of a much larger area which is allocated for housing development (approx.. 450 units) under site allocation HA11 – Land west of Windsor, north, and south of the A308 under BLP policy HO1

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks to demolish the building fronting Dedworth Road and construct a two-storey building comprising of 5no 1-bedroom units. At the rear it is proposed to extend the existing building to the front and rear and convert the building into 4no 1 bedroom units. The application would also provide 10 off-street parking spaces, associated outdoor amenity space, cycle parking and refuse and recycling storage.
- 4.2 There is no previous planning history on either part of the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 4, 6, 7 and 11.

The Draft revised National Planning Policy Framework has been published by the Government on the 5 May 2018, which sets out the reforms to planning policy. The Framework is currently subject to public consultation which runs until 10 May 2018

Royal Borough Local Plan

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

Loss of retail space	Within settlement area	Highways and Parking	Trees	Aircraft noise
S8	DG1, H10, H11	P4, T5	N6	NAP2

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
Housing Mix and Type	HO2
Shops and Parades Outside Defined Centres	TR7
Trees, Woodlands and Hedgerows	NR2
Environmental Protection	EP1
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2

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 summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

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 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 Loss of retail space
- ii Impact on character and appearance
- iii Impact on amenity of neighbouring occupiers
- iv Provision of adequate amenity for future occupiers
- v Highways safety and parking
- vi Other issues

i. Loss of retail space

- 6.2 On the ground floor of the front building, there is a vacant retail unit which was previously used as a showroom for a kitchen sales and fitting company. It has an approximate internal floor space of 35sq.m.
- 6.3 Local Plan policy S8 states that the change of use of shops outside of a shopping parade to a non-retail use will not be permitted except where it can be demonstrated that a retail use can no longer be sustained. This stance is continued within policy TR7 of the proposed BLP. Both policies state that corner shops are necessary to serve the local community. However, the unit previously did not serve as a convenience store and therefore its wider community value is considered to be limited. Given that the unit is very small in size, has been vacant for some time and did not provide a vital service to the surrounding community, on balance its overall loss within this area is not considered to be detrimental. There is a large retail store and other small parades of shops further along Dedworth Road to the east and within close proximity to the site.
- 6.4 In this instance, the loss of retail space is not considered to be significant in terms of provision of shops within the area or the available facilities to surrounding residents.

ii. Impact on character and appearance

- 6.5 Local Plan policies DG1, H10 and H11 require new residential developments to be of a high standard of design in the proposed layout, appearance and landscaping, be of an appropriate scale or density and provide adequate amenity.
- 6.6 The proposal would result in an increase of built footprint across the whole site. However, it is still considered to sit comfortably within the plot with adequate setting between neighbouring sites. The proposed front building would maintain the existing building line and its two-storey height would be comparable to the neighbouring development at 'The Limes'. The proposed building has a much larger crown roof structure compared to the existing building but would sit lower in terms of overall height. The proposed external appearance of the proposal has been amended during the course of the application so that it has a better visual integration with the neighbouring properties. The existing rear building would be extended to the front and rear and is considered

to be acceptable in terms of its scale, massing, bulk and design. The height of the proposed rear extension would sit lower than the existing dwelling, with the front element having a traditional pitched roof.

- 6.7 The site lies adjacent to the Green Belt and at present, there are partial views of the existing buildings through the landscaping. The proposal would maintain the overall height of the existing buildings but would increase the massing on site. The existing site layout of a building at the front and rear of the site would still be maintained. The landscaping along the western boundary acting as a buffer between the sites would not be altered. For these reasons it is considered that the proposed development would not have an adverse impact on the setting or openness of the Green Belt.
- 6.8 Overall the proposed development is considered to be of an appropriate design, layout, massing and height within the context of the site and street scene and is considered to conserve the character and appearance of the site and surrounding area.

iii. Impact on amenity of neighbouring occupiers

- 6.9 The site is located adjacent to a residential development at 'The Limes', where there are properties (Nos 1 and 2 to the east and No.3 to the north) which adjoin the site.
- 6.10 In terms of the proposed front building, this would extend further within the plot (approximately 2m) than the existing building and would consist of a part single and part two storey element. The depth projecting beyond the rear elevation of No.1 would be approximately 4m of which only half will be at two-storey level. The building line would also be set back from the boundary and as such, overall it is considered that the proposed front building would not have an overbearing impact or result in a detrimental loss of light or outlook on the amenity of No.1 The Limes. There are two single windows proposed on the facing side elevation, however, there are no windows on the side elevation of No.1 and as such there would be no significant issues of overlooking.
- 6.11 The rear building would be extended by approximately 3.5m at two-storeys, with other smaller infill extensions at various parts of the building. The eastern elevation building line would remain as per the existing and would measure from 2 - 4.5m from the neighbouring boundary with No.2. However, the flank elevation of No.2 which faces onto the proposal is blank and as such would not be detrimentally impacted by the proposed extensions. The existing building has a first floor window which faces over No.2. Within the proposed scheme, there are two windows at first floor level serving a bedroom and a bathroom. A condition is recommended to ensure that the bathroom window is fitted with obscure glazing. Overall, there will only be 1 first floor window which is identical to the existing situation and there would be no detrimental increase in the overlooking of No.2. The proposed extensions to the rear building are not considered to have a detrimental impact in terms of overbearing, loss of light or outlook to the residential occupiers of No.2 The Limes. There would be an approximate distance of 14.5m from the rear elevation to the boundary with No.3 and as such there are not considered to be any adverse impacts on the amenity of No.3.
- 6.12 For the reasons above, it is considered that the proposal would not have a detrimental impact on the residential amenity of neighbouring occupiers.

iv. Provision of adequate accommodation for future occupiers

- 6.13 The application would provide 9no. 1-bedroom units which would have internal measurements ranging from 50sqm to 64sqm. The majority of units would have dual aspect outlooks with the exception of 1 unit. This unit would face onto the central communal amenity area and would have unrestricted views in terms of outlook and light as the rear building is set some distance away. In terms of outdoor amenity, the proposal has been amended during the course of the application to increase the provision and the quality of proposed space. As such the proposal is now considered acceptable in this regard.
- 6.14 Overall the proposed development is considered to provide adequate accommodation for the future occupiers of the site.

v. Highways safety and parking

- 6.15 The application site is accessed from Dedworth Road which is classified as the B3024, a distributor road that passes through Dedworth and links to the wider strategic road network of the A308 and A332.
- 6.16 The site currently benefits from having two vehicular accesses. The retail unit had an access which spans across the entire front of the site and there is an access along the western end which serves the rear property. The Highways Officer comments that the proposal will retain and improve the existing western access, providing a width of 5.0m to enable two vehicles to pass. The existing dropped kerb at the front of the site will be stopped up except for a small section along the eastern side which will remain to serve two car parking spaces.
- 6.17 In relation to visibility, the highways officer comments that the proposal will provide visibility splays of 2.4m x 43m to the left and 2.4m x 25m to the right which is considered to be acceptable. The access will be able to achieve a visibility splay of 2m x 43m to the right which is also found to be acceptable.
- 6.18 The Local Authority's current Parking Strategy May 2004 states that a 1 bedroom unit within an unsustainable location will require a need for 1 car parking space. Therefore, 9 x 1-bedroom units will generate a demand for 9 car parking spaces. The proposal provides 10 car parking spaces within the site and therefore meets the parking requirement. The applicant has confirmed that the parking bays measure the required measurement of 2.4m x 4.8m and the vehicle turning area to the rear has been increased following comments from the Highways Officer.
- 6.19 In terms of traffic generation, the Highways Officer estimates that 9 x 1-bedroom units have the potential to generate 18 to 36 vehicle movements per day but it is not considered that the development will have a detrimental effect on the local highway network.
- 6.20 A revised cycle store has been proposed following comments from the Highways Officer. Two refuse stores are provided on site and a collection area is proposed to the front of the site to enable the bins to be collected on collection days. This is considered to be acceptable.
- 6.21 In summary, the Highways Officer has raised no objection to the proposed development which would comply with the relevant Local Plan policies.

vi. Other issues

6.22 Impact on Trees

The applicant has submitted a tree survey and tree protection plan. The survey identified 8 trees, of which only 3 are located within the application site, the other 5 being on neighbouring properties. None of the trees are protected under a Tree Preservation Order (TPO). The proposal would involve the loss of the 3 trees on site, with the 5 trees identified along the western boundary remaining and being protection during the construction period. The 3 trees on site are not significant (Category C or U), are small in scale and their loss is therefore not considered to be significant. The protection of the trees along the western boundary are considered to be of importance as they act as a buffer and screen between the site and the Green Belt. Overall, the proposal is not considered to have a detrimental impact on trees.

6.23 Protected species

The applicant has submitted a bat survey which consisted of a desk top review and a site visit and inspection of the existing buildings. The preliminary ecological appraisal (for bats) comprised a detailed search of the interior and exterior of the buildings for bats, signs of bats and features suitable for use by roosting bats. This includes droppings, internally or externally, scratch marks, rubbing and staining at exit holes, live or dead bats and other features such as missing tiles.

The reports concluded that there was no evidence of bats found externally or internally and no bats were seen and no droppings recorded. The buildings were considered to be of low potential for roosting bats.

Other Material Considerations

Housing Land Supply

- 6.24 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 dwellings would also weigh in favour of the development and outweigh the small loss of existing retail space.
- 6.25 The application is considered to comply with the relevant policies of the adopted Development Plan. It also complies with the relevant policies of the emerging Borough Local Plan to which significant weight can be given at this time.

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 application would be liable for CIL contributions at a rate of £240 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 23.11.17.

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

Comment		Where in the report this is considered
1.	Insufficient parking provided within the proposal (2)	6.15
2.	Excessive traffic will have an adverse impact on road safety (2)	6.13 – 6.16
3.	Noise and disruption during construction	Issues arising from the construction period of any works, such as noise, dust, construction vehicles and hours of working are non-material planning considerations and are covered under separate legislation.
4.	Retention and protection of existing trees	6.19
5.	Windows on the proposed east elevation and east end of the south elevation will create issues of overlooking	6.7 – 6.9
6.	Revised plans do not provide additional parking	6.15

Consultee	Comment	Where in the report this is considered
Environmental Protection Officer	<p>I refer to the above-mentioned full planning application and would recommend that, should planning permission be granted, the following conditions be attached to the consent notice.</p> <p><u>Condition</u></p> <p>EH108 Aircraft Noise No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.</p> <p>Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.</p>	<p>Comments noted. Conditions and informatives to be added to the consent should planning permission be granted.</p>
Highways Officer	<p>Road Classification</p> <p>Dedworth Road is classified as the B3024, a distributor road that passes through Dedworth and links to the wider strategic road network of the A308 and A332.</p> <p>The Site and the Surrounding Area</p> <p>The site is located on the north side of Dedworth Road and immediately west of The Limes which is a small residential cul de sac. The site comprises a retail unit at the front of the site with 3 x 1 bed units above as well as a 4 bedroom residential unit to the rear of the site.</p> <p>The surrounding area is predominately residential with several commercial units being nearby including a garden centre 90m west.</p> <p>Access Arrangement</p> <p>The site currently benefits from having 2 vehicular accesses. The existing dwelling is served by a vehicular access that is located at the western end of the site frontage. The retail unit also has a vehicular access which spans across the entire front of the site.</p> <p>Drawing number 17007/001 (proposed site plan) shows that the existing access at the western end will be retained and improved to have an initial width of 5.0m to enable two vehicles to pass. The plan also shows that a large section of the existing dropped kerb serving the retail unit will be stopped up except for a small section along the eastern side which will remain to serve 2 car parking spaces which are intended for visitor spaces.</p>	<p>Comments noted.</p> <p>The proposal has been revised to account for the Highways Officer's comments on the proposed parking bays and turning area.</p> <p>The proposal has been revised to account for the Highways Officers comments on cycle provision.</p> <p>The recommended conditions and informatives will be attached should planning permission be granted.</p>

With regards to the visibility splays this section of Dedworth Road is restricted to a 30mph speed limit. Drawing number 17 – 102 – 001 shows that visibility splays of 2.4m x 43m can be provided to the left and 2.4m x 25m can be provided to the right. The same drawing also shows the access will be able to achieve a visibility splay of 2.0m x 43m to the right.

The transport assessment provided refers to paragraph 10 (5.8) within the Manual for Streets 2. The section states;

10.5.8 A minimum X distance of 2m may be considered in some slow-speed situations when flows on the minor arm are low, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm, and many drivers will tend to cautiously nose out into traffic. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered. This also applies in lightly-trafficked rural lanes.

In light of above as well as the access being already in place the Project Centre will have to accept the proposal. It should be noted within the last 20 years there have been no reportable injury accidents at or close to the site.

Parking Provision/requirement

The Local Authorities current Parking Strategy May 2004 states a 1 bedroom unit within an unsustainable location will require a need for 1 car parking space. Therefore the proposed 9, 1 bedroom units generate a demand for 9 car parking spaces.

Drawing number 17007/001 shows that 9 car parking spaces will be provided together with 2 visitor spaces.

Turning facilities are provided on site to enable a delivery vehicle to enter and exit the site in a forward gear.

Traffic Generation

It is estimated that 9, 1bed units has the potential to generate 18 to 36 vehicle movements per day. It is not considered the development will have a detrimental effect on the local highway network.

Cycle Provision

A cycle store is provided on site however from scaling the drawing the store would not be able to accommodate the stated figure of 18 cycles.

An adult bicycle measures approximately 1.8m long. The minimum width between two Sheffield stands should be 1m. The applicant will be required to submit a revised cycle store. A condition will be included.

	<p>Refuse Provision Two refuse stores are provided on site and a collection area is provided to the front of the site to enable the bins to be collected on collection days. This is accepted.</p> <p>Summary The development complies with the Local Authorities current standards therefore the Project Centre offers no objection to the proposal. The applicant will be required to submit a revised cycle store. The following conditions and Informatives will be included below.</p> <p>Additional comments to revised drawings Additional comments below referring to Drawing number 17007/001 (amended rev c)</p> <p>The Local Authorities current Parking Strategy May 2004 states a 1 bedroom unit within an unsustainable location will require a need for 1 car parking space. Therefore the proposed 9, 1 bedroom units generate a demand for 9 car parking spaces.</p> <p>Drawing number 17007/001 (amended rev c) shows that 9 car parking spaces will be provided together with 1 visitor space. This is accepted.</p> <p>The parking bays to the rear of the site however only have a bay length of 4.6m and there is only 5.3m in front of the bays. The bays should measure 2.4m x 4.8m (minimum) and there should be a minimum length of 6.0m in front of the bays. This area should also enable a home food delivery vehicle for example to enter and exit the site in a forward gear as the previous turning facility has now been removed.</p> <p>Cycle Provision A cycle store is provided on site which provides 10 Sheffield stands. From scaling the drawing however the store only scales internally 2.6m x 4.6m.</p> <p>An adult bicycle measures approximately 1.8m long. The minimum width between two Sheffield stands should be 1m. The applicant will be required to submit a revised cycle store.</p> <p>Recommended following conditions:</p> <p>Cycle Parking To Be Provided Construction Management Plan Parking and turning as approved drawing Visibility Splays Refuse Bin and Recycling Provision Access as Approved</p>	
Bray Parish Council	Recommended for approval.	Noted

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10;
- 3 Prior to the commencement of any works or demolition, a demolition and construction 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: Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5
- 4 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 17007/001 D. 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
- 5 Prior to occupation of development, details of the proposed covered and secure cycle parking facilities shall be 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
- 6 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: Reason: In the interests of highway safety. Relevant Policies - Local Plan T5
- 7 No other part of the development shall commence until the access has been constructed in accordance with the approved drawings. The access shall thereafter be retained.
Reason: Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 8 The existing sections of access to the site of the development which are no longer required shall be stopped up and abandoned immediately upon the new (amended) accesses being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1

- 9 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.
Reason: Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 10 Prior to occupation of the development, details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been 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.
- 11 The flat roof area of the north elevation of the front building hereby approved shall not be used as a balcony, roof garden or similar amenity area.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 12 The windows serving the bathrooms on the ground and first floor levels in the east elevations of the rear building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 13 Prior to commencement of any works on site, the tree protective measures as set out in the approved Tree Survey shall be fully implemented and installed and should remain in place until the development is complete.
Reason: To ensure there is no damage cause to the existing trees. Relevant Policies - Local Plan N6.
- 14 No part of the development shall be occupied until details of the refuse bin storage areas 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.
- 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.

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables

the Highway Authority to recover expenses due to extraordinary traffic.

- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR and, at least 4 weeks before any development is due to commence.
- 5 No builder's materials, plant or vehicles related to the implementation of the development should be parked / stored on the public highway so as to cause an obstruction at any time.
- 6 The applicant is requested to apply to the Local Authority Environmental Health Unit for a Prior Consent Approval under Section 61 of the Control of Pollution Act, 1974, and is advised of the noise control provisions of Section 60 of that Act. The applicant's attention is also drawn to the British Standard Code of Practice BS. 5228, 1984 'Noise Control on Construction and Open Sites'.
- 7 It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and safety Executive at Priesley House, Priestley Road, Basingstoke, Hants, RG24 9NW for further information and advice.
- 8 The applicant will be required to comply with the Royal Borough of Windsor and Maidenhead Local Plan Policy (Plan NAP2) subsection 2.5.4 which states where such development is permitted; sound insulation measures should be incorporated to keep internal levels below 40 dB(A). Applicants are invited to contact the Environmental Health Unit Environmental Protection Team Leader on 01628 683830 for a copy of the aircraft noise insulation guidance notes.
- 9 In the event of an unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 10 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
- 11 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
- 12 The applicant should be aware the permitted hours of construction working in the Authority are as follows:

Monday-Friday	08.00-18.00	Saturday	08.00-13.00
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No working on Sundays or Bank Holidays.

APPENDIX A – LOCATION PLAN, BLOCK PLAN AND SITE PLAN



LOCATION PLAN
SCALE 1:1250



BLOCK PLAN
SCALE 1:500



Orbitance Survey (c) Drawn Copyright 2018. All rights reserved. Licence number 100022432

SITE PLAN
SCALE 1:200

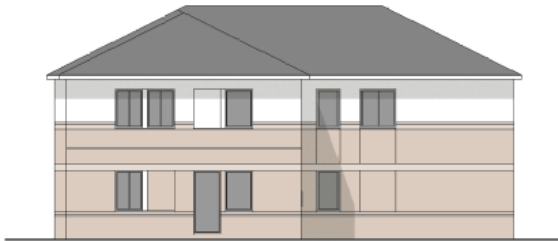
APPENDIX B – PLANS AND ELEVATION DRAWINGS



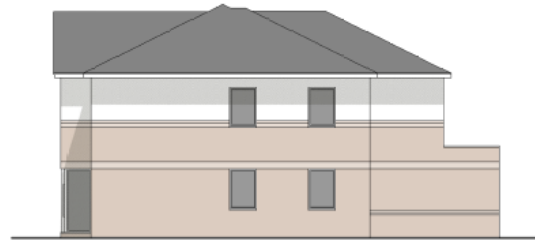
PROPOSED WEST ELEVATION
SCALE 1:100



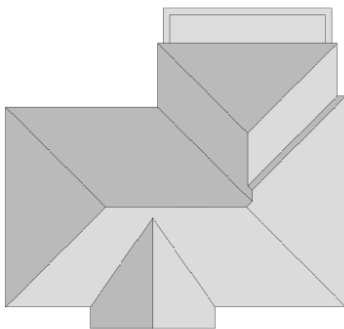
PROPOSED SOUTH ELEVATION
SCALE 1:100



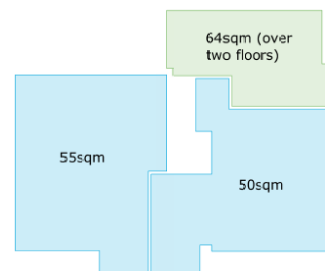
PROPOSED NORTH ELEVATION
SCALE 1:100



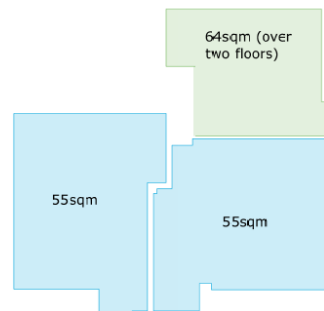
PROPOSED EAST ELEVATION
SCALE 1:100



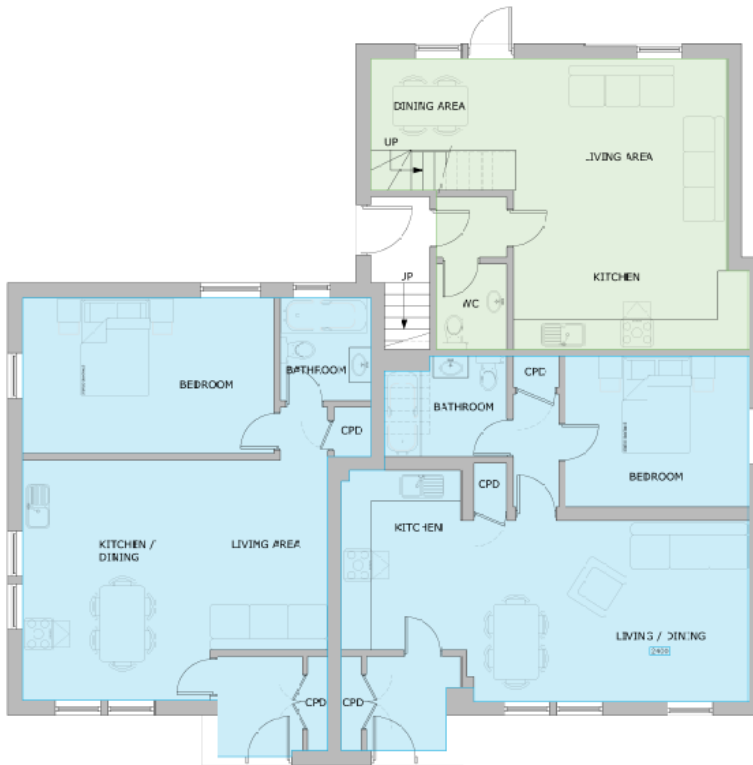
PROPOSED ROOF PLAN (DEDWORTH BUILDING)
SCALE 1:100



PROPOSED FIRST FLOOR PLAN AREAS (DEDWORTH BUILDING)



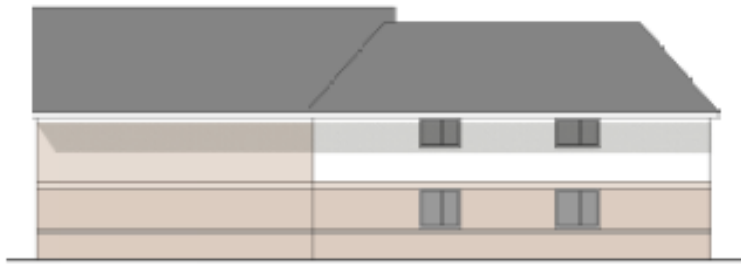
PROPOSED GROUND FLOOR PLAN AREAS (DEDWORTH BUILDING)



PROPOSED GROUND FLOOR PLAN (DEDWORTH BUILDING)
SCALE 1:50



PROPOSED FIRST FLOOR PLAN (DEDWORTH BUILDING)
SCALE 1:50



PROPOSED EAST ELEVATION
SCALE 1:100



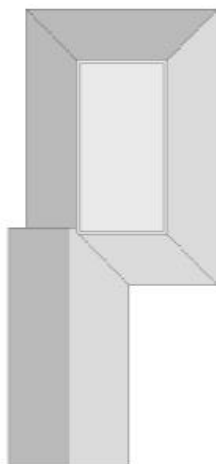
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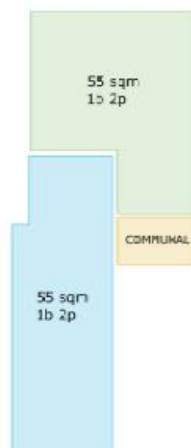
PROPOSED NORTH ELEVATION
SCALE 1:100



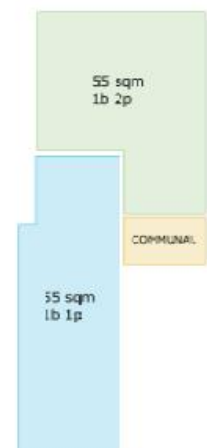
PROPOSED WEST ELEVATION
SCALE 1:100



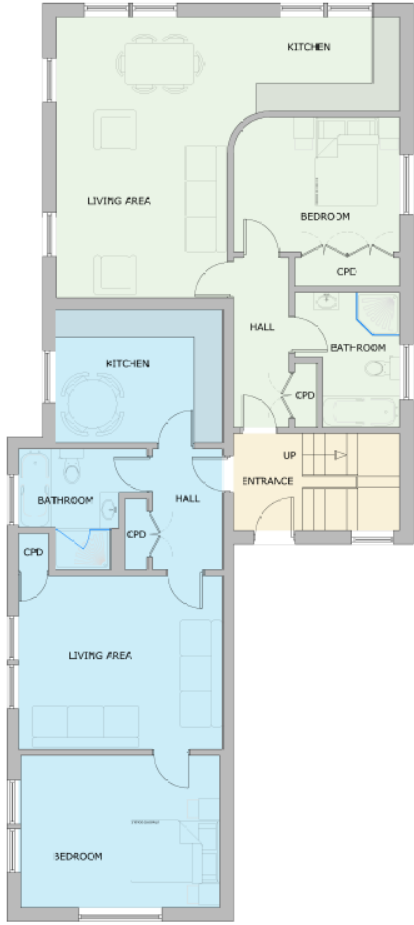
PROPOSED ROOF PLAN (THREEWAYS)
SCALE 1:100



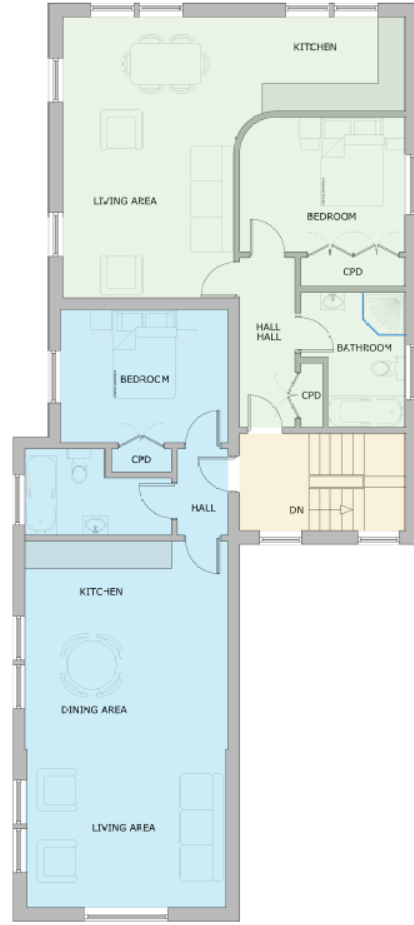
PROPOSED GROUND FLOOR PLAN AREAS (THREEWAYS)



PROPOSED FIRST FLOOR PLAN AREAS (THREEWAYS)



PROPOSED GROUND FLOOR PLAN
SCALE 1:50



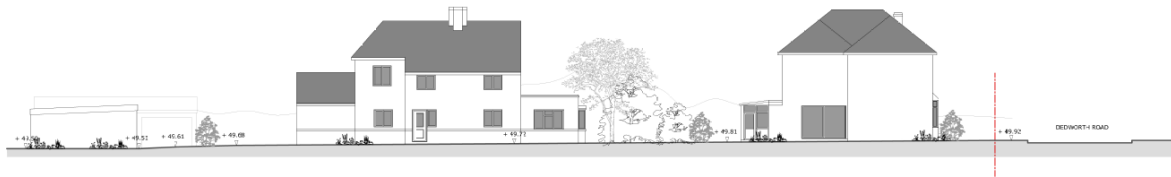
PROPOSED FIRST FLOOR PLAN
SCALE 1:50



EXISTING STREET SCENE
SCALE 1:100



PROPOSED STREET SCENE
SCALE 1:100



EXISTING SITE SECTION
SCALE 1/100



PROPOSED SITE SECTION
SCALE 1/100



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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 April 2018

Item: 2

Application No.:	17/04007/FULL
Location:	Alexandra Gardens Barry Avenue Windsor SL4 5JA
Proposal:	Construction of ice rink and attractions from 30th October 2018 to 21st January 2019
Applicant:	Mr Coleman
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Castle Without 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 application seeks planning permission for the temporary use of Alexandra Gardens to host visitor/tourist attractions for the Christmas Period of 2018/19. The attractions include an ice rink, seating area, a number of rides and Dodgems. The proposed use of the park is for a temporary period only between 16th November 2018 and 6th January 2019. The rink and attraction would be assembled from 30th October 2018 and cleared by 21st January 2019.
- 1.2 The application is very similar to the temporary planning permission granted last year under application number 17/00895/FULL and the planning issues remain unchanged.
- 1.3 As before the development would be visible from the adjacent Conservation Area, however, the use would only be there for a temporary period, and the proposed attractions are considered to be low in height and so it is not considered the development would cause harm to the Conservation Area. In addition, as the proposal would be for a temporary period only (total of 11/12 weeks), it is not considered to result in the loss of an important open space.
- 1.4 The proposal is acceptable on highways grounds and Environmental Protection has raised no objections. While the site is situated in Flood Zone 2, it is for a temporary use and does not involve any permanent construction.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the Council has an interest in the land.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Alexandra Gardens is a rectangular area of open space designated as Important Open land in the Local Plan. The gardens run in an east to west direction between Goswell Road and Barry Avenue. The gardens comprise large lawned areas with some tree and is intersected with a number of paved walkways and lies close to the River Thames.

The site lies close to the Conservation Area, Flood Zone 2 and within the setting of the Thames.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 As in previous years the application proposes the temporary use of part of Alexandra Gardens for visitors/tourism attractions, including a marquee, an ice skating rink, and other rides/attractions

for children and adults. The attractions would be open for use between 16th November 2018 and 6th January 2019. The rink and attraction would be assembled from 30th October 2018 and cleared by 21st January 2019.

- 4.2 The extent of the application site and the number of attractions remains unchanged from the last permission, although the layout of the attractions has been slightly altered.

Ref.	Description	Decision and Date
17/00895/FULL	Construction of ice rink and attractions from 30 th October 2017 to January 21 st 2018.	Permitted. 22.8.17
16/01788/FULL	Construction of ice rink and attractions from November to January	Approved 22.07.2016
15/01800/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period for use by public over Christmas period from November 2015 until January 2016	Approved 21.08.2015
15/00092/FULL	Bandstand with surrounding paving	Approved 03.03.2015
14/04074/FULL	Erection of a transportable amusement ride (sky swing) with kiosk/ catering area for a temporary period.	Refused 05.03.2015
14/02390/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period to be constructed from the 13th November 2014 in use between the 26th November 2014 through to 7th January 2015 and dismantled from site by 14th January 2015	Approved 10.10.2014
12/00875/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 11 May 2012 in use between the 18th May 2012 through to 15th July 2012 and dismantled and removed from site by 20th July 2012	Approved 25.05.2012
11/00128/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 4th April 2011 in use between the 9th April 2011 to 30th October 2011 and dismantled and removed from site by 4th November 2011.	Approved 17.03.2011
10/00009/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 15th March 2010 in use between the 27th March 2010 to 31st October 2010 and dismantled and removed from site by 6th November 2010.	Approved 18.02.2010
08/03102/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period from 2nd April 2009 to 1st November 2009 and dismantled and removed from site by 8th November 2009	Approved 23.02.2009
08/00279/TEMP	Erection of a 52m high observation/ferris wheel with associated equipment and facilities for a temporary period 17th June to 7th November 2008	Approved 11.06.2008
07/02201/VAR	Variation of Condition 1 (discontinuation) of permission 07/00074 to allow The Wheel to operate until 9th November 2007	Approved 08.10.2007

07/00074/TEMP	Erection of a 55 metre high observation/ ferris wheel with associated equipment and facilities for a temporary period of 16 weeks	Approved 01.03.2007
06/00705/TEMP	Erection of a 55 metre high observation/ferris wheel with associated equipment and facilities for a temporary period of 12 weeks	Approved 26.05.2006

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

Paragraph 129 – Development affecting the setting of a 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	Flood Risk	Setting of the Conservation Area	Highways and Parking	Visitor facilities
DG1, NAP3, R1, N2	F1	CA2	P4, T5	TM4

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
Acceptable impact on River Thames corridor	SP4
Visitor Development	VT1
Impact on setting of Conservation Area	HE1
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1
Open Space	IF4

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 summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below. 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 Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the Conservation Area;
- ii Impact on Important Urban Open Space;
- iii The impact on the living conditions of occupiers of nearby properties;
- iv The impact on the area liable to flood;
- v Highway safety, including car parking.

i The impact on the character and appearance of the Conservation Area

6.2 Alexandra Gardens is identified as important urban open land and is situated adjacent to the Windsor Town Centre Conservation Area. The use of Alexandra Gardens for visitors/tourism attractions, including an ice skating rink, and other rides/attractions would be visible from the Conservation Area. However, as before, the use would only be there for a temporary period, and the proposed attractions would be relatively low in height (maximum height of 6.25m). It is not considered that the development would have an adverse impact or harm on the Conservation Area.

ii Impact on Important Urban Open Space

6.3 Policy R1 of the Local Plan seeks to protect important urban open land, however, the use of the park for this attraction is for a temporary period only and the land would be returned to its original state when the structures are removed. In addition, the scheme is likely to provide additional benefits to the local economy and town centre. Whilst this scheme would not be acceptable on a permanent basis, on balance the scheme on a temporary basis is considered to be acceptable.

6.4 Policy TM4 of the local plan encourages purpose built facilities in the town centre subject to such facilities being sympathetic to the other objectives in the plan. Whilst Alexandra Gardens is outside the town centre, given its close proximity, there could be some benefits to the town centre. Overall the proposal is considered to provide a unique event which will provide economic and employment benefits for the local area.

iii The impact on the living conditions of occupiers of nearby properties

6.5 There are no immediate residential properties that would be significantly adversely impacted by the development. Whilst Environmental Protection has requested a Noise Management Plan it is intended to impose the same condition as before to restrict hours of operation to between 10am and 9pm in order to protect the amenities of the nearby properties.

iv The impact on the area liable to flood

6.6 Alexandra Gardens is situated in flood zone 2 (medium risk flooding). Given that this application is for a less vulnerable use (in accordance with National Planning Policy), is for a temporary period, and does not entail any permanent construction, the number of people or properties being subject to flood risk is considered to be low, and the application is considered to be in compliance with Policy F1 of the Local Plan.

v Highway safety, including car parking

6.7 Alexandra Gardens has ample parking nearby. This attraction has been in operation on and off for some years and there has been no reported highway issues with its set-up / operation. No highway objection is therefore raised to the proposal.

Other Material Considerations

6.8 The Windsor and Eton Society has requested that the ice rink and attractions is re-located further into the gardens to enable the band stand to be utilised during the 3 month period. The relationship between the proposal and the band stand remains unchanged from last year. The applicant has made the point that the band stand is not being used during the winter months and that they have not been approached in previous years by any organisation who wished to use the bandstand over the winter months. The whole of the grassed area is re-turfed thus benefiting the users of the grass area in front of the bandstand in the spring/summer months.

6.9 The Access Advisory Forum has requested a statement from the applicant regarding the inclusivity of the ice rink and attractions of people with disabilities. The applicant has confirmed that the ice rink is open to customers with all kinds of disabilities. They have sessions that allow for wheelchair users to use the ice and the whole area is totally accessible to wheelchair users. Also in previous years SPICE, an ice skating group with special needs have been allowed to use the rink free of charge in order to train for competitions. Carers also skate free of charge.

Planning Balance

6.10 As before notwithstanding that the proposal is located on an important urban open space, the fact that the proposal is being sought for a temporary period during the Christmas period and taking into account the associated spin-off benefits to the local economy and town centre, the scheme is considered to be acceptable on a temporary basis.

6.11 The application is considered to comply with the relevant policies of the adopted Local Plan as well as the relevant policies of the emerging Borough Local Plan.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 residents were notified of the application.

The planning officer posted a notice advertising the application at the site on 1st February 2018

Two letters have been received, one from the Windsor & Eton Society and one from the Access Advisory Forum. Their comments are summarised as:

Comment		Where in the report this is considered
1.	Request that it be located further down the gardens to enable the band stand to be utilised during the 3 month period.	Paragraph 6.8
2.	Request a statement from Cities on Ice about the inclusivity of their ice rink and attractions for people with disabilities	Paragraph 6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
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Environment Agency	No comments received.	Paragraph 6.6
Environmental Protection	Have requested a noise management plan detailing mitigation measures to control emissions from amplified music.	Paragraph 6.5
Highways	No objections	Paragraph 6.7

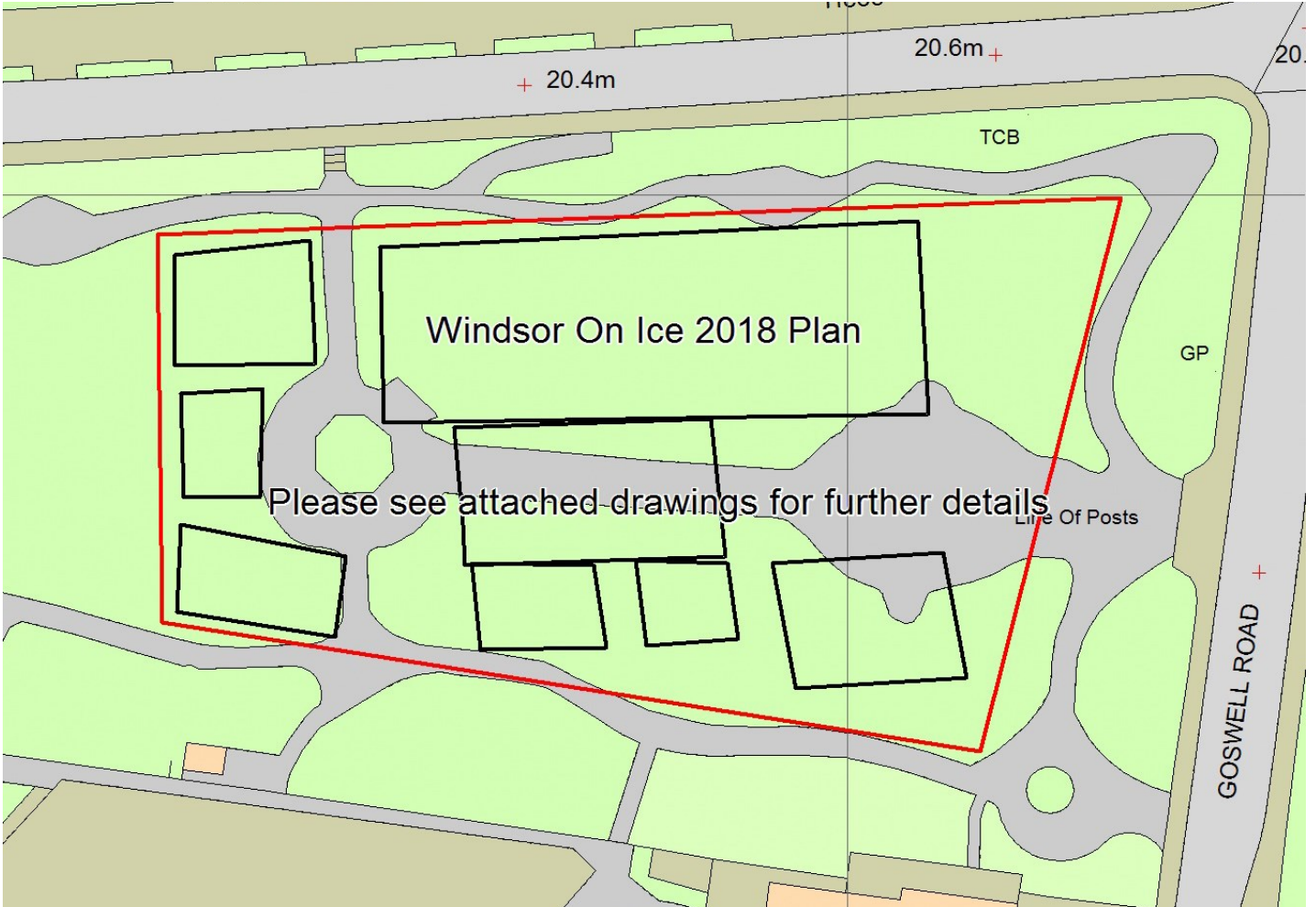
8. APPENDICES TO THIS REPORT

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

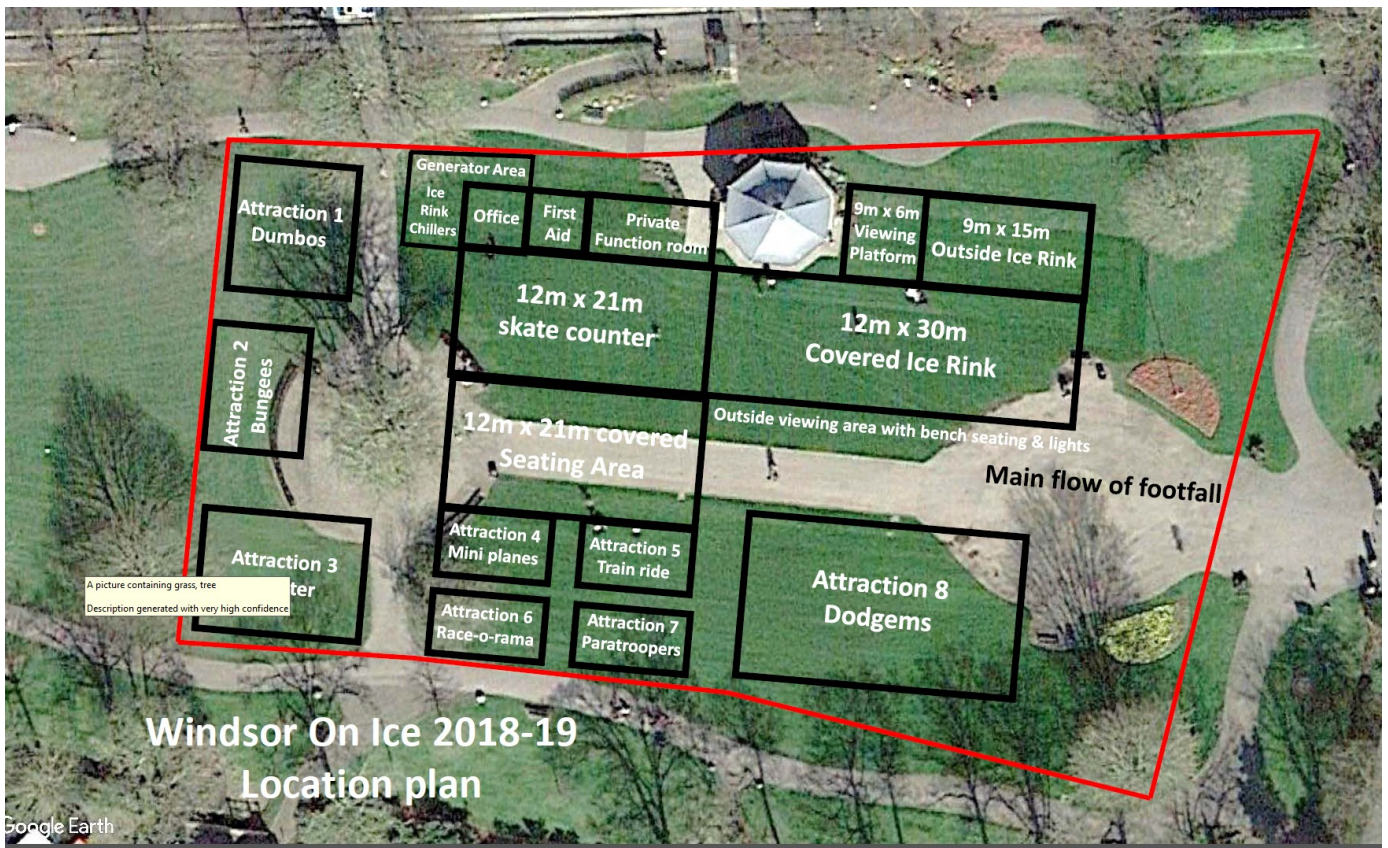
9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development shall not be commenced until Tuesday 30 October 2018 and the structures and equipment shall cease operation by Sunday 6th January 2019. The structures and equipment shall be removed by the 21st January 2019 . The land shall be restored to its former condition by the 30 April 2019.
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant saved policies - Local Plan DG1, LB2, CA2, R1 and F1.
- 2 This temporary use of the land hereby permitted shall only operate between the hours of 10:00 hours and 21:00 hours.
Reason: To protect the amenities of nearby residents. Relevant saved policies - NAP3.
- 3 The height of the structures/ equipment permitted under this temporary use shall not exceed 6.25 metres in height (measured from ground level).
Reason: In order to safeguard the views of Windsor castle, and views into and out of the Conservation Area. Policy CA2
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

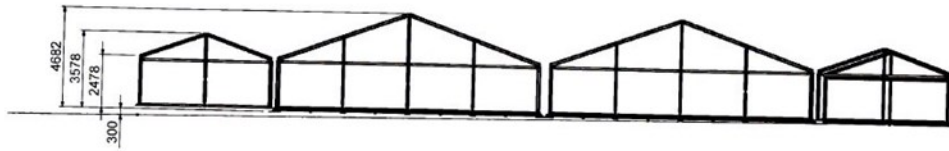
Appendix A—Location Plan



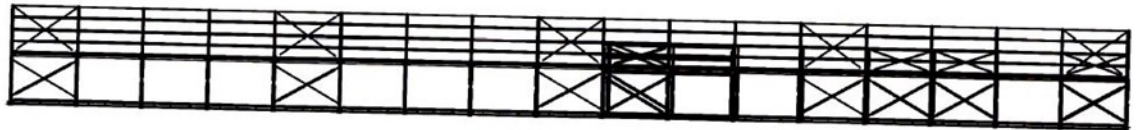
Appendix A—Location Plan



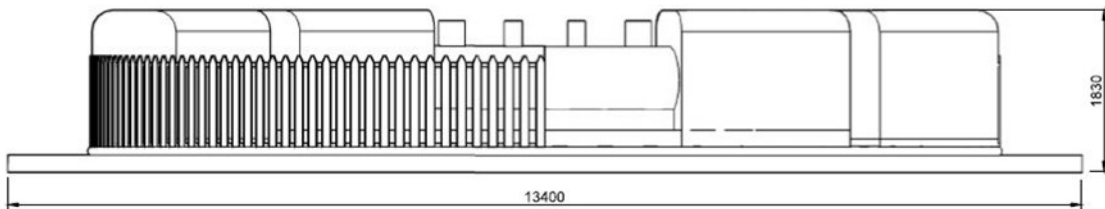
Appendix B—Elevations



VIEW B



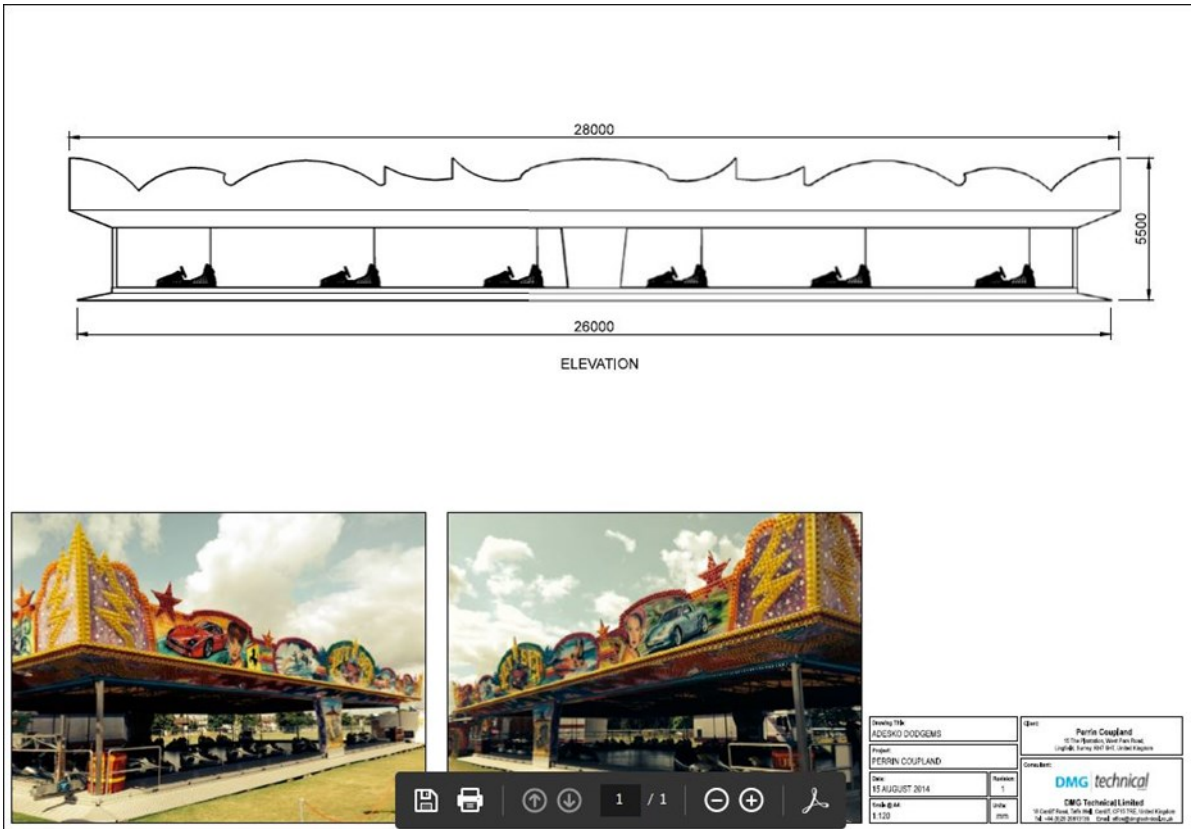
VIEW A



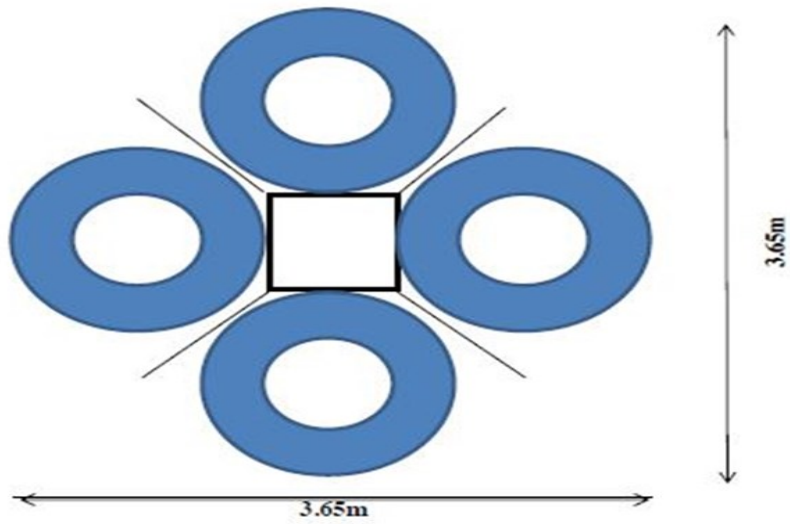
ELEVATION

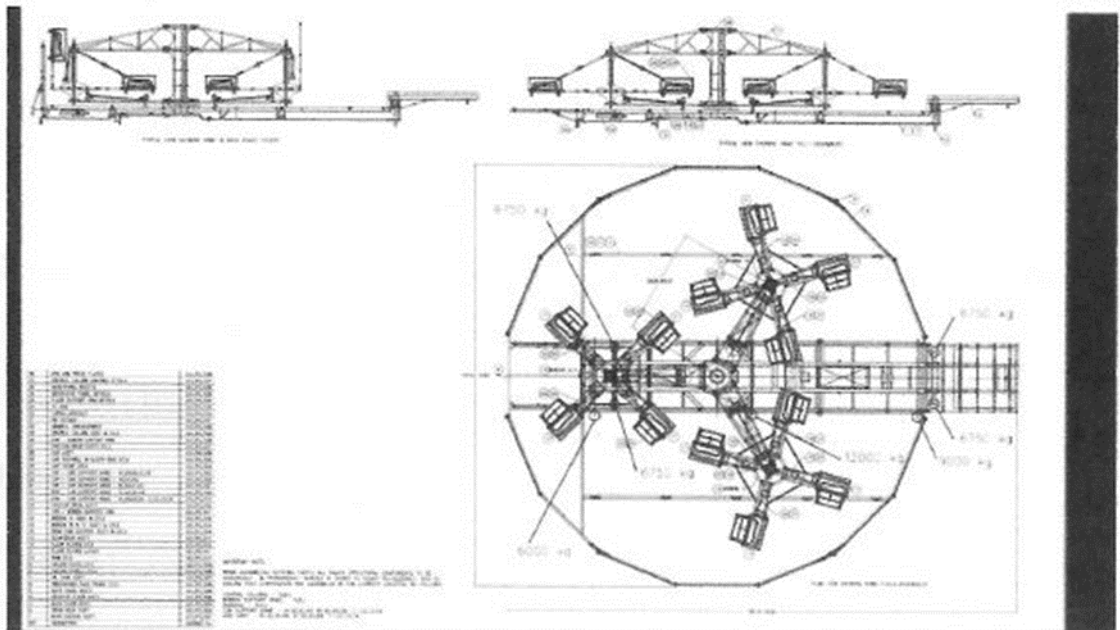


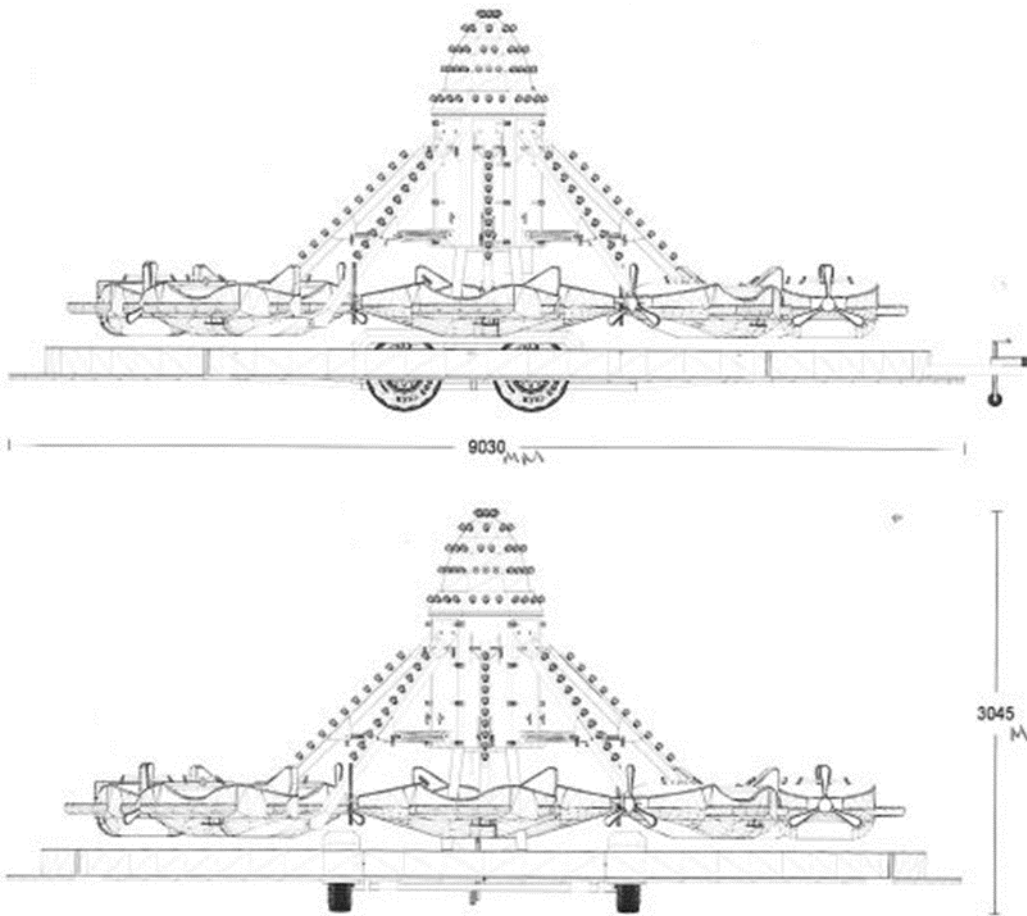
Drawing title TRAIN RIDE		Client Parrish Coupland 12 The Berrins, Berrins Road, Loughkeel, County Wick, Ireland	
Project PARRISH COUPLAND		Contractor DMG technical	
Date 13 AUGUST 2014	Revision 1	DMG technical Limited 12 Canal Road, Tallaght, County DUBLIN, Ireland Tel: +353 (0)1 209 2700 Fax: +353 (0)1 209 2701 Email: info@dmgtechnical.com	
Scale 1:50	Drawn 2011		



Bungee Trampoline







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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 April 2018

Item: 3

Application No.:	18/00200/FULL
Location:	Frances Lodge 53 Frances Road Windsor SL4 3AQ
Proposal:	Change of use from C1 to C3 and construction of x1 dwelling with detached triple garage including habitable space above, following demolition of the existing building
Applicant:	Mr And Mrs Cresswell
Agent:	Mr Peter Emmett
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 This current proposal is essentially an amendment to the previously scheme approved under application 15/02018/FULL. This previous application is still extant and does not expire until 2nd September 2018.
- 1.2 The demolition of the existing building and the change of use from C1 to C3 has already been accepted with the granting of permission on previous applications for this site. The proposed siting of the building and design is very similar to that previously proposed. The main difference, to the dwelling is the introduction of a basement and sunken terrace in the existing front garden area. Other differences include an increase in the width of the dwelling, changes to fenestration, changes to the proposed single storey rear extension. Changes to the garage/office building involve external materials, and the introduction of an external staircase.
- 1.3 It is considered that the current proposal is acceptable in terms of its impact in the street scene, the Conservation Area and impact on neighbouring properties.

It is recommended the Panel authorises the Head of Planning:

- | | |
|----|--|
| 1. | To grant planning permission subject to no new material issues being raised as a result of an additional neighbour notification before the expiry of the re-notification period 1 May 2018 and with the conditions listed in Section 10 of this report. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin – in the public interest and concern about the lack of front garden area and not enough soft landscaping which is not in keeping with the Conservation Area.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the southeast side of Frances Road and within the Conservation Area. The existing building is 3-storey with rooms in the roof and has a painted brick façade. It is a rather dominant building in the street scene and is somewhat anomalous in appearance and character with the general character of buildings in this conservation area.
- 3.2 There is a small front garden area to the front of the building which is surrounded by a low brick wall.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the change of use of from C1 (Guest House/Hotel) to C3 (Dwelling House) and the construction of a single dwelling with 6 bedrooms and basement, with a detached triple garage with habitable space above to provide a 'work from home' office at the rear of the site.
- 4.2 Amended plans have been submitted deleting the originally proposed parking space and dropped kerb at the front of the building. The parking space would be provided to the rear of the dwelling in the garage and on hardstanding area. Access to the rear of the site would be via an existing shared drive to the side of No 53 and 51.

Recent History

- 4.3 **14/01980** - Detached dwelling and triple garage with habitable accommodation above following demolition of existing building. Change of use from C1 to C3. Refused 22/8/2014.
- 14/03263** - Detached dwelling and triple garage with habitable accommodation above following demolition of existing building. Change of use from C1 to C3. Approved 21/11/2014.
- 15/02018/FULL** - Detached dwelling and triple garage with habitable accommodation above following demolition of existing building. Change of use from C1 to C3. Approved 2/9/2015 (Expires 2/9/2018).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

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	Aircraft noise
DG1, H10, H11, CA2	P4, T5	N6	NAP2

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
Makes suitable provision for infrastructure	IF1

- 5.3 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 summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of the change of use, the impact on the street scene and Conservation Area.
- ii Impact on neighbouring properties
- iii Highway and parking.
- iv Impact on trees
- iv Ecology

i. principle of the change of use and the impact on the street scene and Conservation Area.

6.2 The loss of the C3 use has already been accepted by the granting of previous applications including the most recent 15/02018/FULL. This permission has not yet expired (expiry date is 2 September 2018).

6.3 This current proposal is similar in terms of scale, design and layout to that previously approved under 15/02018. The main differences include:

- The provision of a basement. The publicly visible manifestation would be the sunken terrace to the front garden.
- The width of the building is 0.6 metre wider to incorporate a front door in the front elevation.
- The height of the building is 0.2 metre higher (the thickness of a ridge tile).
- The provision of bedroom windows in the side elevation (facing No 55).
- The provision of a first floor bay window in the front elevation– as well as a ground floor bay window.
- The provision of an external staircase to the home office above the garage/office building.
- New materials to the garage/office building
- The removal of a second floor balcony in the rear elevation.
- A deeper single storey rear extension which is set further away from the side boundary – with No 51.

6.4 The wider house means that the new house would be 0.6 metre closer to the side boundary with No 51. The gap between the side wall of the new house and the side boundary on this current proposal would range between 0.8 metre and 0.9 metre. Although, it is noted that the existing building provides a gap at the front corner of the building, of approximately 2 metres between the side wall and the boundary with No 55, it is not considered that this reduction in gap between No 53 and 55 would warrant refusal on the grounds of impact and appearance in the street scene.

- 6.5 The appearance and impact of the sunken terrace to serve the basement, is considered acceptable in the street scene and in the context of the Conservation Area. The basement would not be readily visible in the general street scene, and would only be evident when viewed from the pavement directly in front of the application site. The projecting front bay at ground floor level would remain the dominant element of the front elevation. Many properties in Frances Road have very restricted front garden areas dominated by hard landscaping, hard standings and dropped kerbs. Examples cite by the applicant including 77, 69, 67, 65,64, 55,57, 49a, Frances Road. 75 Frances Road has a basement, dropped kerb and off street parking. It is considered that the basement and sunken terrace would cause no harm to the Conservation Area.
- 6.6 The applicant has submitted amended plans showing the removal of the originally approved parking space in the front garden area. The removal of the parking space is welcome as it allows more room for planting. The main house is to be constructed in brick and the proposed materials for the detached new garage/office building are vertical timber boarding and zinc roof. In principle these external materials are considered acceptable. The new garage would be to the rear of the site alongside a row of adjacent garages to the rear of No 51.
- 6.7 The Council's Conservation Officer has been consulted on the original and amended plans submitted with this current application and no objection has been raised, commenting that although Frances Lodge has been identified as an important non-designated heritage asset (meaning it is locally important), its demolition has already been permitted under previous applications – including extant permission 15/02018. The Conservation Officer welcomes the removal of the parking space to the front of the proposed house.
- 6.8 As with the previous application, the LPA has paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the application has been considered on the basis of the Development Plan, including Local Plan Policies DG1, CA1, CA2 the NPPF. It is considered that the application to both demolish and replace the proposed house would not harm the character and appearance of the Inner Windsor Conservation Area and could achieve architectural enhancement. No objections are raised to the proposal subject to conditions. Conditions 4,5,6 and 7 are recommended to be imposed regarding materials and details.

ii. Impact on neighbouring properties

- 6.9 In the side elevation of No 51 there is a first floor secondary bedroom window and second floor secondary bedroom window. These windows would be approximately 0.8 metre from the side boundary with No 53 and would be approximately 1.6-1.7 metres from the side wall of the new house at No 53. There is also a window in the ground floor side elevation of the rear wing of No 51, which also appears to be secondary window and is approximately 3.6 metre from the side boundary.
- 6.10 The proposed windows in the side elevation facing No 55 would serve hallways, landings and utility room. To prevent any potential overlooking and loss of privacy, conditions 10 and 11 are recommended to ensure the proposed first floor and second floor windows in the side of the new house windows are obscurely glazed and fixed non-opening (with only restricted opening at high level).
- 6.11 The proposed dwelling has a longer rear extension than that of the previously approved scheme (15/02018) – approximately 1 metre deeper. However, it is set further away from the boundary with No 55.
- 6.12 Given the proportions and layout of the previously approved house, it is considered that the currently proposed house would not have such a significant additional impact on No 55, to warrant refusal on this current scheme.

- 6.13 In the side elevation of No 51 there are 4 windows (2 ground floor and 2 first floor windows). Historic plans from No 51 suggest that these serve bedrooms and kitchens. The new building would be separated from No 51 by an existing access/driveway which is approximately 6 metres in width.
- 6.14 There are a number of bedroom windows proposed in the side of the new building (i.e 2 first floor bedroom windows, 1 second floor bedroom window and ground floor living room, WC and hall window at ground floor level) facing No 51.
- 6.15 It is considered that the proposed new building would not cause any significant overlooking, loss of privacy to No 51, nor any additional loss of light and outlook, to warrant refusal on those grounds.

iii. Highways and parking

- 6.16 Frances Lodge is located along the south west side of the road. The site benefits from having a private shared vehicle access to the side of the site which measures 3.5m. Outside the site there is a 10.6m wide carriageway together with a 2.5m wide footway adjacent to the site.
- 6.17 With regards to the visibility splays the shared private vehicle access can produce visibility splays of 2.4m x 43m in both directions along Frances Road. However it should be noted this can vary due to vehicles being allowed to park along both sides of Frances Road.
- 6.18 No. 53 Frances Road is approximately 800m from Windsor and Eton Central train station and is within close proximity to the town centre which has many transport links. Therefore the Local Authority deems the site to be located in a good accessible area and the minimum parking standard will be accepted.
- 6.19 This proposal meets the Council's parking standard, and will provide 3 spaces for this 4 + bedroom house.
- 6.20 With referring to the latest drawing (drawing number 5) the site provides a parking area to the rear which will also accommodate a triple garage. From scaling drawing number 3a the triple garage only scales internally 5.6m x 8.0m. This does not comply with the Local Authorities current standard which is set at 6.0m x 9.0m.
- 6.21 However, this garage is similar in dimensions to the previously approved scheme and it is noted that parking and turning can be provided in front of it. On this basis the size of the proposed garage is considered acceptable.
- 6.22 The removal of the dropped kerb to the front of the property is welcomed. This will ensure 2 spaces are retained for the residents of Francis Road.
- 6.23 The size of the dwelling has the potential to generate 10 to 20 vehicle movements per day. The change of use is considered to result in a reduction of vehicular movements per day. The site is large enough to accommodate a cycle store and a refuse store.
- 6.24 A construction management plan will be required, which can be secured by condition.

iv. Tree Considerations

- 6.25 The Council's Tree Officer has commented on this application. There are no trees of any significant within the application site. There are offsite trees to the rear, in the grounds of The Princess Margaret Hospital. Trees are protected by Conservation Area controls.
- 6.26 There are two Ash trees within the grounds of The Princess Margaret Hospital, directly behind the application site. These trees are in good condition and are prominent when viewed from the hospital carpark. They are not yet fully mature, but with future growth are likely to become more visible from Frances Road. They provide an amenity for in-patients at the hospital and a pleasant separation between residential properties and the hospital car park. It is therefore desirable they

are retained. One tree is within 1m of the site boundary, the other is approximately 2.5m away. The closest one to the site has a stem diameter of circa 400mm, the other 300mm. Based on these figures, the trees require a radial root protection area of 4.8m and 3.6m respectively.

- 6.27 The proposed garage comes within the RPA of both trees, resulting in root severance. The placement of an impervious building over the RPA will also prevent gaseous exchange, rainwater percolation and nutrient recycling. The future viability of the trees cannot be secured. It should be assumed they would be lost if the scheme were implemented.
- 6.28 There is no potential to sufficiently soften the garages or dwelling with new planting, due to lack of soft ground within the application site. The Council's Tree Officer concludes that the scheme is contrary to policies N6, DG1 and H11.
- 6.29 However, whilst these concerns are noted, there is an extant permission for a garage building in the same siting. The differences between the current application and the extant permission are not considered significant enough to warrant a refusal on these grounds.

v. Ecology

- 6.32 The applicants have submitted an ecology report. However, it is noted that the existing building could be demolished under the extant permission, 15/02018/FULL and this current proposal does not raise any greater ecological considerations.

Other Material Considerations

Housing Land Supply

- 6.33 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, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, 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 Council
- 6.34 The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.
- 6.35 Significant weight is to be accorded to the relevant Borough Local Plan Submission Version policies in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and the Borough Local Plan Submission Version.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has been requested to submit floor plans of the existing building. The requisite CIL forms including Additional Information Requirement form and the Assumption of Liability form have been submitted together with the Self-Build Exemption form.
- 7.2 The floor space of the proposed house is calculated to give a total of 589.4 sq metres. Further clarification has been sought from the applicant as to the existing floorspace and the last lawful date of use.
- 7.3 The required CIL payment for the proposed development without any allowance for the existing and on the basis that it is not self build, would be £141,456.00 - calculated on the basis of a net increase of 589.4 sq metres (at the rate of £240 per sq. metre).

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 8 February 2018 and the application was advertised in the Maidenhead Advertiser on 15 February 2018.

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

	Comment	Where in the report this is considered
1.	Sunken light well removes most of the front garden area. Largish front gardens are part of the character of the area. The front garden should be retained in this Conservation Area. Front terrace should be removed to maintain a street level garden. Sunken terrace adds a new spatial dimension. The basement sets a precedent – it should be minimised or eliminated.	The Council's Conservation Officer has raised no objection to the basement or sunken terrace.
2.	The front bay should be repositioned to match the position of the existing front bay. The proposed house is already significantly larger than the previously approved building. There is no need for this one to be 1 metre further forward.	The currently proposed house extends no further forward than the previously approved dwelling.
3.	The second floor bay window needs to be removed. It makes the house unnecessarily bulky. All similar neighbouring houses have a single storey bay window. The previous approved scheme included a single storey bay window.	The first floor front bay is considered to be acceptable.
5.	Question the size for a single dwelling and whether it will continue in some form of commercial use.	A change of use to a commercial use in the future may require a planning permission.
6.	Demolition and excavation will cause noise, disturbance and safety hazard to the road for many months.	A Construction Management Plan is to be sought to try and reduce the impact on local roads during the construction phase.
7.	Concerns about visibility and road safety and parking in the street.	The Highway Officer has not raised an objection,
8.	Pleased to see dropped kerb removed from the scheme, but still concern about removal of garden and limited room for planting. Concerns about provision of dropped kerb and loss of on-street parking.	The Conservation Officer has not raised an objection.

9.	New building is further forward and goes out more to the side and is higher, than previous scheme and existing. Applicant concentrates on comparing the previous and current scheme. The current scheme needs to compare the existing.	Paragraph 6.2-6.15
10	Driveway already serves 13 lock-up garages. Concern about visibility and road safety and additional on-street parking. This is a major through road in town.	No objection from the Highway Officer. See paragraphs 6.16- 6.25
11	Council needs to consider the impact over extended periods of demolition and construction. There have been skips in place in the vicinity for over 4 months . These skips take up parking spaces.	

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions to secure Construction Management Plan, Parking and to ensure garage retention, for parking. Standard Informatives suggested regarding damage to highways, verges, and storage of materials on the highway.	Noted conditions to be imposed. See Conditions 2,13 and informatives 1,2,3,in Section 10 below. See paragraphs 6.16-6.25.
Conservation Officer	No objection raised and supports the removal of the parking space from the original plans. Suggests conditions for a sample panel of brickwork; new windows to be constructed in timber with timber glazing bars and plain glass.	Noted. Conditions to be imposed. See Conditions 4,5,6,7, in Section 10 below.
Council's Tree Officer	Objection on the basis of the impact on tree/s on the adjacent site to the rear.	It is noted that the previous extant scheme proposes a garage in a similar position. On this basis it would be difficult to justify a refusal on tree grounds for this application.
Council's Ecologist	Comments awaited.	Comments to be reported in the panel update.

Other consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	The site is some distance outside of the core of the historic medieval town of Windsor. Modest scale does not justify archaeological mitigation in this instance.	Noted.
Environmental Protection	No objection. Condition on noise insulation and standard conditions to be imposed.	Noted. Conditions and informatives to be imposed. See Condition 3 and Informatives 4,5,6, in Section 10 below.

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to 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 Policy - Local Plan T5. This detail is required prior to commencement as measures need to be in place prior to demolition.
- 3 No construction works shall commence until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies - Local Plan NAP2 and H10.
- 4 No construction works shall commence until details of all finished slab and roof ridgeline levels in relation to ground level and roof heights of the properties to either side on Frances Road (all against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area and to preserve the setting of the Conservation Area. Relevant Policies - Local Plan DG1 and CA2.
- 4 No works of construction shall commence until a sample panel of brickwork for the proposed dwelling, and boundary walls showing the proposed brick, method of bonding, colour of mortar

and type of pointing to be used, and a sample of any stone dressing, shall be prepared on site and approved by the Local Planning Authority in writing. The work shall be undertaken in accordance with the approved details.

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

- 5 No works of construction shall commence until detailed plans, elevations and cross sections of finials, barge boards, doors at a scale of 1:10 and windows at a scale of 1:5 have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved plans.

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

- 6 Prior to the installation of string courses and hood moulds further drawings showing profile sections and detailing at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Reason: The submitted drawings are inadequate in these respects and further information is needed in order to preserve the character and appearance of the Conservation Area

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

- 7 No works of construction shall commence until samples or otherwise acceptable details of all other materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The required details include sufficient details to demonstrate that the rainwater good shall be of cast iron or cast aluminium, and painted black. The development shall be carried out and maintained in accordance with the approved details.

Reason: In order to provide the high standard of design and external appearance required for all elements of the proposed building in order to preserve the appearance of the Conservation Area. Relevant Policies - Local Plan CA2 and DG1.

- 8 No works of construction shall commence until full details of both hard and soft landscape works, have been 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. The details to be provided shall include, in addition to details of planting and hard paving materials, location and any screening of a water butt of at least 120 litres capacity, or alternatively some other acceptable means of rainwater harvesting, the appearance of and materials to be used in boundary walls. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and in addition contributes to the sustainability of the development. Relevant Policy - Local Plan DG1 and advice in the Sustainable Design and Construction SPD .

- 9 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details, including elevation details showing appropriate materials, 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 and CA2.

- 10 The garage rooflights shall be set a minimum of 1.7m above the finished internal first floor level

within the building unless further details to show obscure glass and fixing of the windows have first been submitted to and approved in writing shall not be altered without the prior written approval of by the Local Planning Authority. The rooflights then not be altered without the prior written approval of the LPA.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policy - Local Plan H10.

- 11 The first and second floor windows in the west facing flank wall (facing No 55) shall be shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to both future occupiers at the property and to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 12 No further window(s) shall be inserted at first floor level in the flank wall elevations of the approved house and garage, and no additional rooflights shall be inserted, without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers and to ensure that the design of any new windows and / or rooflights preserves or enhances the character of the Conservation Area. Relevant Policies - Local Plan H11 and CA2.
- 13 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Working Hours: Where noise complaints from residents or businesses are likely then the permitted hours of operation for noise generating activities are restricted to standard hours: Monday to Friday 8.00 until 18.00; Saturday 08.00 until 13.00. No working on Sundays or Bank Holidays.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.
- 6 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is

paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

APPENDIX A – Site Location Plan

18/00200 – 53 St Frances Road, Windsor



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Appeal Decision Report

20 March 2018 - 13 April 2018

WINDSOR URBAN

Appeal Ref.: 17/60096/REF **Planning Ref.:** 17/01296/FULL **Plns Ref.:** APP/T0355/W/17/3183884

Appellant: Mr Kris Collett **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Demolition of 9-11 Imperial Road & 3-4 Almond Close. Construction of 2 houses and 16 x 2-bed apartments, along with access road and cycle/bin store

Location: 9 Imperial Road Windsor SL4 3RY

Appeal Decision: Allowed **Decision Date:** 14 March 2018

Main Issue: Height would exceed that of properties along Imperial Road, but due to its depth the footprint would not significantly differ from surrounding residential buildings and would generally follow the existing building line. There would be a significant amount of visual space between the proposal and surrounding buildings softening the transition between the two types of development, and No. 5 Almond Close would not appear cramped in its wider setting. The amount of car parking, contemporary appearance and detailed design (large glass doors, balcony areas, vertical orientation) would differ from other buildings, but considered to be fairly typical in an urban streetscene. As such, the impact on character and appearance of the area is acceptable.

Appeal Ref.: 17/60102/REF **Planning Ref.:** 17/00045/FULL **Plns Ref.:** APP/T0355/W/17/3185357

Appellant: Haulfryn Group Ltd **c/o Agent:** Mr Jeremy Lambe Lambe Planning And Design Ltd Galeri Victoria Dock Caernarfon Gwynedd LL55 1SQ

Decision Type: Committee **Officer Recommendation:** Defer and Delegate

Description: Upgrade and renewal of existing services to the moorings, replacement of existing electric hook-up and water points, mooring bollards, upgrading of black and grey water drainage system with bespoke drainage system and replacement of sheds.

Location: The Moorings Willows Riverside Park Windsor SL4 5TG

Appeal Decision: Dismissed **Decision Date:** 28 March 2018

Main Issue: The Inspector considered that the proposed development conflicts with saved policies GB1 and GB2 of the Local Plan and the relevant parts of the Framework which resist the construction of new buildings in the Green Belt. The Inspector considered that the proposal amounts to inappropriate development in the Green Belt, and the Framework indicates that substantial weight should be given to this harm. Furthermore, the Inspector considered that the proposed development would also result in a small amount of harm to the openness of the Green Belt. The Inspector was of the view that there are no other considerations that would clearly outweigh the harm by reason of inappropriateness, and the other harm identified, and thus very special circumstances did not exist to justify the development proposed.

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