

NOTICE  
OF  
MEETING

**WINDSOR URBAN DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 15TH AUGUST, 2018**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL WINDSOR,**

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd – Service Lead, Democratic Services - Issued: 6 August 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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628 796251

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## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive any apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any declarations of interest.	5 - 6
3.	<b><u>MINUTES</u></b>  To confirm the minutes of the previous two meetings.	7 - 12
4.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b>  To consider the Head of Planning & Property/Development Control Manager's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. <a href="http://publicaccess.rbwm.gov.uk/online-applications/">http://publicaccess.rbwm.gov.uk/online-applications/</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	13 - 22
5.	<b><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></b>  To consider the Essential Monitoring reports.	23 - 28
6.	<b><u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u></b>  To consider passing the following resolution:- "That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 7 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 - 7 of Part I of Schedule 12A of the Act"	

**PRIVATE MEETING - PART II**

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
7.	<p><u>PLANNING ENFORCEMENT REPORT (DECISION)</u></p> <p>To consider the above report.</p> <p><b><i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i></b></p>	29 - 36



## 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.***

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# Public Document Pack Agenda Item 3

## WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 20 JUNE 2018

PRESENT: Councillors Malcolm Alexander (Chairman), Michael Airey, John Bowden, Malcolm Beer, Eileen Quick, Jessi Grey, Samantha Rayner, Shamsul Shelim and Paul Bicknell.

Also in attendance: Cllr E Wilson and Cllr J Rankin.

Officers: Ashley Smith, Lyndsay Jennings, Sian Saadeh, Jenifer Jackson, Victoria Gibson, Maddie Pinkham and David Cook.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Da Costa, Cllr Beer attended as a substitute.

### DECLARATIONS OF INTEREST

Cllr Bowden declared a prejudicial interest in item 1 because he was a resident 200 yards from the application site and that he lived within the conservation area. He would not take part in the discussion or vote on the item but reserved his right to speak.

Cllr S Rayner declared an interest in item 1 as the building was owned by the National Farmers Union; the family company used the union for their insurance. She came to the meeting with an open mind.

Cllr S Rayner declared a personal interest in item 7 as she knows some of the supporters, she came to the meeting with an open mind.

Cllr Grey declared an interest in item 4 as he was a Parish Councillor on Datchet Parish Council, he had not discussed the item when it came to the Parish Council and came with an open mind.

Cllr Shelim declared a personal interest in item 1 as he owned the Viceroy of India restaurant in St Leonard's road which was in the vicinity of the application site. He had taken legal advice and in the circumstances this was not a prejudicial interest and he could therefore take part in the discussion and vote on the matter. He came with an open mind.

Cllr Shelim declared an interest in item 4 as the applicants restaurant could have been a member of a national society that he was also a member, he came with an open mind.

The Chairman, Cllr Alexander, declared a personal an interest in item 7 as he knew the applicant. He had not discussed the application with the applicant and came with an open mind.

The Chairman declared an interest on behalf of the whole panel for agenda item 6 as the objector speaking was an RBWM employee. The Panel came with an open mind.

### MINUTES

**Resolved unanimously: that the minutes of the meeting held on 23 May 2018 be signed as a true and accurate record.**

### PLANNING APPLICATIONS (DECISION)

18/00095 Windsor Business Quarter 67 Alma Road Windsor

Demolition of the existing basement and concrete plinth above and erection of a building of between 1 and 7 storeys containing 217 residential apartments (Use Class C3), including a cafe (Use Class A3) measuring 146 sqm (GIA), car and cycle parking, plant enclosures, access improvements, service bay, drop off spaces, substation, and associated landscaping and open space; and a five storey building to provide 16,389sqm (GIA) of office floorspace (Use Class B1), together with ground level and basement car and cycle parking, service bay and associated landscaping – **THE PANEL VOTED UNANIMOUSLY (Cllr Bowden did not vote or take part in the discussion on this item) that it would have REFUSED planning permission for the reasons identified in Section 12 of the report and in addition by reasons of its overall density, layout, scale, mass and bulk, is considered to have a detrimental impact on the character and appearance of the area, contrary to policies DG1, H10 and H11 of the Local Plan, emerging policies SP1, SP2 and SP3 of the Borough Local Plan Submission Version and the National Planning Policy Framework.**

(The Panel was addressed by Arousse Simmance and Mr Glease as objectors. Cllr Rankin and Cllr Bowden. Gary Stevens the applicants agent)

17/03740 9-11 Imperial Road Windsor

Outline application (access, layout and scale) for the construction of 2 x four bedroom dwellings and 16 x two bedroom apartments, access road and cycle/bin store following demolition of 9-11 Imperial Road and 3-4 Almond Close. - **THE PANEL VOTED UNANIMOUSLY to APPROVE the application subject to the conditions outlined in section 10 of the report and as set out in the update sheet.**

(The Panel were addressed by the applicant Kris Collett)

18/00753 **9-11 Imperial Road Windsor**

Outline application (access, layout and scale) for the construction of 2 x two bedroom dwellings, 10 x two bedroom apartments and 1 x one bedroom apartment following the demolition of 9-11 Imperial Road **THE PANEL VOTED UNANIMOUSLY to defer the application for further information regarding road safety.**

(The Panel were addressed by objector Glenn Butchelar and the applicant Kris Collett)

18/00736 **Spices Silver Cottage The Green Datchet Slough SL3 9BJ**

Variation of condition 3 (opening hours) (under Section 73) of planning approval 10/00659FULL (Change of use of the A1 part of Silver Cottage, to A3 use in conjunction with Spices Restaurant) (allowed on appeal) to vary the wording to "within these times, takeaway meals shall only be served after 6:30pm, (seven days a week). A motion was put forward by Cllr Grey to approve the application contrary to officer recommendation, the Planning reason given for the overturn was that the proposal would not have an adverse impact on highway safety - **THE PANEL VOTED to APPROVE the application. Seven Councillors voted for the application (Cllr M Airey, Cllr Bicknell, Cllr Bowden, Cllr Grey, Cllr Quick, Cllr S Rayner and Cllr Shelim) and 2 against (Cllr Alexander and Cllr Beer).**



18/00796 - **9 Black Horse Close Windsor SL4 5QP**

Certificate of lawfulness to determine whether the existing use of x4 studio flats and x1 one bedroom flat is lawful - **THE PANEL VOTED UNANIMOUSLY to GRANT THE CERTIFICATE OF LAWFULNESS.**

18/00253 - **Land At 8 Black Horse Close Windsor SL4 5QP**

Construction of a three storey terraced dwelling with new vehicular and pedestrian access and associated parking following the demolition of existing extension and garage - **THE PANEL VOTED UNANIMOUSLY to APPROVE the application subject to the conditions outlined in section 10 of the report.**

(The Panel were addressed by objector Wendy Binmore)

18/00961 - **4 - 5 Turks Head Court Eton Court Eton Windsor**

Construction of mansard roof to create second floor to flat 2 and external alterations to existing building to include rendered exterior and alterations to fenestration - **THE PANEL VOTED UNANIMOUSLY to APPROVE the application subject to the conditions outlined in section 10 of the report.**

17/03350 - **Former Windsor Rackets And Fitness Club Helston Lane Windsor**

Variation of Condition to substitute amended plans for the approved plans for the Demolition of existing building and erection of a Care Home to provide a 72 bed care home and 58 close care suites (Class C2 use) with replacement accommodation for Mencap and Red Cross, associated parking and vehicular access onto Helston Lane as approved under planning permission 11/00403/FULL and amended under 17/03733/NMA (to add the approved plans as a condition) - **THE PANEL VOTED UNANIMOUSLY to APPROVE the application subject to the conditions outlined in section 11 of the report.**

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel considered and noted the monitoring reports.

The meeting, which began at 7.20 pm, 10.20pm.

CHAIRMAN.....

DATE.....

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# Public Document Pack

## WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 18 JULY 2018

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

Officers: Mary Severin, Ashley Smith, Jo Richards and Wendy Binmore

### APOLOGIES FOR ABSENCE

None.

### DECLARATIONS OF INTEREST

None.

### MINUTES

**RESOLVED UNANIMOUSLY:** That the approval of the Minutes of the meeting held on 20 June 2018 be deferred to the following meeting.

### PLANNING APPLICATIONS (DECISION)

18/00839\* Mr Kelly: A temporary recycling aggregate operation and associated staff offices, welfare facilities and parking at Land at Datchet Quarry, Riding Court Road, Datchet, Slough – **THE PANEL VOTED UNANIMOUSLY to grant planning permission upon removal of Lead Local Flood Authority (LLFA) objection and subject to the completion of a satisfactory Deed of Variation and with the conditions listed in Section 10 of the Main Report and with the additional conditions listed in Section 3 of the Panel Update Report as listed below:**

- No development shall take place until a detailed design of the surface water drainage system to serve the site, demonstrating that surface water runoff will not exacerbate existing flood risk, nor pose an unacceptable risk to the quality of groundwater or surface water, has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development in line with the Non-Statutory Technical Standards for Sustainable Drainage and RBWM Local Plan Policy NAP4.

18/00840 Mr Kelly: Variation (under Section 73A) of planning approval 15/02886/VAR; Condition 18 (Export import tonnage) to revise the amounts of material leaving the site, infills to the site and aggregate extractions as set out in Appendix C of the accompanying Transport Statement, Condition 19 (Traffic Movements) in order that the movements are in accordance with the vehicle movements set out in Table 6.3 (Proposed Daily Traffic Movements) and 6.4 (Proposed

AADT Movements) in the accompanying Transport Statement and Condition 22 (External materials – buildings, structure) to substitute approved plans with amended plans at Cemex Datchet Quarry, Riding Court Road, Datchet, Slough – **THE PANEL VOTED UNANIMOUSLY to approve the application and grant planning permission on the satisfactory completion of a Deed of Variation to the existing Section 106 agreement and with the conditions listed in Section 10 of this report.**

- 18/00196      Realignment of existing road and extensions to existing polo fields with associated levelling works at Smiths Lawn, Windsor Great Park, Windsor – **This application was WITHDRAWN to be added to the agenda of the Windsor Rural Development Management Panel.**
- 18/00608      Mrs Radford: Variation of condition (19) (under Section 73A) to substitute approved plan with amended plan for the erection of 14 dwellings (4x2 bed; 4x3 bed and 6x4 bed) and 6 detached garages with associated parking and landscaping following demolition of existing commercial building approved under planning permission 16/02737/FULL – **THE PANEL VOTED UNANIMOUSLY to grant planning permission on the satisfactory completion of a Deed of Variation to secure the obligations as set out in the legal agreement for the original permission and subject to the conditions set out in Section 11 of the Main Report.**

#### ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

The meeting, which began at 7.00 pm, finished at 7.20 pm

CHAIRMAN.....

DATE.....

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Urban Panel

15th August 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

<b>Item No.</b>	1	<b>Application No.</b>	18/01364/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	
<b>Location:</b>	6 Turks Head Court Eton Court Eton Windsor SL4 6AL						
<b>Proposal:</b>	Retention of a fence along the front and right hand boundary of the front courtyard						
<b>Applicant:</b>	Mr Hybert	<b>Member Call-in:</b>		<b>Expiry Date:</b>	20 August 2018		

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

15 August 2018

Item: 1

<b>Application No.:</b>	18/01364/FULL
<b>Location:</b>	6 Turks Head Court Eton Court Eton Windsor SL4 6AL
<b>Proposal:</b>	Retention of a fence along the front and right hand boundary of the front courtyard
<b>Applicant:</b>	Mr Hybert
<b>Agent:</b>	Mr Ben Willcox
<b>Parish/Ward:</b>	Eton Town Council/Eton With Windsor Castle Ward
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

**SUMMARY**

- 1.1 The application seeks retrospective planning permission to retain an existing fence which has been erected without planning permission. The fence has been erected to enclose a courtyard garden situated at the front of flats at Turks Head Court. The site lies within the Eton Conservation Area.
- 1.2 The application follows an Enforcement Notice which was issued on the 22<sup>nd</sup> November 2017 against the unauthorised erection of the fence. Since the Notice has been served a fence panel has been removed at the front of the site and part of the fence adjacent to the vehicular access has been reduced in height in order to improve visibility from the shared vehicular access serving Turks Head Court.
- 1.3 The primary reason for issuing an Enforcement Notice related to sub-standard pedestrian and vehicular visibility splays that was considered to be detrimental of highway safety. The Local Highway Authority has confirmed that the revisions made to the fencing enable adequate visibility splays to be provided from the junction and therefore no highway objection is raised. In addition it is considered that on balance the development adequately preserves and maintains the character and appearance of the Conservation Area and the visual amenity of the locality in general and the Conservation Officer has raised no objection to the application.

<b>It is recommended the Panel grants retrospective planning permission to retain the fence.</b>
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**2. REASON FOR PANEL DETERMINATION**

- The Head of Planning considers it appropriate if the Panel determines the application.

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

- 3.1 The application site includes a two storey, flat roofed building comprising a ground and first floor flat, numbers 6 & 7 Turks Head Court. Vehicular access is gained via Eton Court and the site shares its access with the flats at 4 & 5 Turks Head Court and the dwellings numbered 1-3 Turks Head Court located to the rear of the site.
- 3.2 The site lies within a residential area to the west (rear) of the High Street and opposite a public car park. The site also lies within Eton Conservation Area and within Flood Zones 2 and 3.

## DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks retrospective planning permission to retain an existing slatted, cedar fence that has been erected without planning permission to enclose a courtyard garden at the front of the flats. The courtyard garden serves the applicant's first floor flat, number 6 Turks Head Court.
- 4.2 A fence has been erected above an existing dwarf wall along the front boundary of the site and has an overall height of 1.7m. A 1.7m high cedar fence has also been erected alongside the access with a section at the entrance measuring 0.8m in height.
- 4.3 The application follows an Enforcement Notice which was issued on the 22<sup>nd</sup> November 2017 in relation to the erection of a fence without planning permission. The reasons for issuing the Notice are set out as follows:
1. The boundary fence has introduced a conspicuous and visually discordant form of development that has a significant detrimental impact on the appearance of the street scene. As such the development is contrary to saved Policy DG1 of the Royal Borough of the Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted in June 2003) and Policy SP3 of the emerging Borough Local Plan 2013-2033.
  2. The boundary fence results in sub-standard pedestrian and vehicular visibility splays to the detriment of highway safety. The development is therefore contrary to saved Policy T5 of the Royal Borough of Windsor and Maidenhead Local Plan, 1999 (Incorporating Alterations Adopted in June 2003.)
  3. The fence as erected is harmful to the Eton Conservation Area by reason of its prominent siting, height and stark, out of character appearance. It is therefore contrary to saved Policy CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and Policy HE1 of the emerging Borough Local Plan 2013-2033.
- 4.4 The Notice requires the fence to be removed within 7 days from the date of the Notice. No enforcement appeal has been lodged. Since this Notice was served the applicant has removed a fence panel at the front of the site and part of the fence adjacent to the vehicular access has been reduced in height to 0.8m to help improve visibility from the access drive onto Eton Court in an attempt to overcome the highway objection, which is the primary concern.
- 4.5 Other planning history relating to this site includes:

18/00961/FULL	Construction of mansard roof to create a second floor to flat 2 and external alterations to existing building to include rendered exterior and alterations to fenestration at 4-5 Turks Head Court.	Permitted.
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## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### 5.1 National Planning Policy Framework (2018)

- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

### Royal Borough Local Plan

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

Within settlement area	Highways	Development in Conservation Areas	Flooding
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<b>DG1</b>	<b>T5</b>	<b>CA2</b>	<b>F1</b>
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These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Borough Local Plan: Submission Version**

<b>Issue</b>	<b>Local Plan Policy</b>
<b>Design in keeping with character and appearance of area</b>	<b>SP2, SP3</b>
<b>Manages flood risk and waterways</b>	<b>NR1</b>
<b>Historic Environment</b>	<b>HE1</b>
<b>Sustainable Transport</b>	<b>IF2</b>

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 Borough Local Plan submission version 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.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HE1 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Eton and Eton Wick Neighbourhood Plan 2016-2036 Amended Plan for Referendum**

<b>Issue</b>	<b>Neighbourhood Plan Policy</b>
<b>Development within Eton</b>	<b>HD3</b>

- 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 Neighbourhood Plan has passed the referendum and now forms part of the development plan.

#### **Supplementary planning documents**

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

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

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

- Eton Design Guidance – Appendix 1 of the Neighbourhood Plan
- Eton Conservation Area appraisal - view at:  
[https://www3.rbwm.gov.uk/info/200207/conservation/666/conservation\\_areas](https://www3.rbwm.gov.uk/info/200207/conservation/666/conservation_areas)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Highway & Pedestrian safety
- ii Impact on the character and appearance of the Conservation Area.
- iii Impact on the visual amenity of the site itself and the locality in general
- iv Impact on the living conditions of the neighbouring properties
- v Flooding

### i Highway & Pedestrian safety

6.2 Since the Enforcement Notice was served the applicant has removed a fence panel at the front of the site and reduced the height of the panel adjacent to the access in an attempt to overcome the highway objection, which is the primary concern in this case.

6.3 The Highway Authority has commented that the site has always had a 0.8m high wall to the front boundary either side of the vehicular access and therefore, being 0.2m above the Local Authorities current standard, pedestrian visibility splays of 2.0m x 2.0m were not achieved. The new fence which was causing visibility issues has now been reduced to the height of the previous boundary wall and a fence panel has been removed from the front boundary. The Highway Authority has confirmed that this revision provides the same level of visibility from the junction as previously provided before the fence was erected. On the basis that the proposed development does not result in undue harm over and above the previous boundary wall in terms of highway safety, the proposed development is considered acceptable. It is noted that there have been no reportable injury accidents at or near the access within the last 20 years.

6.4 It is also noted that there is an existing multi-stemmed tree on the corner of the site and it is understood that the applicant has recently planted a hedge. The planting of a hedge does not constitute development requiring planning permission. An informative could however be added to advise the applicant to ensure that the hedge is kept down at the height of the existing boundary wall/fence in order to maintain adequate visibility splays.

### ii Impact on the character and appearance of the Conservation Area

6.5 Local Plan Policy CA2 advises that within a Conservation Area development should preserve or enhance the character or appearance of the area. Emerging policy HE1 of the Borough Local Plan places similar emphasis on preserving and enhancing the historic environment in a way which is appropriate to its significance.

6.6 The application site is situated within Eton Conservation Area and lies to the west of the High Street in the character area named "The residential areas to the east and west of the High Street". The relevant conservation area appraisal states that the buildings in this area show a mix of styles with a proportion being modern residential developments from the 20<sup>th</sup> Century. In terms of boundaries most properties either face directly onto the street or are set back within small garden areas, some of which are enclosed with low fencing or informal planting.

- 6.7 The Conservation Officer has raised no objection to the retention of the fence. The development is considered to adequately preserve the character and appearance of this part of the Conservation Area and no objection is therefore raised to the retention of the fence on Conservation Area grounds.

**iii Impact on the character and appearance of the site itself and the locality in general**

- 6.8 The site lies opposite a public car park and there are a variety of residential buildings including a 1960's flatted development in the vicinity of the site. The original notice had secondary reasons with regards character and conservation however it is considered that these are not strong enough reasons in isolation to withhold planning permission. The cedar fence had part of it removed and has a slatted design that has weathered well and has integrated better with its' setting than initially expected. It is not considered that the fence appears unduly prominent in the street scene and does not, on balance, detract from the character and appearance of the site itself or the locality in general sufficient to warrant a refusal of the application.

**iv Impact on the living conditions of the neighbouring properties**

- 6.9 It is important to consider the impact of the fence on the living conditions of any neighbouring properties. An objection has been received on the grounds that the fence reduces the amenity and quality of life for the occupant of the ground floor flat in terms of removing views and sunlight. The loss of view is not however a material planning consideration and given the distance maintained between the slatted fence and the ground floor windows it is not considered that the fence causes significant harm to the light and outlook of the ground floor flat.

**v. Flooding**

- 6.10 The site lies within Flood Zones 2 and 3. Local Plan policy F1 requires development should not: 1) impede the flow of flood water; 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk of flooding. The fence is permeable to flood water and would not impede the flow of flood water. As such the fence does not increase the risk of flooding and would accord with policy F1.

**7. Other Material Considerations**

- 7.1 The Council has the power to decline to determine an application for planning permission in respect of land to which an enforcement notice relates under the Town and Country Planning Act (1990) Section 70C. However in this instance it is considered that the application is sufficiently materially different from the development enforced against and therefore the application should be determined in this instance.

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.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

A total of 6 neighbours have been notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 18<sup>th</sup> May 2018 and the application was advertised in the Maidenhead & Windsor Advertiser on the 21<sup>st</sup> June 2018.

One letter of objection has been received and is summarised below:

Comment		Where in the report this is considered
1.	Enforcement Notice issued as the fence contravenes the Eton Conservation Area and the Highway's design standards.	Paragraph 4.3, 4.4, 6.2 – 6.4
4.	Council has the power to decline to determine retrospective applications in relation to applications where there is already a pre-existing enforcement notice issued.	Paragraph 7.1
5.	Eton Court is used as a pedestrian school route and visibility splays of 2.4m by 2.4m are required.	Paragraph 6.2 – 6.4
6.	Sight line is not free from obstruction because it is filled with a mature, multi-stemmed tree trunk and an evergreen hedge has recently been planted by the applicant.	Paragraph 6.4
7.	Application does not meet the council's highway's design standards of providing at least a 2 metre visibility splay that is free of all obstructions.	Paragraph 6.2 – 6.4
8.	The Council should refuse to determine this application under the Town and Country Planning Act 1990, S70C powers and the enforcement notice should be pursued with prosecution or direct action in the interests of highway safety.	Paragraph 7.1
9.	The applicant owns the first floor flat (number 6) and the fence impacts on the ground floor flat (number 7) reducing the occupant's amenity and quality of life in terms of removing views and sunlight.	Paragraph 6.9
10 ..	Four brick pillars and capping stones have been removed which have damaged the Eton Conservation Area.	Paragraph 6.5 – 6.7
11	Contravenes Conservation Area policies – does not provide a statement about how the development conserves or enhances the character and appearance of the Conservation Area and contributes positively to the character, local distinctiveness and significance of the historic environment.	Paragraph 6.5 – 6.7
12	Application contravenes the character and appearance of the Conservation Area and if it is not refused would set a dangerous precedent.	Paragraph 6.5 – 6.7

#### Other consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection	Paragraph 6.5 – 6.7
Highway Section	No objection	Paragraph 6.2 – 6.4
Eton Town Council	No comments received to date (expiry 10 <sup>th</sup> July)	

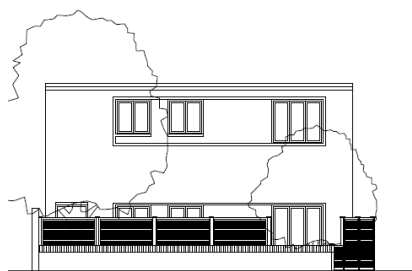
## 9. APPENDICES TO THIS REPORT

- Appendix A - location plan, site plan and elevations.
- Appendix B - photographs

#### Informatives

- 1 The applicant is advised to keep the height of the hedge/vegetation cut down to the height of the existing boundary wall adjacent to the vehicular access in order to maintain adequate visibility splays.

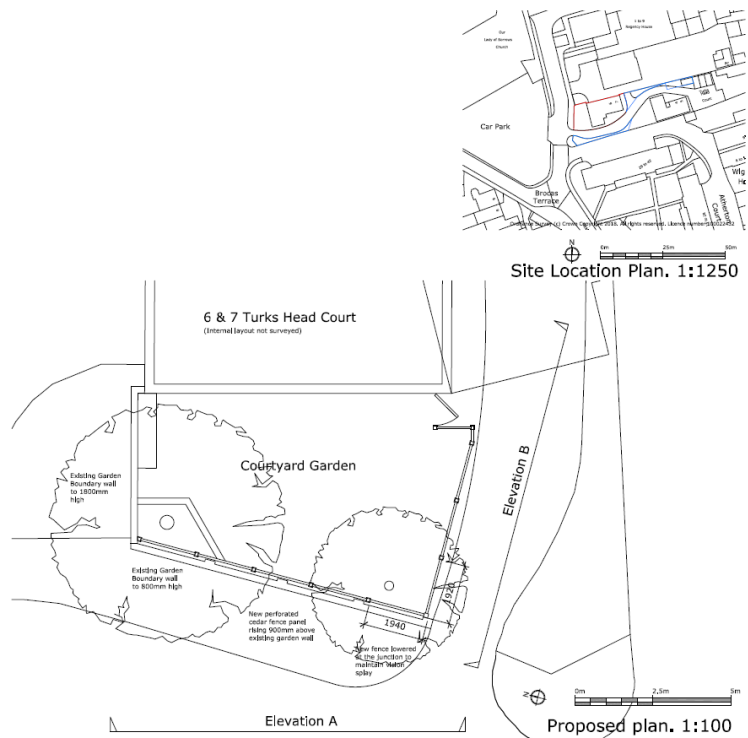
## APPENDIX A – LOCATION PLAN, SITE PLAN & ELEVATIONS



Elevation A. 1:100



Elevation B. 1:100



Project  
6 Turks Head Court  
Eton

Client  
Mr T Hybert

www.wamarchitects.com

Product No  
999

Drawing Title  
Proposed Planning Application Drawing

Scale  
100

Var  
00

Checked  
BW

For Approval

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Castle Hill House, 12 Castle Hill,  
Wokingham, Berkshire, RG40 2DQ

**RIBA**

Chartered Practice

APPENDIX B - PHOTOGRAPHS



## Planning Appeals Received

7 July 2018 - 3 August 2018

### WINDSOR URBAN

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

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

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

**Ward:**  
**Parish:** Datchet Parish  
**Appeal Ref.:** 18/60077/REF  
**Planning Ref.:** 17/00401/OUT  
**Plns Ref.:** APP/T0355/W/18/3197255  
**Date Received:** 9 July 2018  
**Comments Due:** 13 August 2018  
**Type:** Refusal  
**Appeal Type:** Written Representation  
**Description:** Outline application for access, appearance, layout and scale be considered at this stage (with landscaping to be reserved), for a 2.5 storey building comprising 8 flats (7 x 1 bed and 1 x 2 bed) with car parking and cycle storage.  
**Location:** **Former 138 Datchet Cottage Horton Road Datchet Slough**  
**Appellant:** Messrs Williamson And Bugden **c/o Agent:** Mr Gill-Ross Architects Corporation Ltd Flat 1 Thornhill House 14 Upton Road Watford WD18 0JP

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 18/60078/REF  
**Planning Ref.:** 17/02911/FULL  
**Plns Ref.:** APP/T0355/W/18/3196739  
**Date Received:** 9 July 2018  
**Comments Due:** 13 August 2018  
**Type:** Refusal  
**Appeal Type:** Written Representation  
**Description:** 10 flats with associated parking following the demolition of the existing Public House  
**Location:** **The Queen 282 Dedworth Road Windsor SL4 4JR**  
**Appellant:** Mr David Ham Boundstone Developments Ltd **c/o Agent:** Mr Peter Smith PJSA Chartered Surveyors The Old Place Lock Path Dorney Windsor SL4 6QQ

**Ward:**  
**Parish:** Eton Town Council  
**Appeal Ref.:** 18/60080/ENF  
**Enforcement Ref.:** 17/50166/ENF  
**Plns Ref.:** APP/T0355/C/17/3188530  
**Date Received:** 10 July 2018  
**Comments Due:** 21 August 2018  
**Type:** Enforcement Appeal  
**Appeal Type:** Inquiry

<b>Description:</b>	Appeal against the Enforcement Notice: Without planning permission the importation and distribution of materials, including but not limited to brick rubble and Type 1 MOT (granular sub base material) to facilitate the formation of hardstanding and an access track. Without planning permission the use of land for the siting of storage containers and storage of waste materials.				
<b>Location:</b>	<b>Crown Farm Eton Wick Road Eton Wick Windsor SL4 6PG</b>				
<b>Appellant:</b>	Mr Finlan McKillop <b>c/o Agent:</b> Mr Tom Mcardle Pike Smith And Kemp Rural The Old Dairy Hyde Farm Maidenhead Berkshire SL6 6PQ				
<b>Ward:</b>					
<b>Parish:</b>	Windsor Unparished				
<b>Appeal Ref.:</b>	18/60081/REF	<b>Planning Ref.:</b>	17/02566/OUT	<b>Plns Ref.:</b>	APP/T0355/W/18/3196076
<b>Date Received:</b>	13 July 2018		<b>Comments Due:</b>	17 August 2018	
<b>Type:</b>	Refusal		<b>Appeal Type:</b>	Written Representation	
<b>Description:</b>	Outline application for up to 14 units with access only to be considered at this stage with all other matters to be reserved for the construction of a 3 storey building with accommodation in the roof and associated car parking and landscaping following demolition of 151 -153 Clarence Road				
<b>Location:</b>	<b>151 - 153 Clarence Road Windsor</b>				
<b>Appellant:</b>	Mr Kris Collett <b>c/o Agent:</b> Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT				
<b>Ward:</b>					
<b>Parish:</b>	Datchet Parish				
<b>Appeal Ref.:</b>	18/60084/REF	<b>Planning Ref.:</b>	18/00556/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/3204058
<b>Date Received:</b>	17 July 2018		<b>Comments Due:</b>	Not Applicable	
<b>Type:</b>	Refusal		<b>Appeal Type:</b>	Householder	
<b>Description:</b>	Raising of the ridge height to form habitable accommodation, Juliette balcony, side dormer and 8 no rooflights.				
<b>Location:</b>	<b>6 Leigh Park Datchet Slough SL3 9JP</b>				
<b>Appellant:</b>	Mr Manmeet Gill <b>c/o Agent:</b> Mr Ravinder Gill 26 Cranmore Avenue Isleworth TW7 4QW				
<b>Ward:</b>					
<b>Parish:</b>	Windsor Unparished				
<b>Appeal Ref.:</b>	18/60088/REF	<b>Planning Ref.:</b>	17/03439/FULL	<b>Plns Ref.:</b>	APP/T0355/W/18/3199532
<b>Date Received:</b>	26 July 2018		<b>Comments Due:</b>	30 August 2018	
<b>Type:</b>	Refusal		<b>Appeal Type:</b>	Written Representation	
<b>Description:</b>	Erection of 3 x maisonettes with associated parking following the demolition of 4 x existing garages.				
<b>Location:</b>	<b>Land To The Rear of Maynard Court Clarence Road Windsor</b>				
<b>Appellant:</b>	Hawtreys Developments Ltd <b>c/o Agent:</b> Mr S Saxena ADS Suite 462 5 Spur Road Isleworth Middlesex TW7 5BD				
<b>Ward:</b>					
<b>Parish:</b>	Windsor Unparished				
<b>Appeal Ref.:</b>	18/60089/REF	<b>Planning Ref.:</b>	17/02289/FULL	<b>Plns Ref.:</b>	APP/T0355/W/18/3195732
<b>Date Received:</b>	30 July 2018		<b>Comments Due:</b>	3 September 2018	
<b>Type:</b>	Refusal		<b>Appeal Type:</b>	Written Representation	



**Description:** Demolition of two existing D1 buildings and the construction of an apartment building to provide 6 No. C3 residential units, alongside a purpose built D1 Dental Practice and Denture Studio.

**Location:** **117 - 117A Dedworth Road Windsor**

**Appellant:** Suffolk Life Annuities Ltd **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

## Appeal Decision Report

7 July 2018 - 3 August 2018

WINDSOR URBAN

**Appeal Ref.:** 18/60044/REF    **Planning Ref.:** 17/02552/FULL    **Plns Ref.:** APP/T0355/W/18/3198087

**Appellant:** Mr & Mrs Reed c/o    **Agent:** Mr Jake Colinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

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

**Description:** 2 No. semi-detached houses with raised patios, parking and new access following demolition of existing dwelling and carport

**Location:** Trimstone Hermitage Lane Windsor SL4 4AZ

**Appeal Decision:** Dismissed    **Decision Date:** 24 July 2018

**Main Issue:** The Inspector considered that due to its size, scale and siting, the appeal scheme would present an incongruous and cramped form of development in the street scene, which would result in the loss of open space around the site and which would be at odds within the existing context of predominantly detached houses. The frontage would be dominated by hardstanding required for parking and turning of vehicles with little space remaining for planting to maintain the area's leafy character. The site would appear more open leading to a more visually intrusive scheme.

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<b>Appeal Ref.:</b>	18/60069/REF	<b>Planning Ref.:</b>	18/00818/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/3203466
<b>Appellant:</b>	Mrs Janet West <b>c/o Agent:</b> Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor SL4 5EN				
<b>Decision Type:</b>	Delegated	<b>Officer Recommendation:</b>	Refuse		
<b>Description:</b>	Part single part two storey front extension and garage conversion following demolition of the existing first floor rear element				
<b>Location:</b>	<b>39 Hemwood Road Windsor SL4 4YX</b>				
<b>Appeal Decision:</b>	Allowed	<b>Decision Date:</b>	31 July 2018		
<b>Main Issue:</b>	<p>Due to the varied building line in which the property is located, the horizontal alignment of properties in the street, the substantial trees within the site which would obscure much of the properties visual bulk from the street, and the fact that the neighbouring property is set above No.39, the resulting dwelling is unlikely to form a prominent or visually harmful addition to the street. Furthermore the sizeable two storey front gable is not one which would be uncomfortably different from some of the house types found locally. For these reasons the proposal is considered to cause no harm to the character or appearance of the area; in line with Local Plan Policies DG1 and H14. Conditions: 1. The development hereby permitted shall begin no later than three years from the date of this decision. 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 2015 PL01A, PL02A &amp; PL03.</p>				

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**Appeal Ref.:** 18/60070/REF **Planning Ref.:** 17/03354/FULL **Plns Ref.:** APP/T0355/D/18/3202265

**Appellant:** Mr Vilares **c/o Agent:** Mr Cameron Lloyd CAD UP Ltd Landmark House Station Road Hook RG27 9HA

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

**Description:** Construction of rear dormer to extend existing loft conversion

**Location:** 73 Grove Road Windsor SL4 1HT

**Appeal Decision:** Dismissed **Decision Date:** 31 July 2018

**Main Issue:** The main issues are the effect of the proposal on, firstly, the character and appearance of the host property and the locality and, secondly, on the living conditions for neighbours. The proposed dormer height would be around 0.25 metres higher than the dwellings existing ridge height and very disproportionately raise the height of part of the outrigger and the associated party wall. The extension would draw very little from what is characteristic of the host property. It would unduly dominate the rear elevation roofscape of the dwelling adding significant ungainly bulk to the host property and in no way relating to these Grove Road terraces. It would appear as an incongruous addition; the scheme would be excessive and lack suitable subtlety. The proposed dormer conflicts with LP policies DG1, H14, CA2 and the aims of S72 (1) of the Act; there would not be preservation of the character or appearance of the Conservation Area. In the tight urban environment and with the distances and orientation involved, and most meaningful outlook being down the rear garden, the roof level works would markedly impinge upon existing vistas, daylight or any sense of space. Privacy; obscure glazing and opening restrictions via a planning condition for the side facing en-suite window would deal satisfactorily with that and the built-up local context is one of mutual inter-visibility in any event. The scheme would not run contrary to policy H14 in regards to living conditions. The appeal proposal would not have unacceptable adverse effects on living conditions for neighbours it certainly would have for the character and appearance of the host property and the locality.

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**Appeal Ref.:** 18/60080/ENF **Enforcement Ref.:** 17/50166/ENF **Plns Ref.:** APP/T0355/C/17/3188530

**Appellant:** MR Finlan McKillop **c/o Agent:** Mr Tom Mcardle Pike Smith And Kemp Rural The Old Dairy Hyde Farm Maidenhead Berkshire SL6 6PQ

**Decision Type:** **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice: Without planning permission the importation and distribution of materials, including but not limited to brick rubble and Type 1 MOT (granular sub base material) to facilitate the formation of hardstanding and an access track. Without planning permission the use of land for the siting of storage containers and storage of waste materials.

**Location:** Crown Farm Eton Wick Road Eton Wick Windsor SL4 6PG

**Appeal Decision:** Withdrawn **Decision Date:** 25 July 2018

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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