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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 12TH SEPTEMBER, 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 - Issued: 4 September 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 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning'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 at http://www.rbwm.gov.uk/pam/search.jsp	9 - 54
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	55 - 56
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 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"	

PART II - PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
7.	<u>MINUTES</u> To confirm the Part II minutes from the previous meeting. <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(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	57 - 58

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, 15 AUGUST 2018

PRESENT: Councillors Phillip Bicknell (Vice-Chairman), John Bowden, Jesse Grey, Eileen Quick Jack Rankin and Samantha Rayner

Officers: Ashley Smith, Wendy Binmore and Neil Allen

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexander, M. Airey and Da Costa.

DECLARATIONS OF INTEREST

Cllr S. Rayner – Declared a Personal Interest in item 7. Cllr Rayner confirmed she attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 18 July 2018 be approved.

PLANNING APPLICATIONS (DECISION)

18/01364 My Hybert: Retention of a fence along the front and right hand boundary of the front courtyard at 6 Turks Head Court, Eton, Windsor SL4 6AL – **THE PANEL VOTED UNANIMOUSLY to grant retrospective planning permission to retain the fence as per the Head of Planning's recommendations.**

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100 (A)(4) of the Local government Act 1972, the public can be excluded from the remainder of the meeting whilst discussion takes place on item 9 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.

The meeting, which began at 7.00 pm, finished at 7.10 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

12th September 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.** 18/00753/OUT **Recommendation** WA **Page No.** 11

Location: 9 - 11 Imperial Road Windsor

Proposal: 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.

Applicant: Mr Collett **Member Call-in:** **Expiry Date:** 27 April 2018

Item No. 2 **Application No.** 18/01302/FULL **Recommendation** PERM **Page No.** 32

Location: Dedworth Middle School Smiths Lane Windsor SL4 5PE

Proposal: Erection of 3 x new lighting columns and 3 x additional light fittings to the existing columns on the netball/tennis courts.

Applicant: Royal Borough Of Windsor & Maidenhead **Member Call-in:** Not applicable **Expiry Date:** 14 September 2018

Item No. 3 **Application No.** 18/01937/FULL **Recommendation** REF **Page No.** 42

Location: Land To Rear of 54 To 60 Clewer Hill Road Windsor

Proposal: Construction of 1 x 2 bed and 1 x 1 bed residential unit following the demolition of garages and stores.

Applicant: Mr Gray **Member Call-in:** **Expiry Date:** 4 September 2018

Appeals decision report

Page No. 55

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 September 2018

Item: 1

Application No.:	18/00753/OUT
Location:	9 - 11 Imperial Road Windsor
Proposal:	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.
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer East Ward
If you have a question about this report, please contact: Sian Saadeh on 01682 796164 or at sian.saadeh@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application was deferred by the Panel at the 20th June meeting. The reason for deferral related to highway concerns regarding the safety of the proposed access. The original report on the application is attached as Appendix 1 and sets out a full assessment of the proposal. This addendum report focuses on the reasons for deferral and additional information submitted since 20th June.
- 1.2 Since the deferral, the applicant has submitted an appeal against non-determination to the Planning Inspectorate. The Panel is therefore asked to confirm what their recommendation would have been if the Council was still able to determine the application.
- 1.3 Officers consider that the proposed access would be acceptable and it is still recommended that outline planning permission be granted.

It is recommended the Panel confirms that it would have resolved to grant planning permission with the conditions listed in Section 6 of this report.
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2. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 2.1 The revised National Planning Policy Framework was published on 24th July. The following sections are relevant to the determination of this applications: 2, 4, 5, 9, 11 and 12.
- 2.2 The other relevant policies and the assessment of the application remain as set out in the original report, attached as Appendix 1.

3. ADDITIONAL INFORMATION RECEIVED

- 3.1 Since the application was deferred by the Panel, the applicant has provided a final drawing showing relevant visibility splays and an additional letter from their Transport Consultant. Both documents are attached to this report as appendix 2.

4. RESPONSE TO ADDITIONAL INFORMATION RECEIVED

- 4.1 All additional information received has been reviewed by the Highway Authority who have confirmed that it is acceptable.
- 4.2 The proposed access involves the remodelling of an existing access onto Imperial road. The main consideration is whether or not it would be safe for future users of the development and the surrounding highway network given the increase in vehicles that would be using this access.
- 4.3 Officers had originally expressed a concern regarding vehicles travelling north along Imperial Road and wanting to turn right into the site and vehicles wanting to turn right from the site. It was following this concern that a road safety audit was carried out by the applicant. The road safety audit found that the only potential issue related to controlling landscaping and vegetation within the site so that appropriate visibility splays are maintained. Officers accepted the conclusions of the original report and raised no objection to the scheme. Condition 14 is recommended to control the landscaping and ensure the acceptable visibility splays are maintained.
- 4.4 Following the deferral of the application, further discussion was had with the Highway Authority. Whilst a further road safety audit could be carried out at different times, it is not considered that this would result in different conclusions. This is because the likely queuing of vehicles from the roundabout at peak times would mean that the vehicle speeds would naturally be lower.
- 4.5 Consideration has also been given to installing an island or right turn lane but engineers confirmed this would not be possible in this location. The applicant has suggested they could place signage within the application site stating that there are no right-turns from the site. However, this would not be possible to enforce for the Highway Authority.
- 4.6 The proposed visibility splay drawing indicates anti-skid paint on the highway outside the proposed access. As this is not within the application site and is on the public highway, these works do not form part of the application proposal. The Highway Authority has not requested that such paint or markings are carried out in order to make the proposal acceptable in planning terms and so it would not be reasonable to require the applicant to carry them out as part of any planning permission.
- 4.7 Based on the above and the assessment set out in the appended original report, officers consider that the proposed access is acceptable and would be safe. The proposal would comply with the relevant policies of the development plan.

5. APPENDICES TO THIS REPORT

- Appendix 1 – Panel Report 20th June 2018
- Appendix 2 – Visibility splay drawing and Transport Consultant Letter
- Appendix 3 – Application Drawings

6. CONDITIONS THAT WOULD HAVE BEEN RECOMMENDED FOR INCLUSION IF PERMISSION HAD BEEN GRANTED BY THE LPA

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. These shall include:- Results of intrusive ground investigations and infiltration rates determined with reference to BRE Digest 365 demonstrating whether infiltration to ground is practical.- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.- Supporting calculations confirming pre-development and post development runoff rates and any attenuation storage volume to be provided.- Agreement in principle from the sewerage undertaker, if connection to the public surface water drainage system is necessary.- Details of the maintenance arrangements relating to the proposed surface water drainage system. No part of the development hereby approved shall be occupied until the surface water drainage scheme has been implemented in accordance with the details approved under the terms of this condition. The surface water drainage system shall be maintained in accordance with the approved details thereafter.
Reason: To ensure the development does not increase the risk of flooding onsite or elsewhere in the locality. Relevant policy: Paragraph 103 of the NPPF.
- 4 Prior to the commencement of any works of demolition or construction a 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 development shall be carried out in accordance with the plan approved as part of this condition at all times, for the duration of the works necessary to implement this planning permission.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Saved Local Plan policy T5.
- 5 No part of the development hereby approved shall be occupied until a scheme of works providing for the stopping up of existing northern access to the site, together with the reinstatement of relevant footways and verges has been submitted to and approved in writing by the Local Planning Authorities. No part of the development shall be occupied until the works have been carried out in full in accordance with the details approved under the terms of this condition.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Saved Local Plan T5, DG1.
- 6 No part of the development shall be occupied until the access to the site has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the approved details.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Saved Local Plan T5, DG1
- 7 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 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 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.

- 10 The buildings shall not be occupied until the windows on the side elevation of the building facing Almond Close and the side elevation of the building facing 13 Imperial Road have been fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be retained as such thereafter.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Saved Local Plan H14.

- 11 No development above ground floor level shall take place until further details of noise mitigation measures as recommended in the Noise Impact Assessment provided by Venta Acoustics have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the noise mitigation measures approved under the terms of this condition have been installed, and once installed shall be retained thereafter.

Reason: To ensure a satisfactory level of amenity for all future residents of the development. Relevant Policies - Saved Local Plan NAP2.

- 12 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.

- 13 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 14 No part of the development shall be occupied until the visibility splays shown on the approved drawing (JG01 visibility splay plan dated 02/07/18) have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

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

DEVELOPMENT CONTROL PANEL

20 June 2018

Item: 3

Application No:	18/00753/OUT
Location:	9 - 11 Imperial Road Windsor
Proposal:	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.
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer East Ward

If you have a question about this report, please contact: Sian Saadeh on 01682 796164 or at sian.saadeh@rbwm.gov.uk

1. SUMMARY

- 1.1 This outline application is for part of the site where a larger development has recently been granted planning permission on appeal. This application is for a smaller development on the site of only 9-11 Imperial Road. Taking into account the conclusions of the Appeal Inspector for the larger development and the consideration of this proposal, it is recommended that planning permission is granted subject to the conditions listed at the end of this report. Weighing up the conclusions drawn by the Inspector, the proposed development is considered to be acceptable in terms of its impact on the character of the area and the amenity of neighbouring occupiers. Its impact in terms of all other development management considerations are either acceptable or can be managed by conditions. The appearance and landscaping associated with the development would be considered in a future reserved matters application.

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 corner of the roundabout of Imperial Road and Goslar Way. At present the frontage of the site onto the roundabout is elevated above an underpass and is screened by dense vegetation. The site is irregular in shape and comprises two residential dwellings and their gardens – 9 and 11 Imperial Road - that are proposed to be demolished.
- 3.2 The surrounding area is predominantly suburban and residential in character comprising a variety of housing types. Bungalows are located to the rear of the application site within Almond Close and the streets beyond consist of largely 2 storey detached and semi-detached dwelling houses. There are a number of recent high-rise developments on the Goslar Way roundabout that vary in height from 2-5 storeys and include blocks of flats.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This planning application seeks outline consent for the erection of 2 x two bedroom houses and 10 x one/two bedroom apartments following the demolition of the existing buildings on site. Access, layout and scale are to be considered within the scope of this outline application although landscaping and appearance would be dealt with through a reserved matters application. Access is proposed to be taken off Imperial Road. The proposed buildings would range between 1.5 and 3 storeys in height. The dwelling houses would be attached to the main

block which would provide the apartments. The block would be located to the west of 4 Almond Close and to the north of 13 Imperial Road.

4.2 The indicative site layout shows landscaping and gardens addressing the roundabout and Imperial Road with a parking forecourt being located to the southern end of the site

4.3 The table below provides a summary of the site's planning history:

Reference	Description	Decision & Date
16/03864/FULL	Demolition of 3 existing dwellings on the site and the erection of 2 x 4 bed dwellings 1 x 2 bed dwellings, 12 x 2 bed apartments and 2 x 1 bed apartments with vehicular access from Almond Close, and part demolition and enlargement of No. 3 Almond Close.	Refused 17th March 2017
17/01296/FULL	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	Refused 8 th July 2017 Appeal Allowed
17/03740/OUT	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.	Decision pending

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 4, 6, 7 and 10

Royal Borough Local Plan

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

Issue	Local Policy	Plan
Design in keeping with character of area	DG1	
Acceptable impact on appearance of area	DG1, H10, H11	
Acceptable impact when viewed from nearby occupiers	H10, H11	
Maintains acceptable level of privacy for nearby residents	H10, H11	
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11	
Acceptable impact on highway safety	T5	
Sufficient parking space available	P4	
Does not increase flood risk	F1	
Acceptable impact on trees important to the area	N6	

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Housing Density	HO5

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.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2 and SP3 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 and HO5 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i) Principle of development;
- ii) Housing Mix and Tenure;
- iii) Impact on the character of the area;
- iv) Impact on the amenity of neighbouring residents;
- v) Amenity of future occupiers;
- vi) Highways Issue;
- vii) Flood risk & Surface Water Drainage;

viii) Trees and Landscaping.

ix) Environmental Health

i Principle of Development

6.2 The site is located within the built-up area of Windsor and the site is already in residential use. The provision of additional residential units would comply with saved policy H6 of the Local Plan, which is supported by the NPPF and aims to significantly boost the supply of housing. The principle of the development proposed is therefore acceptable subject to all the development management considerations listed below being satisfactorily addressed.

ii Housing Mix & Tenure

6.3 Policy H8 supports proposals that contribute towards improving the range of housing accommodation in the Borough, including dwellings for small households. The mix of different sized units proposed within this application is considered acceptable.

6.4 The proposal results in a net increase of 10 units and the site area is under 0.5 ha. The development would be under the threshold whereby provision of affordable housing as required by Local Plan policy H3.

iii Impact on Character of the Area

6.5 Saved Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. The policy refers to the use of a variety of building types, materials, means of enclosure, surface treatment and landscaping to create visual interest. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area.

6.6 Appearance is not to be considered as part of this application but the scheme's impact on the character of the area when considering its scale and layout should be considered and fully assessed. The conclusions drawn have been influenced by the recent appeal decision where permission was granted.

6.7 The layout of the proposed development is similar to the appeal scheme, albeit on a reduced site. The buildings are in largely same location and are of similar form although they have been reduced in height. The car parking is relocated to take account of the access being proposed from Imperial Road but the overall layout of a parking court is consistent with the appeal scheme.

6.8 The inspector determining the recent appeal concluded that those proposals would reflect the existing pattern of development around the Goslar Way roundabout and noted that a successful transition with the surrounding residential area would be achieved whereby no harm would arise to views of the site from surrounding roads. Given that the differences between that scheme and these have reduced the scale of development, it would be unreasonable to reach a different conclusion. The impact of the proposed development upon the character of the area is thus considered to be acceptable and in accordance with Saved Local Plan policies DG1, H10 and H11 as well as emerging Borough Local Plan submission version policies SP2 and SP3.

iv Impact on the amenity of surrounding residents

6.9 Considering the proposed development's impact on the occupiers of Almond Close, whilst there would be some overlooking of the garden areas closest to the proposed building this would be from a significant distance and at such an angle whereby there would be no material harm to the living conditions of the occupants of this building. Final details of the proposed internal layouts would form part of the design reserved matters application. However, subject to conditions ensuring that all windows in the side elevations closest to the neighbouring properties are

obscure glazed and fixed shut (except for a top opening) would ensure no harmful loss of privacy to neighbouring properties on Almond Close or Imperial Road.

- 6.10 As identified by the Inspector determining the recent appeal, the site's surroundings are already subject to a degree of mutual overlooking between residential properties and the bulk of the development would be sufficiently set back from neighbouring properties whereby any loss of privacy, over and above the current arrangement, would not amount to material harm to the living conditions of neighbouring occupiers.
- 6.11 Given the reduced site compared to the appeal scheme, a significant difference is the relationship with 3 and 4 Almond Close. The scale of the proposed development reduces significantly close to this boundary so that it is comparable with the existing buildings on neighbouring sites. Whilst there would be a change to the outlook from these properties, given the position of the buildings relative to one another it is not considered that the proposal would result in a materially harmful loss of light or sense of enclosure. The proposed development is sufficiently distant from other properties to ensure it would not lead to any loss of light, overshadowing or overbearing impact.
- 6.12 When considering the potential for noise and disturbance arising from the more intensive use of the site, the Inspector concluded that any noise from cars and pedestrians would be intermittent and would be experienced in the context of the existing road noise arising from Imperial Road and the busy roundabout. Light pollution from headlights would also be intermittent and is not unusual in a built-up area. There is no reason why a different conclusion would be arrived at in the determination of the current application and so the intensification of activity would not warrant the refusal of this application in this instance.
- 6.13 A Noise Assessment has been submitted in support of this planning application. Subject to a condition to secure acoustic fencing along noise sensitive boundaries there is no reason why the proposed development should be harmful to the amenities of existing or future occupiers when considering the potential for noise and disturbance arising from the adjacent roads.

v Amenity of future occupiers

- 6.14 No floorplans have been provided in support of the current application as the appearance will be determined in a future reserved matters application. The Design & Access Statement however indicates that the proposed dwellings will be of reasonable size and, at this stage, an acceptable arrangement could be achieved. The scheme also offers the potential for private and communal amenity space to be provided.
- 6.15 In the context of previous applications on the site, there was some concern in respect of the flats on the north and west elevation, and potential for noise disturbance from the road, as several of the bedroom windows are located on elevations facing the roads. The internal layout of the flats can be assessed in the context of a future application to ensure that there would be no harmful internal and external noise disturbance would arise.
- 6.16 In conclusion when considering the proposed development's impact on the amenity of future occupiers and their quality of life, the development proposals are in accordance with paragraph 17 bullet 4 of the NPPF.

vi Highways Issues

- 6.17 Imperial Road is classified as the B3173. The site currently benefits from having a vehicular access off Imperial Road and Almond Close. The plans submitted show that the existing northern access from Imperial Road will be stopped up and the southern one retained and widened.
- 6.18 Concerns were raised regarding the additional traffic using this access and the potential impact it would have on Imperial Road and the surrounding highway network. Further supporting information was submitted by the applicant and reviewed by the Highway Authority. This has demonstrated that the access could operate safely provided visibility splays are maintained. A condition is recommended to ensure that visibility is maintained.

Parking Provision/requirement

- 6.19 The 12 residential units are provided with 16 car parking spaces; 1.3 spaces per unit. This is an under provision for policy requirements for a development. However, give the Inspectors conclusions on comparable levels of parking for the recent appeal scheme, this is considered to be acceptable.

Traffic Generation

- 6.20 The proposed development as a whole has the potential to generate 50 to 100 vehicle movements per day. As noted above, further information (a road safety audit) has been submitted by the applicant which demonstrates this level of traffic could be accommodated safely on the highway and the access.

Cycle & Refuse Provision

- 6.21 Cycle storage details are required to ensure that the storage meets the Council's requirements yet this can be secured by way of condition. Refuse store arrangements are also unknown although once again this can be secured by condition. The layout of the site would be able to accommodate adequate cycle and refuse storage.

Highways Conclusion

- 6.22 Being mindful of the conclusions of the recent appeal and evidence submitted in relation to this application, there are no objections to the development proposals on highways grounds subject to the use of appropriate conditions.

vii Flood Risk and Surface water drainage

- 6.23 The site is located in Flood Zone 1. A drainage strategy has been provided although the LLFA require additional details in respect of infiltration techniques and attenuation storage volumes. In the context of the recent appeal, the Inspector was satisfied that a surface water drainage scheme could appropriately be dealt with by a condition. There is no reason to draw a different conclusion in the context of the current planning application.

viii Trees and Landscaping

- 6.24 Whilst the Trees & Landscape Officer has expressed reservations as to whether meaningful levels of structural planting can be accommodate on the site, being mindful that landscaping is a reserved matter and the Inspector considering the earlier appeal raised no concern in respect of this issue it would be unreasonable to recommend refusal on this basis. Subject to details being considered in a future reserved matters application, the proposals are not considered to be in conflict Saved Local Plan policies H10 and N6.

ix Environmental Health

- 6.25 The Environmental Health Officer raises no objection to the development proposals subject to the use of a condition to ensure compliance with the recommendations contained within the submitted noise assessment and informatives in respect of dust and smoke.

x Other Material Considerations

Housing Land Supply

- 6.26 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, the Council formally submitted in January 2018. 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.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule. Given that this application is outline the CIL charge cannot be determined at this stage. The liability would be calculated at the Reserved Matters application stage. It would however be chargeable at a rate of £240 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 39 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site and the application was advertised in the Maidenhead & Windsor Advertiser on 29th March 2018.
- 8.2 As a result of the public consultation 7 letters were received objecting to the proposed development. The nature of the concerns raised is summarised below:

Comment/Issue/concern	Where in the report this is considered
1. Highway/pedestrian safety	6.17-6.22
2. Congestion/increased traffic	6.17-6.22
3. Building Height/scale/layout/density	6.5-6.8
4. Construction disturbance	Not a planning consideration
5. Privacy	6.9-6.13
6. Loss of light/overshadowing	6.9-6.13
8. Inadequate car parking	6.17-6.22
9. Design/appearance/character	6.5-6.8 This will be fully assessed in the context of a reserved matters application
10. Natural disaster risk/flooding	6.23
11. Noise/intensification of activity	6.12
12. Duplicate applications waste of money/resources	The LPA is obliged to determine submitted applications. Applicant pays a fee for each application to be considered
13. Air Quality/pollution	No Air Quality Assessment was required by Environmental Health. The level of increased traffic would not give rise to a material increase in pollution.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions	6.17-6.22
Trees & Landscape	No objection subject to conditions	6.24
LLFA	No objection subject to conditions	6.23
Environmental Protection	No objection subject to conditions/informatives	6.25
Access Advisory Committee	Insufficient info to assess accessibility for people with disabilities	This level of information would be provided at a reserved matters application stage and will in part be considered by building regulations

9. APPENDICES TO THIS REPORT

- Appendix A – Location & Site Plan
- Appendix B – Front & side elevation
- Appendix C – South & east side elevation

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. These shall include:- Results of intrusive ground investigations and infiltration rates determined with reference to BRE Digest 365 demonstrating whether infiltration to ground is practical.- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, coverlevels and relevant construction details.- Supporting calculations confirming pre-development and postdevelopment runoff rates and any attenuation storage volume to be provided.- Agreement in principle from the sewerage undertaker, if connection to the public surface water drainage system is necessary.- Details of the maintenance arrangements relating to the proposed surface water drainage system. No part of the development hereby approved shall be occupied until the surface water drainage scheme has been implemented in accordance with the details approved under the terms of this condition. The surface water drainage system shall be maintained in accordance with the approved details thereafter.
Reason: To ensure the development does not increase the risk of flooding onsite or elsewhere in the locality. Relevant policy: Paragraph 103 of the NPPF.
- 4 Prior to the commencement of any works of demolition or construction a 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 development shall be carried out in accordance with the plan approved as part of this condition at all times, for the duration of the works necessary to implement this planning permission.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Saved Local Plan policy T5.
- 5 No part of the development hereby approved shall be occupied until a scheme of works providing for the stopping up of existing northern access to the site, together with the reinstatement of relevant footways and verges has been submitted to and approved in writing by the Local Planning Authorities. No part of the development shall be occupied until the works have been carried out in full in accordance with the details approved under the terms of this condition.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Saved Local Plan T5, DG1.

- 6 No part of the development shall be occupied until the access to the site has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the approved details.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Saved Local Plan T5, DG1
- 7 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 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 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.
- 10 The buildings shall not be occupied until the windows on the side elevation of the building facing Almond Close and the side elevation of the building facing 13 Imperial Road have been fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be retained as such thereafter.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Saved Local Plan H14.
- 11 No development above ground floor level shall take place until further details of noise mitigation measures as recommended in the Noise Impact Assessment provided by Venta Acoustics have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the noise mitigation measures approved under the terms of this condition have been installed, and once installed shall be retained thereafter.
Reason: To ensure a satisfactory level of amenity for all future residents of the development. Relevant Policies - Saved Local Plan NAP2.
- 12 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.
- 13 The Development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 14 No part of the development shall be occupied until the visibility splays shown on the approved drawing (JG01 visibility splay plan dated 02/07/18) have been provided. The areas within these

splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

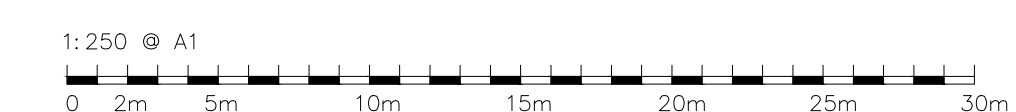
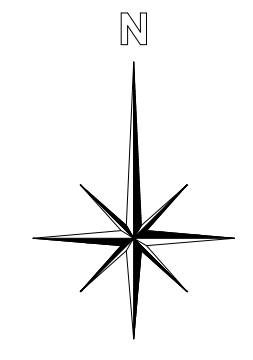
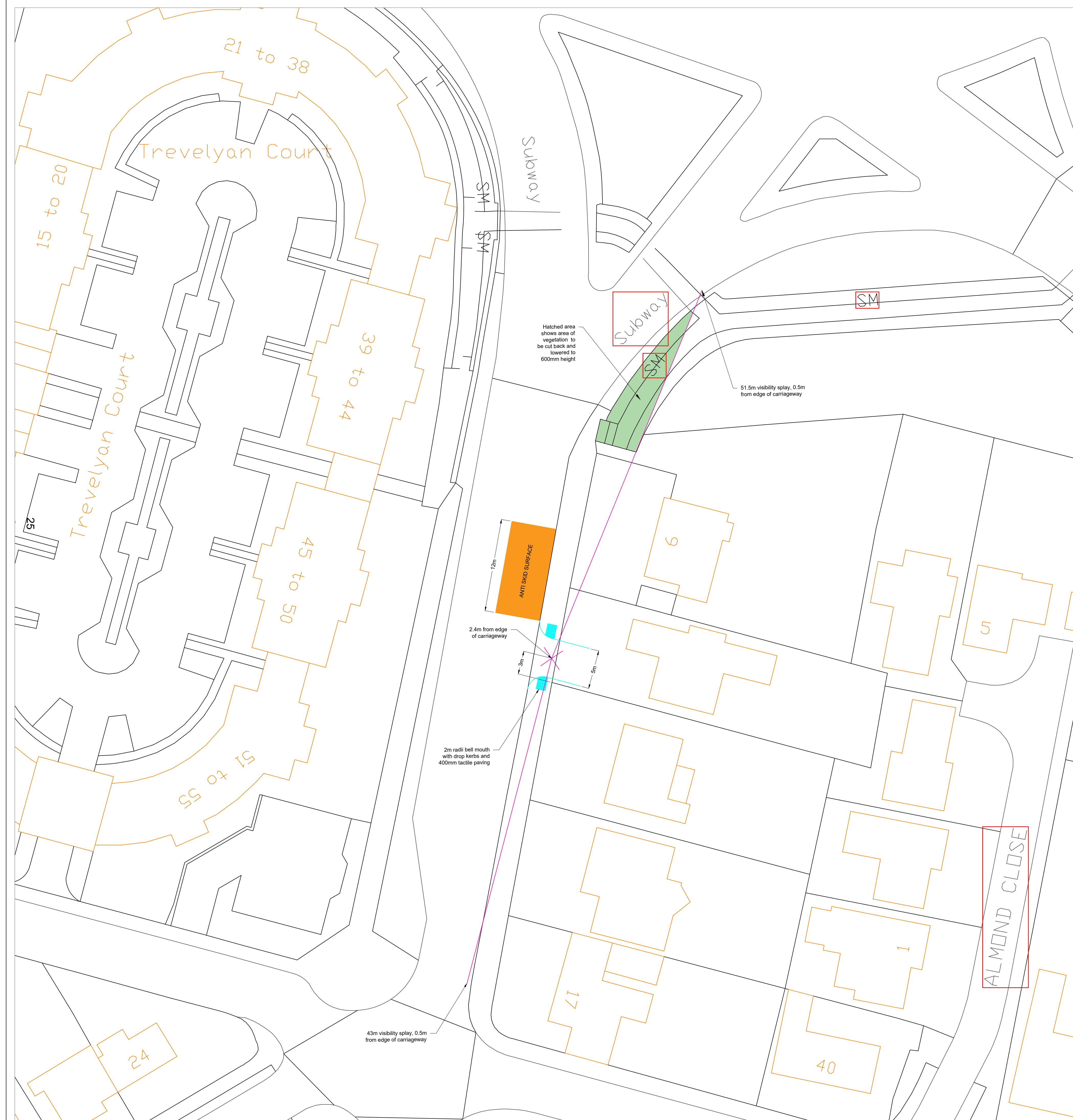
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>

DATE:	02.07.18
JOB NO:	JP.29.18
REV:	--
DRAWN BY:	JG
CHECKED BY:	JP
SCALE:	1:250 @ A1
DRAWING NO:	JG01

- NOTES**
1. The contractor shall not scale off the drawing for constructional purposes, only figured dimensions shall be worked from.
 2. All dimensions and levels to be checked on site by the contractor before commencement of any work and any discrepancies to be reported to the transport & highways consultant.
 3. The drawings/information used are to be cross referenced where necessary with other relevant consultants information. If in doubt please ask!
 4. All drawings remain the copyright of Jon Pearson, Transport & Highway Consultant.
 5. Documents/drawings transferred electronically are not to be altered without prior consent.
 6. Printed drawings not valid in black and white.

AMENDMENTS



Castlemere Developments
19 York Road,
Maidenhead,
Berkshire

1st July 2018

Via Email Only

FAO Kris Collett

Dear Kris,

Response to Highway Concerns Raised by Planning Committee re Imperial Road, Windsor - 18/00753/OUT - JP.29.18

Thank you for your recent email and phone conversation regarding the above.

It would appear that some committee members were concerned regarding the highway safety elements of the proposed development at Planning Committee on 20th June 2018.

The proposed access was considered by Windsor & Maidenhead Highway Development Control and whilst in the main content with the submission, requested a Road safety Audit (RSA). The RSA was completed by an independent auditor who determined that there were no highway safety issues. Some concern was raised by committee members regarding the time of day the RSA was undertaken, with traffic being lighter than during the peak flows? Less traffic relates to higher speeds as queuing or platooned vehicles travel far slower. The timing of the RSA was in fact 'worse case'. RSA's are carried out by highly trained, independent auditors, who work to a defined set of requirements and criteria.

Following the concerns raised by some members of the planning committee I have fully re-examined the proposed access in conjunction with the adjacent highway and specifically the proximity to the roundabout. I concur with the findings of the RSA and cannot identify any issues which specifically require attention. One thought, which would assist braking of any approaching vehicle exceeding the speed limit excessively, would be to lay an area of coloured anti-skid surfacing on the carriageway immediately before the proposed access. In addition to aiding braking the coloured surface would clearly indicate and in fact highlight, the new access location.

As you are aware there are two existing accesses to the site which do and have, operated in a safe manner over the years with no recorded associated collision data despite having restricted emerging visibility due to a high fences. The new access will be a single access rather than two, a highway safety improvement to both emerging visibility for drivers exiting the site and forward visibility for approaching southbound drivers. Occasional use of an access or junction can be less safe than a well-used access or junction due to regular passing drivers not normally anticipating meeting an exiting vehicle as they exit the roundabout southbound.

Whilst there is no way to enforce, it would also be possible to erect a 'no right turn' sign within the site, advising exiting drivers?

In summary, after detailed re-examination it is felt that the proposed access is fully compliant with government guidance, actually exceeding emerging visibility requirements, is a highway safety improvement over the existing substandard accesses and has been approved at RSA.

I would be more than happy to discuss further if required.

Yours sincerely,

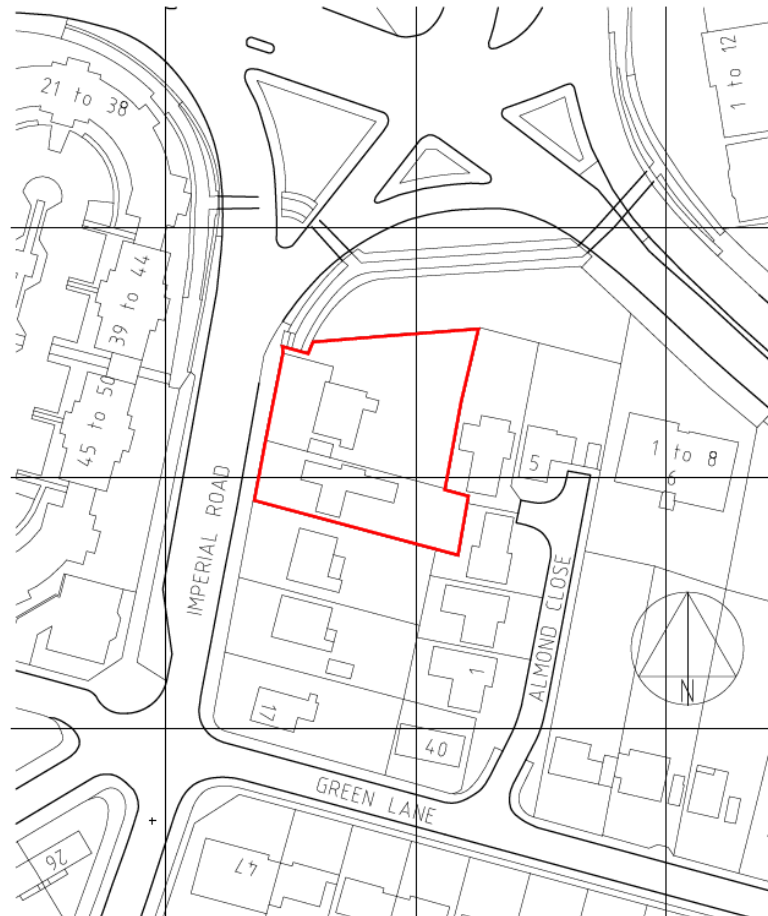
A handwritten signature in black ink, appearing to read 'Jon Pearson', with a stylized flourish at the end.

Jon Pearson FIHE

Jon Pearson Ltd

Appendix A

Location and Site Plans

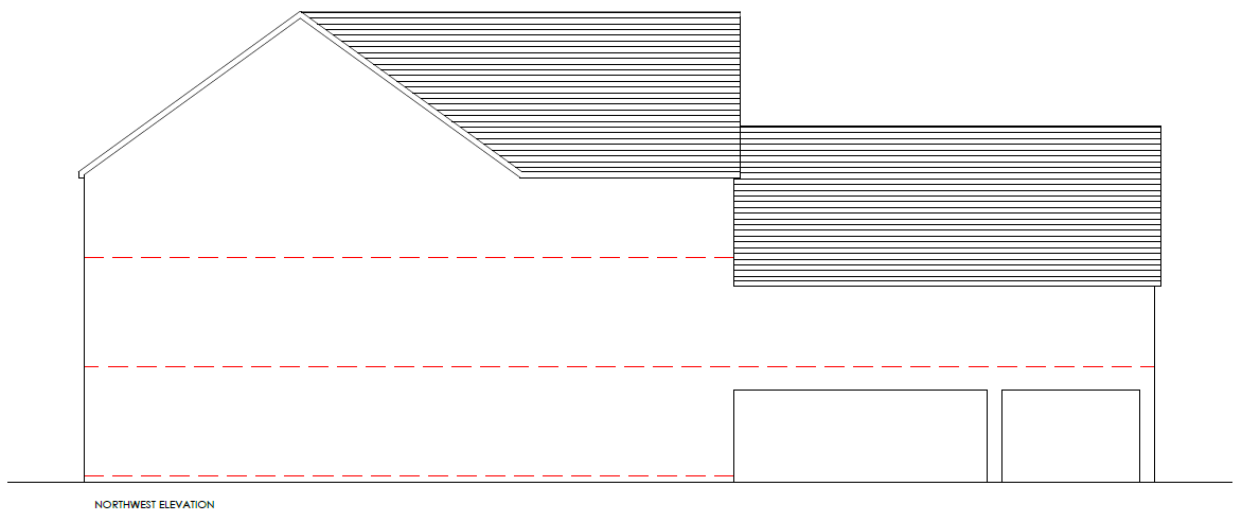
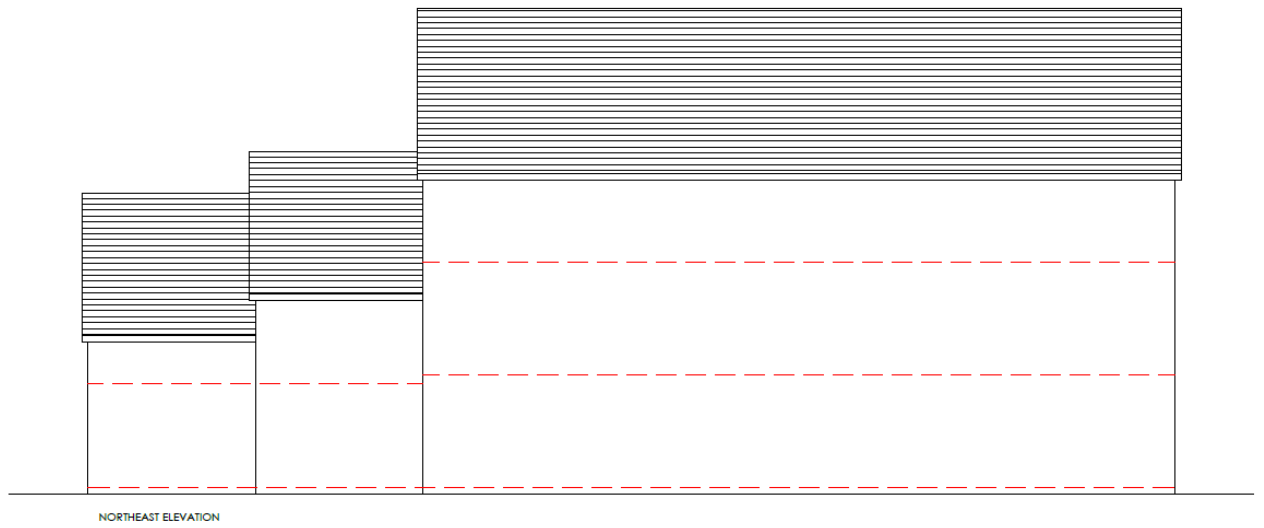


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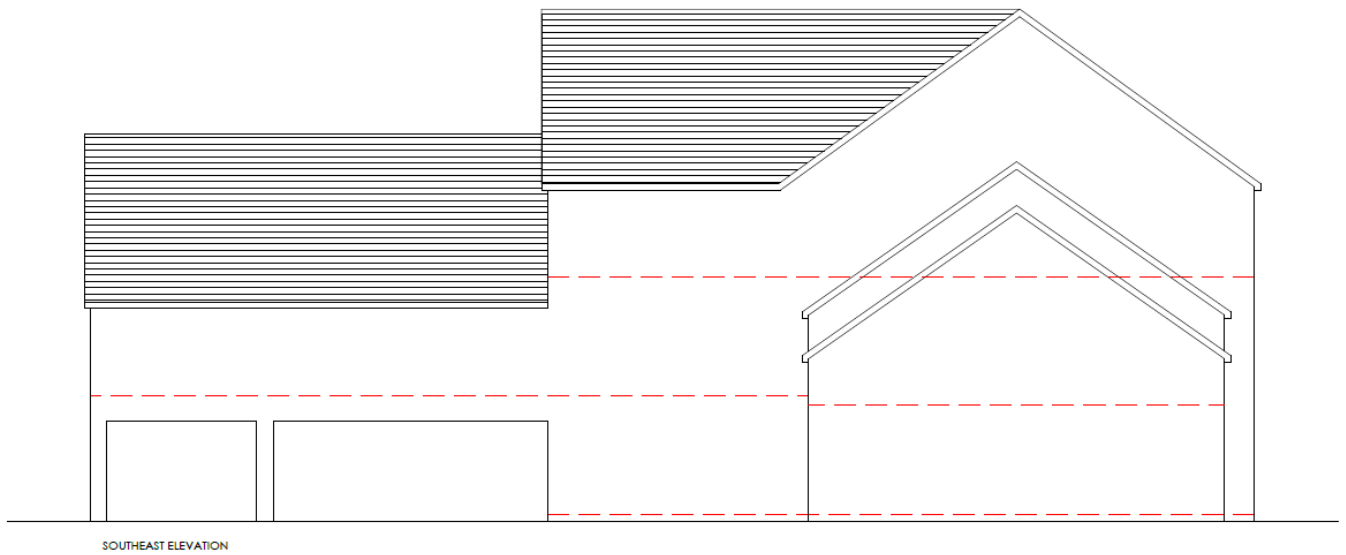
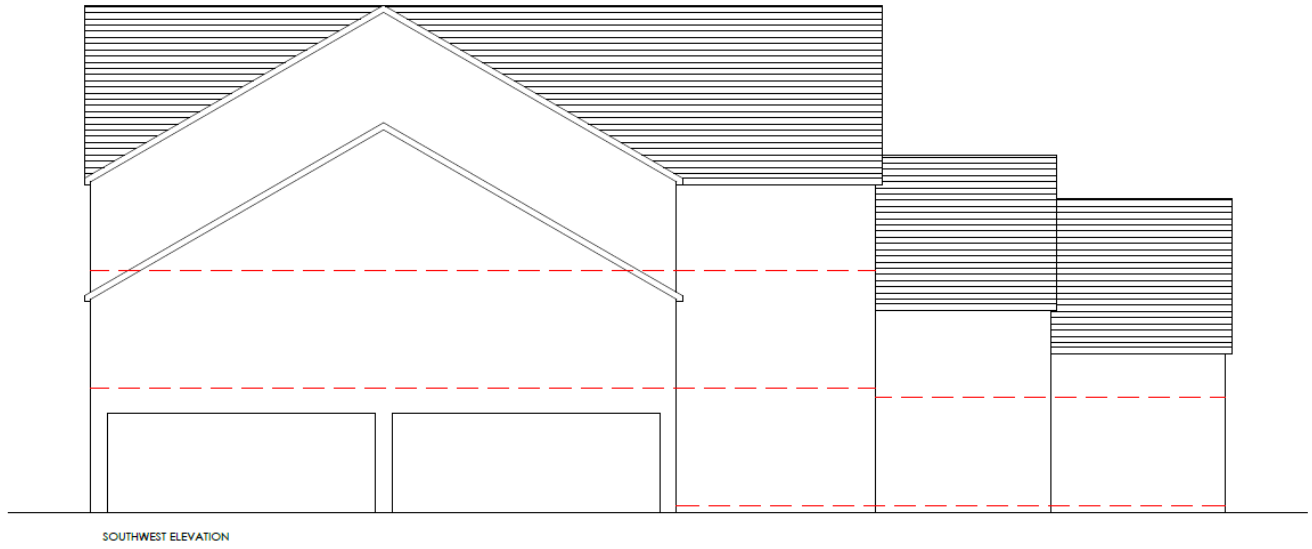
Appendix B

Front and side elevations



Appendix C

Rear and side elevations



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 September 2018

Item: 2

Application No.:	18/01302/FULL
Location:	Dedworth Middle School Smiths Lane Windsor SL4 5PE
Proposal:	Erection of 3 x new lighting columns and 3 x additional light fittings to the existing columns on the netball/tennis courts.
Applicant:	Royal Borough Of Windsor & Maidenhead
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer North Ward
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed lighting columns and floodlights to illuminate the existing tennis/netball courts, are considered to be acceptable.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises part of a school playing field. The netball/tennis courts are adjacent to the all-weather (3G) football pitch. There are residential properties surrounding the school playing fields.
- 3.2 The site is not in the Green Belt and not within an area liable to flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The site proposes 3 new 10 metre high lighting columns with floodlights and 3 new floodlights (attached to existing columns) to illuminate existing tennis/netball courts. The drawings of the masts show one LED light at the top of each mast.

4.2 History

16/00907 - Construction of synthetic turf pitch, flood lighting, fencing, drainage and ancillary works. Permission granted 6/12/2016.

17/01437 – Construction of a part single storey building (new Sports Hall) and a part two storey building (teaching block), new hard and soft landscaping works, and new staff car parking area to replace existing hard play area. Permission granted 28/12/2017.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 2, 4 and 12

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1	P4, T5

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3

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.

5.4 It is considered that significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

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

Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character of the area and neighbouring properties
- ii Impact on trees

i Impact on the character of the area and neighbouring properties

- 6.2 The proposal is for floodlighting to the existing enclosed tennis/netball courts. The proposal is to provide additional lights on 3 of the existing lighting columns (serving the all-weather (3G) pitch) and to provide 3 new steel lighting columns with new lighting on the other side of the side of the tennis courts/netball courts. The new lighting would illuminate the existing enclosed tennis/netball courts. The new columns would consist of steel and be 10 metre in height which would match the height of the existing columns (on the all-weather pitch). Each new light column would have a single LED light.
- 6.3 The site is not in the Green Belt. Policy R8 of the Local Plan advises that the Borough Council will permit development for public or private recreation use except where such development would result in significant environmental or highway problems or where it would conflict with any other policies of the plan. In the explanatory text at paragraph 3.2.21 the Local Plan advises that consideration will be given to any possible harm to the amenities of neighbouring properties when assessing proposals which are likely to result in excessive noise or traffic generation or which require floodlighting.
- 6.4 The tennis/netball courts are located centrally within the Dedworth school site and immediately adjoining the existing floodlit all weather pitch. The site is some considerable distance from residential properties. The proposed floodlights would be at least 60 metres from the rear boundaries of properties in Smiths Lane, approximately 90 metres from the rear boundaries of properties in Longmead and Knights Close. The lighting drawing indicates the light spillage beyond the tennis/netball courts will be minimal.
- 6.5 Given that there is existing illumination to the adjacent all weather pitch, it is considered that the currently proposed additional floodlighting would not cause any significant additional impact to the character of the surrounding area or to the amenities of neighbouring properties.
- 6.6 The Environmental Protection team raises no objection on the basis that the installation will be carried out in accordance with the manufacturer's instructions.
- 6.7 There do not appear to be any restriction on the hours of use of the tennis/netball courts. However, the condition on application 16/00907 (for the all-weather 3G pitch) restricts the hours of illumination and use to between 08:00 until 21:00 each day of the year. Furthermore, the condition requires the lighting system to be turned off by an automatic time clock after the hours of 21:00 until 08:00 on each day of the year. As the tennis/netball pitches are existing it is not considered appropriate to restrict the hours of use but it is considered appropriate and consistent to impose a condition to restrict the hours of illumination in the same way as on 16/00907. Condition 2 is recommended for that purpose.

ii Impact on trees

- 6.8 There are number of trees along the eastern boundary of the tennis/netball courts including a couple of birch trees and a cherry tree. The proposed masts and trenching to provide the power supply, are likely to cause damage or necessitate the removal of these existing trees. To mitigate for this loss, additional tree planting is proposed elsewhere on the school site. This tree planting would consists of a total of 8 new trees. The Tree strategy plan Rev A, shows the positions for the proposed tree planting.
- 6.9 The Tree Officer has advised that a condition will need to be applied to cover tree planting details as a full planting specification will need to be submitted and approved. Condition 3 is recommended to address this.

iii Highway and Parking

- 6.10 The Highway Officer offers no objection, commenting that the existing netball/tennis courts are within the centre of the Dedworth Middle School site, the new lighting columns (positioned correctly) will not have an effect on the surrounding roads (Smiths Lane, Longmead, Gallys Road and Dedworth Road).

Other material considerations

- 6.11 As the floodlighting is for 'existing' tennis/netball courts, a community use agreement would not be required in this instance. A community use agreement was required in conjunction with the synthetic turf (all weather) pitch with flood lighting, approved under 16/00907/FULL and for the new sports hall approved under 17/01437/FULL, as these were completely new facilities on the school playing field and were subject to consultation with Sport England.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

76 occupiers were notified directly of the application.

The planning officer posted a site notice near the entrance to the school site on Monday 14th May.

No letters were received supporting the application.

No letters were received objecting to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	No objection	See paragraph 6.10

Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection Officer	No objection.	See paragraph 6.6
Council's Tree Officer	No objection. Landscaping condition suggested	See paragraph 6.8 and 6.9

8. APPENDICES TO THIS REPORT

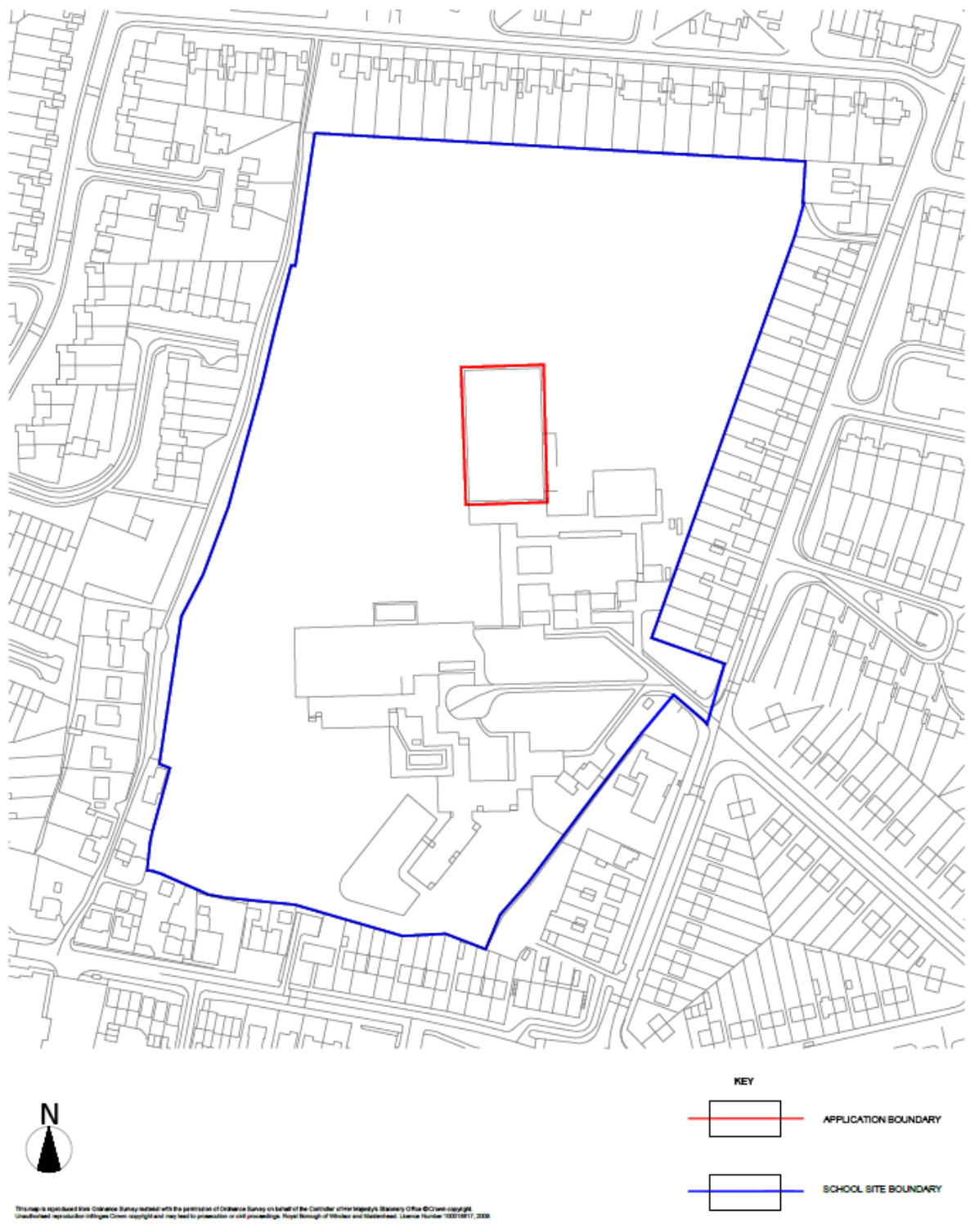
- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 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).

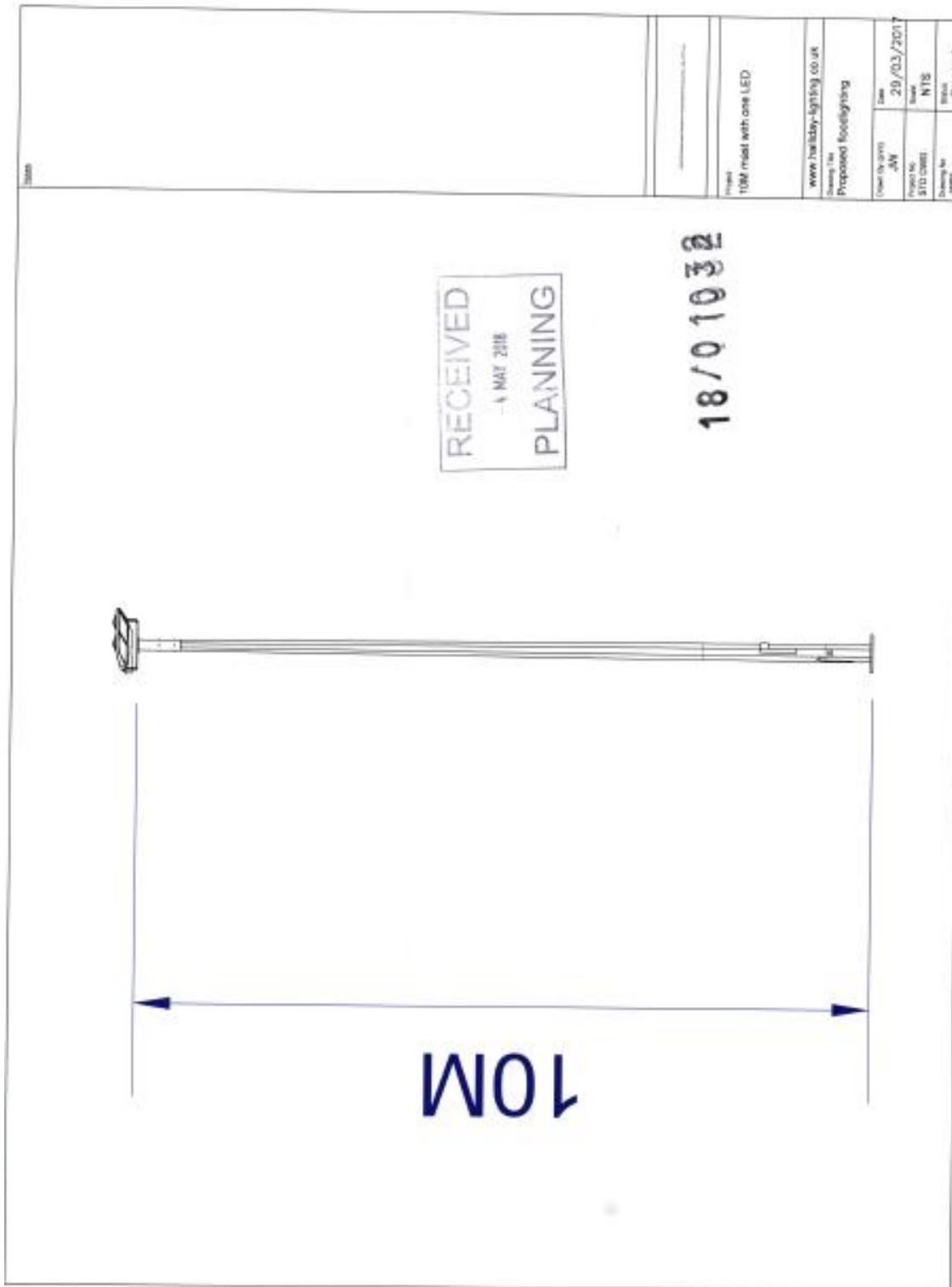
- 2 Unless otherwise agreed in writing by the Local Planning Authority, the approved artificial lighting shall only be operated in accordance with the following details:
- (i) The illumination of the flood lights shall only take place between the hours of 08:00 until 21:00 each day of the year. The illumination of the floodlights shall not take place after the hours of 21:00 and before 08:00 on any day of the year.
 - (ii) For the preservation of dark skies, for the prevention of 'light nuisance' and for the conservation of energy the lighting system hereby permitted shall be turned off by an automatic time clock after the hours of 21:00 until 08:00 on each day of the year.
- Reason: To limit the hours of use and illumination, to protect the amenities of local residents and for the prevention of light nuisance and in the interests of energy conservation. Relevant Policies - Local Plan - Policy R8, The Council's SPD for Sustainable Design and Construction, NPPF Paragraph 127.
- 3 Within 3 months of the installation of the floodlights hereby approved, full details of the proposed tree planting (including a planting specification and maintenance schedule), 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 available planting season following the installation of the floodlighting and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree shown on the approved landscaping plan, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
- Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 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 – 18/01302 – Dedworth Middle School, Smiths Lane, Windsor



APPENDIX A – 18/01302 – Dedworth Middle School, Smiths Lane, Windsor





APPENDIX B – 18/01302 – Dedworth Middle School, Smiths Lane, Windsor



Dedworth Middle School, Windsor
Tree strategy plan REV A

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

12 September 2018

Item: 3

Application No.:	18/01937/FULL
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor
Proposal:	Construction of 1 x 2 bed and 1 x 1 bed residential unit following the demolition of garages and stores.
Applicant:	Mr Gray
Agent:	Mr Terry Platt
Parish/Ward:	Windsor Unparished/Clewer East Ward

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

1. SUMMARY

- 1.1 The proposal seeks planning permission to construct 1 x 2 bed and 1 x 1 bed residential units.
- 1.2 It is acknowledged that this scheme would make a contribution to the Borough's housing stock through the provision of 2 units, however the application is recommended for refusal on the grounds that the proposed two storey dwelling on plot 1 would appear incongruous and unduly obtrusive in this garage court setting and detract from the visual amenity of the locality in general; the proposed development on plot 2 would result in a poor standard of accommodation and amenity for any future occupiers and the proposal fails to adequately secure the protection of an important protected oak tree on an adjoining site.

It is recommended that the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposed 2 storey building would appear incongruous and detract from the visual amenity of the locality in general.
2.	The proposed development would result in a poor standard of accommodation for future occupiers of plot 2.
3.	The proposed development, by virtue of its poor and cramped layout would place future pressure on the adjacent protected oak tree to the detriment of the visual amenity of the area.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden, irrespective of the recommendation, on the grounds that local residents still object to this development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal involves the demolition of 6 garages and a store, and the erection of 1 x 2 bed and 1 x 1 bed residential units comprising a two storey detached dwelling and a single storey dwelling. The two storey dwelling has been designed with a pitch roof and dormer windows and would measure 7m in height to the ridge. It has its own small amenity space provided at the side. The single storey unit would have a pitch roof and an overall height of 5.1m. A small garden is provided to the rear of the single storey unit. Three car parking spaces are shown to be provided in front of the units which would be accessed via the existing vehicular access. It is also proposed to retain 3 of the existing garages for use by existing tenants.

4.2 The relevant planning history is set out below:

Ref.	Description	Decision and Date
02/81891/FULL	Demolition of six garages and erection of two semi-detached dwelling houses with associated parking.	Dismissed on appeal
03/83436/FULL	Demolition of 6 lock up garages and 2 stores and the erection of a 4 bedroom detached house.	Refused and dismissed on appeal.
15/03216/FULL	Change of use and conversion of 5 garages and 2 storage buildings to a single storey dwelling with parking and amenity space.	Refused 30/11/2015
16/01203/FULL	Partial demolition of garages and change of use and conversion of 6 garages and 2 storage buildings to a single storey dwelling with parking, access and amenity space.	Permitted 31/08/2016
17/03636/FULL	Construction of 3 x 1 bedroom flats following demolition of garages and store.	Refused

4.3 The previous application, reference number 17/03636/FULL was refused for the following reasons:

- The proposed development, by virtue of its siting, layout, form and design would result in a cramped, over development of the site and would appear out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
- The proposed development, would result in a poor standard of accommodation for future occupiers of the proposed units because of, in particular, the size, cramped layout, and quality of the proposed amenity spaces. The proposal would therefore be contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework July 2018:

Section 2 – Achieving sustainable development
Section 4 – Decision making
Section 5 – Delivering a sufficient supply of housing
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees
DG1, H10, H11	P4, T5	N6

These policies can be found at

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

Borough Local Plan: Submission Version

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

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report 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 in this case.

This document can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

i Impact of the character and appearance of the area

- 6.2 Local Plan Policy DG1 and emerging policy SP3 set out the design guidance for new development. Local Plan Policy H10 refers specifically to new residential development schemes, requiring them to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density which would be incompatible with or cause damage to the character and amenity of the area. Emerging policy H05 requires all new housing to be developed at a density that is consistent with achieving good design and the density of development will be informed by amongst other things the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties. The NPPF (revised July 2018) Section 12 'Achieving well-designed places' states that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 127 states that planning policies and decisions should ensure that developments amongst other things function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.3 The site lies within a predominately residential suburban area with a mix of housing types and styles including terraces, flats, maisonettes, semi-detached and detached dwellings. The site is set behind numbers 54-60 Clewer Hill road and currently forms part of a garage court. Whilst the site is not readily visible from the public realm it is visible from the adjoining neighbouring properties.
- 6.4 The principle of residential development on this site has already been established. A 1 x 2 bed single storey dwelling has been permitted on this site under application number 16/01203/FULL. The permitted scheme is a low level development with a height of 2.9m similar to the existing garages and the accommodation is orientated inwards to look out onto a private garden. The layout provides space for 2 parking spaces and some landscaping. The previously refused scheme under application number 17/03636/FULL to erect 3 x 1 bed units comprising a 2 storey flat roof building and a single storey unit on the same footprint as the permitted scheme was considered to be a cramped, over development the site, appearing out of keeping with the general character of the surrounding residential area and resulting in a poor standard of accommodation for future occupiers due to the size, cramped layout and quality of the amenity space. The small amenity space to the front of the building was not considered to be high quality and the rear space would be over shadowed by the adjacent tree, not easily accessible and would create issues for residents whose bedroom would be directly overlooking it. In addition the 2 storey building was designed with flat roofs with an overall height of 5.3m and it was considered that this type of mews design was not a typology common to the area and the first floors had blank sides on 3 sides resulting in a poor design.

- 6.5 The current application seeks to address the previous reasons for refusal and now proposes 2 units. Unit 1 is a two storey 2 bed unit and has now been designed with dormer windows and half hipped roof. The dwelling would have an overall height of 7m. It has its own small private amenity area which incorporates a bin/bike store. Unit 2 is a single storey 1 bed unit with a pitch roof. There are two full length doors/windows in the north elevation serving a bedroom and living room which would look out onto a small private amenity space. Three car parking spaces and a turning area are provided at the front of the buildings.
- 6.6 In considering the previous application it was acknowledged that the density of development would be comparable with the surrounding residential densities however this is not the only measure of acceptability. The site is an awkward shape and the constraints have resulted in a layout where the buildings come close to its boundaries and the dwellings have small courtyard gardens. Whilst some improvements have been made to the overall layout it is still necessary to consider whether or not the revised layout functions well and provides a good sense of space around the building as well as an attractive, high quality place to live. The layout of plot 1 is considered to be acceptable however the rear amenity space for plot 2 would be over shadowed by the large adjacent oak tree. The majority of the windows serving the unit on plot 2 are now positioned in the north elevation facing this amenity space. The crown of the Oak tree would overhang the dwelling and the amenity space and the interior of the building is likely to be quite dark especially when the tree is in full leaf. This would result in a poor layout and poor standard of accommodation for future occupiers of unit 1 because of the cramped layout and quality of the proposed amenity space. This was also an issue highlighted by the previous inspector in determining the appeal under 02/81891/FULL. It was concluded that the proximity of the proposed building to the north east boundary of the site would prevent the conservation of the protected tree which is an important landscape feature and concluded that the development would have a cramped layout which would have a harmful effect on the character and appearance of the surrounding area.
- 6.7 The previously proposed flat roof mews style 2 storey building with an overall height of 5.3m has been replaced by a two storey building with a pitch roof and an overall height of 7m. The rear (west) elevation has been designed with a large blank parapet wall which measures 4.9m in height. It is considered that the proposed dwelling on plot 1, by virtue of its height, siting and design would appear incongruous and unduly obtrusive in this garage court setting and would detract from the visual amenity of the locality in general. The roof form, in particular, is poor design. It has been contrived in order to try to minimise the impact of the proposal but this has resulted in the uncharacteristic half-hipped form, the rear wall and its poor relationship with the roof form. The poor and bulky design of the roof form results in a top heavy building which is visually incongruous in this context.
- 6.8 The permitted scheme under application number 16/01203/FULL for a single storey 2 bed unit has a much more spacious, attractive layout and provision for a useable, private amenity space at the front of the building and only a door serving a store in the rear elevation. The 2 parking spaces would also be well laid out so as to have plenty of room for manoeuvring/turning and provides a much more satisfactory layout.
- 6.9 Whilst the current proposal has addressed some of the issues raised previously it has introduced other issues and it is concluded that the proposed development would result in a poor layout and design which would be harmful to the amenities of future occupiers and to the character and appearance of the surrounding area contrary to the NPPF, adopted policies DG1, H10 and H11 and emerging policies SP3 and H05.

ii Impact on the neighbouring amenity and the amenity of future occupiers

- 6.10 As noted above the submitted plans produce a poor standard of living accommodation for future occupants of unit 1 due to the proximity of the adjacent tree and the overshadowing that this will cause. It is also necessary to carefully consider the proposals impact on the living conditions of the neighbouring properties in terms of light, outlook and privacy. The existing flat roof garages are sited close to the boundaries of the rear and side garden of number 7 Addington Close and the land level of the garage court is set up slightly above the ground level of the adjacent dwelling. The unit on plot 2 would be sited in the same position as the permitted scheme however a pitch roof has now been added and the proposed building would have an overall height of 5.15m. Large, full length windows serving a bedroom and living room and a window serving a kitchen have also been inserted into the rear elevation and would be between 5.2m to 6.3m from the boundary. The adjacent dwelling, number 7 Addington Close has ground floor windows serving a lounge, kitchen and dining room window in the south and western elevations.
- 6.11 The proposed building closest to number 7 would be single storey and set in from the boundaries. Whilst it is acknowledged that the outlook from number 7 would change it is not considered that the proposal would cause significant harm to the living conditions of the neighbouring property in terms of light and outlook. Despite the difference in the land levels it is not considered that the proposed ground floor windows would introduce an unacceptable level of overlooking and loss of privacy to number 7 providing adequate boundary fencing/treatment is provided and this could be secured by condition in the event of planning permission being granted.
- 6.12 It is noted that the previous Inspector in dismissing the appeal under application number 02/81891/FULL found that the scheme to build a 2 storey detached dwelling on the site would appear unduly dominant and overbearing to the occupiers of number 7 Addington Close and would result in an unacceptable loss of privacy to the gardens. It was concluded that the proposal would have an unduly harmful effect on the living conditions of the occupiers of the neighbouring property at number 7. However the appeal proposal is materially different from the current proposed scheme and it is not considered that an objection could be substantiated on the same grounds as previously referred to by the inspector.
- 6.13 The two storey dwelling on plot 1 has been designed to have first floor windows in the front elevation to serve bedrooms. These windows would be sited approximately 11m from the flank boundary with number 6 Addington Close which is considered to be a reasonable separation distance in this urban context. Any views from these windows towards number 7 would be fairly oblique and would not introduce an unacceptable level of overlooking and loss of privacy to number 7. Two roof lights are to be inserted into the rear elevation to serve bathrooms and these could be conditioned to be obscure glazed and would not introduce an unacceptable level of overlooking or loss of privacy to the adjoining flats at Haileybury Court.
- 6.14 The proposed buildings would be sited adjacent to the parking area and garages serving Haileybury Court and a separation distance of 14m would be maintained between the dwelling on plot 1 and the nearest flat. It is not considered that the proposal would result in an unacceptable impact on the living conditions of the adjacent flats in terms of light, outlook or privacy. Likewise given the distance maintained between the proposed buildings and the maisonettes fronting Clewer Hill Road it is not considered that the proposal would have any adverse impact on the living conditions these properties.
- 6.15 For the reasons set out above it is not considered that the proposal would have a harmful effect on the living conditions of the surrounding residential properties.

iii Impact on the adjacent Oak Tree

- 6.16 There is a protected Oak tree adjacent to the northern boundary within the garden of number 7 Addington Close which is an important landscape feature. The proposal sits on a similar footprint to the permitted scheme and would be within the British Standard Root Protection Area. During the course of the application further tree information has been supplied which includes foundation designs and the tree officer has confirmed that the foundation design will improve soil conditions for the oak tree.

- 6.17 The current scheme however introduces 2 sets of patio doors in the rear (north) elevation and the rear elevation and garden for plot 2 would be located directly beneath the canopy of the oak tree. The amenity of plot 2 would be affected by the domineering presence of the oak tree and it would be reasonable to assume that future occupants may wish to lay hard surfaces such as a patio which would be detrimental to the health of the tree and contrary to the installation of pile and beam foundations. The juxtaposition between the protected oak tree and plot 2 is unsatisfactory and would not provide a good standard of amenity for future occupants of the plot. There is also significant concern about the threat to the oak's continued health and longevity, arising from pressure to fell or prune from future occupants. Such pressure would arise from concerns relating to restriction of light, dominance and perceived danger from falling limbs. Notwithstanding any potential issues which may arise in terms of falling debris, branches, blocked gutters and shading of most of the garden. The tree officer has advised that whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be difficult for the Council to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressure could be reasonably resisted. If its appearance were to be stunted by pruning, its amenity value would be diminished and this would unacceptably harm the sylvan character of the area.
- 6.18 The tree officer has confirmed that the scheme fails to adequately secure the protection of this important Oak tree which contributes to the character and appearance of the area. As such the proposal is considered to be contrary to adopted policies N6 and DG1 and emerging policy NR2.

iv Highways and parking

- 6.19 The site is accessed via a drive off Clewer Hill Road, a classified road. The proposal involves the removal of a number of garages and the loss of these garages has already been accepted in principle under previous proposals for this site. A total of 3 car parking spaces are shown to be provided in connection with the residential units and three garages are to be retained for use by private individuals.
- 6.20 The Highway Authority has noted that the current width of the access does not comply with RBWM's current highway design guide. However it is acknowledged that the application is likely to result in a reduction of vehicle usage in comparison to when the garages were all in use and there have been no recorded collisions within the vicinity of the access within the last 5 years. The use of the existing access is therefore deemed acceptable.
- 6.21 To comply with the Local Authorities Parking Strategy the 2 bedroom dwelling will require 2 car parking spaces and the 1 bedroom dwelling will require 1 car parking space. The proposed site plan shows the provision of 3 parking spaces which complies with RBWM's current parking strategy. The spaces are angled and a minimum of 6m is provided for manoeuvring, a swept path analysis has been submitted to demonstrate that a large delivery vehicle will be able to enter and exit the site in a forward gear. The entire turning area will need to be kept free at all times to enable a large vehicle to enter and exit the site in a forward gear and this would need to be conditioned accordingly on any grant of permission.
- 6.22 The development is not considered to have a detrimental effect on the local highway network. One secure cycle parking provision for each dwelling is provided. The refuse storage facility has been positioned within 30m from Clewer Hill Road as previously agreed under application number 17/03636/FULL. The proposal does not raise any significant highway concerns subject to suitable conditions being imposed including a Construction Management Plan and no objection is raised on parking grounds.

Other Material Considerations

- 6.23 It is acknowledged that this scheme would make a small contribution to further boosting the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted and emerging local plan policies, all of which are essentially consisted with the NPPF.
- 6.24 It has been alleged that bats are roosting in the garages by a neighbour. A bat survey was previously undertaken in association with application number 16/01203/FULL. The bat survey report was undertake to an appropriate standard and concludes that the garages are unlikely to be used by roosting bats. In the event however that any future applications are submitted the ecology officer has confirmed that an updated bat survey is likely to be required.
- 6.25 There is a possibility that the garages contain asbestos and the Environmental Protection team has requested the imposition of an Asbestos informative in the event of planning permission being granted to advise the applicant of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended).
- 6.26 Finally any disruption caused to existing residents, including restricted access to garages, during the construction phase would be a civil matter rather than a material planning consideration.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form advising on the existing gross internal residential floor space of 157 sq.m and a proposed internal floor space of 123 sq.m. In order for the internal floor area of the garages to be deducted from the proposed GIA residential floor space the applicant will need to provide evidence that the garages to be demolished have been in lawful use for parking for 6 months in the last 3 years. Whilst this evidence has been requested no information has been forthcoming to date. In the absence of this evidence the applicant will need to amend the CIL forms and the CIL payment will be based solely on the new floor space figures.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The planning officer posted a notice advertising the application at the site on the 17th July 2018.

A total of 19 neighbours have been notified and 24 letters have been received from 17 separate addresses objecting to the application including 8 duplicate letters signed by the residents of the adjacent flats at Haileybury Court. The objections are summarised as:

Comment	Officer Response
Proposed buildings are cramped and oversized in relation to small irregular plot.	Paragraphs 6.2-6.9
Development would be totally inappropriate and incompatible to the location.	Paragraphs 6.2-6.9
Buildings to be built on rising land resulting in loss of privacy and amenity and overbearing to numbers 6,7 & 8 Addington Close.	Paragraphs 6.10-6.15
Large featureless wall facing Haileybury Court and 54 to 60 Clewer Hill Road.	Paragraph 6.7
Little regard to previous refusal which was rejected by the Panel under 17/03636/FULL.	Paragraphs 4.2 & 6.4
Scale, design and density would cause damage to character and amenity of area.	Paragraphs 6.2 - 6.9
Not in keeping with the adjoining properties and will not enhance the existing environment.	Paragraphs 6.2 – 6.9
Poor living condition for future residents.	Paragraphs 6.2 – 6.9
Single storey house and garden will be completely covered by the crown of the large Oak tree and will make interior very dark. Would result in a lack of amenity for any future occupants or require a large amount of crown reduction which would ruin a significant local feature.	Paragraphs 6.16 – 6.18
A number of cars which used to park on the garage forecourt are now forced to park on Clewer Hill Road.	Paragraphs 6.19 – 6.22
No visitor parking provided which would add to existing parking on Clewer Hill Road and Addington Close to detriment of the amenity of area.	Paragraphs 6.19 – 6.22
Two storey box would be overbearing and damage amenity of residents at Haileybury Court.	Paragraph 6.14
Proposal conflicts in policies DG1, H10 and H11.	Paragraphs 6.2 – 6.9
Windows would result in overlooking and loss of privacy to number 7 Addington Close.	Paragraph 6.13
Previous inspector referred to tree canopy as a major issue.	Paragraph 6.6
Concerned about safety of cars driving out of small single road onto Clewer Hill Road.	Paragraphs 6.19 – 6.22
Any asbestos needs to be professionally removed.	Paragraph 6.25
Concerned about disruption caused to existing residents by installation of services and utilities.	Paragraph 6.26
3 previous applications have been refused.	Paragraph 4.2
Bats living in the garages.	Paragraph 6.24
Restricted access to existing garages/parking at 54, 56, 58 and 60 Clewer Hill Road during building phase.	Paragraph 6.26
Application is similar to previously refused appeal scheme.	Paragraph 6.4
Proposed refuse collection point will restrict width of access road – no consideration for access from large vehicles.	Paragraph 6.21
Number of units and density has increased by 100% since	Paragraph 6.6

permitted scheme.	
Permitted scheme is for a single unit with a low sloping roof and large amenity area.	Paragraph 6.8
Inadequate amenity space provided.	Paragraphs 6.2 – 6.9
Plans fail to show difference in land levels between development site and number 7 Addington Close.	Paragraph 6.10

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No significant highway concerns raised. A swept path analysis has been submitted which demonstrates that a large delivery vehicle will be able to enter and exit the site in a forward gear. Conditions required include a Construction Management Plan.	Paragraphs 6.19 – 6.22
Tree Officer	The scheme has failed to adequately secure the protection of an important Oak tree and refusal is recommended.	Paragraphs 6.16 -6.18
Environmental Protection Officer	No objection subject to conditions relating to noise insulation, construction working hours and informatives relating to dust control, asbestos, smoke control and land contamination.	Noted – paragraph 6.23
Ecology Officer	Previous bat survey report submitted with application number 16/01203/FULL concludes that the garages are unlikely to be used by roosting bats. Any future application submitted should be accompanied by an updated bat survey report	Paragraph 6.24

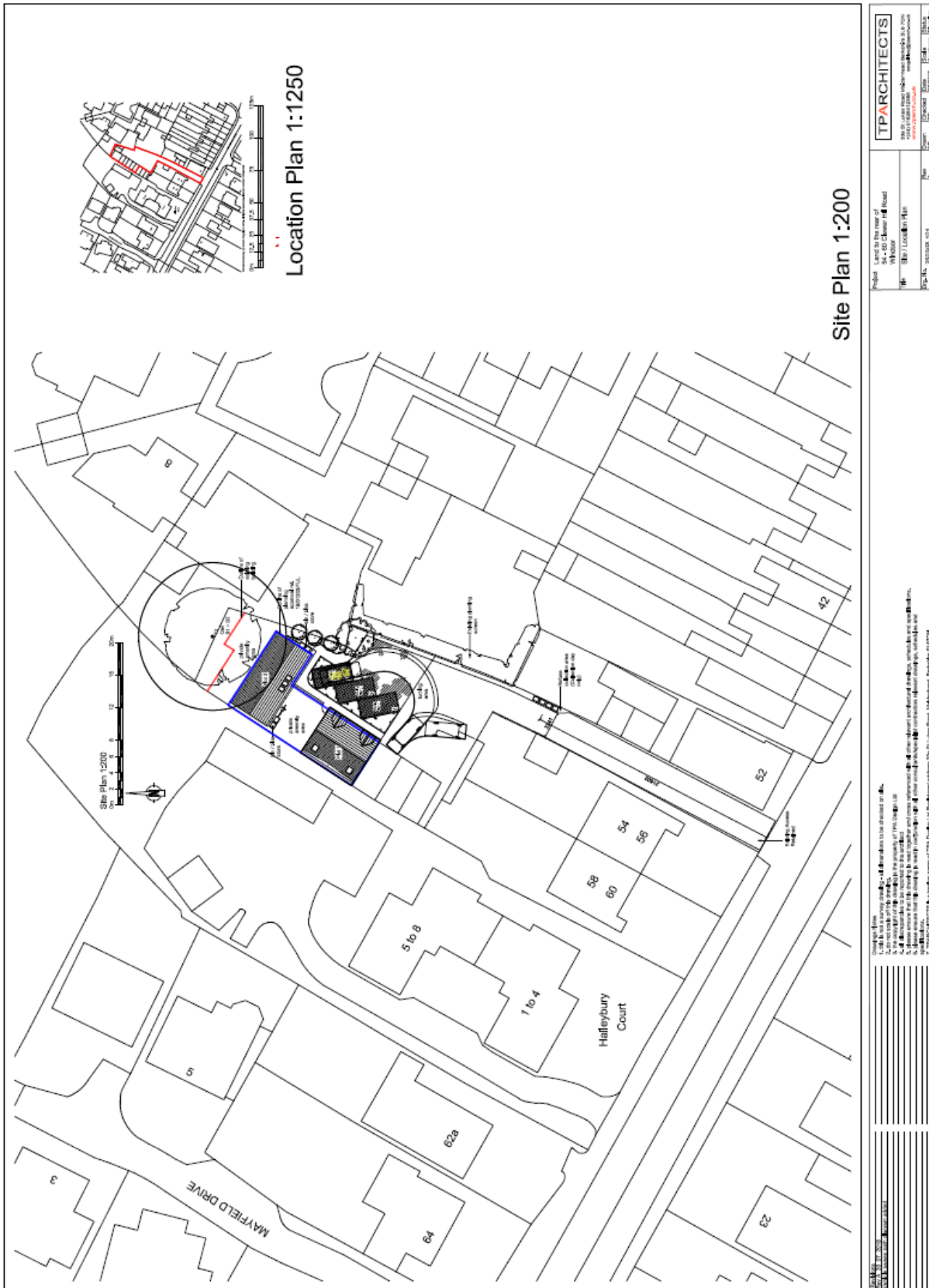
9. APPENDICES TO THIS REPORT

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

10. REASONS RECOMMENDED FOR REFUSAL.

- 1 The proposed dwelling on plot 1, by virtue of its height, siting and design would appear incongruous and unduly obtrusive in this garage court setting and would detract from the visual amenity of the locality in general contrary to the National Planning Policy Framework, policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003) and emerging policies SP3 and HO5 set out in the Borough Local Plan Submission Version.
- 2 The proposed development would result in a poor standard of accommodation for future occupiers of plot 2 by virtue of the poor layout, siting and fenestration design of the dwelling and the position of the amenity space in proximity to the adjacent protected oak tree. As such the proposal is contrary to the National Planning Policy Framework, policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003) and emerging policies SP3 and HO5 set out in the Borough Local Plan Submission Version.
- 3 The proposed development, by virtue of its poor and cramped layout would place future pressure on an adjacent protected Oak tree to be pruned or even removed. The proposal therefore fails to adequately secure the protection of this important protected Oak tree which contributes to the character and appearance of the area. As such the proposal is considered to be contrary to policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003) and emerging policy NR2 set out in the Borough Local Plan Submission Version.

APPENDIX A- SITE LOCATION PLAN



<p>TPARCHITECTS 100 St. John Street, Suite 100, Toronto, Ontario M5E 1A3 Tel: 416-593-1111 Fax: 416-593-1112 www.tparchitects.com</p>	
<p>Project: Land Use Review</p>	<p>Client: City of Toronto</p>
<p>Site: Halleybury Court</p>	<p>Date: 2023/09/15</p>
<p>Scale: 1:200</p>	<p>Drawn by: [Name]</p>
<p>Checked by: [Name]</p>	<p>Approved by: [Name]</p>
<p>Project No: [Number]</p>	<p>Revision: [Number]</p>

APPENDIX B – PLANS & ELEVATIONS

South Elevation Plot 1
Scale 1:100

South Elevation Plot 2

North Elevation Plot 2

East Elevation

West Elevation

First Floor Plan
Plot 1

Ground Floor Plans
Plot 1
Plot 2

TPARCHITECTS
100 St. John Street, Suite 100, St. John's, NL A1B 2X4
Tel: (709) 576-1111
www.tparchitects.com

Project: Land to the rear of 100 St. John Street, St. John's, NL A1B 2X4
Client: TPARCHITECTS
Phase: Plans and Elevations
Project No.: 2024/01/102

DATE: 2024/01/102

SCALE: 1:100

NOTES:

1. All elevations are shown in black lines on a white background.
2. All elevations are shown in black lines on a white background.
3. All elevations are shown in black lines on a white background.
4. All elevations are shown in black lines on a white background.
5. All elevations are shown in black lines on a white background.
6. All elevations are shown in black lines on a white background.
7. TPARCHITECTS is a registered company of TPARCHITECTS, Suite 100, St. John's, NL A1B 2X4.

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Appeal Decision Report

4 August 2018 - 3 September 2018

WINDSOR URBAN

Appeal Ref.: 18/60048/REF **Planning Ref.:** 17/03077/FULL **Plns Ref.:** APP/T0355/W/18/3198369

Appellant: Mr K Suri **c/o Agent:** Mr John Quartermaine FEUK Ltd 30 Cobblers Close Farnham Royal Slough SL2 3DT

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

Description: Enlargement of first floor front extension as approved under 14/01700/FULL.

Location: **Westfield 141A Slough Road Datchet Slough SL3 9AE**

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

Main Issue: The proposal would look discordant and incongruous in the street scene and result in a prominently sited mass and bulk at first floor level which would fail to relate to or respect the appeal building's existing pitched roof design. It would be an unsympathetic form of development which would harm the character and appearance of the area and the appeal dwelling itself. Consequently, it would not comply with paragraph 17 of the NPPF or Policies DG1 or H14 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 which seek high quality design and the protection of the character and appearance of the property and area.

Appeal Ref.: 18/60084/REF **Planning Ref.:** 18/00556/FULL **Plns Ref.:** APP/T0355/D/18/3204058

Appellant: Mr Manmeet Gill **c/o Agent:** Mr Ravinder Gill 26 Cranmore Avenue Isleworth TW7 4QW

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

Description: Raising of the ridge height to form habitable accommodation, Juliette balcony, side dormer and 8 no rooflights.

Location: **6 Leigh Park Datchet Slough SL3 9JP**

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

Main Issue: The proposed extension of the roof into a gable to the rear would appear awkward and incongruous and although much of the impact of the gable would be to the rear and would not readily visible to public view, it would be visible from the properties side elevation. This, together with the bulky appearance of the side dormer and the addition of rooflights, would result in a form of development which would fail to respect the character of the existing building and the surrounding area. The Inspector concluded that the proposal would harm the character and appearance of the area, contrary to local plan policies DG1 and H14 and the NPPF (2018).

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Agenda Item 7

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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