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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 30TH JANUARY, 2019

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, EILEEN QUICK, SAMANTHA RAYNER, SHAMSUL SHELMIM AND EDWARD WILSON

SUBSTITUTE MEMBERS

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

Karen Shepherd – Service Lead, Governance - Issued: 22 January 2019

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

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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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>TO CONSIDER A REPORT FROM THE HEAD OF PLANNING</u> To consider a report from the Head of Planning in relation to the appeal at Former Imperial House/Windsor Business Quarter 67 Alma Road Windsor	9 - 14
5.	<u>PLANNING APPLICATIONS (DECISION)</u> Please note: That application 18/02391/FULL – S G Autopoint 437-441 St Leonards Road has been withdrawn from the agenda. 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	15 - 76
6.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	77 - 80
7.	<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 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act”.	

PRIVATE MEETING - PART II

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
8.	<u>REPORT TO NOTE LEGAL ADVICE</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>	81 - 90

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

MONDAY, 7 JANUARY 2019

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Michael Airey, John Bowden, Wisdom Da Costa, Eileen Quick, Samantha Rayner, Christine Bateson and Edward Wilson

Officers: Wendy Binmore and Sian Saadeh

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shelim.

DECLARATIONS OF INTEREST

Cllr M. Airey – Declared a personal interest in item 1 as the application was called in to Panel by his wife, Councillor N. Airey. However, he confirmed he had not discussed the application with Councillor N. Airey and he attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 7 December 2018 be approved.

PLANNING APPLICATIONS (DECISION)

18/03027 Mr Howells: Construction of new building comprising 11 x two bedroom and 3 x one bedroom flats with associated parking. Alteration to existing access and new bin enclosure at Windsor Physiotherapy, Essex Lodge, 69 Osborne Road, Windsor SL4 3EQ – **THE PANEL VOTED UNANIMOUSLY to refuse planning permission in accordance with the Head of Planning's recommendations for the reasons as listed below:**

1. The proposed development would appear cramped and unduly prominent in the street scene to the detriment of the spacious character and appearance of the site itself and the locality in general and the setting of the adjacent Conservation Area.
2. The proposed development would appear overbearing and unduly prominent when viewed from Heron Lodge to the detriment of their living conditions.
3. The proposal would result in future pressure to remove or reduce the adjacent Lime tree and insufficient space has been provided to secure any meaningful planting/landscaping.
4. The proposal has failed to deliver any affordable housing in accordance with paragraph 64 of the NPPF.
5. The drainage information supplied with the application has failed to adequately demonstrate an acceptable Sustainable Drainage System. As such, the proposal has failed to comply with emerging policy NR1 of the Borough Local Plan 2013-

2033 Submission Version and guidance set out in paragraph 165 of the NPPF.

(The Panel was addressed by Richard Moir in objection and Kevin Scott on behalf of the applicant applicant).

18/03138 Mr Gray: 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 at Land to Rear of 54 to 60 Clewer Hill Road, Windsor – **THE PANEL VOTED to approve the application and grant planning permission with the conditions listed in Section 13 of the Main report in accordance with the Head of Planning’s recommendations.**

Six Councillors voted in favour of the motion to approve (Cllrs M. Airey, Alexander, Bateson, Bicknell, Da Costa and S. Rayner), and two Councillors voted against the motion (Cllrs Bowden and Quick).

(The Panel were addressed by Anthony Grey in objection and Terry Platt on behalf of the applicant).

ESSENTIAL MONITORING REPORTS (MONITORING)

The details of the Essential Monitoring Reports were noted.

The meeting, which began at 7.00 pm, finished at 7.55 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

Report Title	To consider a recommendation from the Head of Planning to withdraw reasons for refusal in relation to planning application 18/00095/FULL Former Imperial House/Windsor Business Quarter 67 Alma Road Windsor which is currently at appeal
Contains Confidential or Exempt Information?	No – Part I
Member reporting:	Not Applicable
Meeting and Date:	Windsor Urban Development Management Panel 30 th January 2019
Responsible Officer:	Jenifer Jackson, Head of Planning
Wards affected:	None

1. SUMMARY

- 1.1 Following correspondence in December last year with the Planning Inspector on the Examination of the Borough Local Plan Submission Version, officers have found it necessary to review whether or not the Council's case in relation to this appeal remains robust and defensible.
- 1.2 Given the current timetable for work on the Borough Local Plan Submission Version and the pause in the Examination, officers do not consider it is not possible for the Council to robustly defend the first and second reasons for refusal. This could expose the Council to significant risk of costs.

It is recommended the Panel authorises the Head of Planning:	
1.	To write to the Planning Inspectorate and Appellant setting out that the Council will now only be pursuing the appeal on the third reason for refusal and then to prepare evidence and defend the Council's case only in relation to the third reason for refusal
2.	To finalise a Section 106 agreement with the Appellant to be submitted to the Planning Inspectorate

2. REASON FOR PANEL DETERMINATION

- The Panel resolved that it would have refused the application for three reasons and the proposed course of action would alter a previous Panel resolution.

3. BACKGROUND

- 3.1 The application reference 18/00095/FULL was submitted on 12th January 2018. The description of development is:

Demolition of the existing basement and concrete plinth above and erection of a building of between 1 and 7 storeys containing 217 residential apartments (Use Class C3), including a cafe (Use Class A3) measuring 146 sqm (GIA), car and cycle parking, plant enclosures, access improvements, service bay, drop off spaces, substation, and associated landscaping and open space; and a five storey building to provide 16,389sqm (GIA) of office floorspace (Use Class B1), together with ground level and basement car and cycle parking, service bay and associated landscaping

- 3.2 The applicant submitted an appeal against the Council's non-determination of the application on 29th May 2018. Subsequently the application was presented to the Windsor Urban Development Management Panel on 20th June 2018, which resolved that it would have refused planning permission for the following reasons:

1. To permit this planning permission would result in the loss of half of this 'Business Area'. This would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that is central to the Borough Local Plan Submissions Version

(2018) and would undermine policies ED1, ED2 and ED3 and the wider economic strategy set out in the Borough Local Plan Submissions Version (2018), which has been endorsed by Full Council. This Plan is at an advanced stage but is not yet formally part of the development plan for the area. Therefore it is considered that if planning permission were granted the development proposed would substantially undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that is central to the Borough Local Plan Submissions Version (2018). In addition, the owners and/or developers of a number of other sites designated or allocated in the Borough Local Plan Submissions Version for employment development are also promoting those sites for residential development. To allow alternative development on the application site would set a precedent for the consideration of those applications, making it difficult for the Council to resist proposals involving a change of use, or redevelopment, for residential development. The potential cumulative impact of any such planning decision would significantly undermine the plan-making process and the policies and strategy set out in the Borough Local Plan Submissions Version (2018).

2. The proposed development has also failed to justify the loss of employment land, and so would be detrimental to the future employment needs, locally available employment opportunities and the economy of the area. The proposed development is therefore contrary to the National Planning Policy Framework (2012) and its associated guidance, policy E6 of the adopted Local Plan (2003), along with emerging policies ED1, ED2 and ED3 of the Borough Local Plan Submission Version (2018).

3. The proposed development, by reason of its overall density, layout, scale, mass and bulk, is considered to have a detrimental impact on the character and appearance of the area, contrary to policies DG1, H10 and H11 of the Local Plan, emerging policies SP1, SP2 and SP3 of the Borough Local Plan Submission Version and the National Planning Policy Framework.

- 3.3 A Public Inquiry on the appeal is scheduled to run from 26th March until 5th April 2019.
- 3.4 The Borough Local Plan Submission Version (BLPSV) was submitted to the Planning Inspectorate for Examination on 30th January 2018. Hearings sessions were held from 26th – 28th June 2018. Following those Hearings, the Inspector wrote to the Council to set out her initial findings and raising a number of queries. The Council's response to the Inspector from December 2018 agrees to undertake further work on a number of key areas and that further consultation on revised documents will now be carried out later in 2019. The Examination is, in effect, paused.

4. EXPLANATION OF RECOMMENDATION

- 4.1 The first two reasons why the Panel resolved it would have refused planning permission were based on officer advice at the time as to the weight to be given to the emerging policies in the Borough Local Plan Submission Version. Officer advice was based on advice from Counsel.
- 4.2 In relation to reason for refusal 1, Officers consider that there has been a very significant change in circumstances material to this reason which undermines the prospects of successfully defending this reason for refusal. The most significant change in circumstance is the long pause in the BLPSV examination and the consequent delays to its adoption. The Council's evidence for the upcoming Public Inquiry is due at the end of February 2019. As both the submission of the Council's evidence and the Public Inquiry will occur before further work on the BLPSV has been completed and consulted on, the Council's case has to reflect the stage of the Examination that will be the background at the Inquiry.
- 4.3 There is a strong interrelationship between reasons 1 and 2, therefore the same significant issues are relevant to this reason for refusal as well. It would be untenable and unreasonable for the Council to now contend that relevant BLPSV policies should be accorded anything other than limited weight in the determination of the appeal. Whilst Local Plan policy E6 is also cited in the second reason for refusal, that policy is broadly supportive of the change of use of non-allocated employment sites, such as the appeal site. The supporting text to that policy requires that redevelopment of employment sites is "subject to the proposals having no adverse impact on locally available employment opportunities". It is not considered that the Council could offer

sufficiently robust evidence on this point alone to successfully defend it. The revised NPPF (July 2018) has also placed greater emphasis on flexibility when assessing applications for alternative uses on sites (para 120), such as would be the case here.

- 4.4 The third reason for refusal relates to the design and scale of the proposed scheme. Officers consider that there is still a strong case to be made in relation to this reason that can be substantiated with evidence. By pursuing the appeal only on this reason, the Council would be able to allocate more resources to focus on the defence of this reason. Officers would recommend continuing to defend this reason for refusal; consultancy support from an urban design specialist would be engaged to ensure that the Council's evidence is robust.
- 4.5 In reviewing which grounds to defend on appeal, the Council has to be conscious not only of the risk of losing the appeal but also the risk of costs being awarded against the Council if it fails to substantiate the case. In this case the costs incurred by the other side are likely to be significant given the length of the Public Inquiry, Barristers fees and professional consultants fees. If the Council was to pursue the appeal in relation to reasons for refusal 1 and 2 and failed to produce evidence to substantiate these reasons for refusal, there would be a significant risk of the Council being considered to have behaved unreasonably and an application for costs being successful.
- 4.6 The recommended approach would also be consistent with other decisions made by the Local Planning Authority, in particular application 18/01269/FULL Clean Linen Services. This application was approved, against Officer recommendation, by the Maidenhead Development Management Panel on 21st November 2018, in part because they considered only limited weight should be given to the BLPSV.
- 4.7 In the current circumstances, Officers consider it would be unreasonable for the Council to attempt to defend reasons for refusal 1 and 2 at the forthcoming Inquiry and to continue to do so would be contrary to the public interest.

5. CONCLUSION

For the reasons set out above, officers recommend that the Council no longer seeks to pursue the appeal based on reasons for refusal 1 and 2. The Council will prepare evidence and defend the reason for refusal 3.

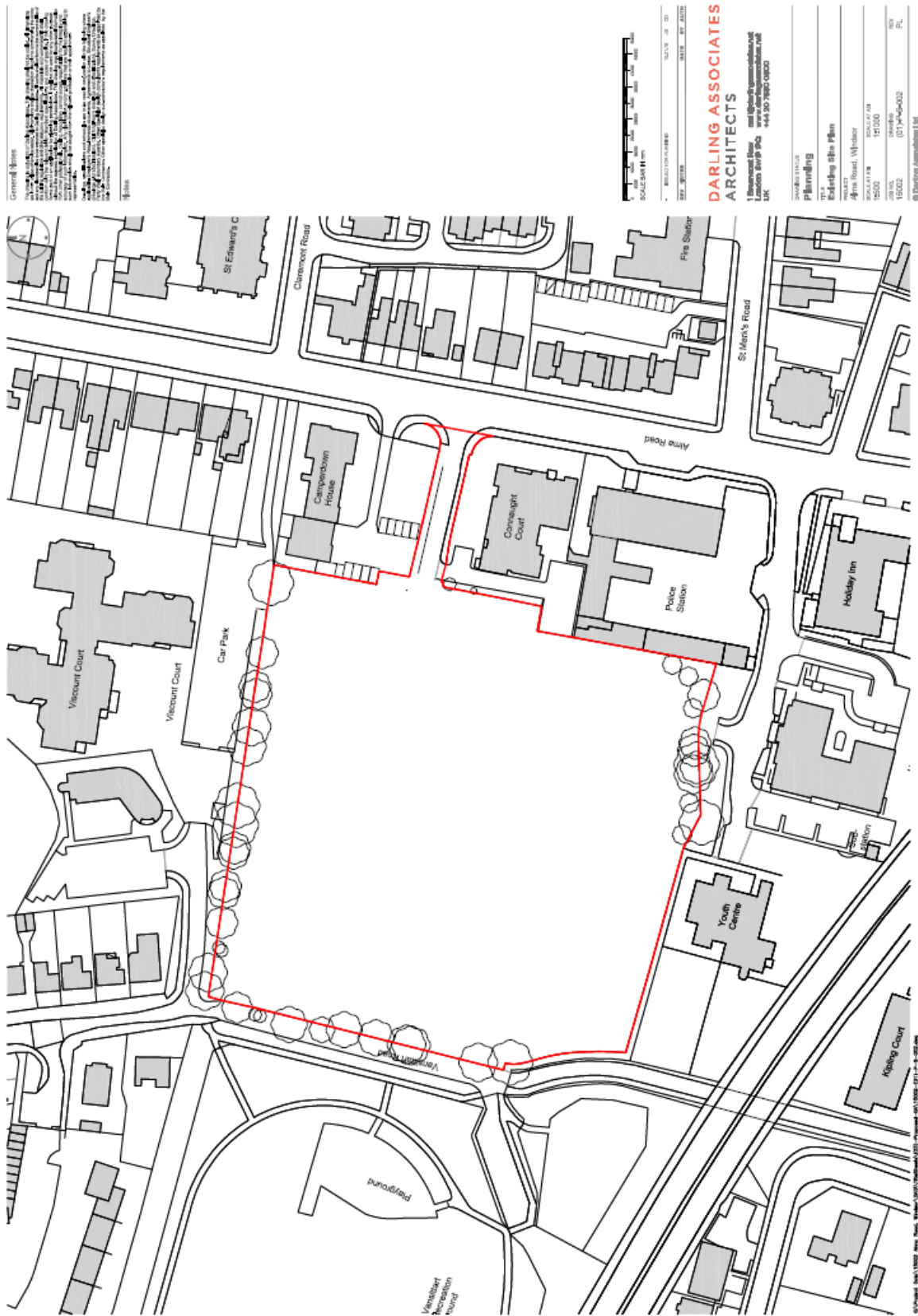
6. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

7. REASONS RECOMMENDED FOR REFUSAL TO BE BASIS FOR COUNCIL'S CASE ON APPEAL

The proposed development, by reason of its overall density, layout, scale, mass and bulk, is considered to have a detrimental impact on the character and appearance of the area, contrary to policies DG1, H10 and H11 of the Local Plan, emerging policies SP1, SP2 and SP3 of the Borough Local Plan Submission Version and the National Planning Policy Framework.

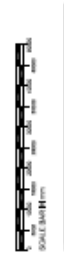
Appendix A



General Notes
 1. All dimensions are in millimetres unless otherwise stated.
 2. All levels are in metres above sea level unless otherwise stated.
 3. The site is to be developed in accordance with the planning permission granted by the local planning authority.
 4. The site is to be developed in accordance with the conditions of the planning permission granted by the local planning authority.
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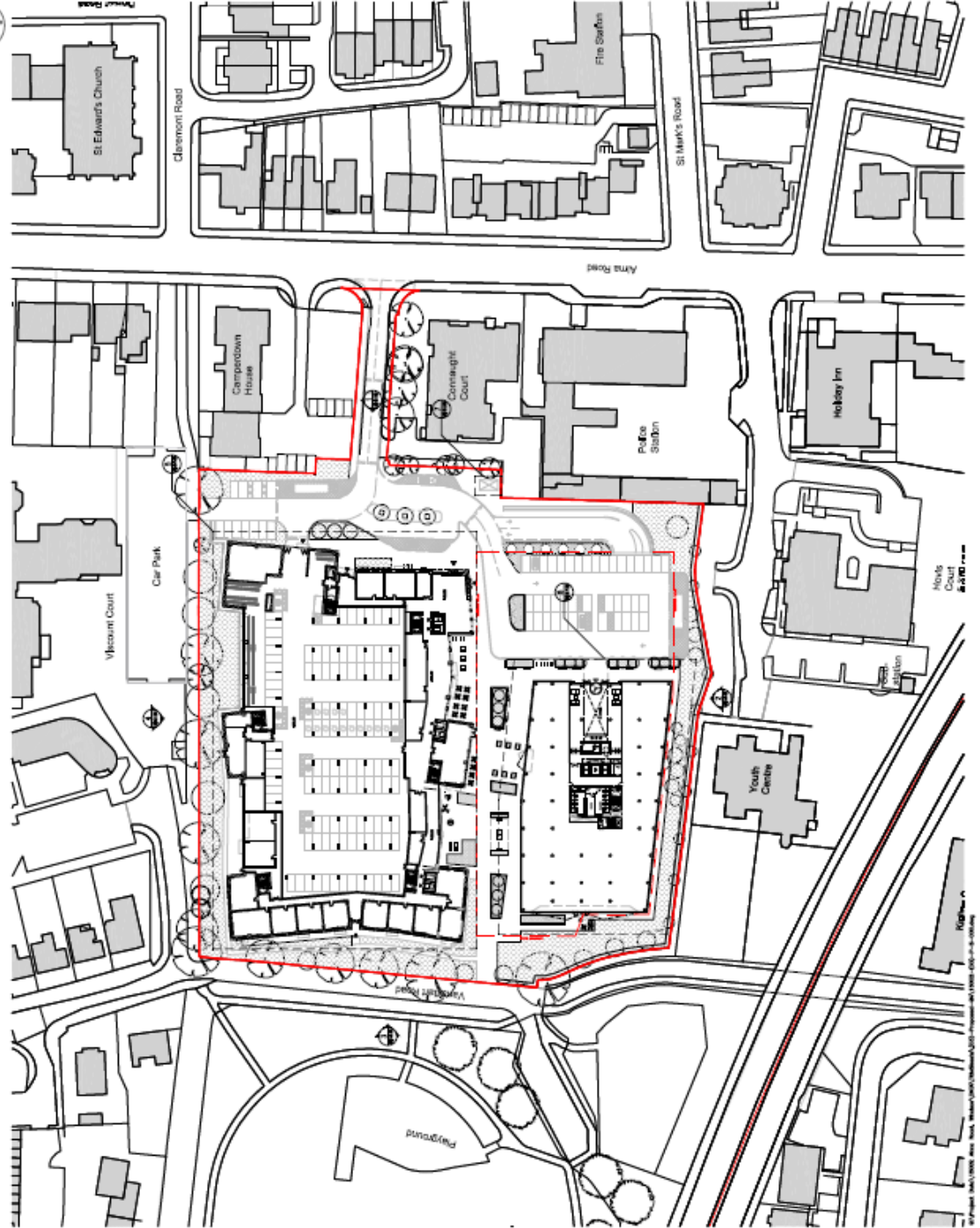
Site level + 21.50



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Developed by	Planning
Site	Site Content Plan
Project	18 Manswood Street
Client	18 Manswood Street
Scale	1:1000
Date	15/02/20
Drawn by	PL



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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

30th January 2019

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.	18/02391/FULL	Recommendation	REF	Page No.	
Location:	S G Autopoint 437 - 441 St Leonards Road Windsor SL4 3DT						
Proposal:	Construction of 56 bedroom hotel.						
Applicant:	Dr Marsden-Huggins	Member Call-in:		Expiry Date:	6 February 2019		
<hr/>							
Item No.	2	Application No.	18/02929/FULL	Recommendation	PERM	Page No.	
Location:	2 Bolton Crescent Windsor SL4 3JQ						
Proposal:	Demolition of existing house and construction of new dwelling.						
Applicant:	Ms Prothero	Member Call-in:		Expiry Date:	1 February 2019		
<hr/>							
Item No.	3	Application No.	18/03486/FULL	Recommendation	REF	Page No.	
Location:	129 Springfield Road Windsor SL4 3PZ						
Proposal:	Two storey side extension, first floor rear extension with Juliet balcony, single storey front extension, rendering to existing single storey rear element, rooflights and new first floor side window						
Applicant:	Mrs Jacobson	Member Call-in:		Expiry Date:	28 January 2019		
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

30 January 2019

Item: 1

Application No.: Location: Proposal: Applicant: Agent: Parish/Ward:	18/02391/FULL S G Autopoint 437 - 441 St Leonards Road Windsor SL4 3DT Construction of 56 bedroom hotel. Dr Marsden-Huggins Mr Andrew Ransome Windsor Unparished/Park Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

1.1 The application is for a 56-bed hotel with associated facilities at 437-441 St Leonards Road, Windsor, which is an edge of town centre site. This application follows a previous refusal for an outline application with all matters reserved for the development of a 61 bed Premier Inn Hotel with restaurant and bar, ref: 17/00543/OUT. The proposal scheme is not considered to overcome the previous reasons for refusal relating to the Sequential Test, design, scale and massing; and impact to neighbours. It is considered that an acceptable sustainable drainage system can be achieved on site and the impact on air quality would be acceptable. However, there is a recommended reason for refusal relating to the impact on existing and proposed trees to the detriment of local character and appearance. The impact on highway safety and parking, contaminated land and resultant noise are considered to be acceptable.

1.2

<p>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</p>	
1.	The Sequential Assessment fails to demonstrate that there are no suitable and available sequentially preferable sites in the town centre or edge of town centre. The scheme thereby fails to comply with paragraph 86 of the NPPF.
2.	By reason of its siting, form, height, scale, bulk, mass and lack of landscaping, the proposed development would represent an unduly dominant and intrusive form of development that would be disproportionate to the plot and fails to respect the scale and appearance of this part of the street, to the detriment of the character of the streetscene and surrounding area. The proposal would therefore be contrary to Local Plan policy DG1 and paragraph 130 of the NPPF.
3.	By reason of its siting and scale, the proposed development would prejudice the long term future health and longevity of proposed trees. Together with the loss of existing trees, the proposal would detract from the character and appearance of the locality. As such, the proposals would be contrary to the Local plan policies N6 and DG1 and N6.
4.	By reason of its siting, form, height, scale, bulk and mass, the proposed development would appear visually dominant and overbearing when viewed from no. 1-14 Littleacre, and due to the introduction of first floor windows and above on the western elevation would erode perceived privacy to an unacceptable level for no. 1-14 Littleacre. Furthermore, the proposal has failed to demonstrate that it would not result in undue loss of sunlight or daylight to both no. 1-14 Littleacre and no. 435 St Leonards Road. The proposal is therefore contrary to paragraph 127 of the NPPF which seeks to secure a high standard of amenity for existing and future users.

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.
- At the request of Councillor Rankin and Councillor Wisdom Da Costa, irrespective of the recommendation of Head of Planning, in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site measuring approximately 0.15ha in size lies within the settlement area of Windsor, and is located on the south side of St Leonards Road opposite the junction with Imperial Road, both classified B-Roads. The site has previously been used as a garage and currently operates for car sales. To the south-east of the site is no. 437 St Leonards Road, a single storey building with a mansard roof. This building has the appearance of a dwellinghouse, but its last use was for an office. It is currently unoccupied. To the south-west of the site is a single storey building with the appearance of a workshop where the car sales operates from. To the front (north) of these buildings is a forecourt with two vehicular access points onto St Leonards Road. The surrounding area is characterised by residential developments. To the north lies Imperial Court, a three storey flatted development. A more recently built flatted development adjoins the west boundary of the site known as Littleacre. To the east of the site is a row of two to two and a half storey semi-detached and terraced dwellings. To the rear the site borders part of Windsor Cemetery.

4. KEY CONSTRAINTS

- 4.1 The majority of the site is designated as a Victorian Village in the Council's Townscape Assessment, and given its former use the land is classed as contaminated land.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks permission for a 56-bed hotel with associated facilities at 437-441 St Leonards Road, Windsor. The proposed 4 storey building fronts onto St Leonards Road and its design is contemporary with flat roofs, stepped heights and elevations. The massing comprises 4 main elements with two lower ends, a higher central element and a recessed top storey. At its maximum height the building measures approximately 11.3m. The primary materials are brick and zinc cladding.
- 5.2 At basement level would be 55 car parking spaces, 17 provided by car stackers. On the ground floor would be the main reception, 9 bedrooms, restaurant, kitchen, laundry, staff welfare facilities and stores. On the first floor would be 19 bedrooms and a laundry, on the second floor would be 15 bedrooms and laundry, and on the third floor would be 12 bedrooms, laundry and an area of unallocated space measuring approximately 15.75sqm. A lift shaft and stairway runs through the central core of the building. Overall, the proposal is for 1937sqm of internal floorspace.
- 5.3 There are two vehicular accesses to the site off St Leonards Road, which are proposed to remain, operating as an in-out accesses with entry at the eastern access point and exit at the western. Access to the basement car park would be via a ramp located to the west of the site. To the rear of the proposed building is a landscaped strip.
- 5.4 In accordance with the Town and Country Planning (Development Management Procedure (England) Order) 2015, a location plan has been submitted which shows the application site edged with a red-line. The Development Management Procedure Order clearly states that the red line on the location plan should include all land necessary to carry out the proposed development and any other land owned by the applicant close to or adjoining the application site outlined in blue. It is noted that the 'red-line' has been duplicated on the proposed site layout and floor plans but also includes an additional area to the east edged in red. It is understood that this land is an easement for access for the neighbouring properties. For the avoidance of doubt, given the requirements of the Development Management Procedure and to ensure there is no prejudice,

this additional area to the east edged in red on the proposed site layout and floor plans have not been included for the purposes of this assessment.

5.5 On 25 July 2017 permission was refused for an outline planning application (with all matters reserved) for the development of a 61 bed Premier Inn hotel with restaurant and bar, ref: 17/00543/OUT. It application was refused for the following reasons (summarised):

1. The proposal fails to demonstrate that the proposal passed the sequential test to show there were no suitable and available sequentially preferable sites in the town centre and/or edge of centre, and flexibility on the format and scale of the alternative sites were considered.
2. The proposal fails to demonstrate the cumulative air quality impacts of the development on the Imperial/Leonards Road junction AQMA.
3. The scheme fails to consider surface water flooding of the site and whether the proposed development will exacerbate the risk of surface water flooding on or off the site.
4. By reason of its proposed indicative layout, siting, scale, bulk, massing, proportions, form, design and finish the proposed development would constitute an unacceptable overdevelopment of the site, and be visually incongruous and overly dominant in this part of the street.
5. By reason of its indicative design, scale, proportions, form and massing the proposed development is considered to appear as a visually dominant and overbearing addition that would erode the outlook of the residential occupiers to the east and west of the site to an unacceptable degree.

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Highways Safety and Parking	T5, T7, P4
Visitor Accommodation	TM2
Trees	NG

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 2 – Achieving Sustainable Development

Section 4 – Decision-Making

Section 6 – Building a Strong, Competitive Economy

Section 7 – Ensuring the Vitality of Town Centres

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 15 – Conserving and Enhancing the Natural Environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Visitor Accommodation	TR2, TR5, VT1
Trees	NR2
Contaminated Land and Water	EP5
Provision of Infrastructure	IF1
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

61 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 28 August 2018 and the application was advertised in the Local Press on 30 August 2018.

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

Comment	Where in the report this is considered
1. Location at busy junction and increase in trip generation would result in congestion, air pollution and noise. No/inadequate mitigation proposed to offset impact.	Para. 9.19 and 9.35

2.	Height, scale, bulk and design would result in overdevelopment and unsympathetic development to the detriment of visual amenity. Plans do not show signage and external lighting; Premier Inn have bright purple lights and branding, which would also be inappropriate in this area.	Para. 9.9 – 9.15
3	Inadequate on-site parking provision to the detriment of on-street parking in the surrounds. Inadequate provision of disabled parking bays.	Para. 9.21 – 9.22
4.	Proposed access and increase in vehicles entering / exiting the site would result in an increase in highway danger.	Para. 9.19
5.	Loss of light and overbearing to neighbouring properties due to siting, height, form and bulk of proposed building to the detriment of neighbouring amenity; noise and disturbance resulting from use; overlooking resulting in loss of privacy; light pollution; Right to Light issues.	Para. 9.25 – 9.33. Note: Right to Light is dealt with under separate legislation.
6.	Out of town location is inappropriate for hotel use; hotel use out of keeping with residential use of the area.	Para. 9.2 – 9.8, and 9.14
7.	No need / demand for further hotel development.	Para. 9.8
8.	Accumulative impact with existing hotels and LEGOLAND have not been considered.	The submitted Air Quality Assessment includes consideration of the cumulative effects if LEGOLAND development (ref: 17/01878) is implemented.
9.	Inadequate planting proposed, and maintenance of trees / shrubs.	Para. 9.12 and 9.16 – 9.18
10.	Increase in flood risk with changes in water levels, and issues with groundwater.	Para. 9.36
11.	Inadequate water pressure and drainage.	Not a material planning issue.
12.	Contaminated land from former use as petrol station	Para. 9.34
13.	Operating disruptions from flues, air conditions and ventilation units, and kitchen / bar operating unsocial hours.	Para. 9.32
14.	Does not overcome objections raised under ref: 17/00543; application should not be considered following refusal of previous scheme, ref: 17/00543.	The proposal is not considered to be substantially the same with a decrease in the number of rooms and re-design of the building, and each application should be assessed on its own merits.
15.	Inadequate engagement with local community	Publicity for this application was over and above the statutory requirement for publicity of planning applications and included letters to adjoining neighbours, a site notice posted on site and a notice was published on the Maidenhead and Windsor Advertiser.
16.	The site should be developed for housing.	The Local Planning Authority are required to assess the proposal put before them.

17.	<p>There is a lack of clarity and inconsistency in the submitted documents</p> <ul style="list-style-type: none"> - Red-line differs on site location plan and proposed plans - Assumes operation of 3 businesses from the site, but has not done so for 5 years - Transport statement states 61 bed hotel and inconsistent number of parking spaces quoted in documentation. - Indication that RBWM is changing the junction - No such policy as BLP33 - Unallocated space on third floor 	<p>Para. 5.4</p> <p>Para. 9.19</p> <p>The proposal is for a 55-bed hotel with 55 car parking spaces as shown on the proposed floor plans and been assessed on this basis.</p> <p>The proposal has been assessed on the basis of the existing situation.</p> <p>The proposal has been assessed in accordance with policies in the adopted Local Plan and other material considerations.</p> <p>Para. 9.24</p>
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Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection subject conditions relating to contaminated land, fixed level in relation to plant noise, construction environmental management plan (including construction noise and dust management), external lighting condition, and limits for vehicle deliveries.	Para. 9.34 – 9.35
Lead Local Flood Authority	No objection subject to a condition to secure full details of the proposed surface water drainage system and its maintenance arrangements.	Para. 9.36 – 9.37
Highways	No objection subject to conditions relating to car and cycle parking as approved, and submission and approval of a construction management plan.	Para. 9.19 – 9.24
Trees	Objects to the proposal given the detrimental impact to off-site trees which, together with the limited landscaping scheme, would be contrary to Local Plan policy N6.	Para. 9.12, 9.16 – 9.18

Others

Organisation	Comment	Where in the report this is considered
Windsor and Eton Society	Objects – trip generation and junction design will lead to congestion on primary roads; insufficient parking provision and overly optimistic Travel Plan resulting on on-street parking to the detriment of neighbouring amenity; and unsympathetic design, scale and form which is visually dominant and overbearing.	Para. 9.19 – 9.24, 9.25 – 9.33

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Design and Impact on Character
- iii Trees
- iv Highway Safety and Parking
- v Impact on Neighbouring Amenity
- vi Contaminated Land, Air Quality and Noise
- vii Flood Risk and Surface Water Drainage
- viii Other Material Considerations

i. Principle of Development

Sequential Test

9.2 The application site is considered to be located at the edge of Windsor town centre. To ensure the vitality of town centres within the Borough, Local Plan policy TM4 states the new purpose-built visitor facilities will be restricted to the town centres. However, paragraph 86 of the NPPF (2018) which post-dates Local Plan policy TM4 and a more up to date expression of Government intent, states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres then in edge of centre locations; and only if suitable sites are not available (or expected to become available with a reasonable period) should out of centre sites be considered. Paragraph 87 goes on to state that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The National Planning Practice Guidance (NPPG) provides further guidance on what should be included in the sequential test and states when identifying sites the suitability, available and viability of the site should be considered with particular regard to the nature of the need that is to be addressed.

9.3 In terms of the nature of the need, if a site is to be a preferable alternative, the site should be capable of meeting the need that the developer is seeking to meet and not a generic need for hotel development. This approach was established in the decision of the Supreme Court in Tesco Stores v Dundee City Council [2012]. The submitted Sequential Test frames the operational and market requirements and the parameters of the Sequential Assessment. With regard to suitability Tesco Stores Ltd v Dundee City Council [2012] establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG, however such a requirement was previously contained in PPS4: Planning and Economic Development and any relevant PPS advice continues to material. PPS4 advises flexibility in a business model, use of a multi-level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats. In order to demonstrate flexibility the submitted Sequential Test outlines the departure from company business model to exclude a restaurant and parking in order to consider smaller town centre sites (minimum of 0.15ha).

9.4 In the search for sites, the submitted Sequential Test applied a catchment area of 5km from the site. As the main objective is to locate town centre uses in a town centre first, it is considered that Windsor Town Centre should be the starting point as it would be the sequentially preferable location. A Sequential Test Addendum was subsequently submitted which adjusted the catchment area based on a 5km distance from Windsor Town Centre. Sites in the Borough of Slough have been excluded as it would have a have a different catchment area and market. It is acknowledged that the market which the developer is seeking needs to be taken into account. This approach is supported by Regina v Braintree District Council Ex Parte Clacton Common Development Limited [1998] which concluded that it the search should be limited to the intended catchment area. The applicant has looked at the following documents/sources to identify available sites:

- RBWM Local Plan
- RBWM Borough Local Plan Proposed Submission Version (Regulation 19, June 2017)
- RBWM Housing and Economic Availability Assessment 2016
- Premier Inn's Retained Agent
- Site Visits

It is noted that the Borough Local Plan Proposed Submission Version (Regulation 19, June 2017) has been superseded by the Borough Local Plan Submission Version (January 2018) but, as there are no significant differences between the two documents in this respect, this is not considered unacceptable for the purposes of identifying sites for the Sequential Assessment. The other RBWM sources are considered to be appropriate as the most up-to-date documents.

9.5 Analysis of Sequential Assessment:

Site	Sequential Assessment by Applicant	LPA Comments
Windsor		
Minton Place, Victoria Street Sequential Location: Town Centre	<ul style="list-style-type: none"> • 0.5ha site contains part 3 storey, part 4 storey office building. • Town centre location provides excellent access to local amenities and transport links. • Suitable for a hotel. • Enquiries have been made as to availability by direct contact with the landowner owner of Minton Place. The site is subject to leases for a further 10 years and therefore not available in the short to medium term. Owners have indicated no interested in progressing matters as income from office use / value is higher than hotel use / value. 	<ul style="list-style-type: none"> • Due to satisfactory evidence provided, it is accepted the site is not available.
Windsor Link Railway Area C Sequential Location: Town Centre	<ul style="list-style-type: none"> • 1.4ha site comprising a privately owned car park. • The site has a high degree of visibility in town centre location with good access to local transport and the local road network. • Location adjacent to the Thames, within a Conservation Area and nearby listed building however due to the size of the site the site would be suitable for a bespoke hotel design to be agreed and developed. 	<ul style="list-style-type: none"> • Due to satisfactory evidence provided, it is accepted the site is not available.

	<ul style="list-style-type: none"> • Have registered interest with the owners, but owner receives significant income from existing use and the site is not available. Supported by HELAA which advises that the site (ID: 0051) has not been promoted by the landowner and so availability is uncertain. 	
<p>Windsor Link Railway Area D</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.41ha site comprising Windsor and Eton Riverside Station, adjacent buildings and privately owned car park. • The site is visible and benefits from proximity to town centre, nearby car parks and access to the road network. • Located in conservation area and with nearby listed buildings but notwithstanding constraints site would be suitable. • Previous enquiries to acquire car parks or part thereof from Network Rail have been without success as car parks are a vital and integral part of the operations and success of the railway station. Site also not on the published list of development opportunities within Network Rail Estate and therefore unlikely to be sold in the foreseeable future. Supported by HELAA which advises that site (ID: 0203b) is not promoted by landowner and so availability is uncertain. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • HELAA advises the site was not promoted and that availability is uncertain, which is not a confirmation that the site is unavailable. • Overall, it is considered that the availability of the site has not been properly investigated / evidenced in the assessment.
<p>Crown House and 1-4 Charriott Place and Assurant House, Victoria Street</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.29ha site comprising offices. • The site benefits from good visibility and road access, and is within walking distance of amenities and transport links. • Located in conservation and with listed buildings nearby, but existing building offers potential for conversion to a hotel in addition to wholesale redevelopment of the site. Suitable for hotel use. • Leased out as offices and not on the market for sale. • Office use generates the highest returns, and cost of converting building to hotel use would be between £50,000-£60,000 per room and therefore unviable. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • Notwithstanding the above, while availability has not been properly investigated / evidenced in the assessment, it is accepted the site is not viable.
<p>Post Office, Peascod Street</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.26ha site comprising a Post Office. • The site has a high degree of visibility within town centre and a high footfall area and lies in close 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available.

	<p>proximity to railway station and other transport links.</p> <ul style="list-style-type: none"> • Location within a conservation area with nearby listed building, however would be suitable for a bespoke hotel design to be agreed and developed. • Unlikely to be for sale as required for operational purposes by Royal Mail and as a general rule Royal Mail only offer sites on the open market. If site is declared as surplus then will register interest with the vendor's agent. • The HELAA confirms site (ID: 0408) as not being available. 	<p>The Council would expect details or confirmation of contact and that the site is not available.</p> <ul style="list-style-type: none"> • Notwithstanding the above, the HELAA confirms that the site is not available.
<p>Windsor and Eton Riverside Station Car Park</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 0.86ha site comprising a station car park and adjacent land. • The site has a good degree of visibility, at an edge of centre location, a short walk to the town centre and has good access to local transport and the local road network. • Location adjacent to the Thames and Conservation Area. Constraints would restrict capacity and does not lend itself to a typical hotel development and therefore not suitable. • Previous enquiries to acquire car parks or part thereof from Network Rail have been without success as car parks are a vital and integral part of the operations and success of the railway station. Site also not on the published list of development opportunities within Network Rail Estate and therefore unlikely to be sold in the foreseeable future. • Use for a hotel unviable as an alternative to income generated from the current use, and residential use. 	<ul style="list-style-type: none"> • A location adjacent to the Thames and Conservation Area does not necessarily rule out the redevelopment for a hotel. The applicant would need to demonstrate the proposed development cannot be achieved with flexibility with regards to format and scale. • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • No evidence has been submitted to demonstrate that support the statement that a hotel in this location would be unviable. The Council would expect such a statement to be evidenced with information from surveyors or similar to demonstrate the difference in land values with reference to the cost of developing the site for a hotel. • Overall, it is considered that the suitability, availability and viability of the site has not been properly investigated / evidenced in the assessment.
<p>Windsor Police Station, Alma Road</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 0.32ha site comprising Windsor Police Station. • The site has a good degree of visibility, at an edge of centre location, within walking distance to the town centre and station and good access to the local road 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with landowner / relevant agent to establish that the site is to be developed for residential purposes and / or if it could be available.

	<p>network.</p> <ul style="list-style-type: none"> • Suitable for a hotel. • Not available as recently sold for residential purposes. • Hotel unable to match the land values in central Windsor generated by residential, care home and office use. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate that hotel land values are unable to match residential, care home and office land values (e.g. specific information from surveyors or similar to demonstrate difference in land values, and development costs) • Overall, it is considered that the availability and viability of the site has not been properly investigated / evidenced in the assessment.
<p>Windsor Dials</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 1ha site comprising an office building and associated car park. • The site has a good degree of visibility and in close proximity to amenities, public transport links, and benefits from good road access. • Located within Conservation area and near to listed buildings, but existing building offers potential to convert to hotel use. • Site not on market and not for sale. • Office use generates the highest returns, and cost of converting building to hotel use would be between £50,000 -£60,000 per room and therefore unviable. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with landowner / relevant agent to establish if the site is available. • No evidence has been submitted to demonstrate that hotel land values are unable to match office land values or details of costing. • Notwithstanding the above, while availability and viability has not been properly investigated / evidenced in the assessment, the site is designated as an Employment Area in the Local Plan, supported by the most-up-to-date evidence which demonstrates employment need (FEMA study and EDNAs). As such, it would not be available for the use for which permission would be sought. Therefore, the site is considered not to be available.
<p>Windsor Link Railway Area A</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 2.1ha site in mixed use. • The site is too large for a single hotel use, and set back from the main road network, lacking visibility and prominence. Site is surrounded by residential and of suburban character. Site is not suitable for commercial requirements. 	<ul style="list-style-type: none"> • The locality is not considered to be residential / suburban in character as the existing site incorporates mixed commercial uses. Furthermore, residential character would not necessarily prohibit commercial development. However, due to the lack of visibility and prominence it is accepted that the site is not suitable for the commercial requirements of the applicant. • The site is designated as an Employment Area in the Local Plan, supported by the most-up-to-date evidence which

		demonstrates employment need (FEMA study and EDNAs). As such, it would not be available for the use for which permission would be sought. Therefore, the site is considered not to be available.
69 Alma Road (1) Sequential Location: Edge of Centre	<ul style="list-style-type: none"> • 0.37ha site comprising offices. • The site has good viability at edge of centre location, walkable to town centre and with good access to the road network and public transport links • Building offers scope for conversion to a hotel as well as redevelopment potential. • Registered interest, but site was sold for unviable figure and site is now being developed for D1 (Specialist Care Centre) and therefore not available. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate that the figure the site was sold for is unviable for hotel use. • Notwithstanding the above, while viability has not been properly investigated / evidenced in the assessment, planning permission for a change of use from B1 (office) to mixed use D1 (Specialist Cancer Care Centre) and B1 (office) was granted September 2016, ref: 16/01784/FULL, and a number of precommencement conditions for 16/01784/FULL have been submitted and approved, including ref: 16/03968/CONDIT; 17/00184/CONDIT; 17/01000/CONDIT; 18/00611/CONDIT. Therefore the site is considered not to be available.
69 Alma Road (2) Sequential Location: Edge of Centre	<ul style="list-style-type: none"> • 1.84ha site which is currently vacant and cleared to ground level. • The site is set back from the main road network and therefore lacks visibility and prominence, but the size of the site offers significant scope for flexibility. • Site is available and of interest. • Offer for a leaseholder deal was submitted in May 2018 but rejected on the basis that the offer was not competitive with office / residential values. • Unlikely that this site is deliverable as unable to compete with alternative use values but fair to say the site is available. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate that hotel use in this location would be unable to compete with alternative use values. The Council would expect specific information from surveyors or similar to demonstrate difference in land values, and development costs. • Overall, it is considered that the viability of the site has not been properly investigated / evidenced in the assessment.
Windsor Link Railway Area B Sequential Location: Edge of Centre	<ul style="list-style-type: none"> • 2.35ha site comprising a privately owned car and coach park. • Set back from the road network, the site lacks visibility and prominence. • The site is located in a sensitive location near to the river and to listed buildings and conservation area, which requires a bespoke approach. The setting is not suitable 	<ul style="list-style-type: none"> • The location adjacent to the Thames and near listed buildings and conservation area does not necessarily rule out the redevelopment for a hotel. The applicant would need to demonstrate the proposed development cannot be achieved with flexibility

	<p>for a new build hotel.</p> <ul style="list-style-type: none"> • Site is not for sale. Supported by HELAA which advises that site (ID: 0211) is not promoted by landowner and so availability is uncertain. 	<p>with regards to format and scale.</p> <ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • HELAA advises the site was not promoted and that availability is uncertain, which is not a confirmation that the site is unavailable • However, due to the lack of visibility and prominence it is accepted that the site is not suitable for the commercial requirements of the applicant.
<p>Park Close, Brook Street</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 0.32ha site comprises residential properties and open space. • The site is set back from the main road network and therefore lacks visibility and prominence. • Edge of centre location and therefore requires on-site parking provision, but site is too small and confined. • Site is not suitable for hotel use. 	<ul style="list-style-type: none"> • Due to the lack of visibility and prominence it is accepted that the site is not suitable for the commercial requirements of the applicant.
<p>Princess Margaret Hospital, Osborne Road</p> <p>Sequential Location: Edge of Centre</p>	<ul style="list-style-type: none"> • 1.19ha site comprising a 3 storey building which operated as a hospital. • Site offers good visibility and prominence and good to road network. • Existing building offers potential for conversion to hotel in addition to redevelopment. • The site is suitable for hotel use. • Site is not for sale. Owner generally do not do off market deals and owners not canvassed as unlikely to respond. Supported by HELAA which advises that site (ID: 0215) is not promoted by landowner and so availability is uncertain. 	<ul style="list-style-type: none"> • The Council would expect details or confirmation of contact and that the site is not available. No evidence has been submitted in this respect. • HELAA advises the site was not promoted and that availability is uncertain, which is not a confirmation that the site is unavailable. • Overall, it is considered that the availability of the site has not been properly investigated / evidenced in the assessment.
Eton		
<p>Eton College Sports Hall</p> <p>Sequential Location: Edge of Town Centre</p>	<ul style="list-style-type: none"> • 0.78ha site in use as a sports facility to Eton College. • Edge of centre site, set back from the main road network site thereby lacking visibility and prominence and while within walking distance to Eton further from Windsor and public transport links it offers. • High level of parking would be 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with landowner to establish if the site is available. • Notwithstanding the above it is considered that the site is not suitable as it does not meet the commercial

	<p>necessary and local road network may struggle to accommodate the vehicular movements associated with a hotel with access via single lane.</p> <ul style="list-style-type: none"> • Site does not meet commercial requirements of the developer nor hotel use in general. • Operational building and not for sale. 	requirements of the applicant.
Datchet		
<p>Land North and East of Churchmead Secondary School, Priory Road</p> <p>Sequential Location: Out of Town Centre</p>	<ul style="list-style-type: none"> • 11.71ha site comprising open land in Green Belt. • Located outside of Datchet adjacent to M4 but access via B-Road which is not a main road and does not benefit from good visibility and prominence. The site is not suitable. • Different catchment area and market. 	<ul style="list-style-type: none"> • Not sequentially preferable, and due to its rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.
<p>Land at Slough Road, Riding Court Road</p> <p>Sequential Location: Out of Town Centre</p>	<ul style="list-style-type: none"> • 3.92ha site comprising open land in Green Belt. • Located outside of Datchet adjacent to M4 but access via B-Road which is not a main road and does not benefit from good visibility and prominence. • Different catchment area and market. 	<ul style="list-style-type: none"> • Not sequentially preferable, and due to its rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.
<p>Manor House Lane Employment Estate</p> <p>Sequential Location: Out of Town Centre</p>	<ul style="list-style-type: none"> • 0.56ha site comprising commercial units • Existing buildings do not lend themselves to conversion and will need to be redeveloped and new building would need to be flexible to take into account narrowness of the site. • Different catchment area and market. • Owner not been canvassed as site is not suitable or of interest, availability not been tested. 	<ul style="list-style-type: none"> • The applicant would need to demonstrate the proposed development cannot be achieved with flexibility with regards to format and scale. It is not considered that suitability has been properly investigated / evidenced in the assessment. • Notwithstanding the above, the site is designated as an Employment Area in the Local Plan, supported by the most-up-to-date evidence which demonstrates employment need (FEMA study and EDNAs). As such, it would not be available for the use for which permission would be sought. Therefore, the site is considered not to be available. Furthermore, the site is not sequentially preferable and due to the intended market the site is not suitable for the commercial requirements of the applicant.

Old Windsor		
Crimp Hill (North) Sequential Location: Out of Town Centre	<ul style="list-style-type: none"> • 3.13ha site comprising open land in Green Belt. • Located at edge of Old Windsor, narrow frontage from the main road network, lacks visibility and prominence, location is too rural and remote. • Different catchment area and market. 	<ul style="list-style-type: none"> • Not sequentially preferable and due to the lack of visibility, prominence, rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.
Crimp Hill (South) Sequential Location: Out of Town Centre	<ul style="list-style-type: none"> • 1.38ha site comprising open land in Green Belt. • Located at edge of Old Windsor, access from a B-road which is not a main road and therefore does not benefit from good visibility, location is too rural and remote. • Different catchment area and market 	<ul style="list-style-type: none"> • Not sequentially preferable, and due to its rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.
Land at Clayhall Lane Sequential Location: Out of Town Centre	<ul style="list-style-type: none"> • 10.97ha site comprising of open land in Green Belt. • Located at edge of Old Windsor, set back from the main road network, lacks visibility and prominence, location is too rural and remote. • Different catchment area and market. 	<ul style="list-style-type: none"> • Not sequentially preferable, and due to the lack of visibility, prominence, rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.
Manor Farm Sequential Location: Out of Town Centre	<ul style="list-style-type: none"> • 0.3ha site comprising of wooded / open land in Green Belt. • Located on the edge of Old Windsor with good visibility from the main road network, but location is rural and remote. • Different catchment area and market. 	<ul style="list-style-type: none"> • Not sequentially preferable, and due to its rural/remote location and intended market it is accepted that the site is not suitable for the commercial requirements of the applicant.

9.6 Overall, it is not considered that the applicant has satisfied the requirements of the sequential test. The sequential test fails to adequately demonstrate to the Council that there are no suitable and available sequentially preferable sites in the town centre. Furthermore, for edge of centre sites, such as the application site, the NPPF advises that the preference should be given to accessible sites that are well connected to the town centre. Consideration in this respect and any associated reasoning has not been clearly set out. Where an application fails to satisfy the sequential test paragraph 90 of the NPPF states that they should be refused.

9.7 The impact assessment referred to in paragraph 89 of the NPPF is not applicable as the proposed development is under the default threshold of 2,500 sqm of floorspace.

9.8 Notwithstanding the above, local residents have raised the question over the need and demand for further hotel development. It is considered that visitor accommodation usage would differ throughout the Borough, but in general from 2011 there has been an upward trend on night visitors to the Borough and while there are a number of hotels in Windsor Town Centre and the surrounding locality there may be a need for a wider choice of accommodation to meet visitor demands and aspirations. As such, there is no objection in principle to the proposed hotel use in this respect. There is no objection in principle to the loss of the existing retail (car sales), which is not a protected use in this location.

ii Design and Impact on Character

- 9.9 The previous scheme under 17/00543/OUT was refused in terms of its indicative layout, siting, scale, bulk, massing, proportions, form, design and finish which would constitute an unacceptable overdevelopment of the site, and be visually incongruous and overly dominant in this part of the street. The immediate area comprises a variety of residential properties with blocks of flats being 2 and half to 3 storey in height, and 2 storey dwellinghouses. In this character context it is considered that the revised design approach does not sufficiently overcome the previous reason for refusal.
- 9.10 Despite the stepped height and modulation to the facades to break up the visual mass and bulk, due to its height, width, depth and form the resultant building would still result in a substantial structure with its footprint occupying a large proportion of its plot at the centre of the site. This is considered to represent an overly dominant and disproportionate building and together with its proximity to the boundaries the proposed development is considered to give the site a cramped and overdeveloped appearance to the detriment of the character of the streetscene and wider locality. It is considered that visual harm is exacerbated due to its prominent location at the junction of St Leonards Road and Imperial Road.
- 9.11 It is also considered that the proposal would have little resonance with the row of semi-detached and terraces houses to the east. These houses fall into an area categorised as a 'Victorian Village', as identified in the Council's Townscape Assessment, and the Townscape Assessment states that the traditional two storey dwellings contribute to a townscape of human scale. Although the building would step up from a two storey element incrementally to four storeys the height quickly increases, and it is considered that the proposal would still noticeably taller than the row of semi-detached and terraces houses to the east. There would be a gap of approximately 12.3m but it would still be seen in context with these houses when travelling along St Leonards Road from the east and west. Therefore, the proposal does not have sufficient regard to the adjacent buildings to the east.
- 9.12 Additional landscaping is proposed within the site along the boundaries, including hedging and trees. It is considered that proposed trees would not be viable (see paragraphs 9.18). It is considered that the proposed hedging would be viable subject to adequate maintenance, but in itself would not be sufficient to screen or soften the appearance of the proposed development. This would exacerbate the building's incongruence and compound the feeling of too great a building mass for the plot.
- 9.13 Overall, the proposed development would amount to overdevelopment in this location and would be harmful to the character and appearance of the area. It would not amount to good design, contrary to Local Plan policies DG1, emerging BLPSV policies SP2 and SP3 which are given significant weight given the extent of unresolved objections to these policies and paragraph 127 of the NPPF.
- 9.14 While the immediate locality comprises of residential use, it is not considered that hotel use would be incompatible with the character of the area. It is acknowledged that the proposed development would be a more efficient use of the previously development land, but for the reasons above would unduly comprise the visual quality of the streetscene and wider locality.
- 9.15 It is also acknowledged that would be some form of signage and external lighting, which have not been indicated on the proposed plans. However, signage would be subject to separate controls under the Advertisement Regulations and does not form part of the consideration for this application. If minded to approve, external lighting could also be controlled using an appropriate worded planning condition to secure a suitable scheme.

iii Trees

- 9.16 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweigh the justification for development planning permission may be refused. BLPSV policy NR2, which is given significant weight, states that development proposals should consider the impact on existing trees, protect and retain trees, plant new trees where

possible, where the amenity value of the trees outweighs the justification for development then planning permission may be refused.

- 9.17 There are no existing trees within the site, but there are existing trees on public land lining the pedestrian pathway leading from St Leonards Road to Windsor Cemetery along the eastern boundary of the site, and along the shared boundary with Windsor Cemetery to the south. The proposal includes the removal of T1 (Ash), T5 (Ash), T9 (Foxglove Tree), T11 (Ash), T14 (Ash) and H17 (Leyland and Lawson Cypress), as shown on drawing ref: CCL10150/IAP rev.1. It is considered that the proposed development would likely also result in the loss of G15 (Purple Beech), T4 (Crab Apple) and T12 (Monterey Cypress) as the excavation works within the root protection areas (RPA) of G15, T4 and T12 would be unduly detrimental to their health and longevity. The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and the default position of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is that buildings and structures should be located outside of the RPA.
- 9.18 With the exception of T12, these trees are not considered to be of particular individual high quality, but collectively they do contribute to the general green character of the pedestrian pathway and Windsor Cemetery, and soften the views of existing development from the south and south-east from Windsor Cemetery. 7 replacement trees have been proposed along the southern boundary and 2 along the eastern boundary as shown on the submitted Landscape Planting Plan, drawing ref: 0151/18/B/1, but given the extent of the proposed basement it is considered that this planting would not be viable. The landscaping planting plan also shows a raised planting bed along the frontage. Originally a row of hornbeams were proposed within the raised planting beds. However, following concerns over an insufficient rooting environment these were replaced by silver birch. While silver birch requires less rooting volume it is considered that the raised bed would still not provide a sufficient rooting environment for these particular trees. Concerns are also raised over the two silver birches proposed to the west of the site, which are sited in close proximity to the proposed building. As the trees mature, due to its relationship with the building it is unlikely that these trees will develop growth to the east of the stems due to obstruction and any growth will be cut and pruned to prevent direct contact / maintenance of the building. As such, it is considered that these trees are not in a viable or sustainable location to the detriment of their health and longevity. As such, it is considered that the proposal would be contrary to Local Plan policy N6.

iv Highway Safety and Parking

Traffic Generation

- 9.19 A TRICS analysis for a similar sized hotel has been undertaken which indicates that the proposed development could potentially generate a daily trip rate of 258, with 23 and 19 trips during the am and pm peaks, respectively. A comparison with the trip generation of the current use of the site as a car sales showroom indicates that there would be 123 additional daily trips, with an additional 11 and 8 trips during the am and pm, respectively. While it is acknowledged that this is a busy junction, the additional traffic is unlikely to have a significant detrimental impact on the free flow of traffic along Imperial Road and St Leonards Road or in the surrounding area. Furthermore, based on the Borough's accident data during the past 5 years, 2 accidents have been reported close to the Imperial Road junction with St Leonards Road, and 4 accidents near the Clewer Hill Road and St Leonard's Road junction. The data does not indicate any inherent defects in the immediate highway network. It is therefore considered that the increase of 123 daily trips would not lead to a detrimental effect on highway safety to existing traffic flows or to those that reside or commute in the area.

Access

- 9.20 Access to the basement car park is via a ramped access located to the east of the site boundary. The proposed Basement Floorplan, ref: PL 099 illustrates a gradient which accords with the design recommendations in the Institution of Structural Engineers' Design Recommendations for Multi-Storey and Underground Car Parks. To prevent conflicts on the ramped access between vehicles entering and exiting the basement, a red and green lighting system with automatic sensors and priority given to vehicles entering the site will be installed. This is considered to be acceptable and would be secured by condition if planning permission were to be granted.

Parking

- 9.21 In terms of car parking, 55 spaces are proposed, 3 spaces for disabled parking. Local Plan policy P4 states that car parking provision should accord with the Council's adopted Parking Strategy, and the Council's Parking Strategy (2004) identifies a maximum provision of 1 space per bedroom for C2 uses. This equates to a maximum requirement of 56 car parking spaces for the proposed development. The difference of 1 space is considered to be limited. Furthermore, the NPPF states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising the density of development in city and town centres and other locations which are well served by public transport. The NPPF, which post-dates the Local Plan and the Council's Parking Strategy, is considered to be a more up-to-date expression of Government intent and a material consideration. As such, given that on-street parking is managed within the locality by the Council with double yellow lines on St Leonard's Road and a Clearway classification (no stopping, parking, picking-up or setting down of passengers) on Imperial Road, it is considered there is no clear and compelling justification to impose the maximum parking standard and it would be difficult to warrant refusal on this basis. In relation to disabled parking spaces, the Council's adopted Parking Strategy requires 6% of total parking spaces to be for disabled use, which would equate to 3 spaces. As such, the proposal is compliant in this respect. On balance, the parking provision is considered to be acceptable in this instance and if minded to approve can be secured by condition.
- 9.22 The basement car park would be arranged as a split level. The internal ramp gradient would be 1:20 which is acceptable. On the lower level car parking spaces 1-38 will be double stackable bays utilising 19 lifts. The details submitted on the design and operation are considered acceptable.
- 9.23 Local Plan policy T7 requires new development to make appropriate provision for cyclists. For the proposed development the Council's standards for cycle parking is set at 1 space per 20 car parking spaces, therefore the proposed 3 cycle parking spaces to be located in the basement is acceptable.
- 9.24 The proposal is for a 56 bed hotel and has been assessed as such. It is noted that the proposed floor plans illustrates an unallocated space on the third floor. If minded to approve it is recommended that a condition is included so that the number of bedrooms is limited to 56 as applied for, as the operation of the hotel with more bedrooms may result in an unsatisfactory environment for both the occupiers and neighbouring occupiers.

v Neighbouring Amenity

Daylight and Sunlight

- 9.25 To the west, due to the orientation of no. 1-14 Littleacre which fronts onto Hermitage Lane, there are a number of windows serving habitable rooms which the proposal would be sited in front of. When considering an obstruction directly in front of a window if the proposed building passes the British Research Establishment (BRE) 25 degree test then it is unlikely to result in an unreasonable loss of daylight (defused light where beams from the sun have been scattered and diffused) as there will be adequate skylight. As shown on drawing ref: PL 300 rev 15, using the centre of a ground floor window as the test point, the top floor of the proposed building would intrude through a 25 degree line. Therefore, further methods of daylight analysis such as calculating Vertical Sky Components and Average Daylight Factors would be required. However, these calculations or other have not been submitted for consideration and therefore it is not been demonstrated that the proposal would not have an undue impact on daylight to neighbouring buildings.
- 9.26 As the proposed development is situated within 90 degrees south of a main window wall of existing buildings to the west (no. 1-14 Littleacre) and east (no. 435-433 St Leonards Road) and the distance of the proposed development is less than 3 times its height, obstruction to sunlight (beams of light travelling in straight lines) may also be an issue. Therefore, further analysis would be required such as calculating annual probable sunlight hours (APSH). However, these calculations or other have not been submitted for consideration and therefore it is not been

demonstrated that the proposal would not have an undue impact on sunlight to neighbouring buildings.

- 9.27 In terms of sunlight to gardens it is considered that undue harm would be if less than half of amenity area receives less than 2 hours of sunlight on 21 March (the equinox). The applicant has submitted a shading analysis for the 21 March which indicates that the proposal will pass this test in relation to both no. 1-14 Littleacre and no. 435-433 St Leonards Road with at least half of the garden areas receiving more than 2 hours of sunlight on this date with the proposed building in situ. However, this would not negate the impact of the proposal on sunlight to habitable rooms within neighbouring buildings which are outlined above.

Visual Overbearing

- 9.28 The proposed building would extend approximately 11m further south than the existing building at no. 435 St Leonards Road at 2 storey (approximately 6.9m) in height, sited approximately 4m–5.5m from the eastern site boundary, before extending a further 7m southwards at 3 storey (approximately 9m) in height which is offset approximately 9.5m-10m from the eastern site boundary. This 3 storey element steps up to 4 storey (approximately 11.4m) in height with the 4 storey element sited approximately 11m-11.5m from the eastern boundary. The 2 storey element steps up to 3 storey at a point approximately 7.5m–8.5 from the eastern boundary and then 4 storey in height at a point approximately 8.5m–9.5m from the eastern boundary. While it is acknowledged that the proposed development would result in an increase in visual presence when viewed from no. 435 St Leonards Road the stepped elevation is considered to break up visual mass and bulk, and together with the public pathway measuring approximately 6m in width which separates the proposed building and no. 435 St Leonards Road, the proposal is not considered to appear unduly overbearing to this neighbouring property. Furthermore, views would be oblique from the house.
- 9.29 In relation to the neighbouring properties to the west, the proposal would be sited to the front of the rear elevation of no. 1-14 Littleacre. Given the form, height, scale and proximity of the proposed building there are concerns that the proposal would be visual overbearing when viewed from no. 1-14 Littleacre. It is noted that the facing side elevation would be stepped, comprising of a 2 storey, flat roof element (approximately 6.9m in height) extending 14.5m rearwards before stepping down to a single storey flat roof element (approximately 3.5m in height) which extends a further 7.2m rearwards. Both these elements would be offset approximately 7.2m from western boundary of no. 1-14 Littleacre with a side-to-rear distance of approximately 13.5m. The two and single storey element would then step up to be 3 storey, flat roof element (approximately 9.3m in height) which would be offset approximately 11m and 20m from the western site boundary of no. 1-14 Littleacre above the two storey and single storey element and assimilating the same width respectively. The fourth storey (approximately 11.4m in height) would be offset approximately 12.2m and 21.5m from the western site boundary of no. 1-14 Littleacre above the two storey element and single storey respectively. The fourth storey sited over the two and three storey elements would have a similar width, while the fourth storey would be set back from the south elevation by 1m. However, while the stepped elevation would somewhat break up the resultant mass and bulk of the proposed building, the proposed building is still considered to be perceived as dominant and oppressive development when viewed from the habitable rooms at no. 1-14 Littleacre and the rear gardens which measure approximately 6m in depth. These views would be direct from both these neighbouring flats and rear gardens.
- 9.30 5 windows are proposed at first floor level and above on the west elevation directly facing no. 1-14 Littleacre. 2 of these windows would be sited approximately 18m from the western site boundary of no. 1-14 Littleacre while the remaining 3 windows would be sited approximately 7.2m, 11m and 12.2m from the western boundary. The furthest 2 windows serve hotel rooms (habitable rooms), but given the separation distance is unlikely to result in actual or perceived loss of privacy. The remaining 3 windows serve a corridor (non-habitable rooms) and so there would be no undue overlooking, but given the height, proximity, number and size of these windows there are concerns over the perception of overlooking which would be unduly detrimental to neighbouring amenity.
- 9.31 There would also be 5 windows at first floor level and above on the east elevation directly facing no. 435 St Leonards Road. 2 of these windows would be sited approximately 16m from the flank

boundary of no. 435 St Leonards Road facing the rear garden. However, given the separation distance and proposed louvers to these windows it is considered that these windows are unlikely to result in actual or perceived loss of privacy. The remaining 3 windows serve a corridor and so there would be no undue overlooking, given the height, proximity, number and size of these windows there are concerns over the perception of overlooking.

- 9.32 Concerns have been raised by local residents over potential noise and disturbance as a result of the hotel use. It is acknowledged that the operation of a hotel would differ from retail with guests being likely to be engaged in activities away from the building during the day and movements and activity concentrated at the beginning and end of the day to coincide with normal working hours and opening house for tourist facilities. However, it is not considered that the nature of hotel use would result in undue noise and disturbance that would be unduly detrimental. The proposed hotel includes a restaurant for 56 covers, but there would be no bar area or function rooms. The noise emitted from fixed plant and other equipment can be controlled by condition. If minded to approve it is recommended that the rating level of noise emitted should not exceed the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels should be determined 1m from the nearest noise-sensitive premises, and the measurement and assessment shall be made in accordance with BS: 4142: 2014.
- 9.33 Overall, the proposal is considered to be unduly harmful to neighbourly amenity in terms of visual overbearing and overlooking to the neighbouring properties to the west (no. 1-14 Littleacre), and the proposal has failed to demonstrate that it would not result in undue loss of sunlight or daylight to both no. 1-14 Littleacre and no. 435 St Leonards Road, contrary to paragraph 127 of the NPPF which seeks to secure a high standard of amenity for existing and future users.

vi Contaminated Land and Air Quality

- 9.34 The site has been operating as a former petrol station with underground storage tanks therefore the risk of potential contamination is considered to be significant. A Geo-Environmental Risk Assessment has been submitted and has identified issues in relation to the exceedance of benzene, removal/treatment of contaminated soil and replacement, decommissioning works of former petrol station including fuel tanks, interceptors and fuel pumps, and protection of utility services. It is considered that details and implementation of a remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other properties, and the natural environment could be secured by condition. The suggested condition would be pre-commencement to ensure that the contaminated land remediation scheme is approved and implemented prior to and during construction, which the applicant has agreed to.
- 9.35 The site is within the Imperial / St Leonards Road Air Quality Management Area (AQMA) declared for exceedances of the annual mean nitrogen dioxide (NO₂) objectives. The refused scheme under 17/00543/OUT failed to demonstrate that the potential air quality impact of the development on AQMA would be acceptable taking into account the impact of LEGOLAND developments and traffic from Clewer Hill Road at Winkfield Road Junction. However, the revised air quality assessment submitted to support this application includes these previously missing elements in their assessment and the findings indicate that the air quality impacts of the development are not significant. In terms of demolition and construction works if minded to approve it is recommended that a condition to secure a site specific construction environmental management plan (CEMP) is secured to reduce the effects of noise, vibrations, dust and site lighting including but not limited to elevated PM₁₀ concentrations. The suggested condition would be pre-commencement to ensure that the details of the CEMP are approved prior to and implemented during the course of construction, which the applicant has agreed to.

vii Flood Risk and Surface Water Drainage

- 9.36 Concerns with regards to changes in water levels as a result of the development and increase in risk from groundwater flooding have been raised by local residents. Figure E of the Council's Strategic Flood Risk Assessment indicates that the site does not fall into an area susceptible to ground water flooding and no substantive evidence has been provided to counter this to warrant refusal.
- 9.37 In terms of surface water flooding on or off site, paragraph 163 of the NPPF requires development to incorporate sustainable drainage systems. Borough Local Plan Submission Version emerging policy NR1 also requires new development to incorporate sustainable drainage systems but, given the extent of unresolved objections to this policy, NR1 is currently given limited weight. The applicant has submitted a Drainage Strategy and Proposed Drainage Layout. It is indicated that the basement gullies discharging to the surface water drainage system via bypass separator, but as there will be little flow to these units and the quality of water is likely to be poor, consideration should be given to connecting the gullies with the basement to the foul drainage system. Surface water runoff from the access ramps should, however, be taken to the proposed surface water system. Furthermore, from the information provided the invert level of the existing surface water connection to the Thames Water public sewer system, which is intended to be reused, is unknown. It is also unknown whether a gravity connection is possible or a pumped connection will be required. In general, however, it is considered that a surface drainage strategy, which reduces and attenuates flows to 5l/s can be delivered, and the details can be secured by condition. The recommended condition would be a pre-commencement condition to ensure that the sustainable drainage scheme can be achieved without conflicting with the approved development, which the applicant has agreed to. On this basis it is considered that the proposal will not exacerbate the risk of surface water flooding.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The proposed development would comprise of a building where the gross new build floor area comes to more than 100sqm, but in accordance with the Council's adopted CIL charging schedule the CIL rate is £0 per square metre.

11. CONCLUSION

- 11.1 At the heart of the NPPF is the presumption of in favour of sustainable development. Paragraph 11 states that for decision making this means approving development proposals that accord with an up-to-date plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 11.2 The NPPF identifies three dimensions to sustainable development; economic, social and environmental. In terms of social-economic impact, the proposal would result in addition to the creation of jobs in during construction and in its operation, as well as tourism and recreation benefits and potential increase in local spending. It would also result in the increase of purchase of goods and services to supply the hotel from local and companies further afield.
- 11.3 However, whilst the application proposal would deliver some economic and social benefits that would fall within the economic and social roles of sustainable development set out within the NPPF, the scheme fails in respect of directing town centre uses (such as this) to town centre locations to the detriment of its vitality and local community. The proposal would also fail to represent good design and would result in harm to trees and neighbouring amenity. The identified harm is considered to significantly and demonstrably outweigh the benefits identified within this section. The proposal would not be a sustainable form of development and would not comply with the requirements of the NPPF taken as a whole.

12. APPENDICES TO THIS REPORT

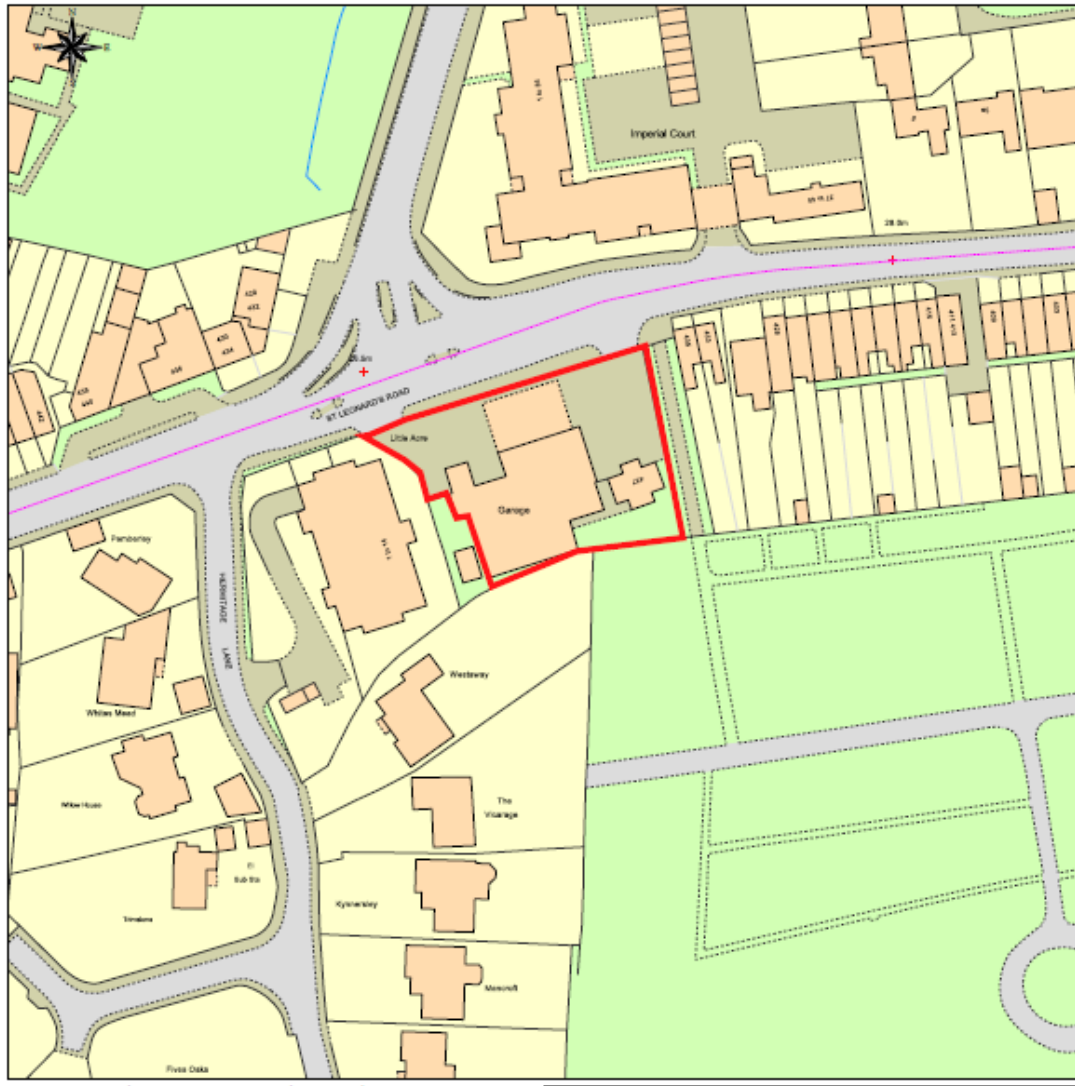
- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plans and Elevations

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The Sequential Assessment fails to demonstrate that there are no suitable and available sequentially preferable sites in the town centre or edge of town centre. The scheme thereby fails to comply with paragraph 86 of the NPPF.
- 2 By reason of its siting, form, height, scale, mass, bulk and lack of adequate landscaping, the proposed building would represent an unduly dominant and intrusive form of development that would be disproportionate to the plot and fails to respect the scale and appearance of this part of the street to the detriment to the character of streetscene and surrounding area. The proposal would therefore be contrary to policy DG1 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003) and paragraph 130 of the National Planning Policy Framework (2018).
- 3 By reason of its siting and scale, the proposed development would prejudice the long term future health and longevity of proposed trees. Together with the loss of existing trees, the proposal would detract from the character and appearance of the locality. As such, the proposals would be contrary to the policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).
- 4 By reason of its siting, form, height, scale, bulk and mass, the proposed development would appear visually dominant and overbearing when viewed from no. 1-14 Littleacre, and due to the introduction of first floor windows and above on the western elevation would erode perceived privacy to an unacceptable level for no. 1-14 Littleacre. Furthermore, the proposal has failed to demonstrate that it would not result in undue loss of sunlight or daylight to both no. 1-14 Littleacre and no. 435 St Leonards Road. The proposal is therefore contrary to paragraph 127 of the National Planning Policy Framework (2018) which seeks to secure a high standard of amenity for existing and future users.

Site Location Plan

Land at St Leonard's Road, Windsor



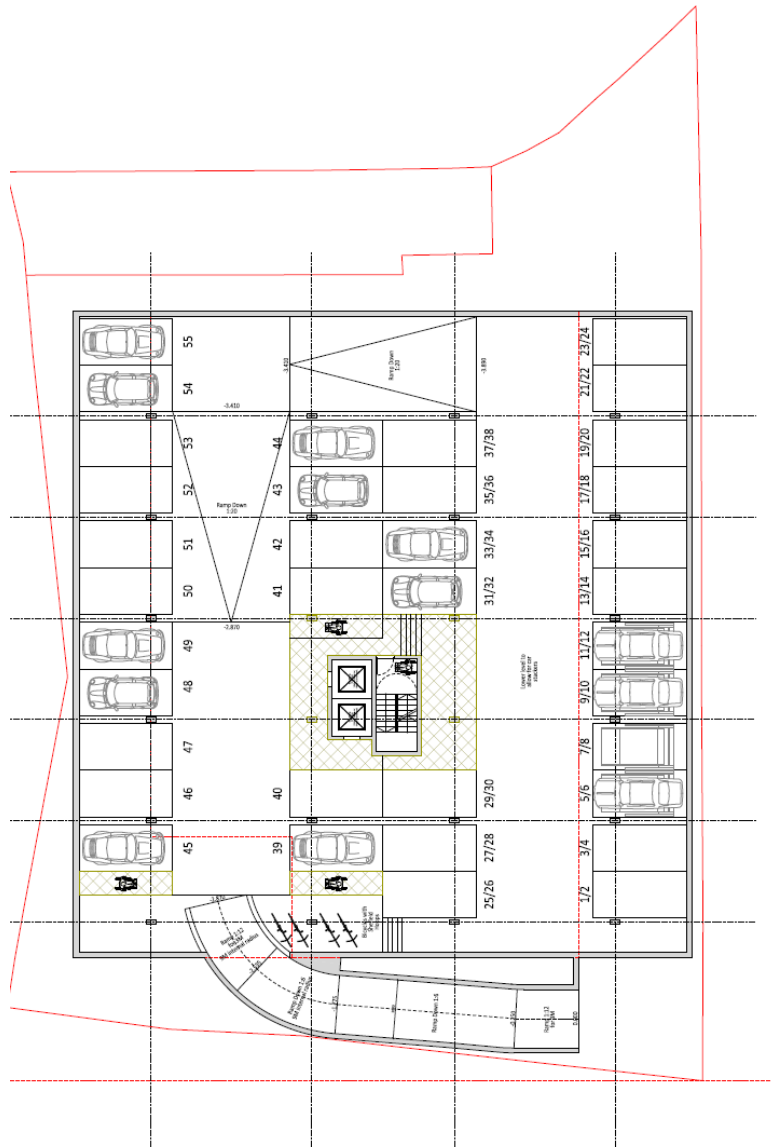
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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



Appendix B – Proposed Plans and Elevations



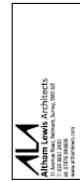
Basement Car Park – 55 Spaces

Disclaimer: This drawing is the property of the Architect and is not to be used for any other purpose without the written consent of the Architect. The Architect is not responsible for any errors or omissions in this drawing.



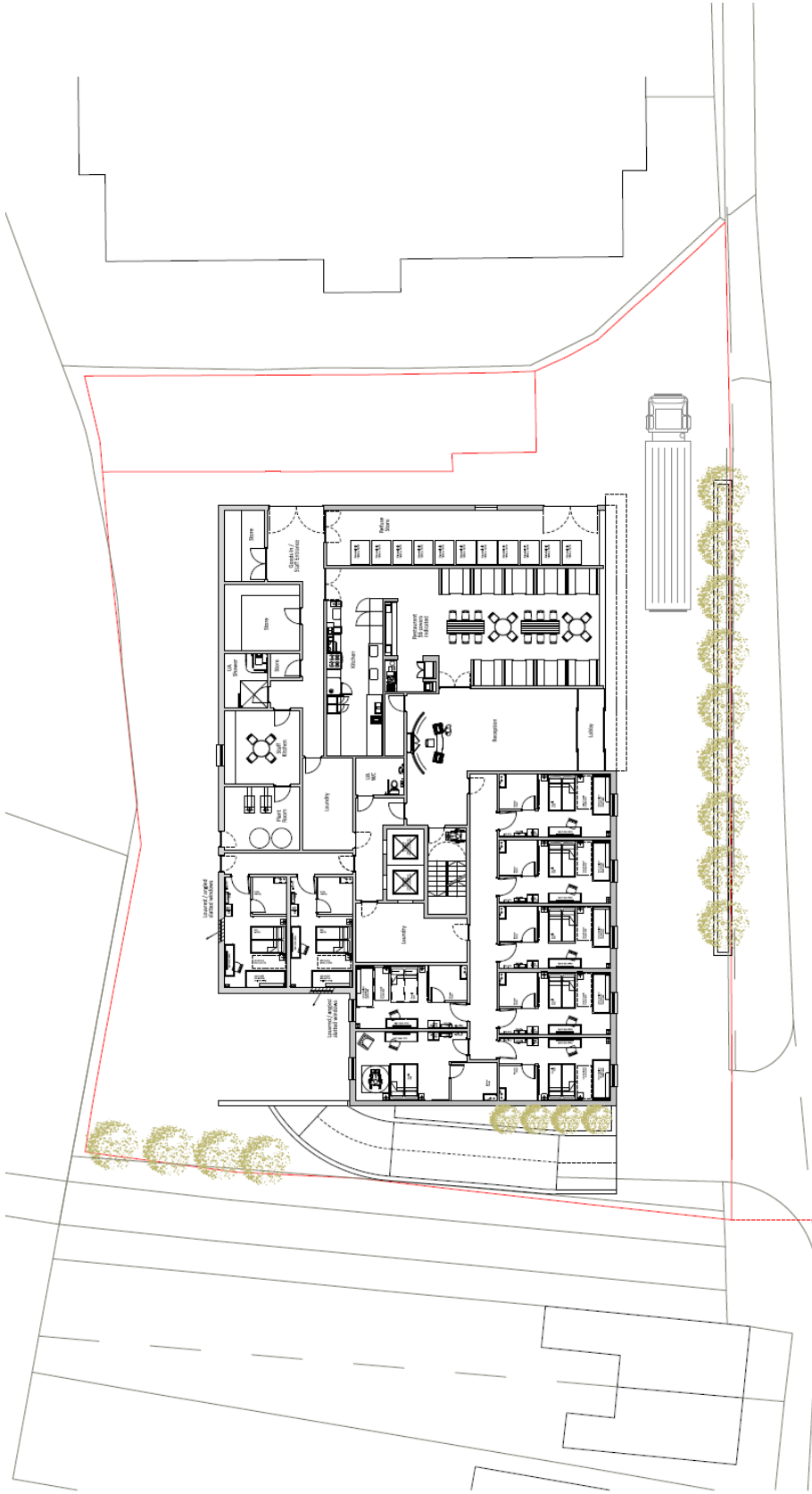
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Project Name: []
 Project Number: []
 Drawing Title: []
 Drawing Date: []
 Drawing Scale: []
 Drawing No.: []



Ground Floor 9 Bedrooms

REVISIONS:
 1. Revision of the floor plan to include the 9 bedrooms.
 2. Revision of the floor plan to include the 9 bedrooms.
 3. Revision of the floor plan to include the 9 bedrooms.

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DATE: 10/1/2010
TIME: 10:00 AM
PROJECT: 10000 100th Ave. S. Phase 1
CLIENT: ALA Architects & Engineers
DESIGNER: ALA Architects & Engineers
SCALE: 1/8" = 1'-0"



First Floor 19 Bedrooms

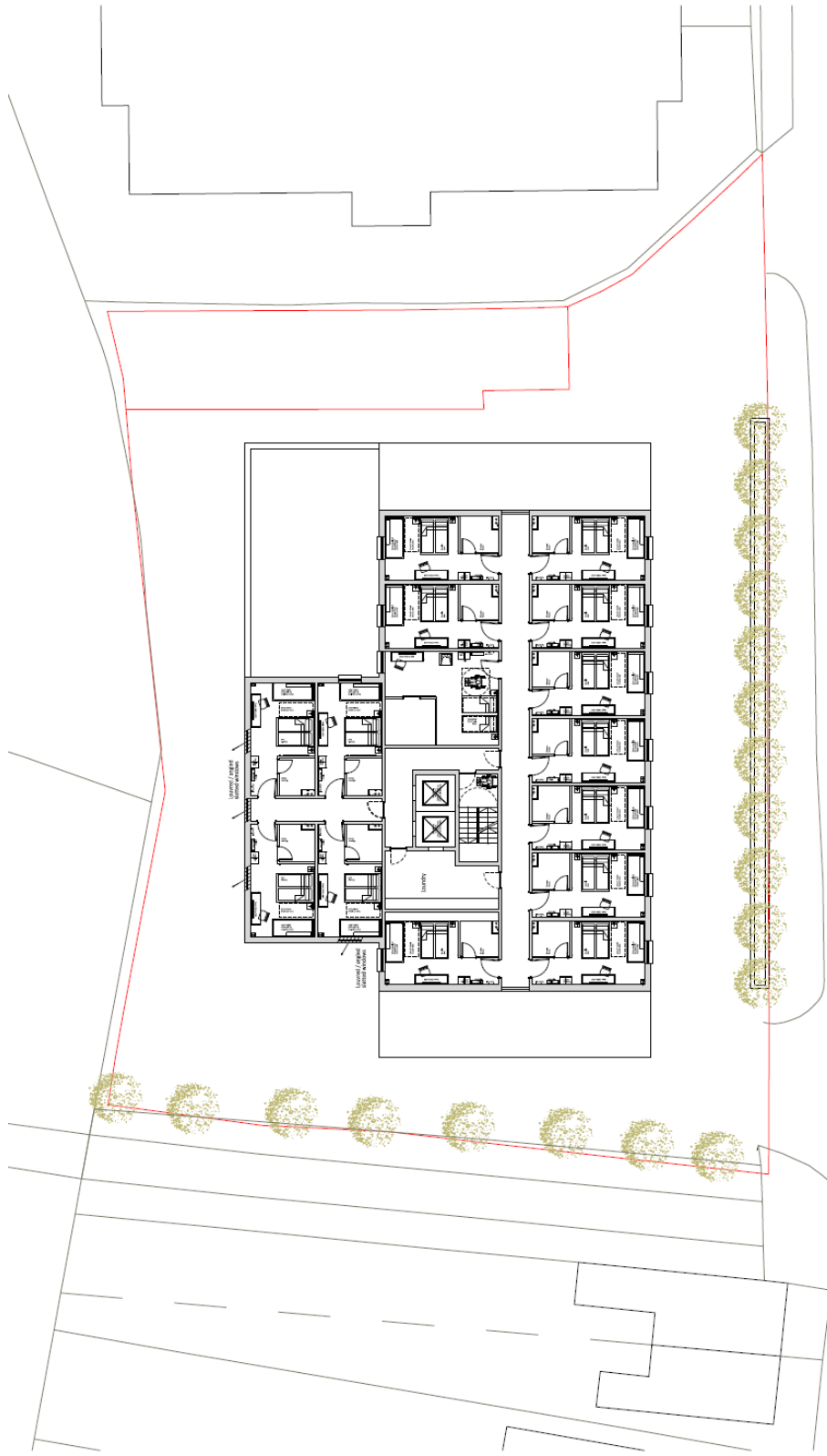
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 www.alahamlewis.com

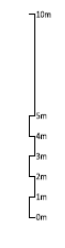
Project: 19 Bedroom Apartment
 Location: Los Angeles, CA
 Architect: ALA
 Date: 10/15/2014

Drawn By: [Name]
 Checked By: [Name]
 Date: 10/15/2014
 Scale: 1/8" = 1'-0"



Second Floor 15 Bedrooms

DISCLAIMER: This drawing is a conceptual plan and does not represent a final contract. It is for informational purposes only and is not intended to be used for construction. All dimensions and areas are approximate and subject to change without notice.

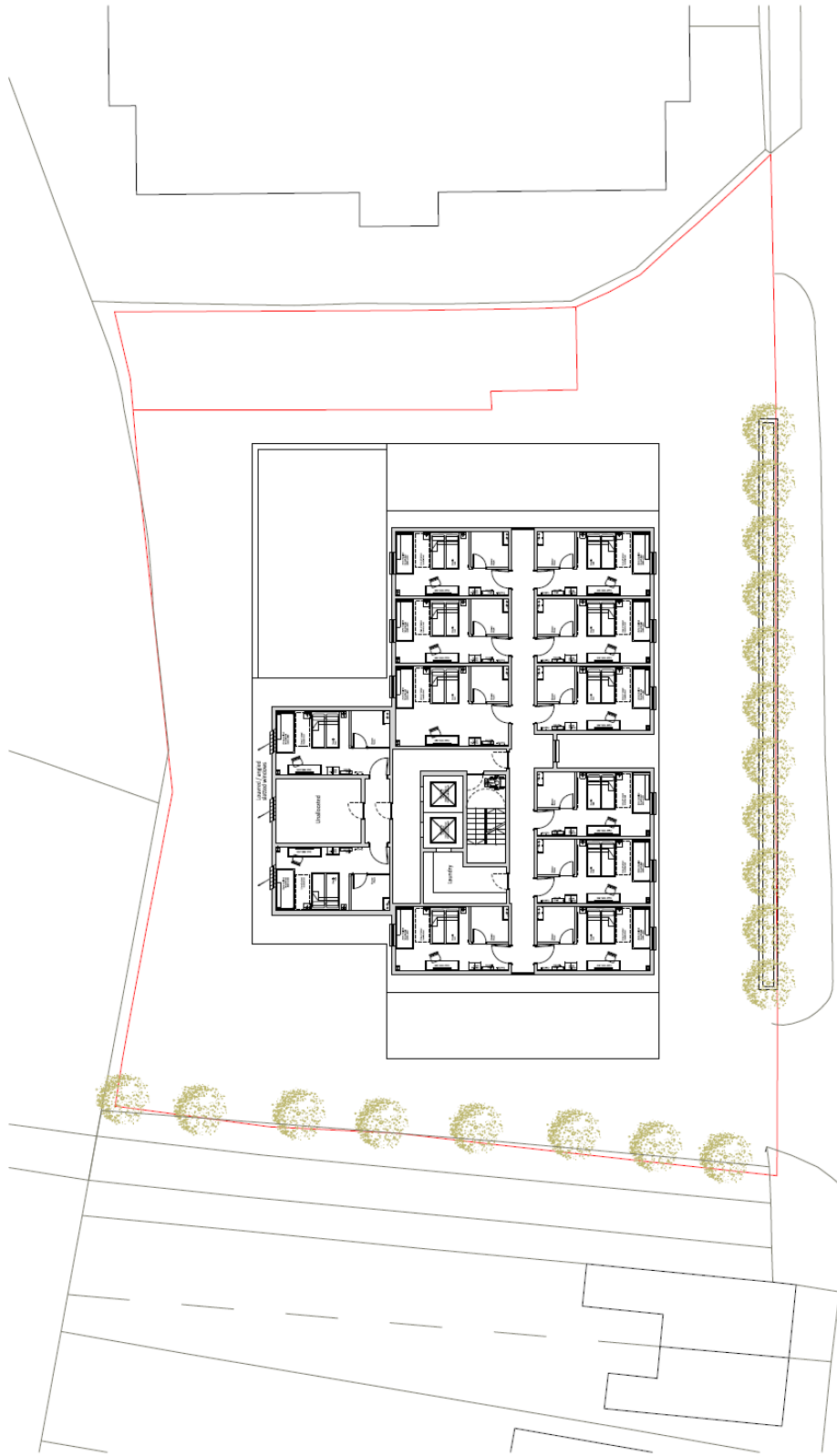


NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.
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Albion Land Architects
 100-1000 100th Ave SE
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 Bellevue, WA 98004
 Phone: 206.465.1234
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Project: 100-1000 100th Ave SE
 Client: Albion Land
 Drawing No.: 100-1000-02
 Project Start Date: 10/1/2020

Drawn By: J. Smith	Scale: 1/8" = 1'-0"	Date of Revision: 10/1/2020
Checked By: M. Jones	Sheet No.: 100-1000-02	Date of Issue: 10/1/2020
Approved By: P. Lee	Project No.: 100-1000	Revision No.: 01



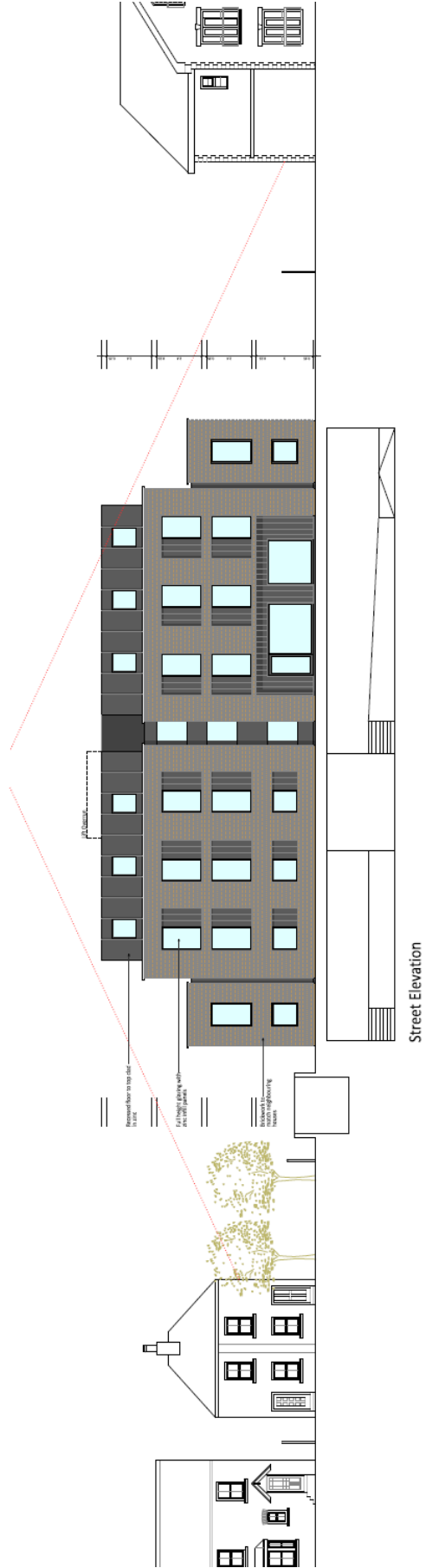
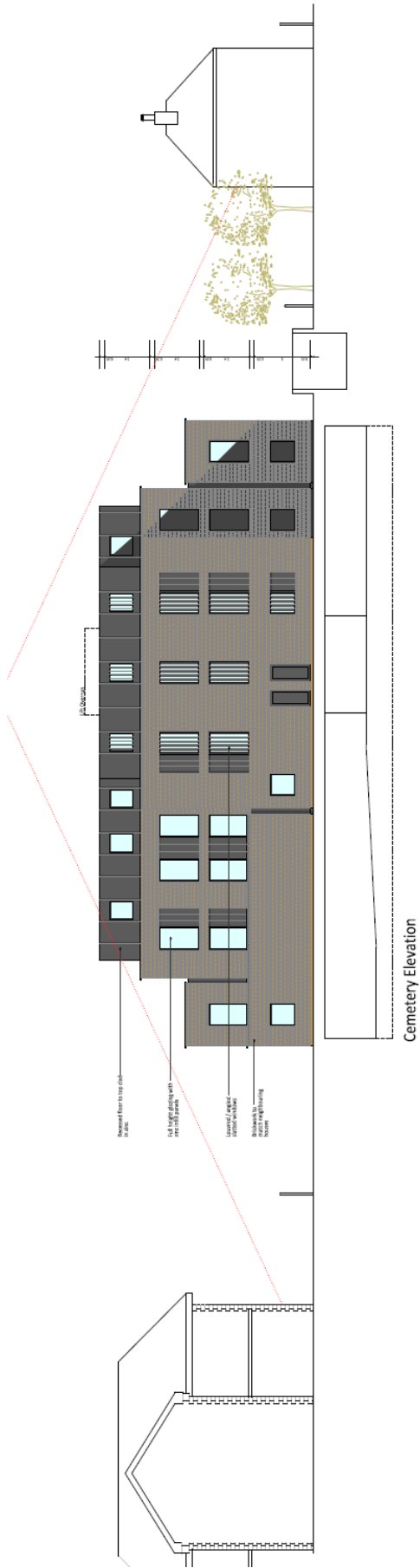
Third Floor 12 Bedrooms

Drawn by: [Name] Checked by: [Name] Date: [Date] Scale: 1:1000
 Project No: [Number] Client: [Name] Address: [Address] City: [City] State: [State] Zip: [Zip]

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North Arrow Scale: 10m

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10m

5m

4m

3m

2m

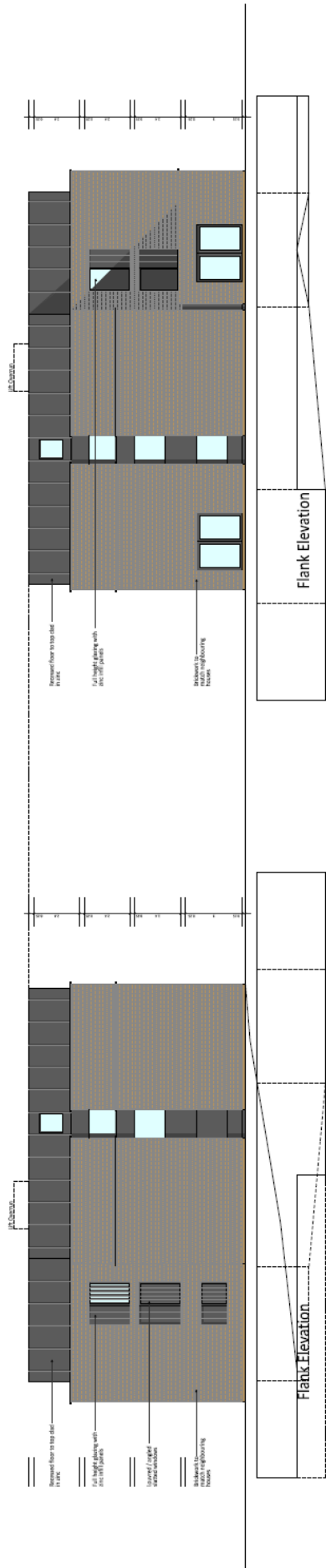
1m

0m

ALMA Architects
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Project No.	21-000214
Client	City of Toronto
Architect	ALMA Architects
Scale	1:50
Date	2021.07.27
Drawn by	J. Lee
Checked by	J. Lee

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10m
 5m
 4m
 3m
 2m
 1m
 1m

Notes:

Dimensions (length) of this plan to be checked against dimensions of the works. All dimensions are to be taken from the top of the ground level unless otherwise stated.

Date: 27/02/2014
 Drawn By: [Name]
 Project No: [Number]
 Scale: 1:50
 Date of Issue: 27/02/2014

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

30 January 2019

Item: 2

Application No.:	18/02929/FULL
Location:	2 Bolton Crescent Windsor SL4 3JQ
Proposal:	Demolition of existing house and construction of new dwelling.
Applicant:	Ms Prothero
Agent:	Mr Justyn Turnbull
Parish/Ward:	Windsor Unparished/Park 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 for a replacement dwelling. The application follows a previous refusal under application number 18/00063/FULL and it is considered that the revised proposal now satisfactorily overcomes the previous reasons for refusal.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor N Airey, if the recommendation is to grant approval, due to concerns regarding impact on local area and resident concerns of over development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site currently comprises a fairly modest 2 storey detached dwelling which includes a single storey forward projection and a double garage with pitched roof at the side. The site has been cleared of all vegetation and a new fence/trellis erected along the flank and rear boundaries. The plot incorporates newly acquired garden land from number 8 Bolton Avenue and provides an irregular shaped plot. The site slopes away to the rear and is set up above the rear gardens of the adjoining properties in Bolton Avenue.
- 3.2 Bolton Crescent is characterised predominantly by detached dwellings and there is a variety of architectural styles and ages including Victorian, Edwardian, post WWII and more recent infill plots. The properties to the south west of the site, numbers 4, 6, 12 & 14 Bolton Crescent comprise attractive Edwardian dwellings with facing brick at ground floor and render and timber framed gables at first floor and above. Clay tiles are the predominant material. The dwelling to the north east of the site, number 10 Bolton Avenue is a non-designated heritage asset.

4. KEY CONSTRAINTS

- 4.1 The site lies within a 'leafy residential suburbs' designation in the Townscape Assessment. The Bourne Ditch is situated behind Bolton Crescent. However the site is located in Flood Zone 1 which is an area with low probability of flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to erect a replacement 4 bed detached dwelling which would include accommodation within the roof and an attached independent 1 bed annexe for the applicant's elderly parents, which would be accessed via a separate side entrance but linked to the main dwelling at first floor level. A basement is proposed which would accommodate a gym, craft room and laundry/utility room. The existing vehicular access is proposed to be altered and two car parking spaces provided.

5.2 The overall height of the dwelling would measure 9.5m and the dwelling has been designed with a hipped roof and 'cat slide roof' with reduced eaves height (4m) adjacent to number 4 Bolton Crescent. It has a single storey flat roof front projection. The materials include facing brick at ground floor level with render at the upper level and a plain clay tile roof.

5.3 The table below sets out relevant planning history:

Reference	Description	Decision
18/00063/FULL	Demolition of existing house and construction of new dwelling.	Refused 6 th March 2018

5.4 The above application was refused for the following reasons:

1. The proposal, by virtue of its scale, height, siting, mass, design and materials would appear cramped and unduly prominent in the street scene and would have a detrimental impact on the character and appearance of the site itself and the locality in general. As such the proposal would be contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
2. The proposal, by virtue of its scale, height, siting, depth and mass would appear unduly prominent and overbearing when viewed from number 10 Bolton Avenue and would have an unacceptable impact on their living conditions in terms of loss of outlook and light. In addition the proposal would result in an unacceptable impact on light and outlook from number 4 Bolton Crescent and would appear unduly prominent and obtrusive when viewed from the rear gardens of the dwellings to the rear of the site in Bolton Avenue. As such the proposal is contrary to bullet point 4 of the Core Planning Principles set out in paragraph 17 of the National Planning Policy Framework.
3. The proposal would damage the future viability of a Lime tree, an important tree and an integral feature of the tree lined avenue, situated on the adopted highway at the front of the site. In addition insufficient space has been provided for a quality landscape scheme characteristic of the 'leafy residential suburbs' designation in the Townscape Assessment. As such the proposal is contrary to policies N6, DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
4. The proposed crossover to access the proposed parking bays would exceed the maximum permitted crossover width of 3.6m. As such the proposal has failed to comply with the Council's adopted Highway Design Standards and is contrary to policy T5 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).

5.5 The current application seeks to address the previous reasons for refusal. The footprint, height, width and bulk of the dwelling have been reduced. The two storey forward projection has been omitted and replaced by a flat roof single storey forward projection within a similar footprint to the existing forward projection. The dwelling has been designed with a 'cat slide' roof to help improve its relationship with number 4 Bolton Crescent. The overall design has been amended to include a more simplified roof design which has helped reduce the overall bulk of the dwelling and the overall height has been reduced to 9.5m. The dwelling has been revised to provide greater spacing between the proposed dwelling and the boundary with number 10 Bolton Avenue. The materials have been revised to include facing brick at ground floor, render at first floor and a plain clay tile roof. The reduced footprint also enables more landscaping to be provided to the front and side of the dwelling. The width of the vehicular crossover has also been reduced to accord with the requirements of the Highway Authority.

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

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

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:

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

Other Local Strategies or Publications

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

11 occupiers were notified directly of the application.

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

5 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. Existing dwelling is an unappealing 1970's dwelling of poor design. Proposed house is attractive and in keeping with the surrounding houses.	Paragraphs 9.2-9.8
2. Bolton Crescent is a mix of many types of property and the proposal will sit comfortably into the street scene.	9.2-9.8
3. Dwelling is not too large for the extended plot	9.2-9.8
4. Replacement of ugly dwelling with a new modern dwelling will both add value and enhance living conditions on Bolton Crescent.	9.2-9.8
5. Size of dwelling would not be overbearing within the enlarged plot and the design would complement the variety and mix of styles along Bolton Ave and Bolton Crescent.	9.2-9.8
6. Proposed new building will fit in with the size of existing structures and will bring much need larger family accommodation to the area.	9.2-9.8

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

Comment	Where in the report this is considered
1. Proposal ignores proportions and detailing of the neighbouring properties.	Paragraphs 9.2-9.8
2. Proposed dwelling is angled to the road and its true width would be greater than shown on the street scene elevation. The width is actually 17m and not 15.4m as shown.	9.22
3. Dwelling would project further into the site and would result in more loss of light and outlook.	9.9-9.14
4. Proposed building is wholly disproportionate to any of the existing dwellings on this side of Bolton Crescent.	9.2-9.8
5. Impact upon 4 Bolton Crescent was one of the grounds for refusal under 18/00063/FULL and equally applies to this proposal.	9.11
6. Development will set an unfortunate precedent for similar erosion of light and outlook across the Borough.	9.23
7. Plot falls away to the northwest and the building would be set further back into plot and would appear even more obtrusive than 18/00063/FULL.	9.12
8. Proposal conflicts with Policy H11, H7, H14, Appendix 12 and emerging policy H05.	9.8
9. The single window is a major source of light to the kitchen at number 4 Bolton Crescent.	9.11
10. All outlook and a huge reduction in light would be lost from the kitchen window at number 4 Bolton Crescent.	9.11
11. Windows in the flank elevation should be kept to a minimum and obscure glazed to prevent overlooking to number 4 Bolton Crescent.	9.11
12. Proposed dwelling is still significantly oversized, overbearing and harmful to living conditions of number 10 Bolton Ave.	9.10

13.	Development is still excessive in scale and dominates and degrades the living conditions of the properties around it.	9.6 & 9.9-9.14
14.	Dominating scale, moving back of building further into plot and pivoting of the building line to a slanted angle has a detrimental effect on the living conditions (outlook, garden amenity, garden light, indoor light) of 10 Bolton Ave.	9.10
15.	All the front windows on the first and attic floor will overlook the garden of 10 Bolton Ave.	9.10
16.	Severe loss of autumn and winter afternoon/evening sunlight across the whole house and garden at number 10 Bolton Ave.	9.10
17.	Detriment to street scene and character of area – site lies in a prominent position in the street scene between Edwardian dwelling and a non-designated heritage asset. Proposed design has none of the key features of the Edwardian dwellings. The pivoting of the building line and front addition is not typical in the street scene.	9.6-9.7
18.	Rhythm of architecture is disrupted by the proposed design.	9.3-9.7
19.	Overlooking of rear gardens of 6-8 Bolton Ave.	9.12
20.	Insufficient space for meaningful planting.	9.6 & 9.19
21.	Inadequate parking. 2 spaces are insufficient for a 6 + bed dwelling.	9.16
22.	Ground floor wing in front of main building would detract from street scene.	9.5-9.7
23.	Protection of lime tree is important.	9.18
24.	Over development of plot	9.7
25.	Creation of 2 dwellings in place one house.	9.24
26.	Concerned about basement so close to stream.	9.25
27.	Mass and scale of development is still overbearing to street and number 10 Bolton Ave.	9.10
28.	Screening of the existing dwelling has been greatly reduced.	9.19
29.	Building will extend across rear garden and dwelling at Number 10 Bolton Ave significantly reducing light and outlook particularly during the winter months.	9.10
30.	Incompatible with the emerging Windsor Neighbourhood Plan.	9.21
31.	Leafiness of the environment has been significantly reduced by the developer.	9.18
32.	Scheme is not consistent with policies H05, H06 or SP3.	9.8
33.	Width and height would create a monolithic mass fronting the street.	9.3-9.7
34.	The Bolton's is characterised as a Green and Leafy Residential suburb in the RBWM Townscape Assessment	9.19
35.	Building is around 2.3 times the volume of the existing building.	9.3-9.7
36.	Dwellings of 4 or more bedrooms must provide 3 on-site parking spaces. Only 2 are provided.	9.16
37.	The Bolton's are designated as a 'Green Route' in the emerging neighbourhood plan.	9.21
38.	The existing single storey extension does not create a precedent to building something similar in its place. It infringes the building line along Bolton Crescent.	9.5-9.7
39.	Building is too obtrusive for this location.	9.3-9.7

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection on highway or parking grounds subject to conditions.	Paragraphs 9.15-9.17
Tree Officer	There is a Lime tree on the adopted highway which is an important tree and an integral feature of the tree lined avenue and provides significant amenity. Details of the new utilities and drainage runs are required in	9.18-9.20

	<p>order to assess whether there would be an acceptable impact.</p> <p>An extensive amount of permanent hard standing is proposed to replace soft landscaping within the RPA of the Lime which would cause a detriment sufficient to result in the loss of the tree. The bin and bike storage area needs to be located outside the RPA.</p> <p>The proposed planting is very limited in terms of scale and quality.</p> <p>Comments on amended/additional information:</p> <p>The landscape specification, arboricultural method statement, drainage and utilities information are all acceptable. The details need to be listed in any decision notice and conditions added.</p>	
Environmental Health	Suggested conditions & informative	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character and amenity of the site itself and the locality in general
- ii Impact on the living conditions of the neighbouring properties
- iii Highway and parking implications
- iv Trees/landscaping
- v Other Material Considerations

i Impact on the character and amenity of the site itself and the locality in general

9.2 Local Plan Policy DG1 and emerging policy SP3 set out the design guidance for new development. New development should respect and enhance the local character in terms of layout, density, scale, bulk, massing, proportions, trees and materials. Materials should be sympathetic to the traditional building materials of the area and harm should not be caused to the character of the surrounding area through development which is cramped. 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 HO5 requires all new housing to be developed at a density that is consistent with achieving good design, including making the most efficient use of the land available and having regard to the character and location of the area. Paragraph 124 of the revised NPPF states *'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.'*

9.3 The site is located within a residential area characterised by fairly large detached dwellings and Bolton Crescent comprises a mix of architectural styles. The existing dwelling on the site is fairly modest and of no architectural merit. The site lies within a 'Leafy Residential Suburb' as

designated in the Townscape Assessment and the design should allow for space for planting to mature. Sensitive contemporary design should respond to its immediate context making reference to existing building heights, massing and proportion or stylistic references. Reference to existing materials may also be appropriate.

- 9.4 The revised dwelling has a smaller footprint which has enabled better spacing to be provided between the proposed dwelling and the boundary with number 10 Bolton Avenue. A distance of between 3.75m and 5.75m would be maintained at ground floor level and this increased spacing would enable more landscaping to be provided in order to maintain the characteristic of a 'leafy residential suburb'. The two storey front projection has been omitted and replaced by a single storey flat roof forward projection which sits on a similar footprint to the existing single storey forward projection. Whilst a basement is now proposed this would not be apparent from the street scene. The revisions have resulted in a slight reduction in a rear garden depth to 11 metres.
- 9.5 The dwelling has been positioned further back into the plot and has been angled within the site and follows the general building line of the dwellings to the south west of the site. The dwellings to the south west of the site are set quite close to the road frontage and the main elevation of the proposed dwelling would be sited between 5.2m and 10.5m from the front boundary. The single storey projection would come to within 2.2m of the front boundary but would come no closer than the existing single storey front projection and would have a similar footprint. A distance of 2.5m would be retained between the proposed dwelling and number 4 and a distance of approximately 19m would be retained between the proposed dwelling and number 10 Bolton Avenue.
- 9.6 The overall height of the dwelling would be 9.5m and would be lower than the neighbouring properties at number 4 Bolton Crescent and 10 Bolton Avenue. The scale of the dwelling is considered appropriate in this context. The revised design has been simplified and the gables have been replaced with a more conventional roof design comprising one main hipped roof and a smaller gable feature. The revisions in the design have significantly reduced the overall bulk and scale of the proposed dwelling. The materials have also been revised to include facing brick at ground level with render at the upper level which would be more in keeping with properties in the immediate vicinity. A reasonable size garden is proposed to be provided and appropriate spacing has been provided at the front and side to provide landscaping in order to help maintain the 'leafy residential' character of the area.
- 9.7 Overall it is considered that the dwelling would sit comfortably within the plot and would not appear cramped or unduly prominent in the street scene. The overall design and materials are now considered to be acceptable and it is considered that the proposal would be in keeping with the general character and appearance of the site itself and the locality in general.
- 9.8 It is considered that the proposal has satisfactorily overcome reason for refusal number 1 of the previous scheme and would accord with saved policies DG1, H10 & H11 and emerging policies SP2, SP3 and H05.

ii Impact on the living conditions of neighbouring properties

- 9.9 It is important to assess the proposals impact on the living conditions of the neighbouring properties in terms of light, outlook and privacy.
- 9.10 The neighbouring dwelling at number 10 Bolton Avenue backs onto the flank boundary of the application site and has a south west facing garden and a number of windows facing towards the application site. The proposed dwelling would be set at an angle to the rear boundary of number 10 Bolton Avenue and a gap of between 3.75m and 6.75m would be retained at first floor level. The overall distance maintained between the proposed dwelling and the rear elevation of number 10 would measure between 19.4m and 22.2m. The depth of the proposed dwelling when viewed from number 10 Bolton Avenue would measure 9.5m. Whilst there can be no doubt that the outlook from the rear windows and garden of number 10 would be altered as a result of the proposal it is considered that sufficient distance would be maintained between the two dwellings and the revisions to the bulk and design of the dwelling has produced an acceptable relationship with number 10. It is not considered that the dwelling would appear unduly prominent or obtrusive when viewed from the rear of number 10 and would not result in an unacceptable loss

of sunlight, daylight or outlook to either the dwelling itself or the rear garden. No first floor windows or roof lights are proposed in the flank elevation facing number 10 and any views from the first floor windows and roof lights in the front elevation would be fairly oblique and would not introduce an unacceptable level of overlooking or loss of privacy to the rear garden of 10 Bolton Avenue. On this basis it is considered that the proposal would result in an acceptable impact on the living conditions of number 10 Bolton Avenue.

- 9.11 The neighbouring dwelling at number 4 Bolton Crescent has a ground floor kitchen window which faces the application site and objection was raised to the previous application on the grounds of loss of light and outlook to this window. The dwelling has been re-designed to incorporate low eaves of 4m and a 'cat slide' roof which would help to improve the resulting relationship with number 4. A gap of 2.5m would also be retained. The existing kitchen window currently looks out onto a fence and the side elevation of the detached garage. The kitchen that it serves is also served by other windows. On balance it is not considered that an objection could now be sustained on the grounds of its impact on light and outlook to this window. There are two roof lights proposed in the flank elevation which would face number 4. These roof lights would be high level and would provide light to a first floor dressing room and wet room and would not result in any overlooking or loss of privacy to number 4. There will also be no adverse impact on the 2nd floor dormer window which serves a bathroom in the flank elevation of number 4. In addition it is not considered that the proposal would result in any unacceptable level of overlooking and loss of privacy to the raised rear decking area at number 4. On this basis the proposal would result in an acceptable impact on the living conditions of number 4 Bolton Crescent.
- 9.12 The application site is set up above the level of the rear gardens of properties in Bolton Avenue and concern has raised that the previously proposed dwelling could appear unduly prominent and obtrusive when viewed from these rear gardens and result in loss of outlook. The revised dwelling has been set further back into the plot and is now sited 11m from the rear boundary of the site. However the design and size of the proposed dwelling has helped to reduce its overbearing impact. The properties to the north-west of the site, numbers 8 and 6 Bolton Avenue, have the benefit of long rear gardens and it is considered that sufficient distance would be maintained between the proposed dwelling and the neighbouring properties in Bolton Avenue sufficient to safeguard their amenities. On balance it is not considered that the revised dwelling would have a harmful effect on the living conditions of these properties in terms of light, outlook and loss of privacy.
- 9.13 It is concluded that the proposal would not result in an unacceptable impact on daylight or sunlight to any of the neighbouring properties and this is supported by the accompanying Sunlight and Daylight report which concludes that the amenity values of daylight and sunlight to neighbouring residential properties will be retained to a level that satisfies BRE criteria and the degree of overshadowing would also be BRE compliant.
- 9.14 It is considered that the proposal would comply with saved policy H11 and emerging policy SP3.

iii Highway and parking implications

- 9.15 The width of the proposed access has been revised to accord with the Highway Authority's standard and a sliding gate is proposed. The proposal raises no highway concerns.
- 9.16 A total of 3 car parking spaces would normally be required to accord with the parking standard for a 4+ bedroom dwelling. However the site is located within a residential permit parking zone and the Highway Authority has confirmed that the provision of 2 spaces would be acceptable in this location.
- 9.17 On this basis the application complies with saved policies P4 and T5 and emerging policy IF2.

iv Trees/Landscaping

- 9.18 There is a mature Lime tree on the adopted highway. This is an important tree and an integral feature of the tree lined avenue. The application has been supported by an arboricultural assessment and Method Statement and incorporates appropriate measures to ensure the

safeguarding and continued health of the Lime tree. A landscape scheme has also been provided and during the course of the application further information has been supplied including an updated tree root protection plan, method statement, drainage strategy, details of underground utilities and a revised landscape plan with updated tree and hedging schedule, planting plans and soft landscape specification. The area of hardstanding within the RPA has also been reduced.

- 9.19 The information supplied is considered to be acceptable and would ensure the safeguarding and continued health of the Lime tree. It is considered that sufficient space has been provided to enable a quality landscape scheme to be provided in order to preserve the characteristics of the 'leafy residential suburbs' designation and an acceptable landscape scheme has been provided.
- 9.20 Subject to the imposition of suitable conditions it is considered that the application accords with saved policy N6 and emerging policy NR2.

v Other Material Considerations

- 9.21 The Windsor Neighbourhood Plan does not yet form part of the development plan and is not at such an advanced stage of preparation to be accorded significant weight in the determination of this application.
- 9.22 The revised street scene drawing 1615/P2/26A correctly shows the width of the proposed dwelling as 17m and shows its relationship with the neighbouring properties in the street scene.
- 9.23 Each application must be determined on its own merits and the approval of this application would not set an undesirable precedent for other developments in the Borough.
- 9.24 The proposal includes an annexe to provide accommodation for the applicant's parents and in the event of planning permission being granted a condition should be imposed to prevent the annexe from being occupied separately from the main dwelling to prevent two separate dwellings being created.
- 9.25 The site does not lie within an area at risk of flooding and therefore the creation of basement would not increase the risk of flooding.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In line with the Council's Charging Schedule the proposed development is CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has provided the Self Build Exemption Claim Form Part 1. The Additional Information Requirement Form needs to be submitted and this has been requested. The gross internal residential floor of the existing dwelling has been calculated at 151 sq.m and the internal floor space of the proposed dwelling has been calculated at 464 sq.m. The net increase in floor area would therefore be 313 sq.m.

11. CONCLUSION

- 11.1 The current scheme has satisfactorily overcome the previous reasons for refusal. It is considered that the application is acceptable in terms of its impact on the character and appearance of the site itself and the locality in general, the impact on the living conditions of the neighbouring properties, would secure the protection of the adjacent lime tree and provide adequate landscaping and car parking. The proposal is considered to accord with adopted policies DG1, H10, H11, P4, 5 and N6 and emerging policies SP2, SP3, HO5 and NR2.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Floor plans and elevation
- Appendix C – Street scene
- Appendix D - Landscaping details.

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 The annexe shall only be used for purposes ancillary to the residential use of the main dwelling.
Reason: Occupation as a separate unit of residential accommodation would result in an unsatisfactory living environment for occupiers of both the existing house and the new development.
- 5 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
- 6 No window(s) shall be inserted at first floor level in the north-east elevation of the dwelling without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 7 No roof-light(s) shall be inserted in the north-east elevation of the dwelling without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 8 No further window(s) shall be inserted at first floor level in the south west elevation of the dwelling without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 10 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor

shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

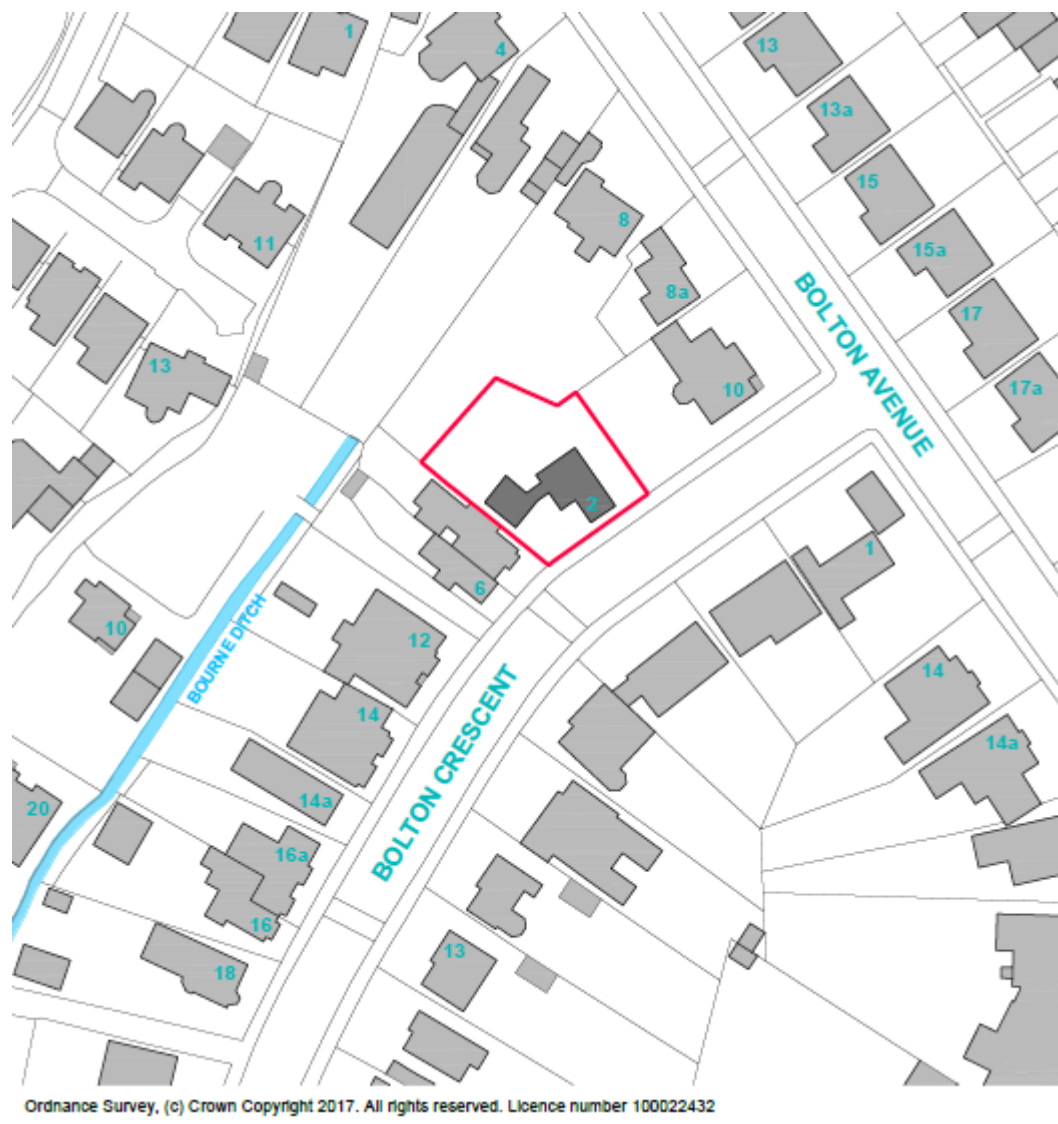
- 11 All hard and soft landscape works shall be carried out in accordance with the approved details and the soft landscape specification received on the 18th December 2018. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme agreed in writing by the Local Planning Authority, and retained thereafter in accordance with the approved details.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.
- 12 Details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against aircraft noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10...
- 13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.

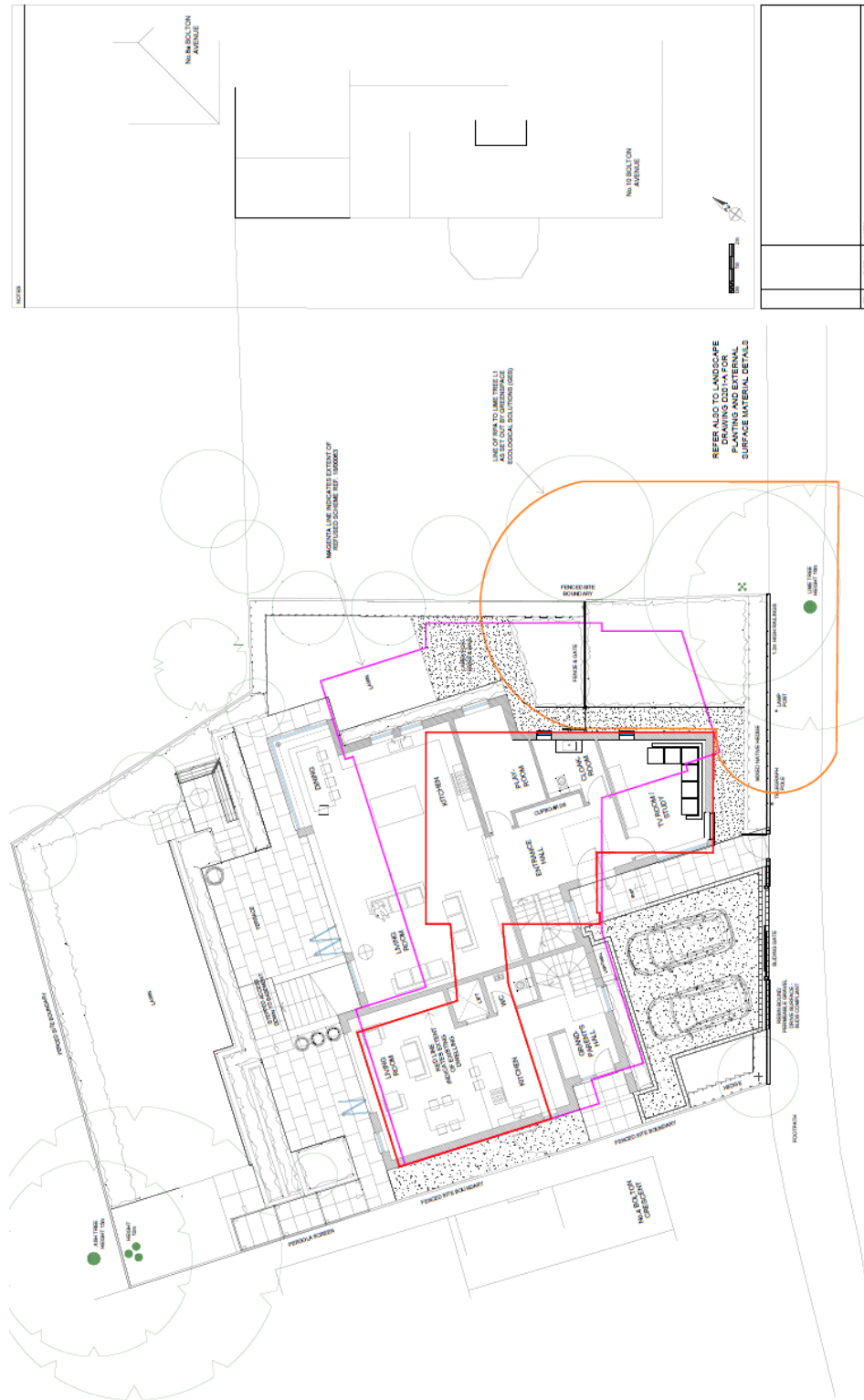
- 4 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

APPENDIX A – SITE LOCATION PLAN

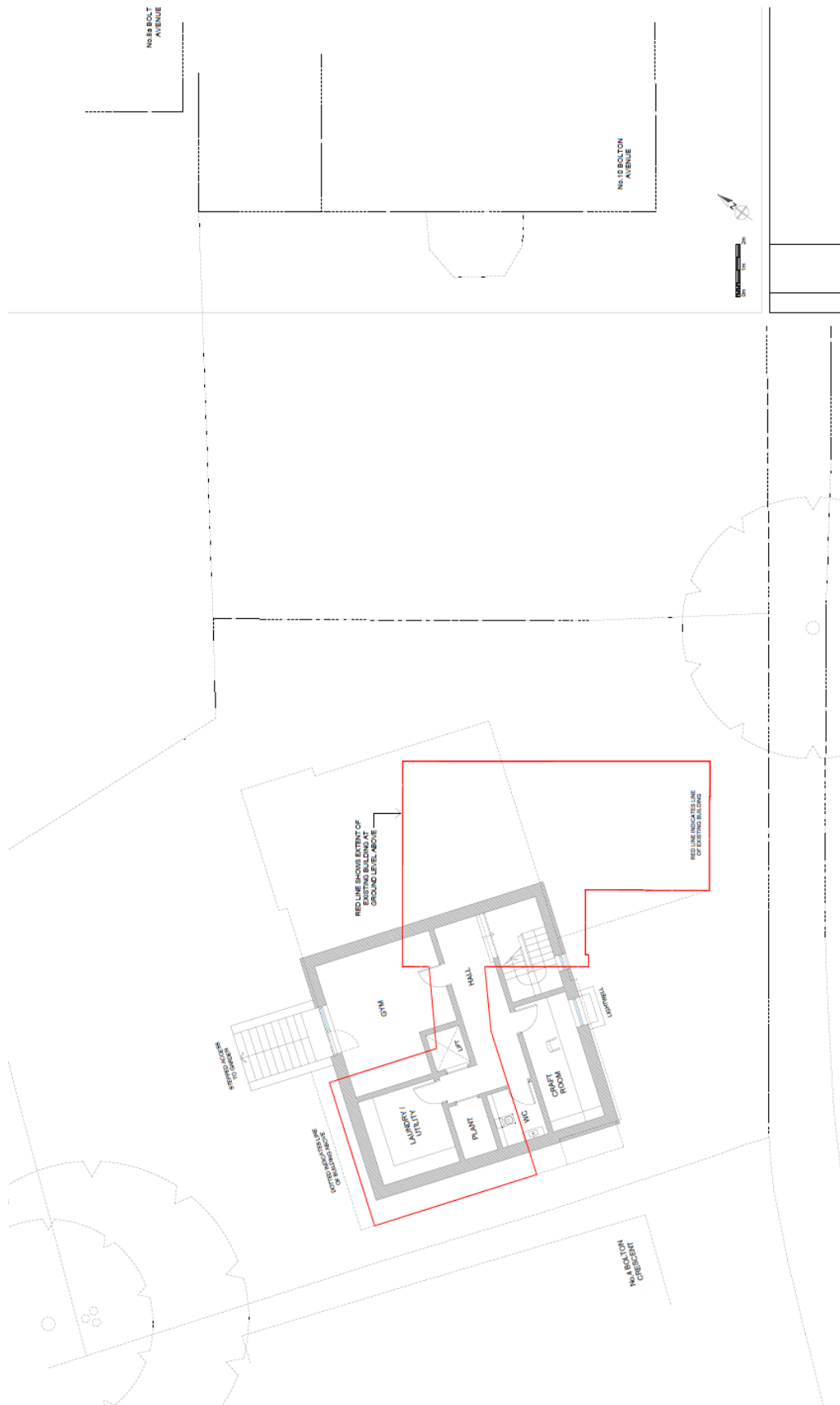


APPENDIX B – PROPOSED FLOOR PLANS & ELEVATIONS

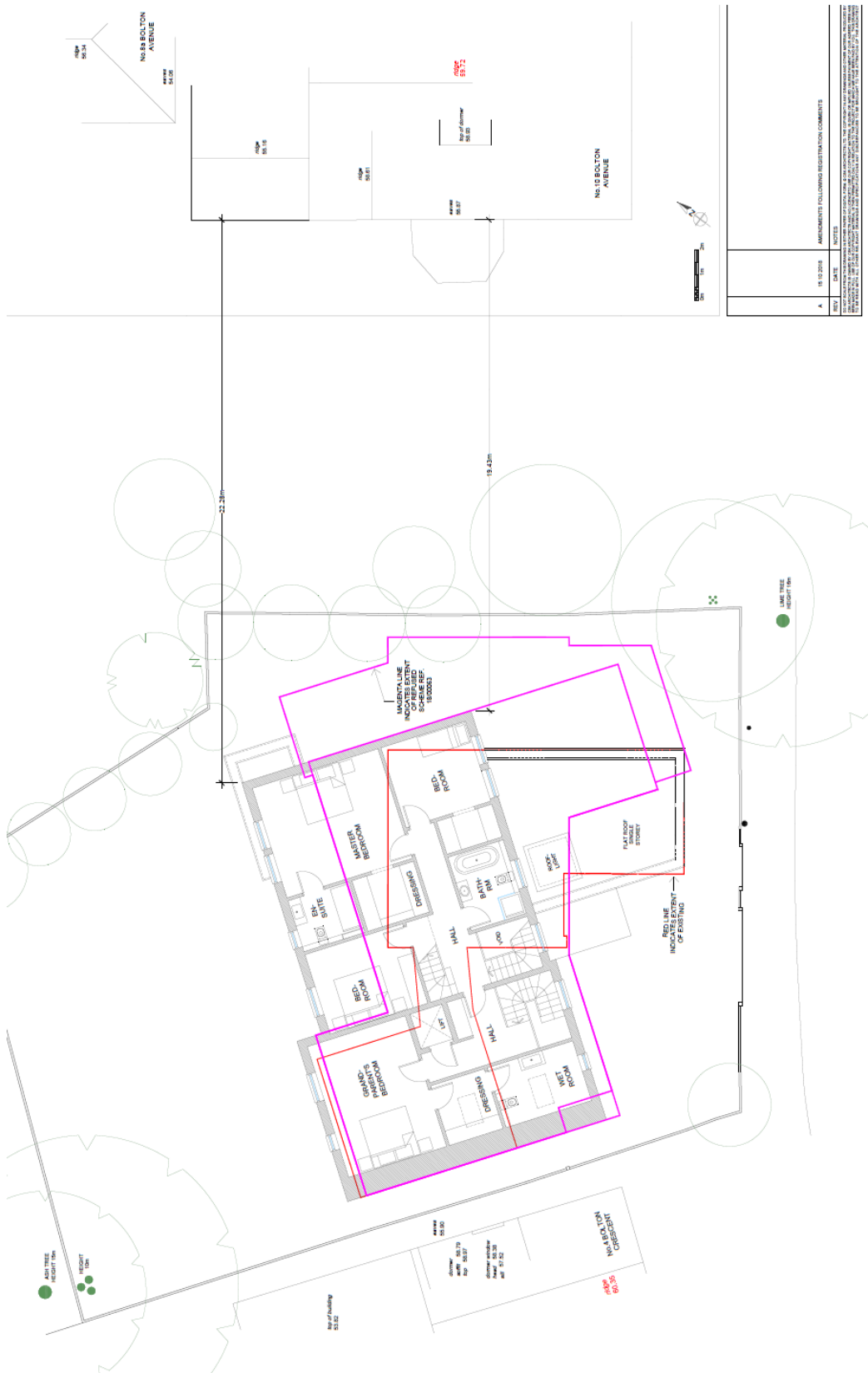
Ground floor



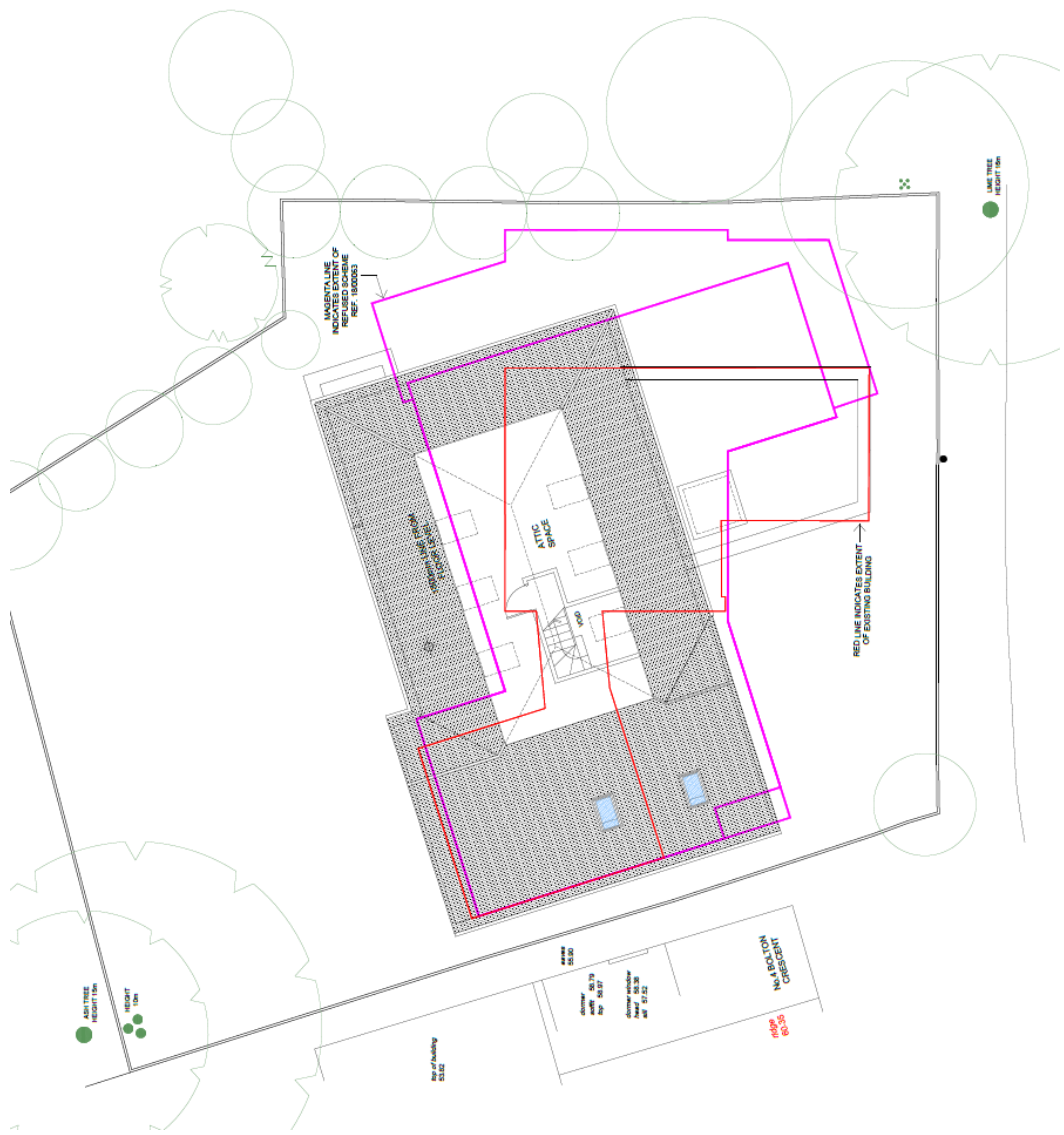
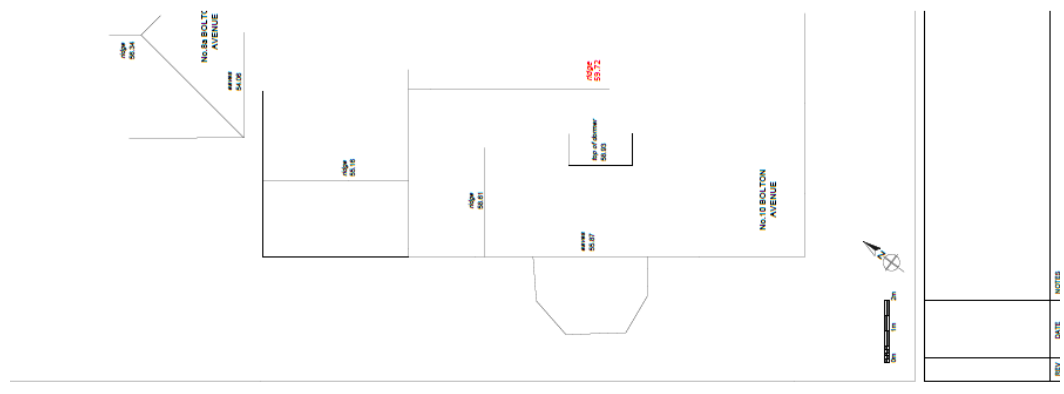
Basement Plan



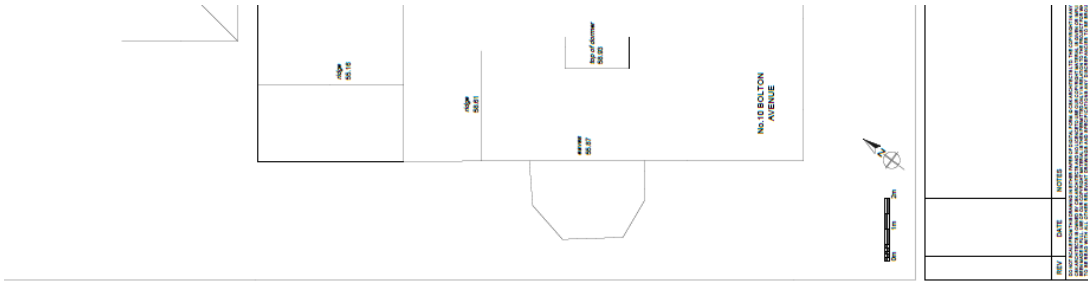
First Floor Plan



Attic Floor Plan



Roof Plan



Elevations



APPENDIX C – LANDSCAPE PLAN

Quantity	Species	Size
1	Amelanchier lamarckii	10-12 CM
1	Betula utilis Jacquemontii	10-12 CM
1	Crataegus x laevifolia 'Comet'	10-12 CM
1	Prunus 'Shirotae'	10-12 CM
1	Prunus subhirtella 'Autumnalis Rosea'	10-12 CM
1	Sorbus aucuparia	10-12 CM

Species	Qty	Size	Rate
Acacia COMPTONII	10%	0.9 - 1.2 M	Double staggered
Conium maculatum	50%		at 5 plants per me
Conium maculatum	10%		400mm row spac
Prunus spinosa	10%		
Prunus spinosa	10%		
Prunus spinosa	10%		

Management and Establishment

Trees to be planted with stable, 10% and watering tube, and watered regularly until hand-over to domestic home owner.

Minimum acceptable standards for domestic home owner to be listed below.

1. Weekly watering of trees and hedges particularly in the first two growing seasons. (A garden to the amount of water required 12-14cm trees 25 litres per week and 40-45cm trees 80 litres per week).

2. Regular watering of trees and hedges particularly in the first two growing seasons. (A garden to the amount of water required 12-14cm trees 25 litres per week and 40-45cm trees 80 litres per week).

3. Regular lawn cutting from March to Nov to maintain a healthy lawn. Weed and feed in spring. Take care to avoid herbicides and fertilisers. Mow in autumn. Mow and suppress weeds. Starting in autumn to help retain moisture and suppress weeds.

4. Annual maintenance hedge cutting in June/July.

5. Annual maintenance hedge cutting in June/July.

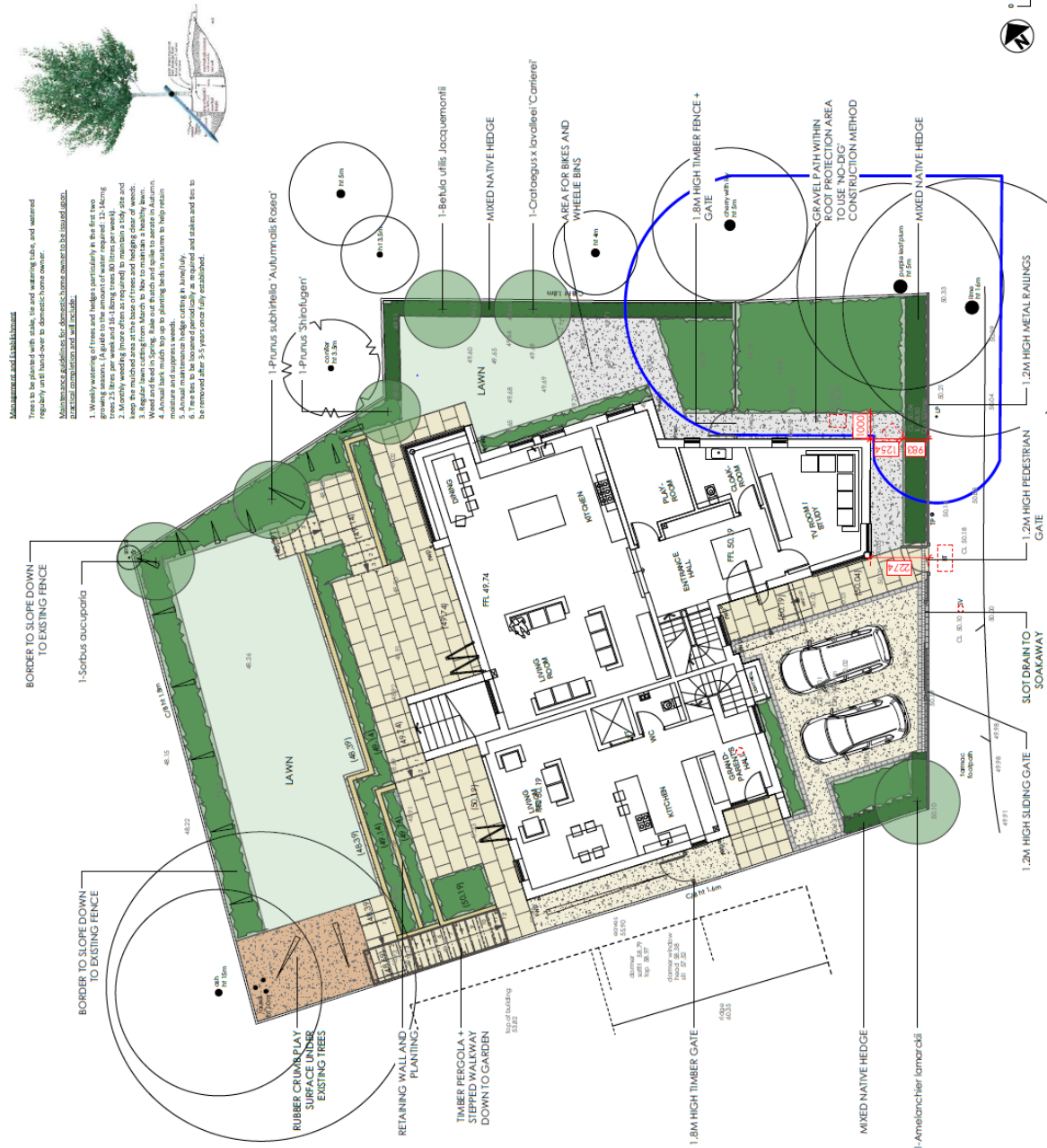
6. Annual maintenance hedge cutting in June/July.

7. Annual maintenance hedge cutting in June/July.

8. Annual maintenance hedge cutting in June/July.

9. Annual maintenance hedge cutting in June/July.

10. Annual maintenance hedge cutting in June/July.



KEY

- PAVING
- BESIN BOUND PERMEABLE GRAVE IN COMPLIANCE WITH SUDS
- GRAVEL + TIMBER OR METAL EDGING BUILT USING 'NO-DIG' CONSTRUCTION METHOD
- RUBBER CRUMB PLAY SURFACE
- RETAINING WALL + COPING TO MATCH PAVING
- LAWN
- PLANTING
- HEDGING
- TREES EXISTING
- TREES PROPOSED
- ROOT PROTECTION AREA (RPA)
- LEVELS EXISTING (0.00)
- LEVELS PROPOSED (0.00)

Drawn by: 10/07/2018
 Checked by: 10/07/2018
 Project: 1108 BP AD
 Client: Helen Sales Garden Design
 Address: 2 Ballon Crescent, Windsor SL4 3UG
 Project: PLANNING - Landscape Plan
 Scale: 1:1000
 Date: 10/07/2018
 Project: 1108 BP AD
 Client: Helen Sales Garden Design
 Address: 2 Ballon Crescent, Windsor SL4 3UG
 Project: PLANNING - Landscape Plan
 Scale: 1:1000
 Date: 10/07/2018



APPENDIX D – STREET SCENE



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

30 January 2019

Item: 3

Application No.:	18/03486/FULL
Location:	129 Springfield Road Windsor SL4 3PZ
Proposal:	Two storey side extension, first floor rear extension with Juliet balcony, single storey front extension, rendering to existing single storey rear element, rooflights and new first floor side window
Applicant:	Mrs Jacobson
Agent:	Mr David Holmes
Parish/Ward:	Windsor Unparished/Clewer East Ward

If you have a question about this report, please contact: Lucinda Pinhorne-Smy on 01628 796462 or at lucinda.pinhorne-smy@rbwm.gov.uk

1. SUMMARY

- 1.1 The current application is an amendment to the scheme granted condition planning permission under application 18/02398/FULL. The current submission seeks permission for a two-storey side and first floor rear extension that will result in the provision of 3 rear-facing gable-ends, the introduction of an additional front-gable feature and a hipped roof along the north-west flank elevation.
- 1.2 The scheme granted conditional planning permission under application 18/02398/FULL formed an amendment to the original submissions. This application, as originally submitted, included 3 rear-facing gable features and the introduction of a non-symmetrical front-gable feature that created an imbalance to the front elevation. Due to concerns raised with the scale and design of the proposed extensions, the width of the front gable feature was reduced to match the existing, a staggered design was introduced along the north-west elevation, and the depth of the two-storey side extension reduced, to match the alignment of the original rear elevation of the dwellinghouse. These amendments were considered to render the scheme acceptable.
- 1.3 This current application seeks to reinstate the depth of the two-storey side extension and introduce 3 rear-facing gable ends. An uncharacteristic hipped-roof is also proposed along the north-west elevation of the resultant building. The proposals are therefore considered unacceptable in terms of scale, form and design.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 8 of this report):

1. The proposed extensions include 3 rear-facing gable-ends which dominate the original building. As a consequence, due to their scale, form, massing and design the proposed extensions would fail to appear subservient to the host-dwelling. The design of 3 rear-facing gable features is a contrived and visually cluttered addition to the rear elevation which detracts from the appearance of the building and the surrounding area given its prominent corner location. Due to its prominent corner location at the junction of Springfield Road with Combermere Close, the proposed additions to the building would be visible from the street, harming its appearance.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor E Quick to enable the application to be discussed and decided by members in a public meeting so that residents can see democracy in action.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site comprises a detached two-storey dwelling of plain post-war design, with a characteristic part-tiled front elevation at first floor level above the entrance. The application site is located at the junction with the cul-de-sac at Combermere Close and consequently is visually prominent in both street scenes. This section of Springfield Road has a regular pattern of development with two-storey dwellings located on the south / south-west side of the road and detached bungalows located on the north / north-east side, each with an almost uniform design and distinct characteristic features, such as part tile-hanging and small areas of render. The buildings have a shared palette of materials which enhances this almost uniform appearance.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The current application is an amendment to the scheme granted conditional planning permission under application 18/02398/FULL. This current application seeks permission for a full-width first floor rear extension, a two-storey side extension, incorporating an additional front gable feature, a single storey front extension, a new first floor side window and applied render to the existing single storey rear extension, as well as the installation of 3 roof-lights.

4.2 The current proposals differ from the approved scheme as follows:

- Slightly enlarged single storey front extension;
- Removal of staggered design to two-storey side extension;
- Increase in width to first floor rear extension.

4.3 The planning history is summarised as follows:

Ref.	Description	Decision and Date
18/02398/FULL	Two storey side extension, first floor rear extension with Juliet balcony, single storey front extension, rendering to existing single storey rear element, rooflights and new first floor side window.	Permitted 05.11.2018
07/03199/FULL	Two storey side and single storey rear extension. New front access. Re-sub of 07/02643	Permitted 12.02.2018
320/67	Single storey rear extension	Approved
5050	House and Garage	Approved

5 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

	Within settlement area	Parking	Protected Trees
Local Plan	DG1, H10, H11, H14	P4	N6

These policies can be found at:

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

6 MATERIAL PLANNING CONSIDERATIONS

6.1 National Planning Policy Framework Sections (NPPF) (2018)

Chapter 2. Achieving sustainable development
Chapter 3. Plan-making
Chapter 4. Decision-making
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 12. Achieving well-designed places

6.2 Borough Local Plan: Submission Version

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

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. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

Other Local Strategies or Publications

6.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

More information on this document can be found at:

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

7 CONSULTATIONS CARRIED OUT

Comments from interested parties

Seven neighbours were notified directly of the application

The planning officer posted a notice advertising the application at the site on 7th December 2018. No comments have been received.

Statutory consultees

None

Consultees

None

8 EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i The effect of the proposal on the character and appearance of the area
- ii Impact on residential amenities of neighbouring properties
- iii Parking provision

Impact on character and appearance of the area

8.2 As identified in the site description above the dwellings along this section of Springfield Road have a consistent design and character. Whilst a significant number of these dwellings have been previously extended and altered it is still possible to read the original design and layout which offers a degree of harmony to the street scene. Policy DG1(3) of the adopted Local Plan states that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Special attention should be given to the 'roofscape' of buildings. The application site is located within a spacious corner plot at the junction of Springfield Road with Combermere Close, as a result of which the rear elevation and roof-scape are prominent features in the street scene.

8.3 The original submissions for this current application sought to re-introduce 3 rear gables, a proposal which was removed from the scheme ultimately approved under application 18/02398/FULL. Officers re-iterated their concerns that this design would result in a contrived and visually cluttered rear elevation which would detract from the appearance of the building and the surrounding area given its corner plot location. Concerns were also raised with regards to the inappropriate design of the uncharacteristic hip-roof introduced along the north-west side elevation. In light of these concerns the application has been amended to re-introduce a gable end along the north-west elevation. However, rather than in-setting the front and rear projections either side of this gable end, the wall along the length of the north-west elevation would be flush, and the eaves of the front and rear projections would overhang the gable-end. In removing the staggered design of the north-west elevation, approved under application 18/02398/FULL, the increase in volume, mass and bulk is considered to be emphasised along the front and side elevations in the current proposals.

8.4 The rear gable closest to the mutual boundary with No.127 Springfield Road has also been amended to include a hipped-roof design and reduced width. This has been described by the agent as a 'dormer' however, the rear and side walls of this projection continue from ground floor level and as such it does not appear as a dormer. This reduced width, hipped-roof, rear projection is not considered to overcome the concerns raised with regards to the contrived and overly cluttered appearance of the rear elevation; hip-roofs are not a common feature of the host-dwelling and the element of pitched roof separating the two gable ends with the hipped-roof rear projection would fall below the eaves of the existing building.

8.5 Whilst the changes to the front elevation have retained a symmetrical front gable feature, by widening the single storey front extension, and removing the side inset, the overall width and bulk of the building has been emphasised, as illustrated in an comparison of the submitted street scenes (drawing numbers '1687/05' and '1687/05 Rev B'), particularly when viewed in the context of the more diminutive buildings at Nos.127 and 131 Springfield Road.

8.6 The proposals are therefore considered to appear as an overly dominant and obtrusive form of development due to the excessive increase in volume, mass and bulk, and the contrived and cluttered design of the roof-scape. The proposals are therefore considered to harm the character and appearance of the street scene and locality in general.

Impact on residential amenities of neighbouring properties

8.7 The application site is separated from the neighbouring properties to the north-west and north-east by the presence of the carriageways at Combermere Close and Springfield Road. The flank

boundary of the bungalow at No.1 Combermere Close, borders the rear boundary of the application site. A rear garden depth in excess of 16m would be retained at the application site before the mutual boundary with No.1 Combermere Close, and the application site benefits from an adequate degree of soft-landscaping.

- 8.8 Whilst the dwelling at the application site has a conventional linear relationship with the dwelling at No.127 Springfield Road a 45 degree line measured from the mid-point of the nearest habitable room window at No.127 would not be breached by the two-storey rear extension. Two first floor windows are proposed in the north-west elevation of the two-storey side extension, however, as they would serve as secondary windows to a bedroom it is considered reasonable and practicable to attach a condition to any permission that may be forthcoming requiring them to be fitted and permanently maintained with obscure glass. The current scheme continues to propose a Juliet balcony along the rear elevation, and in line with the permission granted under application 18/02389/FULL, it is recommended that, if permission is forthcoming, a condition is attached requiring the glazed screen which comprises the Juliet balcony to be fitted and permanently maintained with opaque or obscure glass in order to prevent an unacceptable increase in overlooking resulting from full-height glazing and the perception of overlooking that may occur to the bungalow at the rear of the application site.
- 8.9 The officer report for application 18/02398/FULL concluded that the proposals would not adversely affect the residential amenities of adjacent properties. The current proposals are not considered to have any greater impact on the neighbouring properties than the extensions granted under application 18/02398/FULL. It is therefore considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, and sunlight or otherwise.

Impact on highway safety and parking

- 8.10 Sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

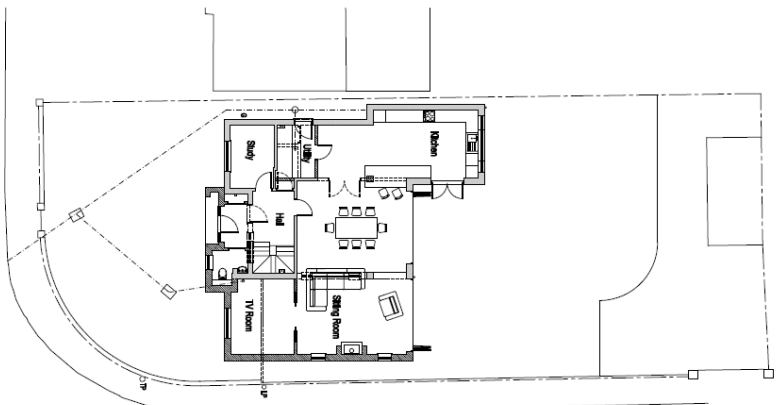
9 APPENDICES TO THIS REPORT

- Appendix A - Proposed plans & Elevations

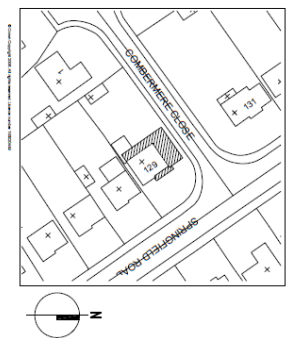
10 REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed extensions, due to their scale, form, massing and design would fail to appear subservient to the host-dwelling. The design of 3 rear-facing gable features is a contrived and visually cluttered addition to the rear elevation which detracts from the appearance of the building and the surrounding area given its prominent corner location. Due to its prominent corner location at the junction of Springfield Road with Combermere Close, the proposed additions to the building would be visible from the street, harming its appearance. The proposal therefore fails to comply with the Local Plan, in particular policies DG1 and H14, and with emerging policies SP2 and SP3 of the Borough Local Plan Submission Version, as well as guidance contained within the NPPF.

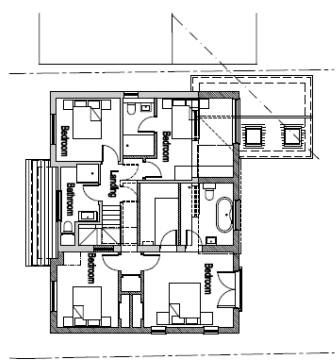
Appendix A



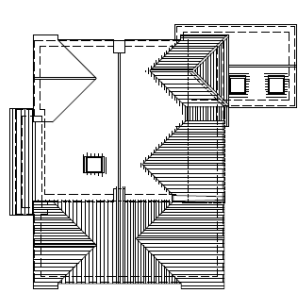
Ground Floor Plan



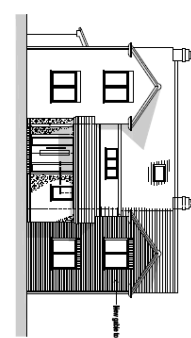
Block Plan 1:500



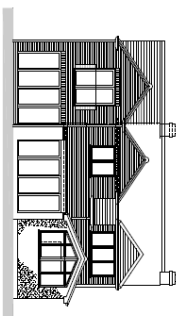
First Floor Plan



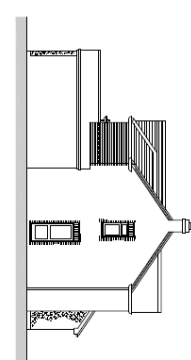
Roof Plan



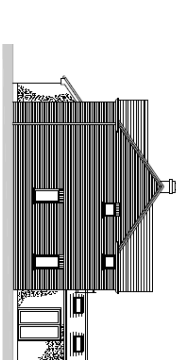
North East Elevation



South West Elevation



North West Elevation



South East Elevation

NOTES:

- 1. Materials
- 2. Cladding
- 3. Siding
- 4. Windows
- 5. Doors
- 6. Stairs
- 7. Balconies
- 8. Terraces
- 9. Driveways
- 10. Fences
- 11. Landscaping
- 12. Other

LEGEND:

- 1. 1:100 (2018)
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CLIENT: Mr & Mrs Jackson

PROJECT: 129 Springfield Rd, Windsor

TITLE: S.A. 3PZ Proposed Plans & Elevations

ISSUE: Planning

SCALE: 1:100 @ A1

DATE: November 2018

DWG No: 1687/04 Rev. B

HEIGHWAY ASSOCIATES ARCHITECTS

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Planning Appeals Received

21 December 2018 - 21 January 2019

WINDSOR URBAN

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

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

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

Ward:
Parish: Eton Town Council
Appeal Ref.: 19/60001/REF **Planning Ref.:** 17/02061/CONDI **Plns Ref.:** APP/T0355/W/18/
T 3209616
Date Received: 17 January 2019 **Comments Due:** 21 February 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Details required by condition 2 (external materials) 4 (sustainability measures) 5 (flood risk assessment) 6 (access) 7 (parking space) 8 (hard and soft landscaping) 9 (bin and cycle storage) 10 (water butt) 11 (ageing population) 12 (boundary treatment) 13 (acoustic installation) 14 (contamination) of planning permission 15/01356 for the erection of 4 dwellings with parking and landscaping following demolition of commercial buildings and yard and part demolition of existing dwelling (revised application)
Location: 24 - 26 Victoria Road Eton Wick Windsor
Appellant: Mr Edward Keohane c/o Agent: Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish: Eton Town Council
Appeal Ref.: 19/60002/REF **Planning Ref.:** 18/02448/CONDI **Plns Ref.:** APP/T0355/W/18/
T 3217133
Date Received: 17 January 2019 **Comments Due:** 21 February 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Details required by Condition 10 (Water Butts) and Condition 13 (Acoustic insulation) of planning permission 15/01356/FULL for the erection of 4 dwellings with parking and landscaping following demolition of commercial buildings and yard and part demolition of existing dwelling (revised application).
Location: 24 - 26 Victoria Road Eton Wick Windsor
Appellant: Mr Edward Keohane c/o Agent: Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle GU34 4NB

Ward:
Parish: Eton Town Council
Appeal Ref.: 19/60003/REF **Planning Ref.:** 18/02505/CONDI **Plns Ref.:** APP/T0355/W/18/
T 3217135
Date Received: 17 January 2019 **Comments Due:** 21 February 2019
Type: Refusal **Appeal Type:** Written Representation

Description: Details required by condition 2 (material samples), 4 (sustainability measures), 8 (hard and soft landscaping), 9 (bin and cycle storage), 10 (water butt), 11 (ageing population), 12 (boundary treatment), 13 (acoustic insulation) and 14 (contamination) of planning permission 15/01356 for the erection of 4 dwellings with parking and landscaping following demolition of commercial buildings and yard and part demolition of existing dwelling (revised application)

Location: **24 - 26 Victoria Road Eton Wick Windsor**

Appellant: Mr Jim McPhail **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle GU34 4NB

Appeal Decision Report

21 December 2018 - 21 January 2019

WINDSOR URBAN

www.rbwm.gov.uk



Appeal Ref.: 18/60142/REF **Planning Ref.:** 18/01771/FULL **Plns Ref.:** APP/T0355/D/18/3215670

Appellant: Mr S Tattersfield **c/o Agent:** Mrs Fiona Jones Cameron Jones Planning 3 Elizabeth Gardens Ascot Berkshire SL5 9BJ

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

Description: Single storey side/rear extension to existing garage conversion to provide ancillary accommodation

Location: **95 Dedworth Road Windsor SL4 5BB**

Appeal Decision: Allowed **Decision Date:** 18 January 2019

Main Issue: Due to its moderate size and ancillary nature the proposed extension to an existing outbuilding is considered to respect the character and appearance of the area. Furthermore it is unlikely to cause any harm to neighbouring amenities due to its careful window positioning and the orientation of the building. Overall the proposal is considered to be in compliance with policies DG1, NAP3, H10 and H11 of the Local Plan, and policy SP3 of the emerging Local Plan and the Framework. The following conditions were also added. 1) The development hereby permitted shall begin no later than 3 years from the date of this decision. 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 81622, 81623, 81624 and 81625. 3) The external materials to be used in the construction of the first-floor side extension hereby permitted shall match those of the host dwelling. 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 95 Dedworth Road.

Appeal Ref.: 18/60148/NOND **Planning Ref.:** 18/00753/OUT **Plns Ref.:** APP/T0355/W/18/3208648

Appellant: Mr Kris Collett Castlemere Developments 19 York Road Cookham Maidenhead SL6 1SQ

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

Description: 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.

Location: **9 - 11 Imperial Road Windsor**

Appeal Decision: Withdrawn **Decision Date:** 9 January 2019

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Agenda Item 8

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

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of the Local Government Act 1972.

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