

NOTICE  
OF  
MEETING

**WINDSOR AREA DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 5TH JUNE, 2019**

**At 7.00 pm**

in the

**GREY ROOM, YORK HOUSE, WINDSOR**

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS CHRISTINE BATESON, JOHN BOWDEN (VICE-CHAIRMAN),  
DAVID CANNON (CHAIRMAN), WISDOM DA COSTA, JON DAVEY, KAREN DAVIES,  
DAVID HILTON, NEIL KNOWLES, JULIAN SHARPE, SHAMSUL SHELIM AND AMY TISI

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, MANDY BRAR, GERRY CLARK,  
CAROLE DA COSTA, JOHNSON, LYNNE JONES, SAYONARA LUXTON, GARY MUIR,  
HELEN PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Service Lead, Governance: 24 May 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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628796251

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

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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 note the minutes of the meeting of the Windsor Urban Development Management Panel which was held on 24 April 2019.	7 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u>  To consider the Head of Planning's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by access the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a>	9 - 58
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To note the Essential Monitoring reports.	59 - 64



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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

# Public Document Pack Agenda Item 3

## WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 24 APRIL 2019

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Malcolm Beer, Cannon, Wisdom Da Costa, Eileen Quick, Samantha Rayner and Edward Wilson

Officers: Wendy Binmore, Lyndsay Jennings and Sian Saadeh.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Airey and Bowden.

### DECLARATIONS OF INTEREST

None.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 18 March 2019 be approved.**

### PLANNING APPLICATIONS (DECISION)

18/02376 Construction of an all-weather pitch with associated fencing, floodlighting and landscaping at Agars Plough Playing Fields, Eton College, Pococks Lane, Eton, Windsor – **THE PANEL VOTED to grant planning permission on the satisfactory completion of an undertaking to secure the community use of the facilities as outlined in Section 9 of the Main Report and with the conditions listed in Section 13 of the Main Report, as per the Head of Planning’s recommendations.**

**Seven Councillors voted in favour (Cllrs Alexander, Beer, Bicknell, Cannon, Quick, S. Rayner and E. Wilson), and one Councillor abstained from the vote (Cllr Da Costa).**

19/00544 Construction of x3 dwellings with associated car parking, landscaping and associated infrastructure at Garage Block to the Rear of 121 and 123 And Land to the Rear of 113 to 117 Springfield Road. – **THE PANEL VOTED to grant planning permission with the conditions listed in Section 13 of the Main Report, as per the Head of Planning’s recommendations, and with the conditions as listed below:**

**Condition 5 amended to read:**

- 1. The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in**

writing by the Local Planning Authority. The details submitted shall include the boundary wall between the site and Combermere Close at a minimum height of 3m. Reason – To ensure the satisfactory resultant appearance and standard amenity of the site and the surrounding area. Relevant policy – Local Plan DG1

An additional condition 17 will be added to read:

2. Prior to the commencement of development and notwithstanding the details shown on the drawings hereby approved, further details of the first floor rear windows to the proposed houses shall be 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 – To ensure the satisfactory resultant appearance and living conditions of nearby properties. Relevant policy – Local Plan DG1, H11

Seven Councillors voted in favour (Cllrs Alexander, Bicknell, Cannon, Da Costa, Quick, S. Rayner and E. Wilson), and one Councillor abstained from the vote (Cllr Beer).

(The Panel was addressed by Mr Biernat and Mr James in objections and Mr Matt Hill, the agent).

#### ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

The Chairman stated that as it was the final meeting of the Windsor Urban Development Management Panel in its current format, he wished to express his thanks for all the hard work carried out by Members, Planning Officers, Legal Officers and the Clerk over the course of the four year term since the last Local Election.

The meeting, which began at 7.00 pm, finished at 8.15 pm

CHAIRMAN.....

DATE.....



# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Panel

5th June 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

<b>Item No.</b>	1	<b>Application No.</b>	19/00233/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	
<b>Location:</b>	Datchet Common Horton Road Datchet Slough						
<b>Proposal:</b>	Change of use of land to the stationing/parking of motor vehicles (retrospective)						
<b>Applicant:</b>	Loveridge And Giles	<b>Member Call-in:</b>	Cllr MuirN?A	<b>Expiry Date:</b>	7 June 2019		
<hr/>							
<b>Item No.</b>	2	<b>Application No.</b>	19/00682/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	
<b>Location:</b>	Avanti 98 Peascod Street Windsor SL4 1DH						
<b>Proposal:</b>	Part demolition of shop front facade to include glass, repaint shop front and fascia lettering (retrospective).						
<b>Applicant:</b>	Mr Cakir	<b>Member Call-in:</b>	Cllr Shamsul Shelim	<b>Expiry Date:</b>	10 June 2019		
<b>Item No.</b>	2	<b>Application No.</b>	19/00683/LBC	<b>Recommendation</b>	REF	<b>Page No.</b>	
<b>Location:</b>	Avanti 98 Peascod Street Windsor SL4 1DH						
<b>Proposal:</b>	Consent to retain alterations to shop front, further works to re-paint shop front and new signage.						
<b>Applicant:</b>	Mr Cakir	<b>Member Call-in:</b>	Cllr Shamsul Shelim	<b>Expiry Date:</b>	10 June 2019		
<hr/>							
<b>Item No.</b>	3	<b>Application No.</b>	19/00720/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	
<b>Location:</b>	Castle Farm Caravan Site Leigh Square Windsor						
<b>Proposal:</b>	Construction of 6 x two bedroom flats, 4 x two bedroom dwellings, 12 x three bedroom dwellings and 3 x four bedroom dwellings with garages and storage sheds, new vehicular and pedestrian access and associated works to include parking and landscaping.						
<b>Applicant:</b>	Mr Ryves	<b>Member Call-in:</b>		<b>Expiry Date:</b>	12 June 2019		

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

**DEVELOPMENT CONTROL PANEL**

5 June 2019

Item: 1

<b>Application No.:</b>	19/00233/FULL
<b>Location:</b>	Datchet Common Horton Road Datchet Slough
<b>Proposal:</b>	Change of use of land to the stationing/parking of motor vehicles (retrospective)
<b>Applicant:</b>	Loveridge And Giles
<b>Agent:</b>	Dr Angus Murdoch
<b>Parish/Ward:</b>	Datchet Parish/Datchet Ward
<b>If you have a question about this report, please contact:</b> Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The proposed scheme represents an inappropriate form of development in the Green Belt as set out in national and local policy and would be contrary to one of the purposes of including land within the Green Belt namely to protect the countryside from encroachment. Additionally the scheme would result in an actual loss of openness both visually and spatially across the site.
- 1.2 The proposal would also fail to comply with both national and local flood policy, would cause harm to the rural character of the area and would cause an unacceptable level of noise and disturbance to nearby residents.
- 1.3 No objections are raised with regard to highway safety.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
<b>1.</b>	<b>The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt.</b>
<b>2.</b>	<b>Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.</b>
<b>3.</b>	<b>The concentration of up to 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land.</b>
<b>4.</b>	<b>The use of the land to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the</b>

	<b>access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens.</b>
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## **2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Muir for the ‘transparency of process on a controversial issue and public interest’.

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

- 3.1 The application site is located to the rear of 236 to 248 Horton Road and is accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park.
- 3.2 The site is positioned within previously undeveloped land that is commonly referred to as Datchet Common although it is not currently registered as Common Land and therefore does not provide this public function and the rights normally associated with common land do not apply here.
- 3.3 A pallet storage yard is located to the south of the site separated from the site by a grass mound and emergency exit. To the east lies a car wash and the western boundary borders the remaining area of Datchet Common.
- 3.4 This application has been submitted as a retrospective application. The application proposes that an area within the site is used to station up to 71 cars but it should be noted that the entire planning unit is currently being used for airport parking without planning permission. Since this application has been submitted approximately 400 cars have been stationed on the site.

## **4. KEY CONSTRAINTS**

- 4.1 The application site is located entirely within the Green Belt and Flood Zone 3. Parts of the site are located within Flood Zone 3b (Functional Flood Plain).

## **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The application proposes the change of use of part of the land to permit the stationing of motor vehicles. The car parking area covers 1995m<sup>2</sup> and the parking layout details 71 parking bays.
- 5.2 The proposal does not reflect the current arrangement on site. It details a much smaller area than that currently used to store cars and there is no reference to the associated development i.e. hardstanding, portacabin office and toilets to facilitate the use.
- 5.3 The entire area of Datchet Common has been covered in aggregate to form a hard standing to facilitate the current unauthorised airport parking. This use and the associated development (including hardstanding) are the subject of an extant enforcement notice that has been appealed. This application does not seek approval for the hardstanding. The extant enforcement notice is a material consideration in the determination of this application.
- 5.4 There is no record of planning permission being granted for any use on site.

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10	Withdrawn on the 29 <sup>th</sup> April 2014.

	pitches, 5 utility buildings, play area and associated works	
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works.	Dismissed by the Secretary of State on the 5 <sup>th</sup> July 2016.
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 <sup>th</sup> July 2017
17/02404/FULL	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 No. Wardens block and play area	Refused- this refusal is currently being appealed.
17/02236/FULL	Change of use of the land to the stationing/parking of vehicles	Withdrawn on the 6 <sup>th</sup> December 2017.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1 and GB2
Design in keeping with character and appearance of area	DG1
Flooding	F1

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

**Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1

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

**Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

48 occupiers were notified directly of the application.

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

No letters were received supporting the application.

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

Comment	Where in the report this is considered
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1.	Inappropriate development in the Green Belt	9.2-9.5
2.	Negative impact on the openness of the Green Belt.	9.6-9.10
3.	Application within functional flood plain (3b)	9.13-9.16
4.	Flood Risk  Flood barriers have been removed from the land leaving the residential properties vulnerable to flooding.	9.13-9.16  Not part of the development being considered.
5.	Scale of use does not correlate with what is detailed in the application. On the 20 <sup>th</sup> February 2019 there were 437 cars on site not 71  More than 71 cars on site  Scale of operation	3.4 and 5.2
6.	Non-compliance with trading standards	Not a planning material consideration
7.	Character of neighbourhood negatively affected  Urbanisation of previously undeveloped land	9.11-9.12
8.	Increased traffic as a result of the use  Additional traffic	9.19-9.20
9.	Severe impact on flora and fauna  Detrimental to natural landscape	9.12
10.	Noise pollution resulting from use- Increased pollution from increased number of vehicles travelling through the area.  Additional noise resulting in disturbance to amenity of nearby properties.	9.20
11.	Use has a negative impact when viewed from the gardens and windows on Horton Road.  Lost views, privacy and relative peace in back gardens of properties on Horton Road.	9.20
12.	Flood lamps light up whole area.	Not part of the application being considered
13.	Extraordinary circumstances do not exist there are a large number of airport parking facilities elsewhere.	9.5

## Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Comments Awaited	-
Highways	Comments Awaited	-
Environmental Protection	Comments Awaited	-

## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Members had <b>Strong Objections</b> to this application on the grounds of being in the flood plain, on the green belt area and increased traffic issues within an already congested village.	Main report.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Appropriate development in Green Belt
- ii Acceptable impact on Green Belt
- iii Impact on character and appearance of the area
- iv Flood Risk
- v Highway Safety
- vi Impact on neighbouring amenity
- vii. Planning balance

### Appropriate development in the Green Belt

9.2 The application site is located within the Green Belt. Paragraph 133 of the NPPF sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

9.3 Local Plan policy GB1 sets out acceptable uses and development in the Green Belt and specifies that consent will only be granted for changes in the use of the land which maintain openness and do not conflict with the purposes of including land in the Green Belt. This part of the policy is in accordance with the NPPF which is considered a more up-to-date expression of Government intent in line with Paragraph 146 (e) of the NPPF which stipulates that material changes in the



use of land are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 9.4 The use of the land for the stationing/parking of vehicles fails to preserve the openness of the Green Belt and conflicts with one of the five Green Belt purposes – namely 134 c) - assisting the countryside from encroachment as discussed further below. Accordingly, the use is inappropriate development as defined by the NPPF and Local Plan Policy GB1.
- 9.5 As detailed in paragraph 143 of the NPPF, inappropriate development is by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. As stipulated in paragraph 144 of the NPPF, substantial weight should be attributed to any harm to the Green Belt. Furthermore, ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. No very special circumstances have been put forward by the applicant and as such, the harm identified by inappropriateness is not outweighed in this case.

### **Acceptable impact on Green Belt**

- 9.6 As detailed above, paragraph 133 of the NPPF sets out that the ‘fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’. As such the effect of the proposal on the openness of the Green Belt is an important consideration in the determination of this application.
- 9.7 There is no definition of openness in the NPPF, but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The stationing of vehicles on previously undeveloped land significantly impinges on openness and has a detrimental urbanising effect on the lawful use. Additionally, the unauthorised use negatively alters the character and appearance of the lawful site, contrary to the purpose of the Green Belt and resulting in the loss of open countryside.
- 9.8 Policy GB2(A) of the adopted local plan is broadly line with the NPPF. Policy GB2(A) advises that consent will not be granted for any development that has a greater impact on the openness of the Green Belt than an existing development.
- 9.9 The lawful undeveloped use of the site had an open quality despite its neglected appearance. Prior to the current unauthorised use, the area was open rough scrubland. The storage of 71 cars on the land will greatly impact upon the openness of the site both visually and spatially and would result in the unrestricted sprawl of the built-up area and the loss of countryside.
- 9.10 The use of the land to station cars will negatively change the character and appearance of the once undeveloped site. As such the introduction of the vehicle parking has had an urbanising effect and will result in a significant loss of openness contrary to the NPPF and to Local Plan Policy GB2A of the adopted Local Plan. The proposal is also contrary to policies SP1 and SP5 of the emerging Borough Local Plan to which significant weight can be afforded.

### **Impact on character and appearance of the area**

- 9.11 Policy DG1 of the adopted Local Plan stipulates that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character which is also an important aim contained within the NPPF.
- 9.12 The site is a relatively enclosed area of land bordered by rear gardens of properties on Horton road and Datchet Car wash. The concentration of 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land which is out of keeping in this semi-rural environment. Whilst it is acknowledged that the adjacent car wash is lawful this scheme is of a larger scale and a greater level of intensity than the adjacent use. As such the

proposed use will negatively impact on the lawful open rural character of the site and would be out of keeping with the area contrary to policy DG1 of the Local Plan and Policy SP3 of the emerging Borough Local Plan.

### **Flood Risk**

- 9.13 Part of the application site lies within Flood Zone 3b (FZ3b) i.e. functional flood plain. FZ3b is defined in the NPPF and NPPG as having a high probability of flooding from rivers and the land where water has to flow or be stored in times of flooding. This is confirmed by the Council's Strategic Flood Risk Assessment.
- 9.14 The Environment Agency classify the proposed use as 'less vulnerable' development despite not being specifically mentioned within flood risk table 2 of the NPPG. Table 3 of the NPPG - Flood risk vulnerability and flood zone 'compatibility' clearly indicates that this type of development is not compatible with this flood zone and should not therefore be permitted.
- 9.15 In accordance with the requirements of National Planning Policy, the applicant is required to submit a site –specific flood risk assessment. Whilst the applicant has submitted a 'surface water management plan' this is not a site –specific flood risk assessment and additionally the document submitted is factually flawed. At 1.1 of the report it is stated that 'the site is currently unsurfaced and has been used for informal open storage although some stripping and temporary stockpiling of topsoil has taken place at some point in the past. This is clearly not the case as evidenced in the photo below.



- 9.16 As the applicant has failed to submit a site –specific flood risk assessment, no further assessment of the acceptability of the development in the flood zone is required. The proposal fails to comply with the NPPF, with Policy F1 of the Local Plan. With regard to Policy NR1 of the

emerging Borough Local Plan only limited weight is afforded to this policy given the level of unresolved objection against it.

### **Highway Safety**

- 9.17 The applicant has failed to identify the purpose of the car park despite the current airport parking on site. As such there is no accurate way of anticipating the number of vehicle trips resulting from the proposal. Although supporting information would be beneficial to fully appreciate the extent of the impact, the location of the site and access are not anticipated to impose any severe impacts to the local highway network or raise highway safety issues.
- 9.18 The sight lines at the junction with Horton Road comply with current guidance in both directions. The applicant proposes serving the site from the main access onto the private road. The entrance to the site is gated, but is of sufficient width to allow two way vehicular flow across the entrance. However, the plan also shows that the applicant intends to retain access to Mill Lane.

### **Impact on neighbouring amenity**

- 9.19 The use of the site to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House and Mill Cottage and the properties along Horton Road that back onto the site and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties.
- 9.20 As a result of the current unauthorised use on site local residents have already reported an increased level of disturbance due to vehicles being moved at all hours of the day. Whilst it is accepted that a condition could be imposed to limit the times of these movements, this would not overcome the unacceptable impact to these properties arising from vehicles needing to access the site to park outside of those hours permitted. The proposal is therefore contrary to paragraph 127(f) of the NPPF and to policy SP3 (L) of the emerging Borough Local Plan both of which are attributed significant weight.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal is inappropriate development in the Green Belt for which no very special circumstances have been advanced, this is afforded substantial weight against the development proposed. In addition there is a harmful impact on the openness of the Green Belt which weighs against the development.
- 10.2 Furthermore 'any other harm' is required to be considered. Set out above is the harm caused to the functional floodplain and non-compliance with Policy F1 of the adopted Local Plan and emerging policy NR1 of the Borough Local Plan. There is harm to the semi-rural character of the area and to residential amenity contrary to Policy DG1 of the adopted Local Plan, Paragraph 127(f) of the NPPF and emerging policy SP3 of the Borough Local Plan. This also weighs against the development in the planning balance.
- 10.3 In the absence of a case for very special circumstances, no benefits arising from the scheme have been identified. Consequently the development fails to accord with the adopted and emerging Development Plan; there are no material considerations which would indicate a contrary decision. In fact there are material considerations which add to the weight of the

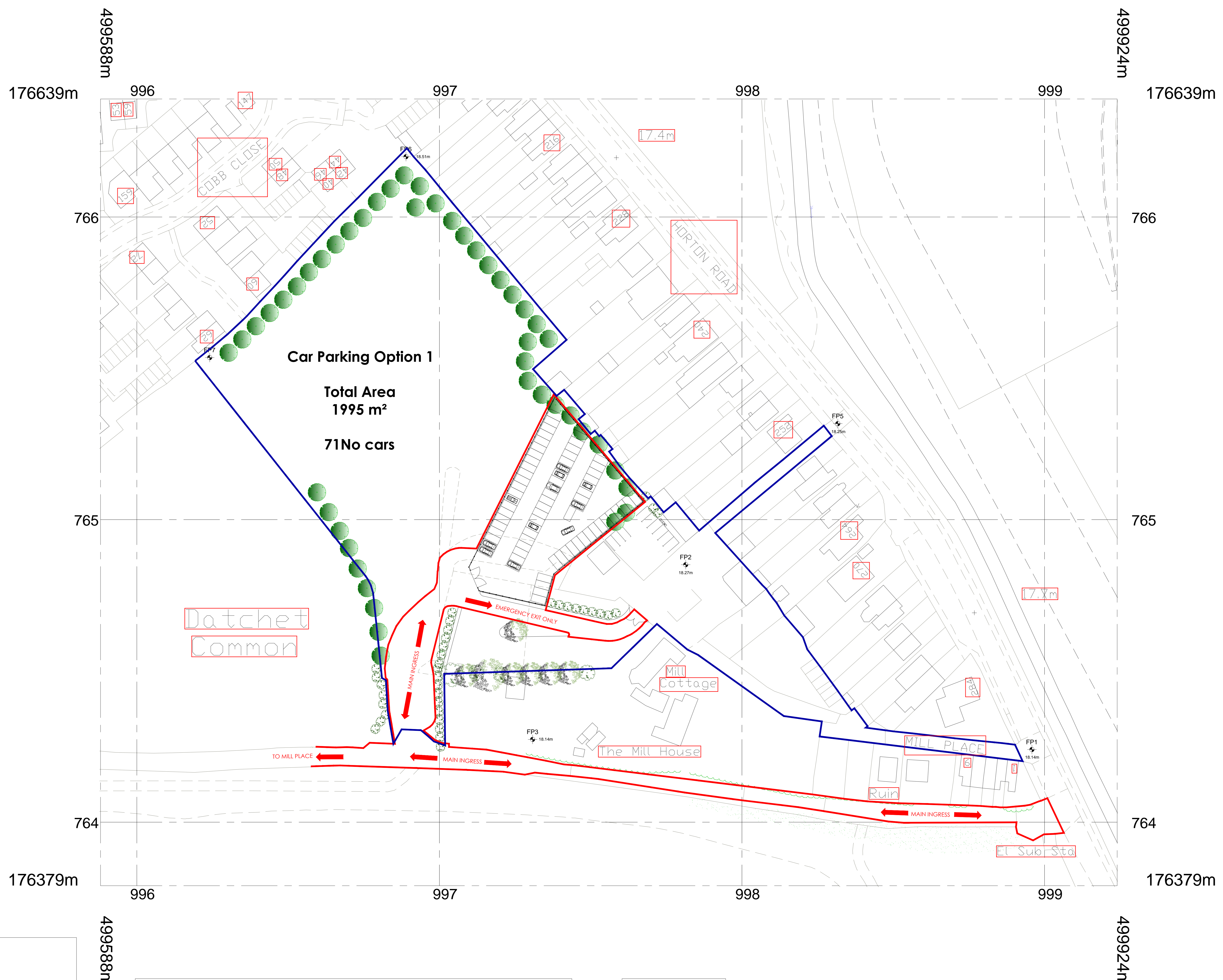
assessment, this includes the extant enforcement notice. Planning permission should not be granted.

## 11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed Plans

## 12. REASONS RECOMMENDED FOR REFUSAL

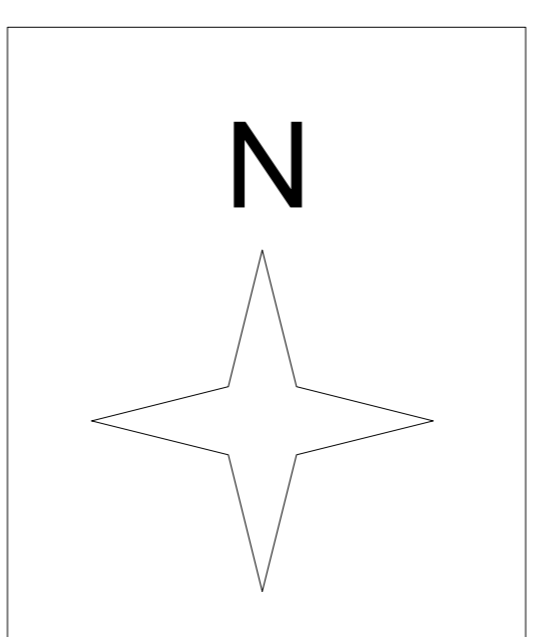
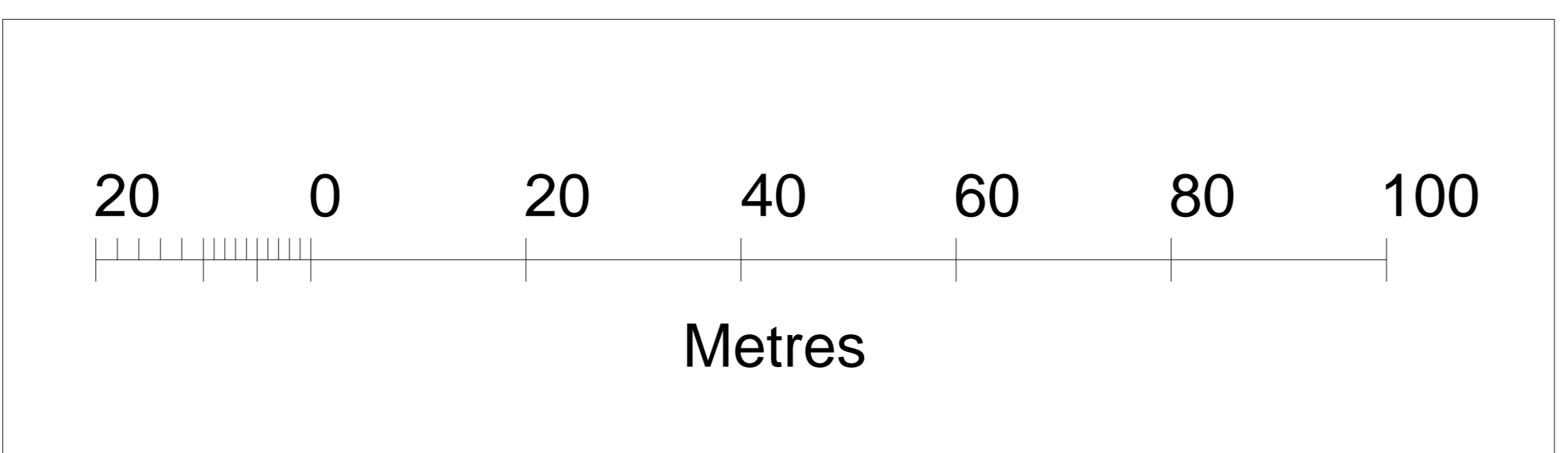
- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Section 13 of the National Planning Policy Framework (February 2019).
- 2 The use of the land to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Section 12, Paragraph 127 f) of the NPPF and SP3(L) of the emerging Local Plan
- 3 The concentration of up to 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan.
- 4 Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.



**Car Parking Option 1**  
**Total Area**  
**1995 m<sup>2</sup>**  
**71 No cars**

Map supplied by:  
 Latitude Mapping Limited  
 Tel: 01707 663090  
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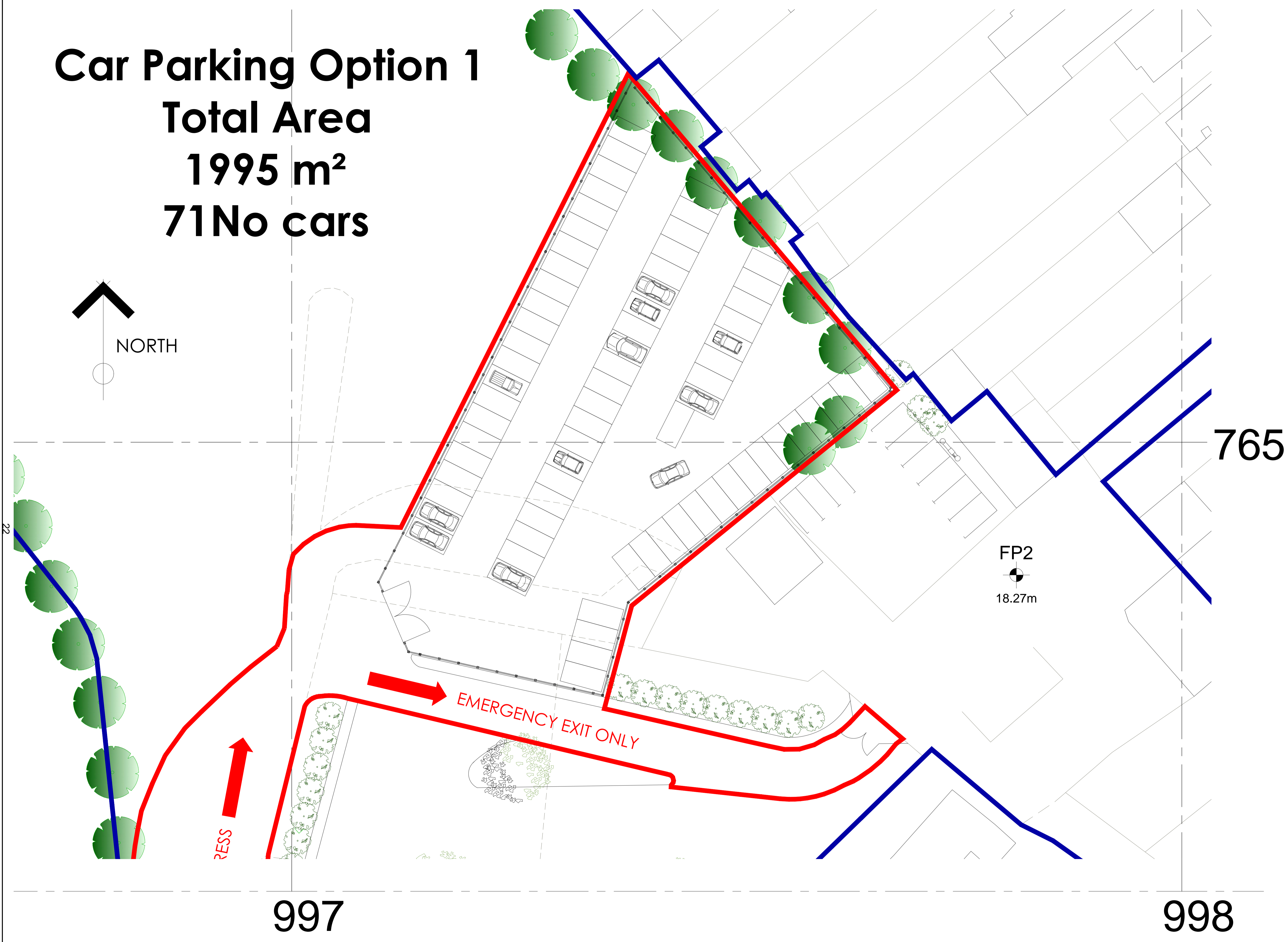
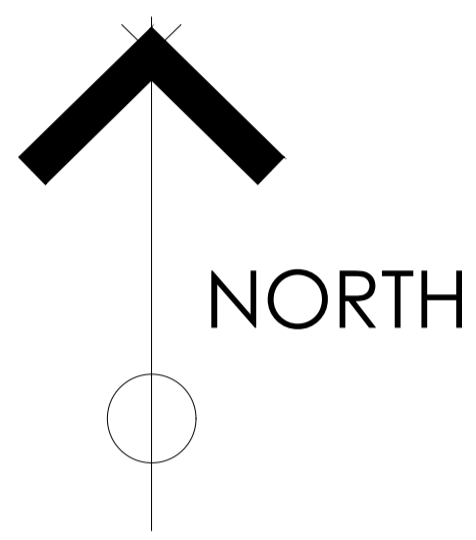
# location plan

## 1:500 @ A0

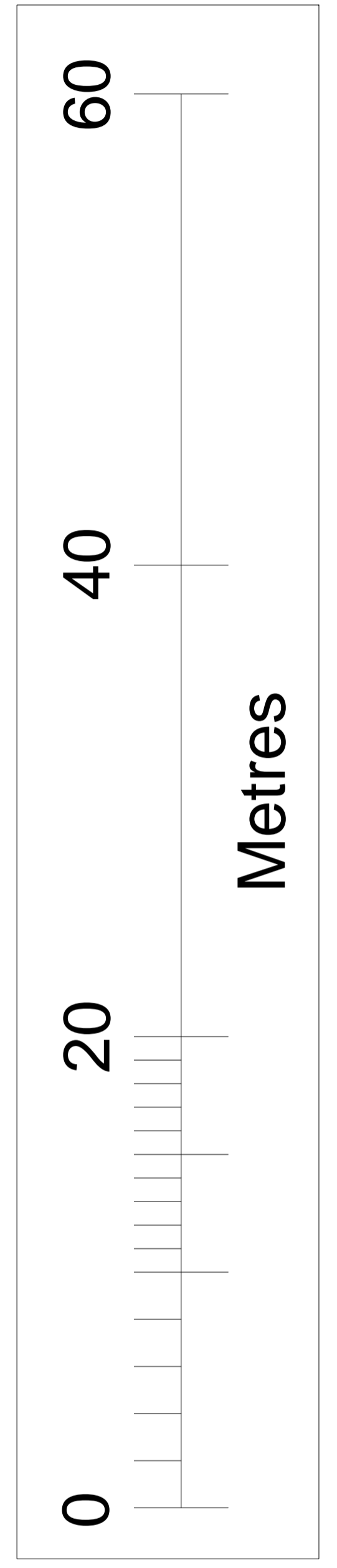
client Mr D Loveridge		
Mill Place Caravan Park Datchet Slough. SL3 9JD		
drawing title proposed location plan car parking area		
date June 2017	scale 1:500	sheet size A0
job no. 0912-1	drawing no. A30-06-17	revision A1

# Car Parking Option 1

**Total Area**  
**1995 m<sup>2</sup>**  
**71 No cars**



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22

997

998

FP2  
18.27m

RESS

EMERGENCY EXIT ONLY

765

car parking plan scale 1:200 @ A1

client Mr D Loveridge		
Mill Place Caravan Park Datchet Slough. SL3 9JD		
drawing title proposed location plan car parking area - option 1		
date June 2017		
job no. 0912-1	drawing no. A30-06-17 -2	revision A

## DEVELOPMENT CONTROL PANEL

5 June 2019

Item: 2

<b>Application No.:</b>	19/00682/FULL
<b>Location:</b>	Avanti 98 Peascod Street Windsor SL4 1DH
<b>Proposal:</b>	Part demolition of shop front facade to include glass, repaint shop front and fascia lettering (retrospective).
<b>Applicant:</b>	Mr Cakir
<b>Agent:</b>	Mr Kaleem Janjua
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

5 June 2019

Item: 2

<b>Application No.:</b>	19/00683/LBC
<b>Location:</b>	Avanti 98 Peascod Street Windsor SL4 1DH
<b>Proposal:</b>	Consent to retain alterations to shop front, further works to re-paint shop front and new signage.
<b>Applicant:</b>	Mr Cakir
<b>Agent:</b>	Mr Kaleem Janjua
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 Application 19/00682/FULL and the corresponding Listed Building 19/00683/LBC are considered jointly in this one report.
- 1.2 Unauthorised works have already taken place to the shopfront façade of this building. These works include the removal of a central sash window, fixed top light above and stone clad wall below, and the lowering of the spandrel panel/sub fascia to incorporate new signage in the form of plastic raised lettering mounted on the spandrel panel. These works are considered to cause substantial harm to the character and appearance of the listed building itself and to the conservation area.
- 1.3 Whilst the proposed dark blue 'Ocean Blue' colour paintwork may in principle be acceptable, the extent of the proposed painting in this colour to include clear glazed panels on the double doors, the spandrel panels and vertical side panels, would make the frontage very dark and so would detract from the original features of the building. The re-painting of the façade in 'Ocean Blue' has not been carried out.
- 1.4 The drawings submitted of the pre-existing building are considered to be inaccurate.

### 19/00682/FULL

<b>It is recommended the Panel refuses planning permission 19/00682/FULL for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
1.	<b>The alterations to the façade of this listed building cause substantial harm to the character and appearance of the Listed Building itself and to the Conservation Area.</b>
2.	<b>The extent of the proposed dark blue paintwork would make the frontage appear very dark and would detract from the character and appearance of the Listed</b>

	<b>Building and to the Conservation Area.</b>
<b>3.</b>	<b>Inaccurate drawings have been submitted of the pre-existing building (before the unauthorised works took place).</b>

**19/00683/LBC**

<b>It is recommended the Panel refuses listed building consent 19/00683/LBC for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
<b>1.</b>	<b>The alterations to façade of this listed building cause substantial harm to the character and appearance of the Listed Building itself and to the Conservation Area.</b>
<b>2.</b>	<b>The extent of the proposed dark blue paintwork would make the frontage appear very dark and would detract from the character and appearance of the Listed Building and to the Conservation Area.</b>
<b>3.</b>	<b>Inaccurate drawings have been submitted of the pre-existing building (before the unauthorised works took place).</b>

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Shelim, irrespective of the officer recommendation, for the reason that this is ‘a significant property in central Windsor subject to conservation’.

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

- 3.1 No 98 Peascod Street (currently operating as “Avanti”) is a Grade II listed, mid18th Century 3 storey building, with stuccoed upper floors and a parapet.
- 3.2 No 98 is sited within the heart of the Windsor Town Centre Conservation Area and is located on one of the principal approaches to Windsor Castle, which is a Scheduled Ancient Monument and a grade I listed building.

**4. KEY CONSTRAINTS**

- 4.1 The building is Grade II listed and is within a Conservation Area.

**5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The applications are part retrospective i.e. for alteration to the façade including part demolition to remove a central sash window and stone wall beneath and the installation a full length glazing panel and lettering on a lowered spandrel panel above.
- 5.2 The applications also propose to paint the ground floor façade a dark blue colour ‘Ocean Blue’.

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
96/74438/FULL	Change of use of former building society (Class A2) to restaurant (Class A3) including alterations to front elevation and installation of external rear extraction flue at rear.	Permission 03.07.1996
96/74468	Alterations to front elevation including installation of new double entrance doors and non-illuminated fascia and hanging sign together with internal alterations and extraction flue at rear.	Permission 03/07/1996.



## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	LB2, CA2,DG1

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Historic Environment	HE1

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. Stage one of the examination took place at the end of June 2018.

7.2 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. The policies quoted in the table above are considered to carry significant weight.

This document can be found at:

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

### Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

- Windsor Town Centre Conservation Area Appraisal

[https://www3.rbwm.gov.uk/downloads/download/216/conservation\\_areas](https://www3.rbwm.gov.uk/downloads/download/216/conservation_areas)

- Guidance of Shopfronts and Advertisements in Windsor town Centre Conservation Area.

[https://www3.rbwm.gov.uk/downloads/file/742/shopfronts\\_and\\_advertisements\\_in\\_windsor\\_town\\_centre\\_conservation\\_area](https://www3.rbwm.gov.uk/downloads/file/742/shopfronts_and_advertisements_in_windsor_town_centre_conservation_area)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

- 8.1 5 occupiers were notified directly of the planning application.
- 8.2 The planning officer posted a notice advertising the application at the site on 20<sup>th</sup> March 2019 and the application was advertised in the Maidenhead Advertiser on 21 March 2019.
- 8.3 1 letter was received from the Windsor and Eton Society objecting to the application, summarised as:

Comment	Where in the report this is considered
<p>1. Objection to the proposals and previous demolition of the listed façade which the Society considers must be reinstated. The info in the D &amp;A statement is incorrect in describing the building as a retail building with a shop front and having only 'group interest'.</p> <p>No 98 is listed as a separate Grade II building dating from the mid to late C18th and is a former public house known as Wellington Public House, with associated façade. (As per Historic England List Entry No. 1205436 and page 127 of the Windsor Town Centre Conservation Area Appraisal).</p>	See paragraph 9.7 of main report below.
<p>2. The applicants request retention of the long glass window on the front which was put in following demolition, without Listed Building Consent. The original window and central rendered panel with projecting ledge being replaced by one long window destroys the strength and importance of the elevation, its architectural and historic interest, and the link to its historic past is considerably diminished. The demolition of that part of the façade has caused substantial harm to the Listed Building. Furthermore this neither preserves nor enhances the character and appearance of the Conservation Area.</p> <p>The Society firmly considers that the demolished part of the façade must be retained with restored central rendered panel and ledge all to be painted a natural stone colour complementary to the handsome unpainted flanking stone columns, pedestals, capitals, dentilled cornice and frieze above.</p>	See paragraphs 9.1 – 9.19 below.
<p>3. The application drawings do not include the awning. This means that the fine architectural detail of the front frieze and capitals under the first floor windows is not hidden and can be fully appreciated.</p>	See paragraph 9.9 below.
<p>4. With reference to the colour 'Ocean Blue' for the woodwork, it is anticipated that this will be carefully considered by the Conservation Officers as to its suitability</p>	See paragraph 9.11 below.

## Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	Objection. The unauthorised alterations cause substantial harm to the Listed Building and Conservation Area. The plans of the pre-existing building are inaccurate. The extent of the proposed dark blue paintwork would make the façade appear very dark.	See paragraphs 9.1 – 9.19 below.
Highways	No objection	Noted.

## Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection unit	No objection raised.	Noted
RBWM Access Advisory Forum	The Design and Access Statement states that the restaurant already complies with the latest requirements for access in the Building Regulations, but the restaurant does not currently have level or ramped access and this is unchanged by the proposal.	Noted. This would not be a reason to refuse the applications.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the listed building itself and the conservation area

### Impact on the listed building itself and the conservation area

- 9.2 The proposals are considered to be contrary to Council’s adopted Local Plan Policies CA2, LB2 and the Borough Local Plan Submitted Version Policy HE1 and contrary to the NPPF (2019).
- 9.3 Policy CA2 relates to conservation areas and requires that any development will enhance or preserve the character of the area. Policy LB2 seeks to preserve listed buildings and their settings and only grant listed building consent for the alteration and/or extension of a building provided amongst other factors that the character of the building will not be adversely affected, both internally and externally.
- 9.4 Policy HE1 of the BLPSV advises that development proposals should seek to conserve and enhance the character, appearance and function of heritage assets and their settings, and respect the significance of the historic environment. Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question.
- 9.5 No 98 Peascod Street (currently operating as “Avanti”) is a grade II listed, mid18th Century three storey building, with stuccoed upper floors and a parapet. The description in the applicant’s Design and Access Statement appears to refer to a two storey white brick building with a modern shopfront.

- 9.6 No 98 is sited within the heart of the Windsor Town Centre Conservation Area and is located on one of the principal approaches to Windsor Castle, which is a Scheduled Ancient Monument and a grade I listed building. The site lies within Zone 2 as per the Council's shopfront guidance and this is an area where "original /traditional shopfronts and features should be retained".
- 9.7 Used for many years as a public house, and formerly known as the Wellington Public House, a principal feature of the building is its ground floor frontage. The listing description for the building from 1975, particularly notes *'The ground floor has a small circa 1850-60 public house front: central window and panelled and glazed side doors with fanlights, flanked by engaged columns on pedestals with bold composite capitals decoratively painted. Frieze and projecting cornice carried across front'*.
- 9.8 The original, centrally positioned, sash window with a fixed top light (now removed) was an unusual feature for a public house, as this type of window is more commonly found in 18th and 19<sup>th</sup> Century shopfronts. In addition, the quality of the stone surround and detailing of the capitals is particularly fine. These features when they exist on public house frontages, are more commonly found to be of decoratively painted timber and hence of lesser quality. The stone columns have been cleaned since the building was listed. In terms of the NPPF definitions, the original frontage is considered to have both architectural and historic significance.
- 9.9 The survey drawing for the frontage is incorrectly drawn, as the original (now removed) central sash window was the same height as the fanlights above the doors. Unauthorised works have resulted in the spandrel panel /sub fascia being lowered to incorporate new signage. The columns, capitals and wall below the central window (the latter now removed) are of natural stone, not render, as noted on the proposal drawing. There is also a blind (with advertising) and blind box attached to the upper part of the fascia, it is not clear if this is being retained, if so, advertisement consent may also be required. The fascia is noted as brickwork on the drawings, it is timber.
- 9.10 The existing hanging sign is not shown and it appears that this was changed at the time that the recent works were undertaken. It is not clear from the submissions, if this is to be removed or has just been overlooked.
- 9.11 Whilst the proposed dark blue joinery may be acceptable on this occasion, the new colour of the joinery and side panels at ground floor has not been fully specified and the clear glazed panels of the double doors are also shown as coloured blue. In addition, the spandrel panels and vertical side panels are also to be painted dark blue. It is considered that this would make the frontage very dark and so detract from the original features of the building and these areas would be better painted either cream to match the stone work of the frontage, or white, as per the upper floors. The current colour scheme on the façade is red and cream.
- 9.12 The existing lights on the fascia appear to be mini floodlights rather than spot lights, it is not clear if these are being retained or replaced. The existing lights are fixed onto projecting brackets on the fascia and are positioned so as to light the ground floor of the building at night, rather than just the signage. The proposed lights also show this.
- 9.13 The Council's shopfront guidance does advise that flood lights may be acceptable on modern shop fronts in Zone 2 for lighting fascia's, but this is clearly not a modern shopfront. The projecting square shaped modern light fittings are considered to detract from the appearance of the building and the downward wash of light emitted would make the building highly conspicuous in the street scene at night.
- 9.14 The loss of the central section of wall and the lowered spandrel above have significantly altered the proportions of the frontage, which now houses a large modern clear glazed window. Traditionally, the shopfront signage would be located on the fascia, and as such, the plastic raised lettering mounted on the spandrel panel over the window would not accord with the requirements of the Council's design guidance and are considered to detract from the appearance of the building.

- 9.15 The original public house frontage with its central sash window was an unusual and important element of the design and fabric of the ground floor frontage of the building. The alterations as proposed (and as have been carried out), in particular the loss of the sash window and stone clad wall below, have resulted in a loss significance to the historic building.
- 9.16 Para 16(2) the Planning (Listed Buildings and Conservation Areas) Act 1990, states that when considering whether to grant listed building consent a local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. These proposals are not considered to preserve the form of this building, in particular the ground floor frontage, which is fundamental to its architectural and historic interest.
- 9.17 Para 192 (a) of the NPPF advises that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into new uses consistent with their conservation. When considering the impact of proposed development on the significance of a designated asset it advises that great weight should be given to the asset's conservation. Any harm or loss of significance should require clear and convincing justification. Where proposals will lead to substantial harm, as considered in this case, local authorities are advised to refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.
- 9.18 It is considered that these proposals would not sustain or enhance the significance of the listed building, nor would they be consistent with the building's conservation and as a result, there would be harm to the significance of the building. No justification has been provided for the works and it is considered that there would be no substantial public benefit resulting from them.
- 9.19 In conclusion, it is considered that the proposals would, and indeed have, resulted in substantial harm to the significance of the listed building and its wider setting in the Windsor Town Centre Conservation Area are not, therefore, considered to be acceptable.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is not CIL liable.

## **11. APPENDICES TO THIS REPORT**

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

## **12. REASONS RECOMMENDED FOR REFUSAL:**

### **19/00683/LBC**

- 1 The existing and proposed alterations to the facade of the building (including the removal of the central sash and stone clad wall below, the lowering of spandrel panel/sub fascia, extent of the proposed paintwork, lettering, signage and lighting) result in substantial harm to the character and appearance of the listed building. No justification has been provided for the works and it is considered that there would be no substantial public benefit arising from these alterations. The development is contrary to Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporations adopted June 2003; Policy HE1 of the Borough Local Plan Submitted Version and the NPPF (2019) paragraphs 16 (2) and 192 (a).

- 2 There are inaccuracies in the submitted drawing. The survey drawing for the frontage is inaccurately drawn as the original (now removed) central sash window was the same height as the fanlights above the doors. Unauthorised works have resulted in the spandrel panel/sub fascia being lowered to incorporate new signage. The columns, capitals and wall below the central window (the latter now removed) are of natural stone, not render, as noted on the proposal drawing. There is also a blind (with advertising) and blind box attached to the upper part of the fascia, it is not clear if this is being retained. The fascia is noted as brickwork on the drawings, but it is timber. The existing hanging sign is not shown and it appears that this was changed recently. It is not clear if this is to be removed or has just been overlooked.

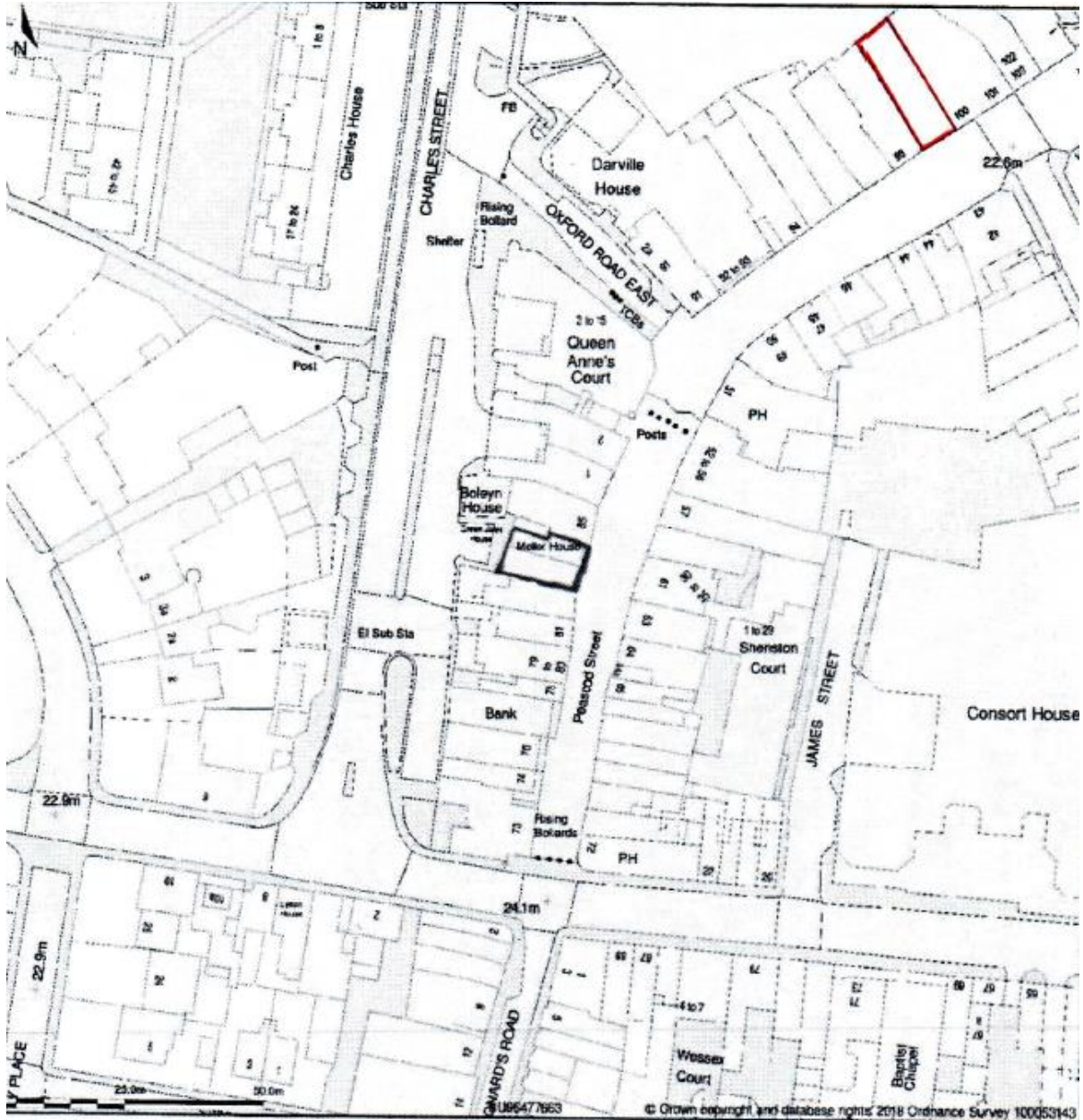
#### **19/00682/FULL**

- 1 The existing and proposed alterations to the facade of the building (including the removal of the central sash and stone clad wall below, the lowering of spandrel panel/sub fascia, extent of the proposed paintwork, lettering, signage and lighting) result in substantial harm to the character and appearance of the listed building. No justification has been provided for the works and it is considered that there would be no substantial public benefit arising from these alterations. The development is contrary to Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporations adopted June 2003; Policy HE1 of the Borough Local Plan Submitted Version and the NPPF (2019) paragraphs 16 (2) and 192 (a).
- 2 There are inaccuracies in the submitted drawing. The survey drawing for the frontage is inaccurately drawn as the original (now removed) central sash window was the same height as the fanlights above the doors . Unauthorised works have resulted in the spandrel panel/sub fascia being lowered to incorporate new signage. The columns, capitals and wall below the central window (the latter now removed) are of natural stone, not render , as noted on the proposal drawing. There is also a blind (with advertising) and blind box attached to the upper part of the fascia, it is not clear if this is being retained. The fascia is noted as brickwork on the drawings, but it is timber. The existing hanging sign is not shown and it appears that this was changed recently. It is not clear if this is to be removed or has just been overlooked.

**APPENDIX A**

Applications 19/00682/FULL and 19/00683/LBC

Avanti, 98 Peascod Street, Windsor.



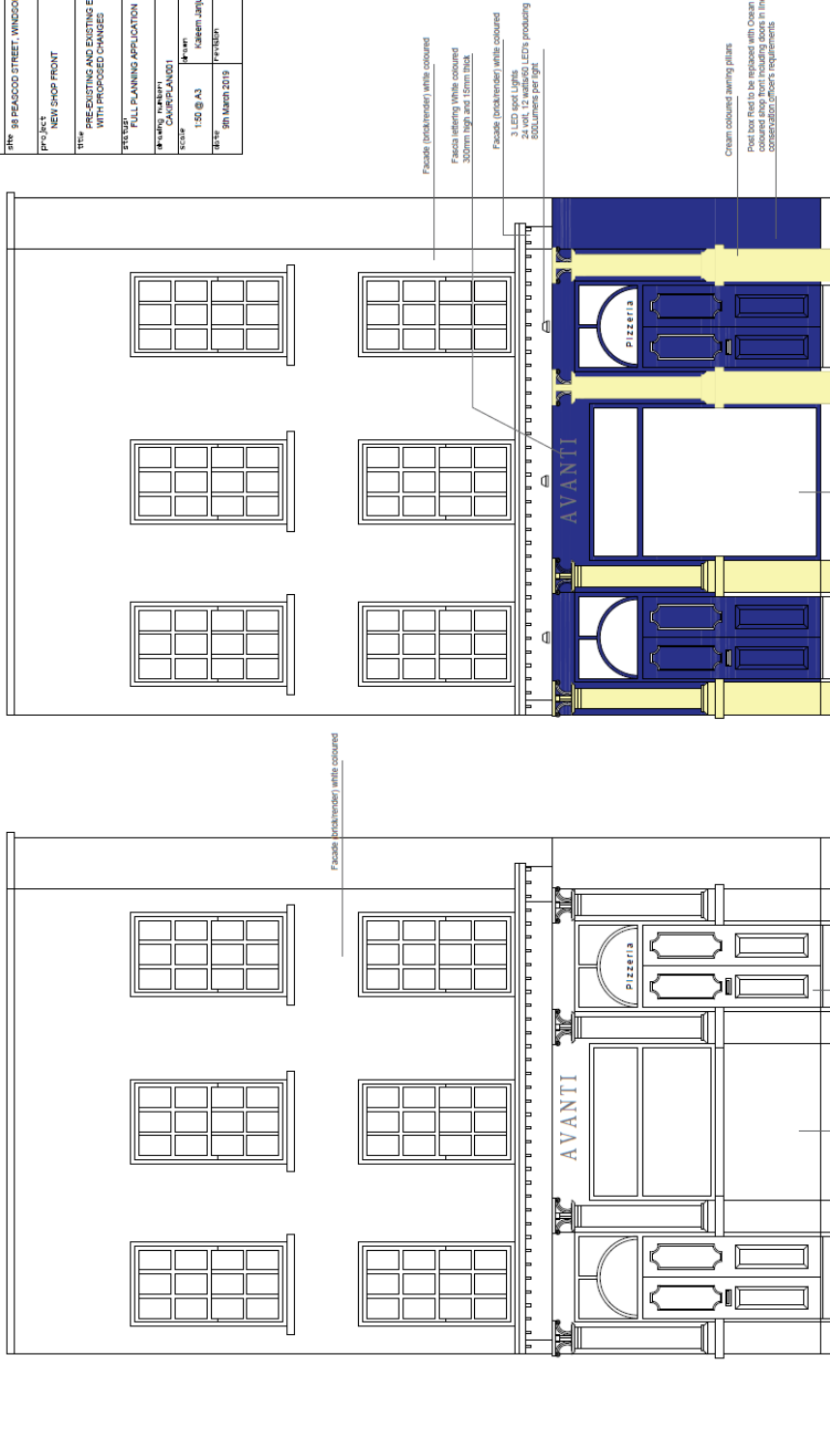
SITE LOCATION PLAN: 1:250

# Appendix B

Applications 16/00682/FULL and 16/00683/LBC

Avanti, 98 Peascod Street, Windsor.

<b>MCS DESIGN Architectural Services</b> 51 Westwood, Windsor, SL4 3NN Tel: 01753 691174 Fax: 01753 691177 www.mcsdesignservices.co.uk email: info@mcsdesignservices.co.uk	
CLIENT:	MRS. SONNER CAHILL
ADDR:	98 PEASCOD STREET, WINDSOR, SL4 1DN
PROJECT:	NEW SHOP FRONT
TYPE:	PRE-EXISTING AND EXISTING ELEVATIONS WITH PROPOSED CHANGES
TYPE OF DRAWING:	FULL PLANNING APPLICATION
DRAWING NUMBER:	0000000001
SCALE:	1:50 @ A3
DATE:	04/04/2019
DATE:	09th March 2019
FINISH:	Final



EXISTING FRONT ELEVATION

PRE-EXISTING FRONT ELEVATION



## DEVELOPMENT CONTROL PANEL

5 June 2019

Item: 3

<b>Application No.:</b>	19/00720/FULL
<b>Location:</b>	Castle Farm Caravan Site Leigh Square Windsor
<b>Proposal:</b>	Construction of 6 x two bedroom flats, 4 x two bedroom dwellings, 12 x three bedroom dwellings and 3 x four bedroom dwellings with garages and storage sheds, new vehicular and pedestrian access and associated works to include parking and landscaping.
<b>Applicant:</b>	Mr Ryves
<b>Agent:</b>	Mr Mark Carter
<b>Parish/Ward:</b>	Windsor Unparished/Clewer South Ward
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposed scheme involves the redevelopment of part of a former mobile home park which has now been cleared for development. It is proposed to erect a total of 25 residential units comprising a mixture of maisonettes, bungalows, semi-detached and detached dwellings. 8 of the 25 units are proposed to be 'affordable'. The scheme has satisfactorily addressed concerns raised under the previous application. In particular, the layout has been altered to provide more space along the Tinkers Lane frontage to enable more planting/landscaping to be provided and to improve the visual appearance of the development. The scheme is now considered to be acceptable.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of a s106 agreement to secure the provision of affordable housing (8 units) and to ensure they remain available to successive occupiers in the future, and with the conditions listed in Section 13 of this report; and</b>
2.	<b>Confirmation that the Lead Local Flood Authority is satisfied that the drainage strategy for the site is acceptable and the imposition of any additional conditions.</b>

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The application site comprises two parcels of land. The northern parcel of land formally formed part of a larger mobile home park consisting of 49 caravans. The southern parcel of land formally comprised a garage court. The existing Castle Farm mobile home park now separates the two sites and is subject to a separate planning application to consolidate and refurbish the site to retain 16 mobile homes and provide new facilities and landscaping for existing and relocated residents.
- 3.2 The site lies to the east of Tinkers Lane and vehicular access is currently gained from Leigh Square via White Horse Road. Both sites are relatively flat and enclosed by close boarded fences. The site is located in the suburban residential area of Dedworth which lies approximately 3km to the west of Windsor town centre. The site is surrounded by two storey dwellings in

Dedworth Road, Tinkers Lane, White Horse Road and Leigh Square built in the mid to late 20<sup>th</sup> century. The site lies opposite the entrance to Tinkers Lane depot.

#### 4.0 KEY CONSTRAINTS

4.1 The site lies within the suburban area of Windsor, identified in the Townscape Assessment as late 20<sup>th</sup> Century suburbs. There are no trees on the site and the site lies within Flood Zone 1.

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The site is owned by Radian Housing Association and it is proposed to construct a total of 25 residential units (8 of which will be 'affordable'). The units comprise a mix of 6 x two bedroom maisonettes, 4 x two bedroom semi-detached bungalows, 12 x three bedroom dwellings and 3 x four bed dwellings of varying designs. The height of the dwellings range from 4.3m for the bungalows to 8.9m for the 4 bed detached dwellings. The overall density amounts to 41 dwellings per hectare. The majority of the residential units are to be built on the northern parcel of land which measures approximately 0.5122 hectares and will be served by a new vehicular access road taken from Tinkers Lane. Four of the units (bungalows) are to be built on the former garage court measuring 0.1054 hectares at the southern end of the site and will be accessed via Leigh Square off White Horse Road. Other associated works include detached garages (for plots 5, 17 & 18), storage sheds, parking and landscaping.

The proposal creates an opportunity to provide affordable housing to meet local needs and to regenerate and enhance the former mobile home park and provide a mix of tenure types. The submitted scheme follows several pre-application consultations and community involvement/public consultation. The last application, reference number 18/01128/FULL, was withdrawn following concerns raised regarding the layout, the visual impact of the development on Tinkers Lane, the unsatisfactory landscape scheme, inadequate widths of some parking bays and layout of the maisonettes.

Application Ref	Description of Works	Decision and Date
18/01127/FULL	New hardstanding, bin and cycle stores, alterations to the access road, car parking and landscaping to facilitate the use of the land as a mobile home park.	Withdrawn
18/01128/FULL	Construction of 6 x two bedroom flats, 4 x two bedroom dwellings, 11 x three bedroom dwellings and 4 x four bedroom dwellings with new vehicular and pedestrian access and associated works to include parking and landscaping.	Withdrawn
19/00719/FULL	New hardstanding, bin and cycle stores, garages, alterations to access road, car parking and landscaping in connection with use of land as mobile home park.	Pending Consideration

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H8, 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](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing	HO2, HO3, HO5,HO8
Sustainable Transport	IF2
Trees, Woodlands and Hedgerows	NR2
Infrastructure and Developer Contributions	IF1
Utilities	IF8

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

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

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

69 occupiers were notified directly of the application.

The planning officer posted notices advertising the application at the site (Leigh Square and Tinkers Lane) on the 20<sup>th</sup> March 2019 and the application was advertised in the Local Press on 28<sup>th</sup> March 2019.

1 letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Pleased to see the roofs of the bungalows to the rear of number 36 White Horse Road have been reduced so are less imposing.	Paragraph 9.9

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Concern raised that buildings could result in loss of privacy to number 40 White Horse Road	Paragraph 9.9

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Landscape Officer	No comments to make on the landscape masterplan.	Paragraphs 9.20-9.21
Thames Water	No objection subject to informatives	Noted and added.
Environmental Protection	No objection subject to conditions and informatives	Noted and added.
Tree Officer	None of the original trees covered by the 1959 Area TPO remain. The proposed tree planting and associated soft ground is acceptable in terms of its extent however some of the tree species are not appropriate.	Paragraphs 9.20 -9.21
Highways	No objection subject to conditions and informatives	Paragraphs 9.15-9.19
Lead Local Flood Authority	Further information has been requested and a technical note provided. Further comments are awaited.	Paragraph 9.24
Ecology Officer	No objection on ecological grounds subject to a condition to secure biodiversity enhancement.	Paragraph 9.23

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

## **i Impact on the character and appearance of the area**

- 9.2 The application has been accompanied by a Design and Access Statement and Planning Statement.
- 9.3 Local Plan Policy DG1 and emerging policy SP3 set out the design guidance for new development. Local Plan Policy H10 refers specifically to new residential development schemes, requiring them to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density which would be incompatible with or cause damage to the character and amenity of the area. Emerging policy HO5 requires all new housing to be developed at a density that is consistent with achieving good design and the density of development will be informed by amongst other things the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties. The NPPF (2019) Section 12 'Achieving well-designed places' states that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 127 states that planning policies and decisions should ensure that developments, amongst other things, function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.4 The site lies within a predominately suburban residential area and is surrounded by 2 storey dwellings and the mobile homes in the caravan park. Views of the site are available from Tinkers Lane and Leigh Square and from the adjoining residential properties and Caravan Park. There is very limited boundary screening.
- 9.5 The layout and density of development has been informed by the surrounding residential area. A back to back garden layout is proposed with the properties in White Horse Road. A cul-de-sac with dwellings facing onto the access road is proposed on the northern parcel of land. Street planting and trees will help to soften the appearance of the development, particularly at the entrance of the site from Tinkers Lane. The layout has been revised to provide more space for planting/landscaping along the Tinkers Lane frontage. Each residential unit will have its own private amenity space.
- 9.6 The layout of the southern application site is informed by the surrounding properties and the existing mobile home park. The single storey bungalows are set around a communal courtyard which will provides off street parking for the residents. A wall is proposed along the western boundary to enclose the rear gardens of plots 24 and 25.
- 9.7 The resulting density and layout of the development is considered on balance to be acceptable in this suburban context, particularly given the enhancement from the former appearance of the site. The dwellings are of varying sizes and designs and this provides visual interest. The development will provide a good mix of house types, the materials will include brick and tiles which are characteristic of the area and design features include traditional pitch roofs and front entrance canopies. The scheme also provides adequate amenity space for future occupiers. The proposal is considered to be sympathetic to the surrounding residential area and would not detract from the character and appearance of the site itself or the locality in general. The overall density, layout, scale, height and design of the scheme is acceptable and would accord with local plan policies DG1, H8, H10 and H11 and emerging policies SP3 and HO5. The development would also result in an enhancement of this former caravan park and garage court site

## **ii. Impact on the living conditions of neighbouring properties and future occupants**

- 9.8 It is necessary to carefully consider the proposals impact on the living conditions of the neighbouring properties particularly in terms of light, outlook and privacy.
- 9.9 The dwellings in White Horse Road (numbers 6-24) have garden depths ranging from between 10 and 18 metres. The proposed garden depths of plots 8 to 14 measure 10m and it is considered that sufficient distance will be maintained between these properties to safeguard the outlook, light and privacy of the neighbouring properties in White Horse Road. The 2 storey maisonettes proposed on plots 6 & 7 will be sited 6.5m from the eastern boundary of the site and a distance of between 18 and 19 metres will be maintained between the proposed maisonettes and the rear elevations of numbers 22 and 24 White Horse Road. Windows serving a kitchen, bathroom and bedroom are proposed in the rear elevation of the first floor maisonette. Whilst this could introduce a degree of overlooking and loss of privacy to the rear gardens of numbers 22 and 24 White Horse Road it is considered that some inter-overlooking is to be expected in this suburban location and the proposal would not introduce an unacceptable degree of overlooking and loss of privacy to these properties. Sufficient distance will be maintained between the maisonettes and these neighbouring properties to preserve their light and outlook. The bungalows on plots 22 & 23 would have very low ridge heights of 4.5m and have been specifically designed to minimise the impact on the living conditions of surrounding properties including numbers 36-44 White Horse Road. It is not considered that the proposal would harm the living conditions of properties in White Horse Road in terms of light, outlook and privacy.
- 9.10 The dwellings fronting Dedworth Road benefit from long rear gardens in excess of 30 metres. The proposed dwellings on plots 14 and 15 are sited 1.2m from the rear boundary of these properties and have been designed to have low ridge heights of 6.25m and low eaves height of 2.6m. The dwellings will have one roof light serving a stairwell in the rear sloping roof. Given the distance that would be maintained between the proposed dwellings and the existing dwellings in Dedworth Road it is not considered that this layout and design would result in an unacceptable impact on the living conditions of the neighbouring properties in terms of light, outlook or privacy.
- 9.11 There is a garage court which serves the flats, Deacon Court to the north/west of the application site and the proposed dwelling on plot 16 will back onto this adjoining garage court. The proposed maisonettes on plots 18 to 21 are set at right angles to the flank boundary of the adjoining detached property at number 20 Tinkers Lane. The proposed maisonettes would be sited 6- 6.8m from the flank boundary of number 20 and would have a ridge height of 8.3m. Whilst there can be little doubt that the outlook from number 20 will change as a consequence of the development, given the distance that would be maintained it is not considered that proposal would have an unacceptable impact on the light and outlook of this property. A first floor kitchen and bathroom window are proposed to be inserted into the rear elevation of the maisonettes which would face towards the flank boundary of number 20 Tinkers Lane. Given that the first floor living accommodation is also served by a large window in the front elevation it is not considered unreasonable in this case to require that the kitchen and bathroom window be obscure glazed and fixed below a height of 1.7m above the finished floor level in order to prevent any unacceptable level of overlooking and loss of privacy to the neighbouring property, number 20 Tinkers Lane. This can be secured by condition and has been agreed by the applicant.
- 9.12 It is considered that the proposal will satisfactorily relate to the adjacent caravan park.
- 9.13 The layout of the proposed maisonettes has been revised to address previous concerns regarding shared amenity space and privacy to ground floor bedrooms. Each maisonette will now have its own private amenity space and the previous concern has been satisfactorily addressed. It is considered that the revised scheme provides adequate levels of amenity for future occupiers.
- 9.14 It is considered that the proposed development would have a satisfactory impact upon the amenities of nearby occupiers and future occupiers of the dwellings. The proposal accords with the guidance in paragraph 127 of the NPPF (2019) and emerging policies SP3 and HO5 set out in the Borough Local Plan Submission Version.

### **iii Highway safety and car parking**

- 9.15 The application has been accompanied by a Transport Statement. The residential scheme on the northern part of the site has been designed to incorporate a Home Zone which provides a shared surface for pedestrians and vehicles. The majority of the access road will be block paved.
- 9.16 The proposed 21 residential units on the northern parcel of land will be served by a new 4.8m wide vehicular access from Tinkers Lane and visibility splays of 2.4m x 100m to the left and right, which exceeds the Local Authorities standards, can be achieved. The 4 units on the southern parcel of land will gain access from the existing vehicular access off Leigh Square. The latest TRICS database provided in the TS concludes that the proposed development would result in a slight decrease in daily trips when compared with the previous trips generated by the former caravan park. A swept path analysis has been provided to demonstrate that a refuse lorry and a fire engine will be able to enter and exit the site in a forward gear.
- 9.17 On the northern part of the site each 2/3 bedroom unit will benefit from 2 designated car parking spaces either in the form of parking bays or driveway parking and each 4 bedroom unit will have 2 car parking spaces and a single garage. 3 additional visitor parking bays are also to be provided. The 2 bed bungalows on the southern part of the site will each have 2 parking spaces and a further 2 visitor bays are also provided. The proposal accords with the adopted parking standards.
- 9.18 Each dwelling including the maisonettes will be provided with a garden shed within the rear garden to provide cycle parking. Each dwelling will also have enough room on site to accommodate the boroughs refuse bins.
- 9.19 The proposal is acceptable on highway safety and parking grounds and accords with adopted policies T5 and P4 and emerging policy IF2.

### **iv Trees/Landscape scheme**

- 9.20 The application has been accompanied by a comprehensive hard and soft landscape proposal (drawing number 1627-3002-04), a tree constraints plan and details of load-bearing tree-pit construction (drwg 1627-4001). There are currently no trees on the application sites and a comprehensive landscape scheme is proposed which includes tree and hedge planting. This current scheme provides more space at the Tinkers Lane entrance to enable more planting to be provided to address concerns raised on the previous scheme.
- 9.21 The extent of the tree planting and soft landscaping is considered acceptable. Some concern has been raised by the tree officer that some of the tree species may not be appropriate given the proximity to buildings. In particular concern has been raised to the planting of Lime trees adjacent to plot 1. The applicant has however confirmed that the Lime trees in question are *Tilia cordata* and 'are cultivars with an upright habit' – i.e. they have a limited spread and are specified in situations where space is limited. In addition the tree officer has queried the use of 'Pinus Mugo'. These comments relate to aesthetic issues. It is considered that an appropriate level of soft landscaping is shown to be provided and the landscape officer has raised no concerns in relation to the landscape masterplan. It is therefore considered that the landscape details are acceptable and would satisfactorily accord with local plan policy N6 and emerging policy NR2.

### **v Affordable Housing**

- 9.22 Local Plan policy H3 seeks a 30% affordable housing provision for all sites of 15 net units or 0.5 ha or more in size. In this case the scheme is for 25 units which requires 7.5 units to be affordable. This is rounded up to 8 units and 8 units are proposed to be provided and will comprise units 18 to 21, 4 x 2 bed maisonettes which will be in shared ownership and units 22-25, 4 x 2 bed bungalows which will be rented. The Strategic Housing Market Assessment suggests that the majority of housing need (70 – 75%) is for rented accommodation, however,

the Council is keen to encourage opportunities for residents to enter home ownership. Additionally the tenure mix is not specified in adopted policy; this is a consideration in the BLPSV and the NPPF (2019) has also introduced other factors in relation to affordable housing which have to be considered as material to the scheme. It is recognised that the applicant is delivering 8 x 2 bed 'affordable' units and this complies with the 30% level cited in the adopted Local Plan. On this basis the proposed affordable housing provision is considered to be acceptable. Affordable housing units will be secured in a legal agreement. The proposal complies with policy H3 of the adopted Local Plan and paragraph 64 of the National Planning Policy Framework which sets out for major developments involving the provision of affordable housing that at least 10% of homes should be available for affordable home ownership.

#### **vi Other Material Considerations**

9.23 The application has been accompanied by a preliminary ecological appraisal which concludes that the site is of limited suitability for use by protected species such as reptiles and great crested newts. An updated bat survey report has been undertaken to an appropriate standard and concludes that the site is unlikely to host roosting bats. There are no trees currently on the site and clearance work has already taken place. Paragraph 175(d) of the NPPF states that '*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*'. As such opportunities for wildlife should be incorporated into the development, to include bird and bat boxes and wildlife-friendly planting. The locations and specifications of such enhancements should be included within a biodiversity enhancement scheme which can be secured by a planning condition.(see condition x)

9.24 The site lies within Flood Zone 1 and the Environment Agency has confirmed that they do not wish to comment on the application. A proposed foul and surface water drainage strategy (drawing number CAS-HYD-XX-XX-DR-D-2200 Rev P06) and a foul and surface water drainage assessment report (drawing number CAS-HYD-XXX-XX-RP-D-0001 Rev P2) has been submitted with the application. The Lead Local Flood Authority has requested some additional information/clarification and this has been supplied in the form of a Technical Note and revised drawings received on the 1<sup>st</sup> May 2019. Further comments are awaited from the LLFA and will be reported accordingly.

#### Housing Land Supply

9.25 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development 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 permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.26 Footnote 7 of the NPPF (2019) clarifies that:

*'Out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer...).'*

9.27 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr HLS) is the 'standard method' as set out in the NPPF (2019).



- 9.28 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.29 As set out in paragraphs above for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.30 However in this case such an assessment is considered to be academic. This is because, for reasons set out above, officers are of the view that the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. CIL is charged at the rate of £240 per square metre. The planning officer has calculated the proposed internal residential floor space of the development to be 2,187.32 sq.m although this figure has not been verified. The Additional Information Requirement Form for CIL has been supplied by the applicant. The proposed internal residential floor area is stated to be 2,107 sq.m. The forms also refer to the demolition of the garage court measuring 150 sq.m. These garages have already been demolished and in order for them to be taken off the proposed internal floor space figure it would need to be demonstrated that they were in lawful use for 6 months within the last 3 years.

## **11. CONCLUSION**

- 11.1 It is considered that the scheme has satisfactorily addressed the previous concerns and accords with local plan policies DG1, H10, H11, T5 and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations adopted June 2003) and emerging policies SP3, HO5 and IF2 set out in the Borough Local Plan Submission Version, as well as guidance set out in the NPPF.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – SITE LOCATION PLAN
- Appendix B - PROPOSED SITE PLAN MASTERPLAN
- Appendix C - PROPOSED SITE PLAN – NORTH END
- Appendix D - PROPOSED SITE PLAN – SOUTH END
- Appendix E - PROPOSED STREET ELEVATIONS
- Appendix F - PROPOSED BOUNDARY ELEVATIONS
- Appendix G - FLOOR PLANS & ELEVATIONS
- Appendix H - LANDSCAPE PROPOSAL

## **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 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.

3 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

4 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

5 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

6 The first floor window(s) in the rear (north elevation) of the maisonettes (units 18-21) shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

7 No further window(s) shall be inserted at first floor level in the rear (north) elevation of units 14 & 15.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

8 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

9 The development shall be undertaken in accordance with the details shown on the Tree Constraints Plan (drawing number 1627-TF-XX-00-DR-L-5001 Rev 02) and the Load Bearing Tree Pit Construction (drawing number 1627-4001) and these details shall be maintained.

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

10 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover all areas of proposed landscaping other than private domestic gardens.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

11 Irrespective of the provisions of Classes A, B, C 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 layout of the site requires strict control over the form of any additional development which may be proposed in order to protect neighbouring amenity, to ensure that adequate amenity space is provided for future occupiers and to ensure adequate parking is provided on site.. Relevant Policies - Local Plan H11, DG1.

- 12 Prior to the commencement of any works of construction a management plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 13 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 14 No part of the development shall be occupied until the visibility splays shown on the approved drawings (078.0001.005 Rev D) have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

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

- 15 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 16 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.

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.

- 17 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.

Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.

- 18 No dwelling hereby permitted shall be occupied until the locations and specifications of biodiversity enhancements - to include bird and bat boxes and wildlife-friendly planting - have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed and maintained.

Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.

- 19 No development shall commence until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of the methods of providing ventilation to habitable rooms have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and retained.

Reason: To ensure a satisfactory living environment for future residents of the development. Relevant Policies - Local Plan NAP2.

- 1 The Boroughs's Highway Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in Tinkers Lane, Windsor.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 6 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](http://www.ccscheme.org.uk)
- 7 Thames Water advises that they will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read the guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

# Appendix A – Site Location Plan



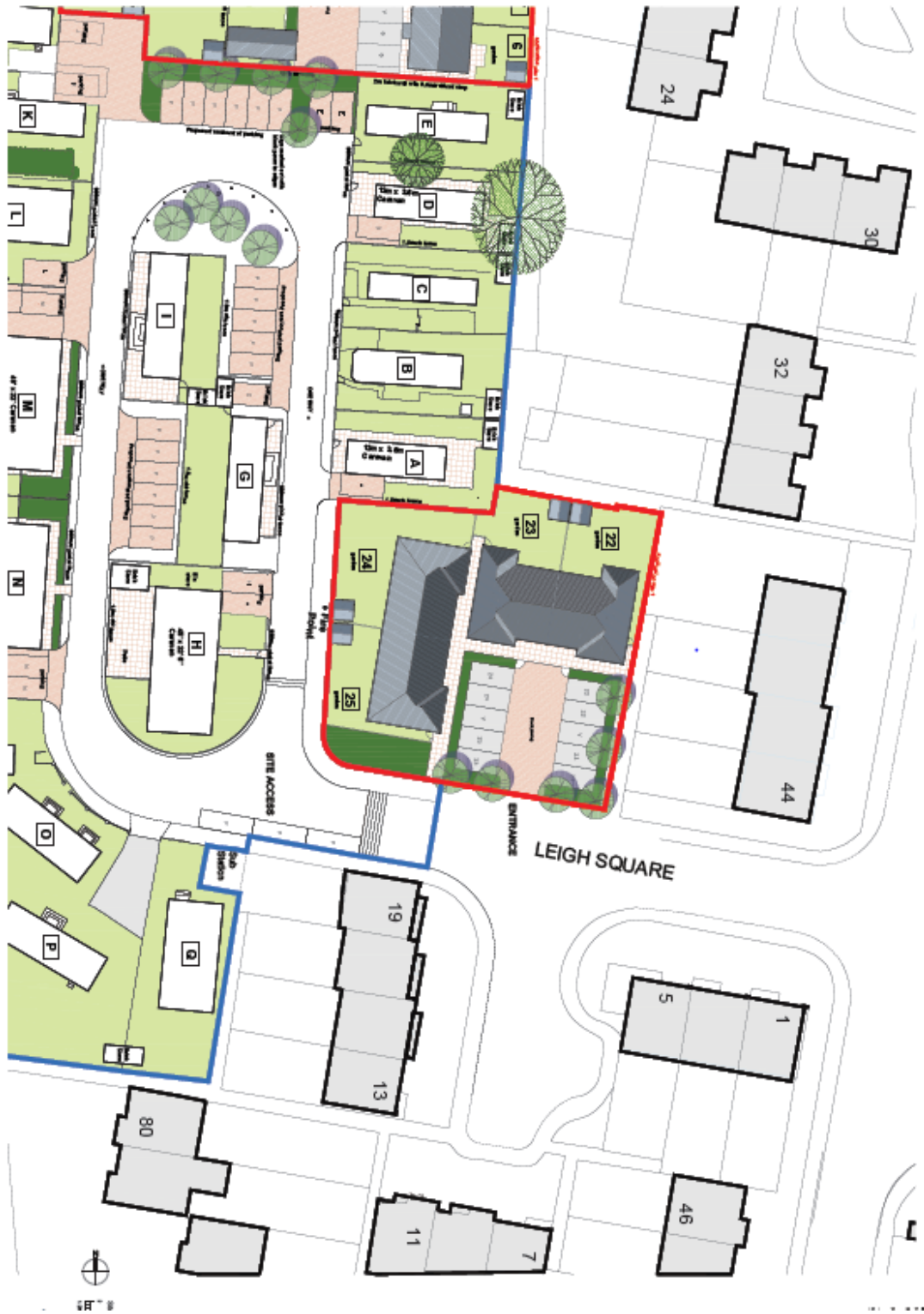
# APPENDIX B – PROPOSED SITE PLAN MASTERPLAN



# APPENDIX C – PROPOSED SITE PLAN – NORTH END

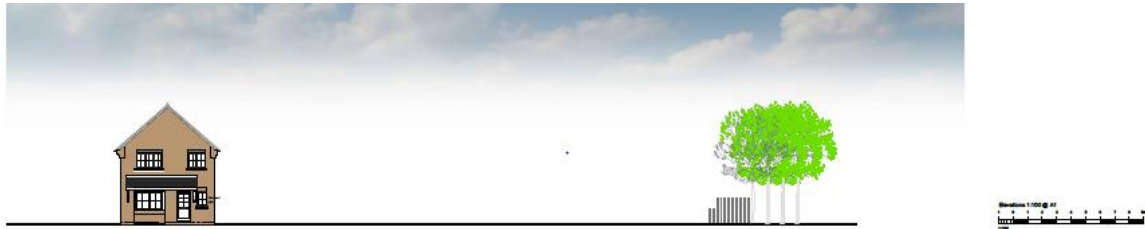


# APPENDIX D – PROPOSED SITE PLAN – SOUTH END

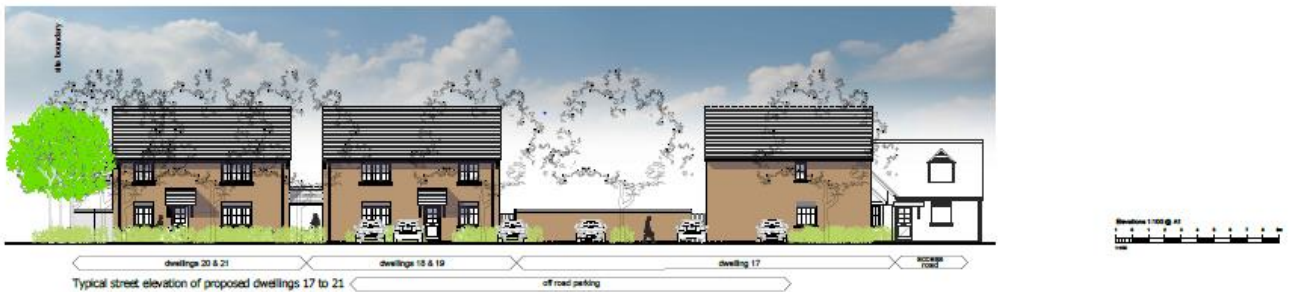




# APPENDIX E – PROPOSED STREET ELEVATIONS



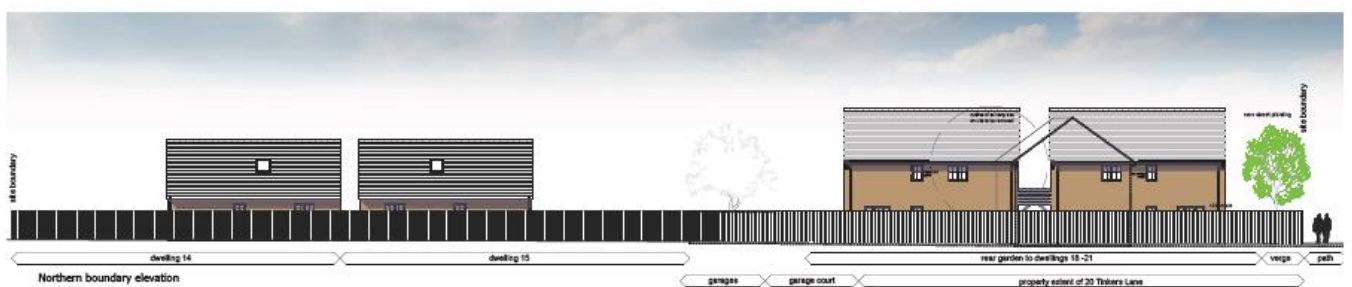
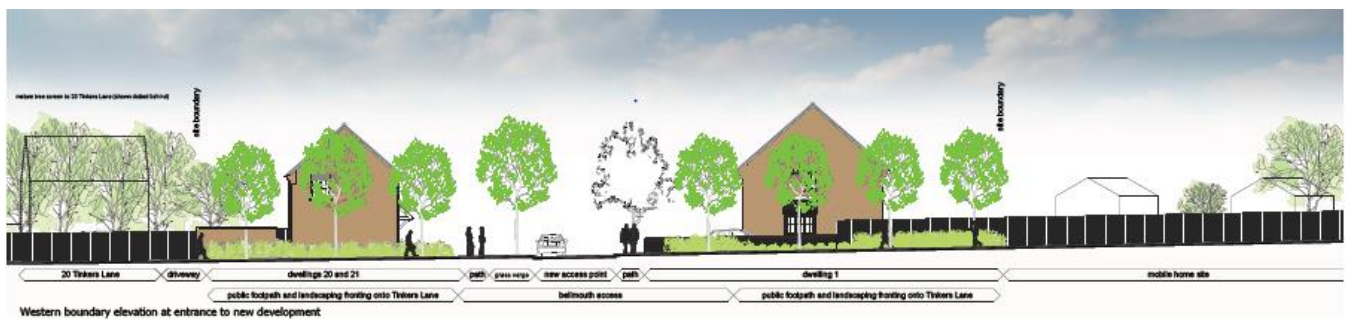
Typical street elevation of proposed dwellings 5, 16 and 17



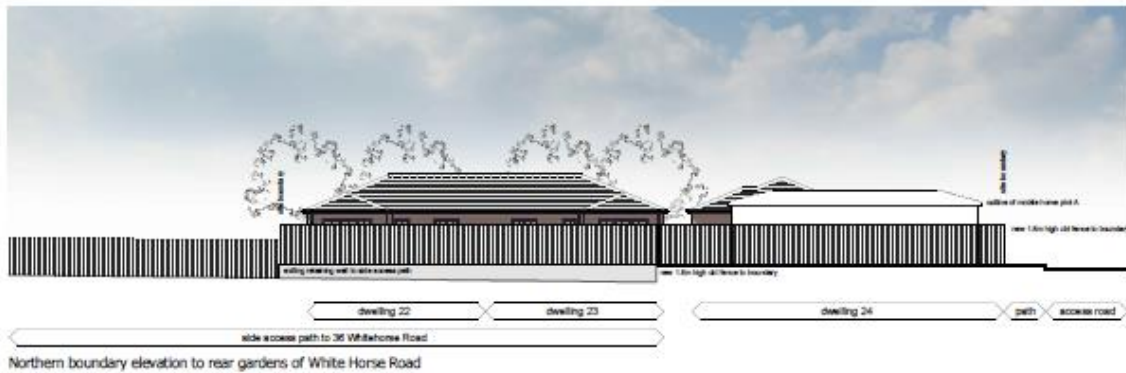
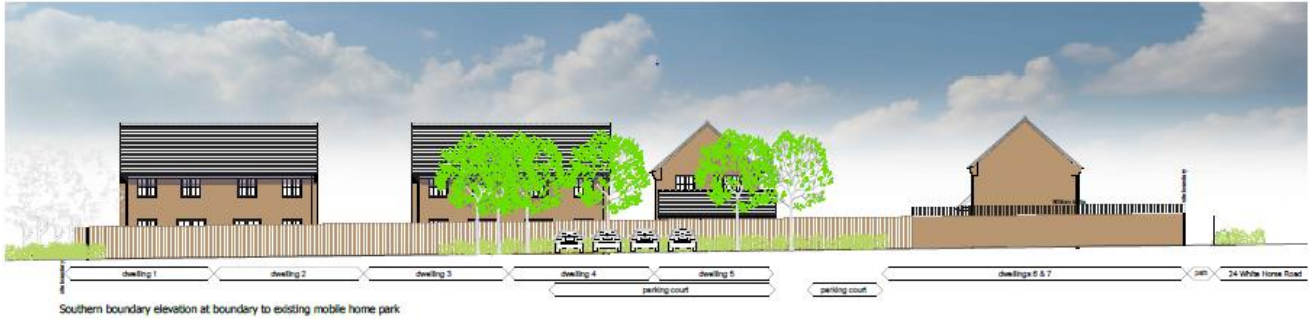
Typical street elevation of proposed dwellings 17 to 21



Typical street elevation of proposed dwellings 6 to 14



# APPENDIX F – PROPOSED BOUNDARY ELEVATIONS





# APPENDIX G – FLOOR PLANS & ELEVATIONS

## 3 BED SEMI-DETACHED DWELLING – PLOTS 2,3,4,8,9,10,11,12 & 13



## 3 BED SEMI-DETACHED DWELLING – PLOT 1



## 2 BED MAISONNETTES – PLOTS 18-21



## 2 BED MAISONNETTES - PLOTS 6 & 7



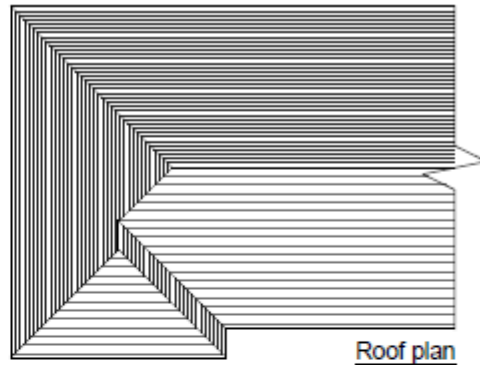
4 BED DETACHED DWELLING – PLOTS 5 & 17



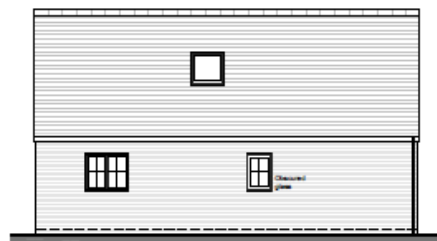
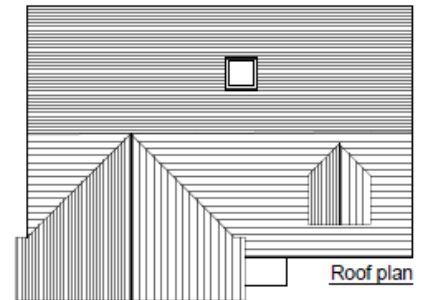
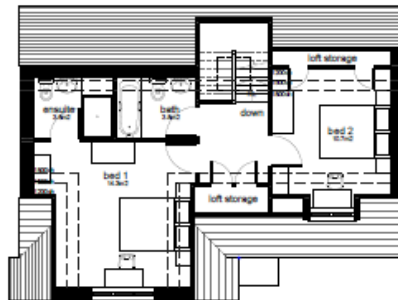
4 BED DETACHED DWELLING – PLOT 16



## 2 BED SEMI-DETACHED BUNGALOWS – PLOTS 22 -25



## 3 BED CHALET BUNGALOWS – PLOTS 14 & 15



### Plot 15 (14 mirrored)

#### SCHEDULE OF ACCOMMODATION

ROOM	Int. Area
Living	20.3 sq.m
Kitchen dining	21.7 sq.m
wc	1.8 sq.m
Bedroom 1	14.3 sq.m (to 1.5m line)
Bedroom 2	10.7 sq.m (to 1.5m line)
Bedroom 3	10.1 sq.m
Bathroom	3.8 sq.m (to 1.5m line)
Ensuite	3.8 sq.m (to 1.5m line)
<b>Total GIA</b>	<b>108.2 sq.m</b>



# APPENDIX H – LANDSCAPE PROPOSAL



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## Appeal Decision Report

13 April 2019 - 23 May 2019

### WINDSOR

**Appeal Ref.:** 18/60072/NOND    **Planning Ref.:** 18/00095/FULL    **Plns Ref.:** APP/T0355/W/18/3  
ET    203764

**Appellant:** Mr Doug Stewart **c/o Agent:** Mr Gary Stevens Barton Willmore LLP 7 Soho Square London  
W1D 3QB

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

**Description:** 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

**Location:** Windsor Business Quarter 67 Alma Road Windsor

**Appeal Decision:** Allowed    **Decision Date:** 3 May 2019

**Main Issue:** The Inspector concluded that the proposed residential building would adversely affect the  
character and appearance of the surrounding area because of the design of its northern  
frontage and height of building on the north-western corner. However, he found that this  
limited harm would be outweighed by the significant benefits of the scheme. The benefits of  
the scheme are the re-development of a disused piece of urban land, and the provision of 217  
flats and a new office building. Local residents raised a number of issues at the Inquiry in  
relation to parking, the impact on local heritage and the impact on living conditions at  
neighbouring properties. The Inspector concluded that there would be no harmful impacts on  
these issues from the proposal. The Inspector dismissed the appellant's claims for costs and  
did not consider that the Council had acted unreasonably. The two claims related to the  
Council's decision not to defend two of the original reasons for refusal and the updated  
position on the Council's 5 year housing land supply.

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**Appeal Ref.:** 18/60121/REF      **Planning Ref.:** 17/03056/OUT      **Plns Ref.:** APP/T0355/W/18/3207532

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

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

**Description:** Outline application (access) for the construction of 11 x 2 bed apartments and associated access.

**Location:** **Land To The Rear of 4 And 5 Claver Drive Ascot**

**Appeal Decision:** Dismissed      **Decision Date:** 25 April 2019

**Main Issue:** The site makes an important contribution to the openness of the area formed by low density development. The proposed building would be of substantial proportions and spread across the site. The loss of protected trees would have a harmful effect on character and appearance. The proposed apartment block would not sit comfortably on sit without compromising the future occupants living conditions which in turn could lead to post development pruning pressures. Contrary to neighbourhood plan and adopted local plan. Whilst not pulled together in a single document, the information required by NP/H1 (development brief) has been submitted through various documents such that this policy requirement is satisfied. Issues of drainage could be dealt with by means of a condition. Affordable housing not required from this development. The submitted section 111 is undated and not signed by all witnesses and parties to it and therefore as it stands the agreement would not make adequate provision for mitigation of the effects on the SPA. The Council cannot currently demonstrate a 5 year housing land supply therefore para 11 is engaged. There are social and economic benefits associated with the provision of more housing and these are attributed significant weight, however the adverse impacts would significantly and demonstrably outweigh these benefits.

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**Appeal Ref.:** 18/60129/REF      **Planning Ref.:** 16/01254/FULL      **Plns Ref.:** APP/T0355/W/18/3210790

**Appellant:** Farmglade Limited **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

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

**Description:** Demolition of existing residential garage and outbuildings associated with Southfields and replacement of part of the front boundary wall; construction of single storey building to accommodate an electrical sub-station, switch room and CCTV room; satellite dishes; foul pumping station including kiosk, service vehicle parking and secure means of enclosure; landscaping and a new vehicular access lane including fencing and gate with an upgraded existing access with the A308 Windsor Road.

**Location:** **Southfields And Land Rear of Southfields Windsor Road Water Oakley Windsor**

**Appeal Decision:** Dismissed      **Decision Date:** 15 April 2019

**Main Issue:** The Inspector considered that the utilities compound which included a new building, 3 satellite dishes, a pumping station, vehicle parking, and construction of vehicular access following the demolition of 3 outbuildings would have a greater impact upon the openness of the Green Belt than the current development on site. Furthermore the proposal would see structures sited further into the Green Belt away from existing development leading to encroachment into the countryside. As such the proposal represents inappropriate development, would decrease openness and would not accord with the purposes of including land in the Green Belt. Furthermore it would also cause harm to the rural character of the area. In the absence of any Very Special Circumstances which would clearly outweigh the Green Belt harm and the harm to the rural character of the area.

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**Appeal Ref.:** 18/60137/REF      **Planning Ref.:** 18/01673/OUT      **Plns Ref.:** APP/T0355/W/18/3215559

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

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

**Description:** Outline application for access, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x14 apartments with associated access and landscaping works.

**Location:** **Land To The Rear of 4 And 5 Claver Drive Ascot**

**Appeal Decision:** Dismissed      **Decision Date:** 25 April 2019

**Main Issue:** The loss of protected trees would have a harmful effect on character and appearance. These trees make an important contribution to the verdant and mature local landscape. There is insufficient space on site to accommodate the development shown without compromising the long-term retention of protected trees. Replacement planting would take years to mature. The impact on living conditions of future occupiers in terms of light would be acceptable but unacceptable with regard to loss of outlook. The issue of development brief and statement of community involvement has been addressed. Issue of drainage could be dealt with by means of a condition. Affordable housing not required from this development. The submitted section 111 is undated and not signed by all witnesses and parties to it and therefore as it stands the agreement would not make adequate provision for mitigation of the effects on the SPA. The Council cannot currently demonstrate a 5 year housing land supply therefore para 11 is engaged. There are social and economic benefits associated with the provision of more housing and these are attributed significant weight, however the adverse impacts would significantly and demonstrably outweigh these benefits.

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**Appeal Ref.:** 18/60134/ENF      **Enforcement Ref.:** 15/50430/ENF      **Plns Ref.:** APP/T0355/C/18/3195612

**Appellant:** Mr Paul Williams **c/o Agent:** Mr D Lane DLA Town Planning Ltd Unit 5 Gavel Centre Porters Wood St Albans Hertfordshire AL3 6PQ

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

**Description:** Appeal against the Enforcement Notice: 1. Non-compliance with condition 1 of planning permission 11/01377 (consent for temporary use of the land for the storage of 3 mobile homes and a touring caravan, storage containers, site office, material storage and off street parking for work vehicles required to facilitate the construction of planning approval 09/00510). 2. Formation of a hard surface without planning permission.

**Location:** **28 Station Road Wrybury Staines TW19 5NE**

**Appeal Decision:** Dismissed      **Decision Date:** 3 May 2019

**Main Issue:** Condition 1 of the 2011 permission remains necessary to ensure the discontinuation of a development that is inappropriate within the Green Belt and results in harm to the character and appearance of the area and increased flood risk. Accordingly, the Inspector refused to grant planning permission on the deemed application and has found that the Enforcement Notice is necessary to remedy the breach of planning control.

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**Appeal Ref.:** 19/60013/REF      **Planning Ref.:** 18/02151/FULL      **Plns Ref.:** APP/T0355/W/19/3222439

**Appellant:** Mr Parmjit Grewal **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

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

**Description:** Replacement dwelling with new front boundary treatment, entrance gates and additional parking

**Location:** **Upton Lodge 12 Winkfield Road Windsor SL4 4BG**

**Appeal Decision:** Dismissed      **Decision Date:** 7 May 2019

**Main Issue:** The Inspector determined that the scale, design and siting of the proposed dwelling would not accord with the spacious character of the area and would have a harmful effect on the character and appearance of the area, contrary to Local plan policies DG1, H10 and H11 and emerging policies SP3 and HO5. The bulk, scale and siting of the proposed dwelling would have a significant effect on outlook from the rear garden of number 10 Winkfield Road and result in a significant loss of daylight and sunlight. The proposal would have a harmful effect on the living conditions of the occupants of number 10 Winkfield Road, contrary to emerging policies SP3 and HO5 and the NPPF. The alternative plan submitted with the appeal (1634/1E) provides the necessary visibility and no gates are proposed. The highway safety concerns have been overcome.

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**Appeal Ref.:** 19/60029/REF      **Planning Ref.:** 18/02739/FULL      **Plns Ref.:** APP/T0355/D/19/3222632

**Appellant:** Mrs Beverley Phillips **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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

**Description:** Detached single storey annex following the demolition of the existing garage/office.

**Location:** **5 Croft Corner Straight Road Old Windsor Windsor SL4 2RP**

**Appeal Decision:** Allowed      **Decision Date:** 14 May 2019

**Main Issue:** The proposed single storey annex would occupy the full width of the site fronting the yard and have a similar, slightly wider footprint to the existing building. It would be slightly higher than the existing building and constructed of brick, with a flat roof. The Inspector considers that the siting, size and height of the proposal would not be out of keeping with the pattern of buildings in this rear yard area. Apart from the door and window facing the yard and the flat roof it would appear similar to the existing garage and office building and the other outbuildings around the yard, and would be seen against the background of the houses beyond. The rear garden of No. 5 is narrow and the site as a whole is not large enough to accommodate a separate dwelling. Although the annex would have all the facilities to allow for independent living it is intended for use by an elderly relative. The Inspector considers that, notwithstanding the separate door onto the yard, it would be part of the planning unit, as is the garage/office at present, and as such, its use would be ancillary to the main residential use of No. 5. The Inspector concludes that the proposal would not harm the character and appearance of the area and that it is consistent with saved policies DG1, H12 and H14 of the local plan and SP3 of the Submission Version. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

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**Appeal Ref.:** 19/60030/REF      **Planning Ref.:** 18/03409/VAR      **Plns Ref.:** APP/T0355/D/19/3222698

**Appellant:** Mrs Eva Pawlik-Cazin **c/o Agent:** Mr John A Andrews John Andrews Associates 22 Harvest Hill Road Maidenhead Berkshire SL6 2QQ

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

**Description:** Variation to planning permission 17/03345/FULL (under Section 73a) to vary the wording of condition 1 to read, The development hereby permitted shall be completed within three months from the date of this permission, and condition 3 to read, Notwithstanding the design of the windows shown on the approved plans, the window within the dormer in the south-east facing roof slope of the extension shall be of a permanently fixed non-opening design and fitted with obscure glass with the exception of an opening top light that is a minimum of 1.7 metre above the finished internal floor level and the window shall not be altered without the prior written approval of the council.

**Location:** **130 St Andrews Crescent Windsor SL4 4EN**

**Appeal Decision:** Allowed      **Decision Date:** 20 May 2019

**Main Issue:** The Inspector gave careful consideration to the views from both windows relevant for this appeal. In the case of the rearmost one, serving the rear bedroom, it was found it difficult to glimpse more than an oblique view into the southeast corner of the rear garden of No. 128 without virtually leaning out of the open window. In the Inspector's opinion, such arrangement in itself is no worse than is experienced as a result of conventional first floor windows such as those in both No. 128 itself and No. 132 on the other side. The Inspector noticed two windows on the first floor of No. 128 facing No. 130. These are obscure glazed as are two small ones on the ground floor and providing sufficient level of privacy for the rooms they serve. In these circumstances, the Inspector considered that there would be no diminution in the level of privacy experienced by the occupants of No. 128 as a result of the dormer windows in No. 130 as they stand at present.

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