

NOTICE
OF
MEETING

**WINDSOR AREA DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 2ND OCTOBER, 2019

At 7.00 pm

in the

CONFERENCE 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, ANDREW JOHNSON, LYNNE JONES, SAYONARA LUXTON,
GARY MUIR, PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Service Lead, Governance - Issued: 24 September 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628796251

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

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

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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. | 7 - 8 |
| 3. | <u>MINUTES</u> To confirm the minutes of the previous meeting. <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 http://www.rbwm.gov.uk/pam/search.jsp <i>APP = Approval</i> <i>CLU = Certificate of Lawful Use</i> <i>DD = Defer and Delegate</i> <i>DLA = Defer Legal Agreement</i> <i>PERM = Permit</i> <i>PNR = Prior Approval Not Required</i> <i>REF = Refusal</i> <i>WA = Would Have Approved</i> <i>WR = Would Have Refused</i> | 9 - 14 |
| 4. | <u>19/01114/FULL - LAND TO SOUTH OF ASCENTIA HOUSE, INCLUDING LYNDHURST BUILDINGS, WEST OF ASCOT BUSINESS PARK, LYNDHURST ROAD</u> Proposal: Construction of a two storey building comprising of a ground floor car showroom first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings. Recommendation: PERM Applicant: Mr Perkins Member Call-in: N/A Expiry Date: 16 August 2019 | 15 - 32 |

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|----|---|---------|
| 5. | <p><u>19/01373/FULL - WINDSOR WINE & GIFTS 1 THAMES STREET WINDSOR SL4 1PL</u></p> <p>Proposal: Change of use of ground floor from A1 (shops) and B1 (a) (offices) to A3 (restaurants/cafes) to include replacement and repositioning of front entrance door, addition of an awning and new signage. 1 x one bedroom and 4 x 2 bedroom flats over the first, second and third floor with new ground floor side access and a roof level mansard extension.</p> <p>Recommendation: PERM</p> <p>Applicant: -</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 16 September 2019</p> | 33 - 56 |
| 6. | <p><u>19/01555/FULL - DATCHET COMMON HORTON ROAD DATCHET SLOUGH</u></p> <p>Proposal: Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective)</p> <p>Recommendation: REF</p> <p>Applicant: Mssrs Loveridge and Giles</p> <p>Member Call-in: Cllr. Muir</p> <p>Expiry Date: 2 September 2019</p> | 57 - 66 |
| 7. | <p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>To note the Essential Monitoring reports.</p> | 67 - 70 |

PRIVATE MEETING - PART II

| <u>ITEM</u> | <u>SUBJECT</u> | <u>PAGE NO</u> |
|-------------|---|--------------------|
| 8. | <u>PART II MINUTES</u> To confirm the Part II Minutes of the previous meeting. <i>(Not for publication by virtue of Paragraph 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i> | 71 - 72 |

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 4 SEPTEMBER 2019

PRESENT: Councillors David Cannon (Chairman), John Bowden (Vice-Chairman), David Cannon (Chairman), Neil Knowles, Shamsul Shelim and Amy Tisi

Also in attendance: Councillors Christine Bateson, Lynne Jones, Ewan Larcombe, Sayonara Luxton, Julian Sharpe and John Story

Officers: Melvin Andrews, Andy Carswell, Victoria Gibson, Victoria Goldberg and Jenifer Jackson, Rachel Lucas and Jo Richards

APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bateson, da Costa, Davey, Davies, Hilton and Sharpe. Councillors Baskerville, Clark, Johnson and Muir were attending as substitutes.

DECLARATIONS OF INTEREST

Councillor Clark – Declared a personal interest in Item 8 as he had previously been Chairman of the former Culture and Communities Overview and Scrutiny Panel. He stated he was aware of the proposals but had not seen any plans and confirmed that he was attending Panel with an open mind.

Councillor Shelim – Declared a personal interest in Item 8 as he had previously been a member of the former Culture and Communities Overview and Scrutiny Panel. He stated that the proposals had been discussed but confirmed he was attending Panel with an open mind.

Councillor Knowles – Declared a personal interest in Item 9 as a member of Old Windsor Parish Council. He stated he had not taken part in any voting on the item and confirmed that he had not pre-determined the application.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 7 August 2019 be approved as an accurate record.

ORDER OF BUSINESS

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be varied.

19/00324/FULL - CHARTERS SCHOOL, CHARTERS ROAD, SUNNINGDALE, ASCOT, SL5 9QY

| | |
|--|---|
| 19/00324/FULL Charters School Charters Road Sunningdale Ascot SL5 9QY | Provision of a dual use leisure facility for combined school and community to include 25 metre 6 lane swimming pool, 8 court sports hall, gym, dance studio and ancillary accommodation, along with landscaping and parking areas. A motion to approve the application, contrary to the officer recommendation, was put forward by Councillor Knowles. The motion was seconded by Councillor Clark. |
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The Panel voted unanimously to APPROVE the application, subject to the satisfactory completion of a Section 106 agreement and subject to the condition that a satisfactory surface water drainage scheme be completed, in addition to a full set of conditions being agreed with the applicant and Head of Planning.

In making their decision to approve the application, the Panel had the following observations regarding the reasons for refusal that were listed in the Officer report:

1. Members agreed that substantial weight had to be attributed to the harm to the Green Belt as a result of inappropriate development and harm to openness as defined by the NPPF.

2. Members were of the view that the screening that had been proposed for the site was appropriate and would therefore not detrimentally impact on the existing street scene. Members were of the view that the assessment of the scale and bulk of the design was subjective, and the assessment should be made with the context of the entirety of the application site having been a school for a number of years being taken into account. As such, no harm was attributed to the impact on the character of the area.

3. Members were of the view that the development would be made sustainable as the majority of the facility's users would be pupils at Charters School, so they would therefore already be on site and there would not be any increase in private motor car usage for special journeys to use the leisure facilities. It was noted that bike storage facilities were included in the proposals, thereby increasing the sustainability of the application site. Members also took the view that local residents would no longer need to rely on private motor car journeys to other locations in order to access similar facilities to those proposed, thereby further increasing the sustainability of the application site and removing community isolation. As such, no harm was attributed to the location of the site.

4. Members were of the view that this reason for refusal could be overcome by way of attaching a condition.

Regarding the benefits of the application, Members were of the view that substantial weight could be given to the educational and community benefits of the application. Furthermore, moderate weight could be attributed to the economic benefits arising from the development. Members were of the view that cumulatively these benefits would outweigh the substantial harm to the Green Belt such that Very Special Circumstances existed that outweighed the harm to the Green Belt.

(The Panel was addressed by Barbara Hilton, on behalf of Sunninghill and Ascot Parish Council; by Charlie Holden, Jack Jones, Richard Pilgrim and Lynda Yong in support of the application; and by Councillors Luxton, Sharpe and Bateson.)

16/01725/FULL - CHARLES MORRIS FERTILIZER, HYTHE END FARM, HYTHE
END ROAD, WRAYSBURY, STAINES, TW19 5AW

| | |
|--|---|
| <p>16/01725/FULL Charles Morris Fertilizer Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW</p> | <p>Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)</p> <p>A motion was put forward by Councillor Shelim to delegate the authority to grant planning permission to the Head of Planning, subject to the Conditions listed in Section 3 of the Panel update and following referral to the National Planning Casework Unit. This was seconded by Councillor Johnson.</p> <p>The Panel voted to APPROVE the motion to delegate to the Head of Planning, as per the conditions listed above.</p> <p>Six Councillors voted in favour of the motion; two Councillors voted against the motion; and one Councillor abstained.</p> <p>(The Panel was addressed by Ken Marsh, objector; John Lenton, on behalf of Wraysbury Parish Council; Ian Thompson, on behalf of Datchet Parish Council; Michael Krantz, on behalf of the application; and by Councillor Larcombe)</p> |
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16/02366/FULL - FOWLES CRUSHED CONCRETE, HYTHE END FARM, HYTHE
END ROAD, WRAYSBURY, STAINES, TW19 5AW

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|--|---|
| <p>16/02366/FULL Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW</p> | <p>Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)</p> <p>A motion to delegate the authority to grant planning permission to the Head of Planning, subject to the condition listed in Section 10 of the main report, was put forward by Councillor Bowden. This was seconded by Councillor Johnson.</p> <p>The Panel voted to APPROVE to delegate the authority to grant to the Head of Planning.</p> <p>Five Councillors voted in favour of the motion; three Councillors voted against the motion; and one Councillor abstained.</p> <p>(The Panel was addressed by John Lenton, on behalf of Wraysbury Parish Council; Michael Krantz, on behalf of the application; and by Councillor Larcombe.)</p> |
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In accordance with Rule of Procedure Part 4A C25.1 of the Council's constitution, a vote in relation to whether or not the meeting should continue was called for, as the time had exceeded 9.30pm.

Upon being put to the vote, those present voted in favour of the meeting continuing.

RESOLVED UNANIMOUSLY: That the meeting continue after 9.30pm to conclude the outstanding business on the agenda.

19/00948/FULL - WHEATSHEAF PARADE, ST LUKES ROAD, OLD WINDSOR, WINDSOR, SL4 2QH

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| 19/00948/FULL Wheatsheaf Parade St Lukes Road Old Windsor Windsor SL4 2QH | <p>Erection of a new building comprising of 3 no. flats with associated bin storage and cycle shelter following demolition of existing garages. Two storey extension adjacent to 5 Wheatsheaf Parade to provide 2no. flats. Re-positioning of existing vehicular access.</p> <p>A motion was put forward by Councillor Knowles to refuse the application. This was seconded by Councillor Tisi.</p> <p>The Panel voted unanimously to REFUSE the application.</p> <p>(The Panel was addressed by Jane Dawson, on behalf of Old Windsor Parish Council, and by Councillor Jones.)</p> |
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18/03747/FULL - MILE STONES, QUEENS HILL RISE, ASCOT, SL5 7DP

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|---|--|
| 18/03747/FULL Mile Stones Queens Hill Rise Ascot SL5 7DP | <p>Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill following demolition of existing dwellinghouse and outbuildings.</p> <p>A motion was put forward by Councillor Shelim to authorise the Head of Planning to grant planning permission subject to the satisfactory completion of a Section 111 agreement being secured for SAMM/SANG payments, and subject to the conditions listed in Section 13 of the main report. This was seconded by Councillor Baskerville.</p> <p>The Panel voted unanimously to authorise the Head of Planning to PERMIT the application, subject to the conditions listed above.</p> |
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19/00313/FULL - ALEXANDRA GARDENS, BARRY AVENUE, WINDSOR, SL4 5JA

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| 19/00313/FULL Alexandra Gardens Barry Avenue Windsor SL4 5JA | <p>Construction of ice rink and attractions annual between October and January for the years 2019 – 2022</p> <p>A motion was put forward by Councillor Clark to approve the application. This was seconded by Councillor Muir.</p> |
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| | <p>The Panel voted to APPROVE the application.</p> <p>Seven Councillors voted in favour of the motion to approve; two Councillors voted against the motion.</p> <p>A second motion to approve the application for a two-year period was put forward by Councillor Shelim. This was not seconded and the motion fell.</p> |
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ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the essential monitoring reports were noted by Members.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: To approve the motion to exclude the public from the remainder of the meeting.

The meeting, which began at 7.00 pm, finished at 10.00 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

Agenda Item 4

DEVELOPMENT CONTROL PANEL

2 October 2019

Item: 1

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|-------------------------|--|
| Application No.: | 19/01114/FULL |
| Location: | Land To South of Ascentia House Including Lyndhurst Buildings West of Ascot Business Park Lyndhurst Road Ascot |
| Proposal: | Construction of a two storey building comprising of a ground floor car showroom first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings. |
| Applicant: | Mr Perkins |
| Agent: | Mr Robert Reynolds |
| Parish/Ward: | Sunninghill And Ascot Parish/Ascot & Sunninghill |

If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission is sought for 3 light industrial units and a unit comprising a car showroom on the ground floor and offices on the first floor, with ancillary parking. The site lies within Ascot Business Park which is defined as an industrial area within adopted policy E2 and emerging policy ED2. The proposed development is considered to meet the aims and objectives of the relevant employment policies, would be acceptable with regards to parking provision and highway safety, result in minimal harm to character and appearance of the area and minimal impact upon neighbouring amenity.
- 1.2 The current application is identical to a previous one, ref: 18/00226/FULL, which was refused solely on grounds of inadequate drainage systems and flood risk. The current application has been accompanied by a comprehensive drainage assessment report which is supported by the Lead Local Flood Authority (see paragraph 9.20).
- 1.3 Since the determination of the previous application, it has come to light that the existing residential unit on site is lawful. The proposal will therefore result in the loss of one flat. However, it is considered that the significant employment benefits of the proposal which include the provision of 1,610 sq.m office, light industrial and sui generis floorspace would more than outweigh this minor loss of housing. This is explained further in paragraph 9.6.

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| It is recommended the Panel authorises the Head of Planning: | |
| 1. | To grant planning permission subject to the conditions listed in Section 10 of this report. |

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a 0.35 hectare wedge shaped plot located on the north eastern edge of Ascot Business Park. The site comprises a two storey, flat roofed, brick-built building at the eastern edge of the site and the remainder of the site is open. It is understood that the building is used as a sales office for a coal merchants and a marquee hire business. There is a flat on the

first floor of the building but there is no planning history in relation to this part of the site. The former coal yard appears to be used for the storage of equipment associated with the marquee hire business and scrap. The site is bounded by land associated with the office building of Ascentia House to the north, Lyndhurst Road to the east, the entrance road to Ascot Business Park to the south, and block E to the west.

- 3.2 The site is relatively flat and has hedges growing on the northern boundary. The building to the north, Ascentia House, and its parking area is situated on higher ground level than the application site. There are a number of trees and hedges on the eastern end of the site. The site is generally in a poor state of repair and of low amenity value. Ascot Train Station is located to the north of the site and an area of housing is located to the east of the site on the opposite side of Lyndhurst Road.
- 3.3 The majority of Ascot Business Park comprises a modern courtyard style development of 3 storey office blocks and warehouse buildings some of which are divided into smaller units. The remainder of the business park includes a number of warehouse style industrial units and a car servicing and repair depot.

4. KEY CONSTRAINTS

- 4.1 Ascot Business Park

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application involves the demolition of the existing building and the redevelopment of the site with three adjoining light industrial buildings (use class B1(c)) (labelled on the plans as units A, B and C) and a two storey building comprising of a ground floor car showroom (Sui Generis) and first floor offices (B1) (labelled on the plans as unit D).
- 5.2 All four units would front onto the section of Lyndhurst Road which serves the Business Park with a parking area to the front of units A, B and C, a parking area in the centre of the site and two parking spaces to the very east of the site.
- 5.3 Previous application ref: 18/00226/FULL for an identical form of development was refused on grounds of inadequate surface water drainage and flooding information. The current application has been submitted with an updated drainage report which seeks to address these previous concerns.

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 |
| Industrial development | E1, E2, E3, E5, |
| Highways/Parking | P4 and T5 |
| Trees | N6 |

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

| Issue | Neighbourhood Plan Policy |
|---|---------------------------|
| Design in keeping with character and appearance of area | DG1, DG2 and DG3 |
| Highways | T1 |
| Trees | EN1 |

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

| Issue | Local Plan Policy |
|---|-------------------|
| Design in keeping with character and appearance of area | SP2, SP3 |
| Sustainable Transport | IF2 |

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

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

Supplementary Planning Documents

- ☐ RBWM Interpretation of Policy F1

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21.05.2019 and the application was advertised in the Local Press on 30.05.2019.

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

| Comment | | Where in the report this is considered |
|---------|---|---|
| 1. | The address on the planning application is extremely misleading. | The address of the application has been amended and neighbours re-consulted. |
| 2. | There is no mention that there is a residential dwelling on the application site. The proposal would result in the loss of a home | The description of the application does not need to refer specifically to the loss of the flat. It is described as redevelopment of the site meaning all current uses would be lost. The loss of the flat specifically is referred to in section i. |
| 3. | The development would cause noise pollution for neighbouring residents | Environmental Protection are satisfied that the proposal would be acceptable with regard to noise |
| 4. | Neighbour notification not carried out sufficiently | Neighbour notification has been carried out in accordance with statutory requirements, including letters and a site notice |
| 5. | No hours of business are shown. The application does not indicate the type of business that would use the buildings | Units A-C are proposed to be light industrial use and opening hours would be restricted. |
| 6. | Lack of parking in the area. The existing businesses already encroach on residents parking spaces | The Highways Authority have advised that car parking is sufficient for the proposed development |

| | | |
|-----|---|---|
| 7. | A further business would result in further impact on the Highway on a dangerous junction. Increase is traffic | The Highways Authority have advised that there is an acceptable impact on the highway and traffic generation. |
| 8. | Impact on flooding and drainage as a result of the proposed development | The application is now supported by the Lead Local Flood Authority |
| 9. | Trees have been taken down on site | The trees on site were no protecting. The is no objection from the Tree Officer |
| 10. | A busy car showroom on a Saturday is not wanted | Opening hours would be controlled by condition |

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|-----------|------------------------------------|--|
| LLFA | No objections subject to condition | Section vii. |

Consultees

| Consultee | Comment | Where in the report this is considered |
|----------------------|--|--|
| Highways | No objection subject to conditions | See section iv. |
| Parish Council | No objections, provided that the Borough Planners are satisfied with the drainage and flat ownership issues. | See sections i. and vii. |
| Trees | Objections relating to loss of trees | See section v. |
| Ecologist | No objections subject to conditions | See section vi. |
| Environmental Health | No objections subject to conditions | See section viii. |

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Character of the Area
- iii Amenity of Neighbouring Occupiers
- iv Highways & Car Parking
- v Trees & Landscaping
- vi Ecology
- vii Drainage
- viii Contamination

Principle of Development

- 9.2 The site is located within the Ascot Business Park/Lyndhurst Road Industrial Area which is a designated employment area as defined by policy E2 of the adopted borough local plan and ED2 of the Borough Local Plan submission version. In this location development proposals would only be acceptable where there would be no loss of employment land and ideally some form of betterment. Under saved Local Plan policy E5, the re-development of land in this location for any purpose other than for a business, industrial or warehousing use would not be considered acceptable. The Ascot, Sunninghill & Sunningdale Neighbourhood Plan seeks to retain current sites and uses that provide jobs provided there would be no adverse impact on the character of the area, the amenity of neighbours or the safety of road users. The Neighbourhood plan also encourages the provision of microbusiness units as well as quality serviced office space and light industrial units of between 50 and 150 sq metres.
- 9.3 The proposed use is for a 387 sq.m car showroom with 387 sq.m of B1 office space above and 836 sqm. of B1c Light industrial use. The proposed development would replace a building comprising 339 sq.m of B1 (a) office floor space and open land use for industrial purposes. The proposed B1a offices and B1c industrial units can clearly be defined as business, industrial or warehousing use in line with policy E5. Whilst a car showroom does not fall within one of the B use classes, it is noted that there was a recent appeal decision relating to a partial change of use to a mixed B1/D1 use class on another site within Ascot Business Park (16/00099/FULL). In this case the Inspector held that *'Policy E5 does not make it clear that it is solely restricting employment sites to B-uses. Thus the policy is not specifically about protecting the existing B1 use of these premises, but protecting its use for employment purposes. I have found that the proposal would provide an appropriate, commercial employment use. Accordingly, there is no conflict with Policy E5.'* Likewise it can be said for the current application that the use of the ground floor of unit D as a car showroom would fulfil the aims of policy E5 by providing an employment use of the site.
- 9.4 Furthermore, emerging policy ED2 states that within industrial areas proposals for new premises suitable for industrial, warehousing and similar types of uses (including premises, suitable for medium, smaller and start-up business) will be supported. Other uses will only be permitted if they are ancillary to industrial or warehousing uses, do not result in the loss of industrial or warehousing premises or demonstrate a sufficient benefit for the economy of the Borough.
- 9.5 Considering the proposal as a whole, which would provide for a total of 1,610 sq.m of floorspace to be used for a mix of office, light industrial and sui generis use, against the policy background (as set out above), and when viewed in comparison to the existing site, the proposal is considered to meet the aims and objective of both the adopted and emerging borough plan policies.
- 9.6 The proposal would result in the loss of a first floor flat which currently resides on site. In the previous case officer report it was considered that this flat might be unauthorised but the correspondence received in relation to the current application suggests that it is inhabited as a permanent residence. This is backed up by confirmation from the Council Tax department who have confirmed that the residence on site is in use by a single occupant. Adopted plan policy H7 advises against the loss of residential accommodation. This policy conflict needs to be weighed in the overall balance however and in this case it is considered that the proposal would result in significant employment benefits for the Borough to be provided in a location that it appropriate for a mixed business and industrial use which would more than outweigh the loss of this small unit of accommodation which is likely to suffer from amenity issues being sited within an industrial area. Regarding the objections received relating to the continued use of the flat by the current occupant – this would be a matter for the land owners to consider and not one for the determination of this application.

Impact on Character of the Area

- 9.7 With regard to bulk and scale of development, proposals are required to demonstrate compliance with the design criteria set out in the Ascot, Sunninghill & Sunningdale Neighbourhood Plan as well as Saved Local Plan policy DG1. In summary any scheme for this site will need to be of high quality design and appropriate to its context. The proposal would need to address the fact that whilst it lies within the business park, the east part of the site would be visible from the wider vicinity and is opposite residential properties which are more domestic in height and scale.
- 9.8 The proposed buildings are sizable, with pitched roofs heights ranging from 7.6m (at the rear) to 9.4m (at the front). These building heights are reflective of other buildings immediately surrounding the application site within the Industrial Park. The proposed footprints of the buildings would also be comparable to others within the Industrial Park. Units A-C would be set back from the front boundary of the site, common to Lyndhurst Road, such that the buildings would not appear over-bearing. Furthermore, these units would be viewed against the back drop of Ascentia House which is situated upon higher ground level than the application site. The most sensitively sited building, Unit D has been designed with a curved frontage addressing the street scenes of both parts of Lyndhurst Road (that which serves the business park and the main road to the east). Whilst the height of unit D would be materially higher than that of the nearby dwellinghouses, given its reduced mass at the eastern corner of the site and the fact that it would be set away from the road, means that its impact on the street scene and character of the area would be limited. Indeed when looking at the building from outside the business park, it would be viewed against the backdrop of other tall, large-scale buildings and thus would not appear out of context.
- 9.9 The design and appearance of the buildings would be similar to other modern buildings in the business park and therefore no objections are raised in this regard. The proposed materials would be agreed via condition.

Impact on Neighbouring Amenities

- 9.10 The nearest residential neighbouring occupiers are those within 1 and 6 Sunnybank which is a cul-de-sac on the opposite side of Lyndhurst Road to the business park. The distance between the front elevation of 6 Sunnybank and the closest part of Unit D would be approximately 28m with the main road separating the two sites. This distance is sufficient to ensure that the proposed building would not appear overbearing or intrusive when viewed from this neighbouring property. The private amenity area of this neighbouring property would be at an even greater distance away and therefore it is not considered that any harmful levels of overlooking would arise from the proposed first floor offices.
- 9.11 The applicant has not put forward any proposed hours of use, however given that the site lies on the edge of the business park with residential properties less than 30m away it is considered necessary to restrict hours of operation so that disturbance to residents is kept to a minimum. Neighbours have raised concerns relating to the hours of operation for the car showroom, offices and industrial units. It is noted from the planning records that the BMW site, to the south of the application site, has had applications refused for extensions to the operating hours for their workshop on a Saturday afternoon and to their normal operating hours on a Sunday on grounds of noise impact to neighbouring occupiers. It is therefore considered reasonable and necessary that the proposed use be restricted in terms of its hours of operation to be in line with those of the BMW garage also on the edge of Ascot Business Park. The car showroom and first floor offices (unit D) will therefore be restricted to weekdays and Saturdays and the Light Industrial units restricted to weekdays and Saturday mornings only.
- 9.12 The Environmental Protection Officer has not objected to the application with regard to noise or lighting but has recommended conditions in this regard

Highways & Car Parking

- 9.13 Favourable comments have been received from the Highways Authority with regard to the access arrangements, visibility, traffic generation and parking. The plans indicate that the existing vehicular access to the site will be retained to serve all 4 units with a new vehicular access joining Lyndhurst Road on the east of the site to serve to parking spaces. Visibility splays will be required to be met and this information has been requested by condition.
- 9.14 The site is within an accessible location as it is 140m from Ascot train station which provides a frequent service to London Waterloo, Guilford and Reading. Therefore under the Local Authorities current Parking Strategy (May 04) the maximum parking standards in areas of good accessibility will be required. B1 (a) and B1(c) require 1 car parking space to be provided for every 100sqm. It should be noted there is not a parking standard for a car dealership. Therefore an individual assessment has been made by the Highways Authority which concludes that the proposed units would require a total of 25 spaces. The proposed site plan shows that 31 car parking spaces will be provided together with 2 disabled spaces which is acceptable. The plans indicate that a large HGV will be able to enter and exit the site in a forward gear from each loading bay.
- 9.15 With regard to traffic generation the applicant has submitted a transport statement which concludes that the development will have the potential to generate 217 vehicle movements per day which is not objected to.
- 9.16 Details of cycle and refuse storage provision will be requested via condition. A construction management plan will also be requested via condition

Trees & Landscape

- 9.17 The Council's Townscape Assessment identifies this location as an area where development proposals should aim to enhance landscaping and boundaries. All trees should be retained and enhanced where practical and meaningful landscaping should be introduced to the site wherever possible.
- 9.18 A tree survey and tree removal/retention plan has been submitted in support of the application. Whilst objections have been raised regarding impact on trees within the site, it is a material consideration that the previous application was supported in arboricultural terms subject to conditions. Furthermore, it should be noted that none of the remaining trees within the site are protected nor do they have a significant enough amenity value to provide a constraint to the development. As such the proposal is supported with regard to impact on trees and landscape subject to conditions (conditions 13, 15 and 16).

Ecology

- 9.19 Given the nature of the site and its proximity to tree belts and woodland, a phase 1 habitats survey to assess the potential for the site to be used by any protected species was requested of the applicant. This has been received and favourable comments have been provided by the Council's Ecologist.

Drainage

- 9.20 The Lead Local Flood Authority has commented on the application and do not raise any objection subject to a condition requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements (condition 18).

Contamination

- 9.21 A phase 1 Environmental Risk Assessment has been submitted in support of the application. The Desktop study has identified potential sources of contamination associated with current and past uses and recommended ground investigation and chemical analysis. A Phase 2 intrusive

investigation including soil sampling, groundwater and gas monitoring with proposed remediation measures is required and has been requested via condition (condition 10).

10. APPENDICES TO THIS REPORT

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

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first 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
- 3 No development shall take place until a detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development relative to a fixed datum point on adjoining land outside the application site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
Reason: In the interest of the visual amenities of the area. Relevant Policy - Local Plan DG1.
- 4 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 5 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.
- 6 No part of the development shall be commenced until visibility splays of 43 metres by 43 metres have been provided at 2.4. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 7 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 9 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be

- 10 serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.
1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: a survey of the extent, scale and nature of contamination; an assessment of the potential risks to: human health property (existing or proposed) including buildings, crops, livestock, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.
2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.
5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.
- 11 No lights shall be permanently illuminated except for lighting approved for security purposes. Prior the installation of any external security lighting, details shall be submitted to and approved in writing by the Local Planning Authority and external security lighting shall not otherwise be illuminated. Furthermore, in line with recommendations made in the ecology report, the lighting

scheme should be wildlife sensitive to avoid light spillage onto the proposed boundary vegetation and any bird or bat boxes.

Reason: To protect the amenity of the area and prevent light nuisance and result in minimal harm to wildlife. Relevant Policy - Local Plan NAP3

- 12 The rating level of the noise emitted from plant and equipment shall not exceed the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014. Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3

- 13 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. 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.

- 14 The use of units A-C (B1c light industrial units) hereby permitted shall only be between the hours of 0800-1830 hrs Mondays to Fridays, 0800-1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays. The use of Unit D (the car showroom and offices) hereby permitted shall only operate between 0800-1830 hrs Mondays to Fridays; 0900-1700 hrs on Saturdays and at no time on Sundays and Public Holidays/Bank Holidays.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan PolicyNAP3.

- 15 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 16 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

- 17 There shall be no external storage including plant or machinery, outside the units hereby approved without the express permission of the Local Planning Authority by way of a planning application.

Reason: To ensure the Local Planning Authority has full control of any future additional machinery, which could adversely affect the amenity of the neighbouring residential properties. Relevant Policy - Local Plan NAP3

- 18 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details
- Supporting calculation confirming compliance with, the Non-statutory Technical Standards for Sustainable Drainage Systems, and the agreed discharge rate of 4 l/s and the attenuation volumes to be provided.
- Details of the maintenance arrangement relating to the proposed surface water drainage

system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

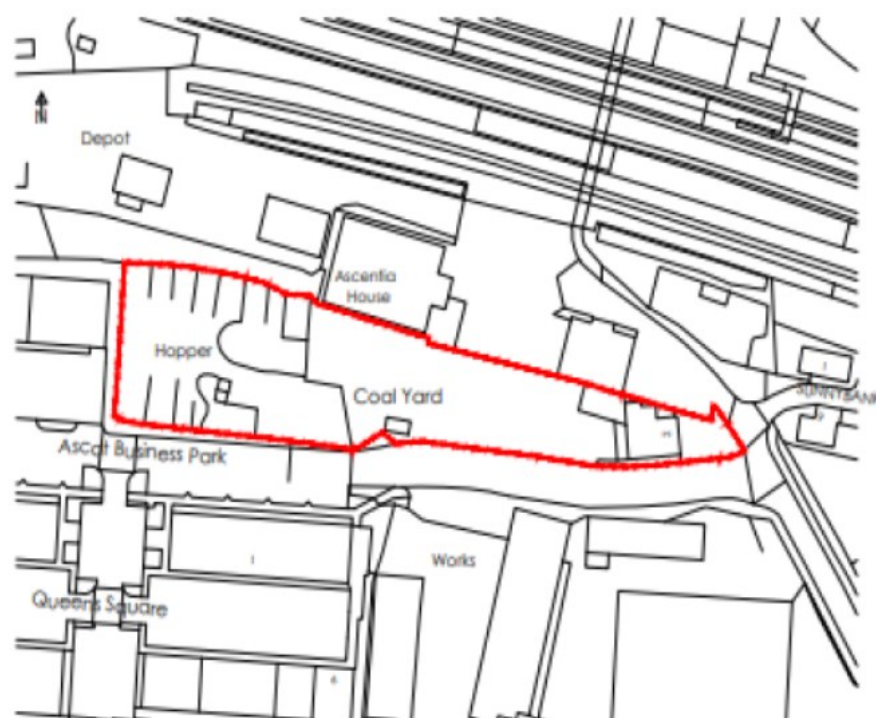
Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

19 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A

Location Plan

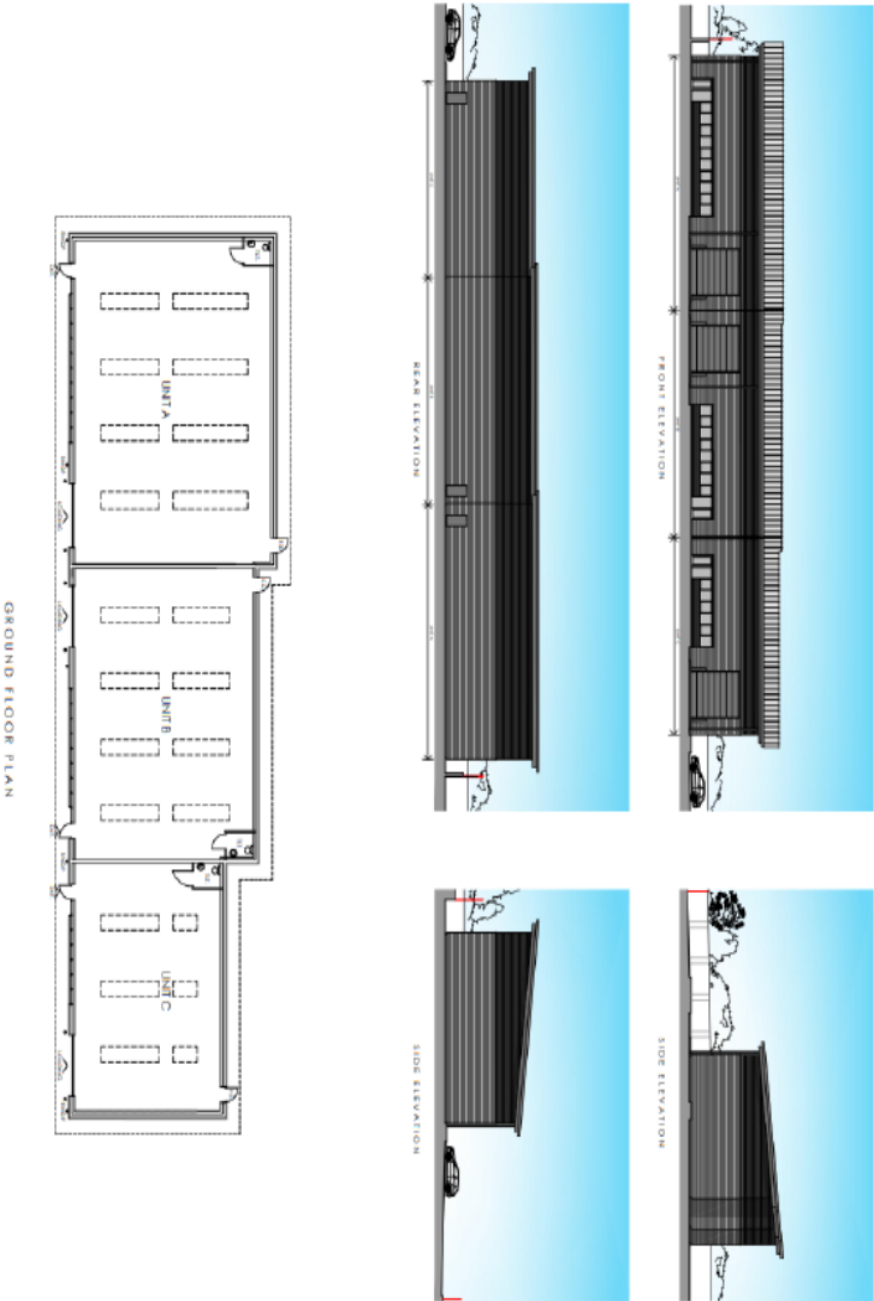


LOCATION PLAN
SCALE 1:1250

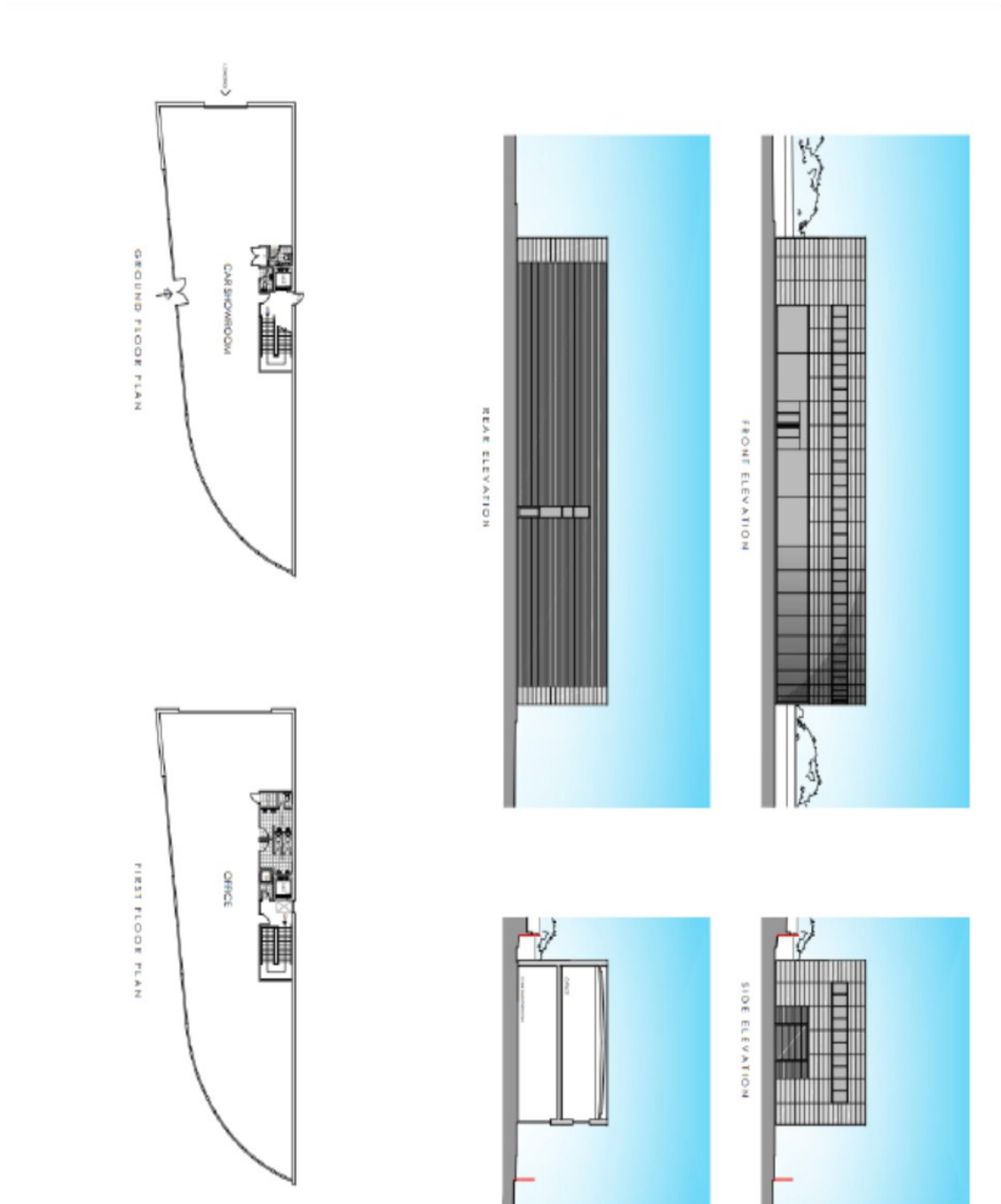
Proposed site plan



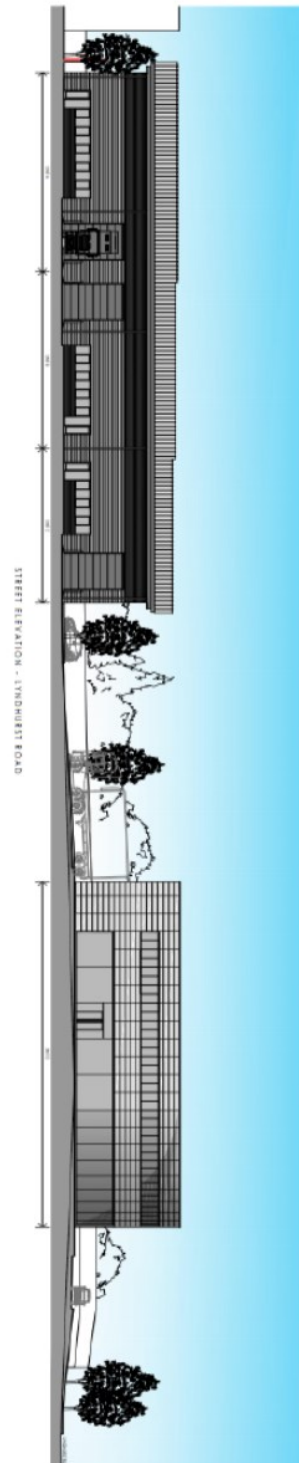
Proposed floor plans and elevations units A-C



Proposed floor plans and elevations (unit D)



Street scene elevation



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2 October 2019

Item: 2

| | |
|-------------------------|---|
| Application No.: | 19/01373/FULL |
| Location: | Windsor Wine & Gifts 1 Thames Street Windsor SL4 1PL |
| Proposal: | Change of use of ground floor from A1 (shops) and B1(a) (offices) to A3 (restaurant/cafes) to include replacement and repositioning of front entrance door, addition of an awning and new signage. 1 x one bedroom and 4 x 2 bedroom flats over the first, second and third floor with new ground floor side access and a roof level mansard extension. |
| Applicant: | - |
| Agent: | Mr Dan Di-Lieto |
| Parish/Ward: | Windsor Unparished/Eton And Castle |

If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed change of use of the property from part A1 (retail) and part B1 (office) to part A3 (café/restaurant) and part C3 (residential) is considered to be acceptable in principle as there are no policies that would prevent the loss of the existing uses. Furthermore permission has recently been granted under 17/03611 to convert the whole building to an A3 use, and this permission is extant.
- 1.2 Subject to conditions the proposed extensions and alterations are not considered to cause harm to the conservation area or the setting of the surrounding listed buildings. The proposal in general would also have an acceptable impact on the character and appearance of the area. The proposal is considered to comply with policies DG1, CA2 and LB2 of the Local Plan and paragraphs 127, 184, 189 and 193 of the National Planning Policy Framework.
- 1.3 Subject to conditions the proposed development would provide the future occupiers of the flats with an acceptable standard of amenity. The proposed development would also not negatively impact upon the amenity of existing residents.
- 1.4 The proposal is in a highly sustainable location and as such it is not considered necessary for on-site car parking to be provided. Cycle parking can be provided and has been shown on the proposed site plan, details of refuse and recycling storage facilities will need to be secured via condition.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the corner of Thames Street and Jubilee Arch/Station Approach. The application site houses a part 3, part 4 storey building with Windsor Wine and Gifts at the front of the building on the ground floor and offices to the rear and above. The building is not listed, however is surrounded by a number of Grade II listed buildings, and Windsor Castle is opposite. The site is also within the Windsor Town Centre Conservation Area and an Article 4 area which relates to the exterior painting of buildings.

4. KEY CONSTRAINTS

4.1 The key constraints of this development are:

- 1 The conservation area
- 2 The setting of listed buildings

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The proposal is for the change of use and extension of the existing building to facilitate a new A3 (Café/restaurant) use at ground floor with C3 (residential units) above. The residential units will comprise of 1 x 1 bedroom and 4 x 2 bedroom flats. The extensions to the building are at 3rd floor and above, however, with the exception of a plant room there is no increase to the overall height of the building due to the building currently having an extra floor to the rear. Changes are proposed to the façade of the building to accommodate the new restaurant at ground floor.

| Reference | Description | Decision |
|---------------|--|------------------------|
| 17/03611/FULL | Change of use of the building from A1 (shops) and B1 (a) (offices) to A3 (restaurants/cafes. Alterations to shopfront and southern elevation at ground floor level. Construction of roof level mansard extension. Removal of existing water tank and replacement with new screening for recessed roof plant. | Permitted – 01.03.2018 |

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 |
|---|---------------------------|
| Acceptable impact on character and appearance of area | DG1, H10, H11 |
| Acceptable impact on residential amenity | NAP3 |
| Preserves or enhances Conservation Area | CA2 |
| Preserves special interest of listed buildings | LB2 |
| Windsor Town Centre | WTC8 |

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

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 |
| Windsor Town Centre | TR2 |
| Historic Environment | HE1 |
| Windsor Castle and Great Park | HE2 |
| Environmental Protection | EP1 |
| Noise | EP4 |

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

No letters were received from the neighbour directly notified of the application or as a result of the site notice posted on the 4th June.

Consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------------|--|--|
| Highways Officer | No objection subject to conditions. | See paragraph 9.8 |
| Environmental Protection | Requested additional information with regards to acoustics and ventilation. | See paragraph 9.6 |
| Conservation | <ul style="list-style-type: none"> Thickness of slim line glazing is not known Does not support use of horns underneath windows Requests use of cylinder glass instead of plate/float glass. Requests use of Welsh Slate instead of lead in the roof covering. | See paragraphs 9.4 and 9.5 |

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of the change of use
- ii Impact on character and heritage assets

- iii Noise and amenity
- iv Parking and highways

Principle of the change of use

- 9.2 The application is for the change of use of 1 Thames Street, Windsor. In order to accommodate the change of use the application proposes a roof extension as well as a new plant room on the roof and alterations to the fenestration at ground floor level. The current use of the upper floors falls within class B1 (business). There is no policy objection to the loss of a B1 use as the site is not within an employment area. The ground floor is currently in A1 (retail) use, however policy WTC8 of the Local Plan sets out that a change of use at ground floor to a use falling within class A3 (food and drink) will generally be acceptable in Thames Street. The loss of the small A1 unit will not have a significant impact on the level or quality of shopping options within Thames Street and the surrounding area. Moreover, the proposed use would add to the mix of uses and vitality of the town centre. Furthermore, permission has previously been granted in 2018 (17/03611) for a change of use of the whole building to an A3 use, and this permission is extant.

Impact on character and heritage assets

- 9.3 The application site is within the Windsor Town Centre Conservation Area and is both in close proximity to and visible from the Grade II Listed Windsor and Eton Central Station and the Grade I listed Windsor Castle. In determining this application the Council has therefore given special regard to the desirability of preserving the listed buildings and their settings and either preserving or enhancing the character of the conservation area. Paragraph 184 of the National Planning Policy Framework (NPPF) sets out that heritage assets should be conserved, and paragraph 193 sets out that great weight should be given to a heritage assets conservation, with greater weight being given depending on the importance of the asset. Paragraph 189 of the NPPF also requires that the applicant describes the significance of any heritage asset affected by their development. Policy LB2 of the Local Plan sets out policies for development affecting listed buildings, and policy CA2 sets out policies for development affecting a conservation area. Both of these policies are consistent with the NPPF. In addition paragraph 127 of the NPPF requires that developments are visually attractive and sympathetic to local character and history, and policy DG1 of the Local Plan requires development to be compatible with the established street façade and use materials which are sympathetic to the traditional building materials of the area.
- 9.4 The mansard style roof is identified within the Windsor Town Centre Conservation Area Appraisal as a common feature within the Thames Street roof scape, and as such the roof extension proposed would not look out of place provided it is finished to a high standard. The mansard roof is also identical to that approved under 17/03611 apart from the use of Welsh Slate instead of Lead at the request of the Conservation Officer. The plant room sits less than a metre above the existing parapet wall, and even less of this structure would be visible from the majority of views due to it being set away from the edge of the building. It should be noted that the plant room is the same height as the plant room approved under 17/03611 and is set further back from the edge of the roof. Changes have been made at ground floor in response to the Conservation Officers comments including:
- the removal of the awnings on the side elevation of the building,
 - the re-instatement of the lamp post along the station approach,
 - the removal of the high level ventilation louvers,
 - the breaking up of the proposed signage,
 - the retention of the top lights within the windows,
 - the retention of the existing fan light above the front door,
 - the setting back of the front door to its existing position (instead of bringing it flush with the rest of the front elevation),
 - the removal of double glazing on the replacement windows and the use of the slim-line double glazing instead, and
 - the removal of the window horns from underneath the windows at first floor and above.

- 9.5 The Conservation Officer also asked that historic glazing or cylinder glass is used instead of the plate/float glass proposed. This has not been indicated on the plans, however it is not considered that the use of plate/float glass would warrant refusal of the application as cylinder glass is not in use on the existing windows and a number of changes have already been made which greatly improve the design of the building, particularly at ground floor. Sections at a scale of 1:5 and 1:20 have been provided of all windows, which show the window detailing and the glazing thickness. If the panel do consider is necessary for historic glazing or cylinder glass to be used then this can be secured by condition. The changes overall are considered sufficient to overcome the concerns initially raised with the application, and it is now considered that the extensions would preserve and not harm the character of the conservation area and the setting of the listed buildings.

Noise and amenity

- 9.6 The application proposes 5 x new residential flats within Windsor Town Centre, where they will be subject to noise from vehicles, aircraft noise and the surrounding night time economy. The Council's Environmental Protection team have commented on the applicant's noise impact assessment and have raised concerns with the impact of noise from the proposed A3 use as well as aircraft noise upon the proposed flats. Concerns have also been raised as to how the flats will be ventilated, and further details of mechanical/artificial ventilation specifications have been requested. It should be noted that the site is surrounded by a number of restaurants and other commercial uses, and that a certain level of noise from existing premises and other background noise is to be expected in a town centre location such as this. Details of how the residential units will be insulated against aircraft noise and noise from the proposed A3 unit below can be secured via condition.
- 9.7 The flats are all of a good size. Flat 5 has the lowest amount of floor space (37sqm), however is still within the minimum standards for a 1 bedroom/1 person flat, as set out in the technical housing standards. It is not possible to provide the flats with outdoor amenity space, however this is not considered to be an issue due to the highly sustainable nature of the location and the proximity of public open space such as the Long Walk. In conclusion it is considered that the future occupiers of the flats will be provided with a high standard of amenity.

Parking and highways

- 9.8 The site is located within the Town Centre and is among several A1 (retail) and A3 (café/restaurant) units. The development does not benefit from off-street parking, however given the accessible nature of the site this does not raise a concern. Based on the Borough's Parking strategy (2004), the development does generate a requirement for 5 cycle parking spaces, which are to be provided via Sheffield stands within the train station. Details of where refuse and recycling facilities will be stored have not been submitted, however these details can be secured via condition.

Other Material Considerations

Housing Land Supply

- 9.9 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.*

9.10 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..).'

9.11 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 (5hyr hls) is the 'standard method' as set out in the NPPF (2019). At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.12 The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.9 it is considered that in this instance the tilted balance should be applied, however such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2, LB2

3 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.

4 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 5 Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3.

- 6 Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours including maintenance, cleaning and filter replacement schedule shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such. Noise from the system must also be considered.

Reason: To protect the amenities of the area and prevent nuisance arising from odour and to accord with the Local Plan Policy NAP3.

- 7 No development shall take place until details of measures to provide acoustic insulation for the containment of internally generated noise from the ground floor A3 use, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be retained maintained in good working order at all times.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

- 8 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

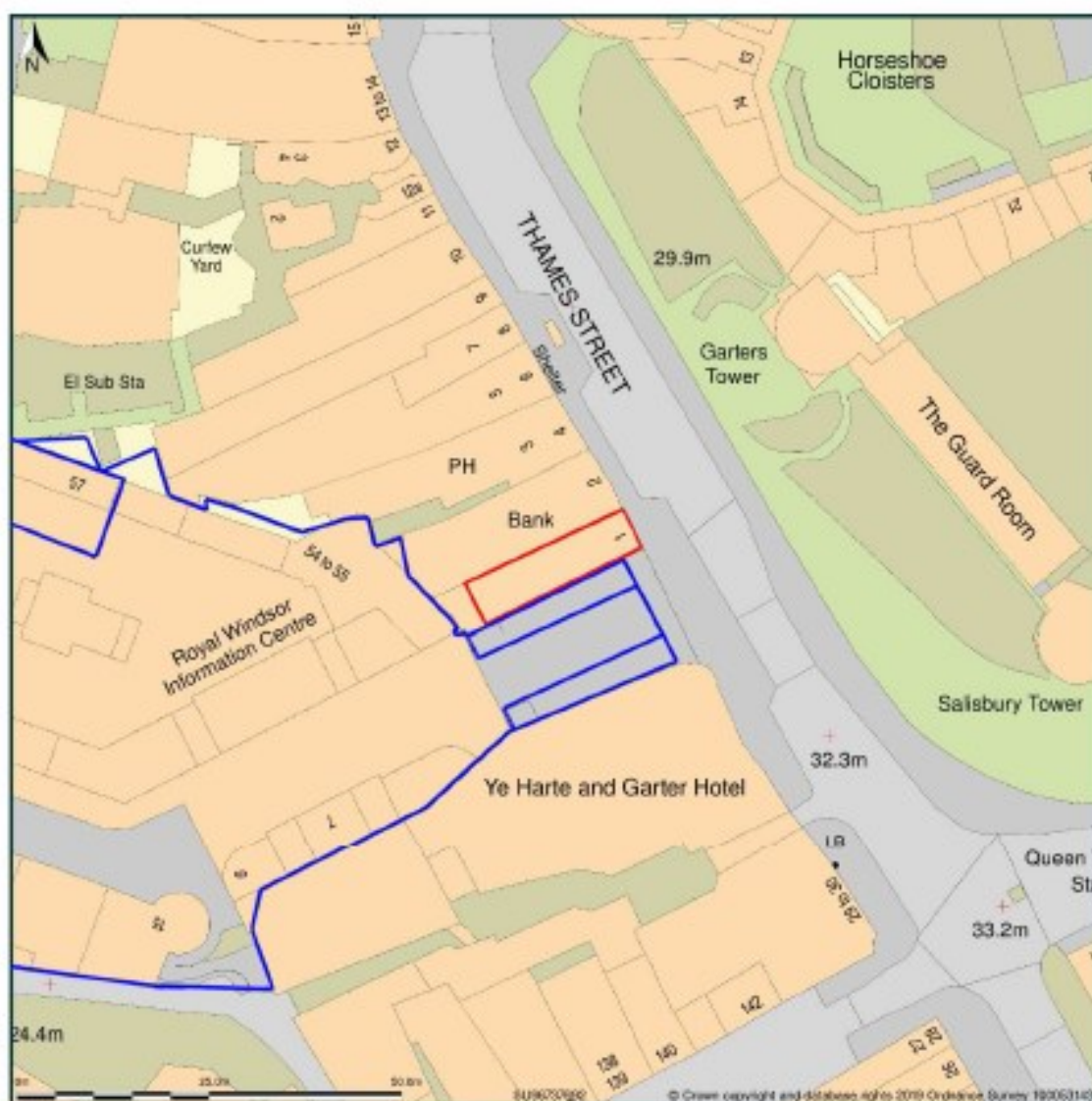
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A

Site location plan

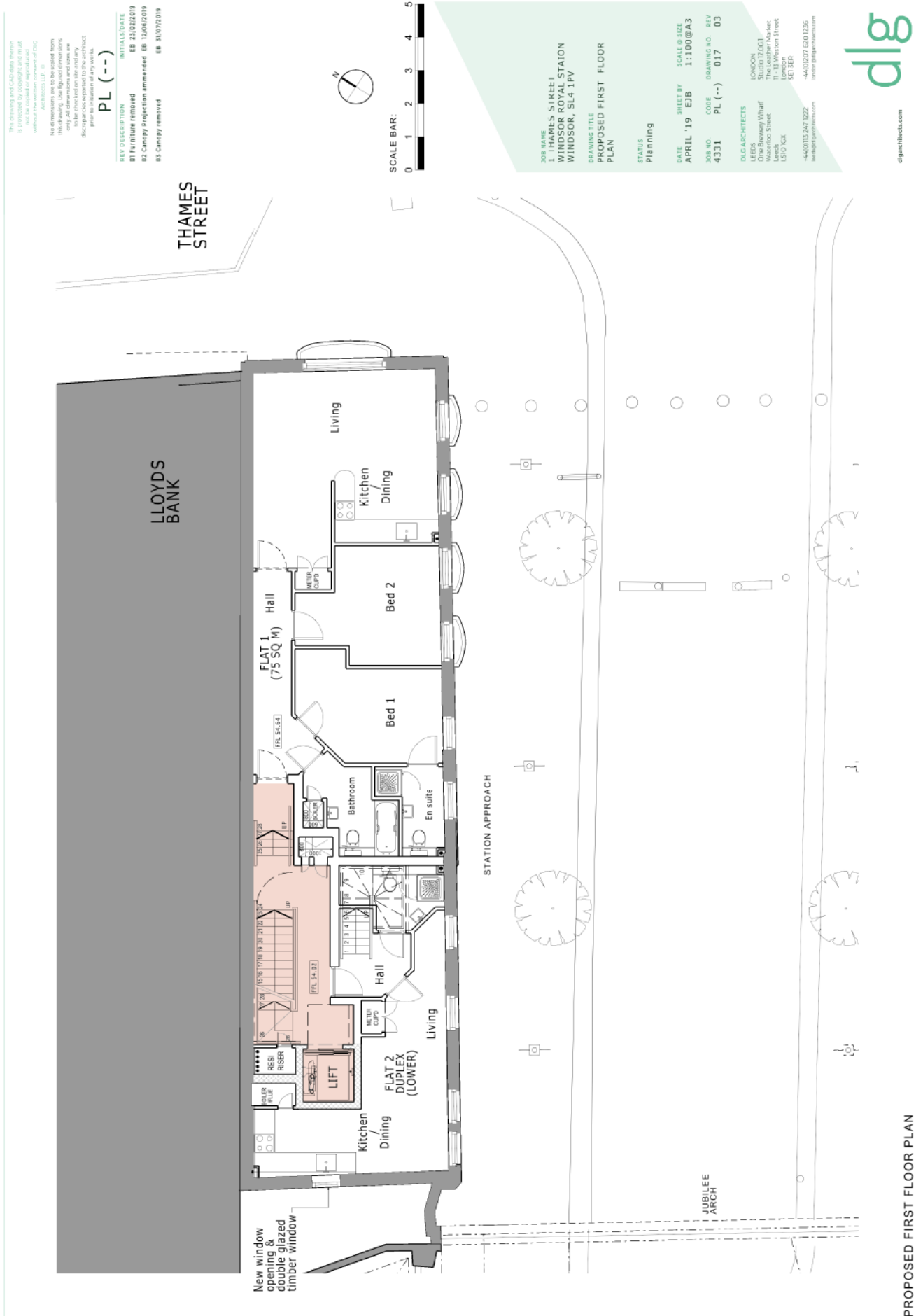
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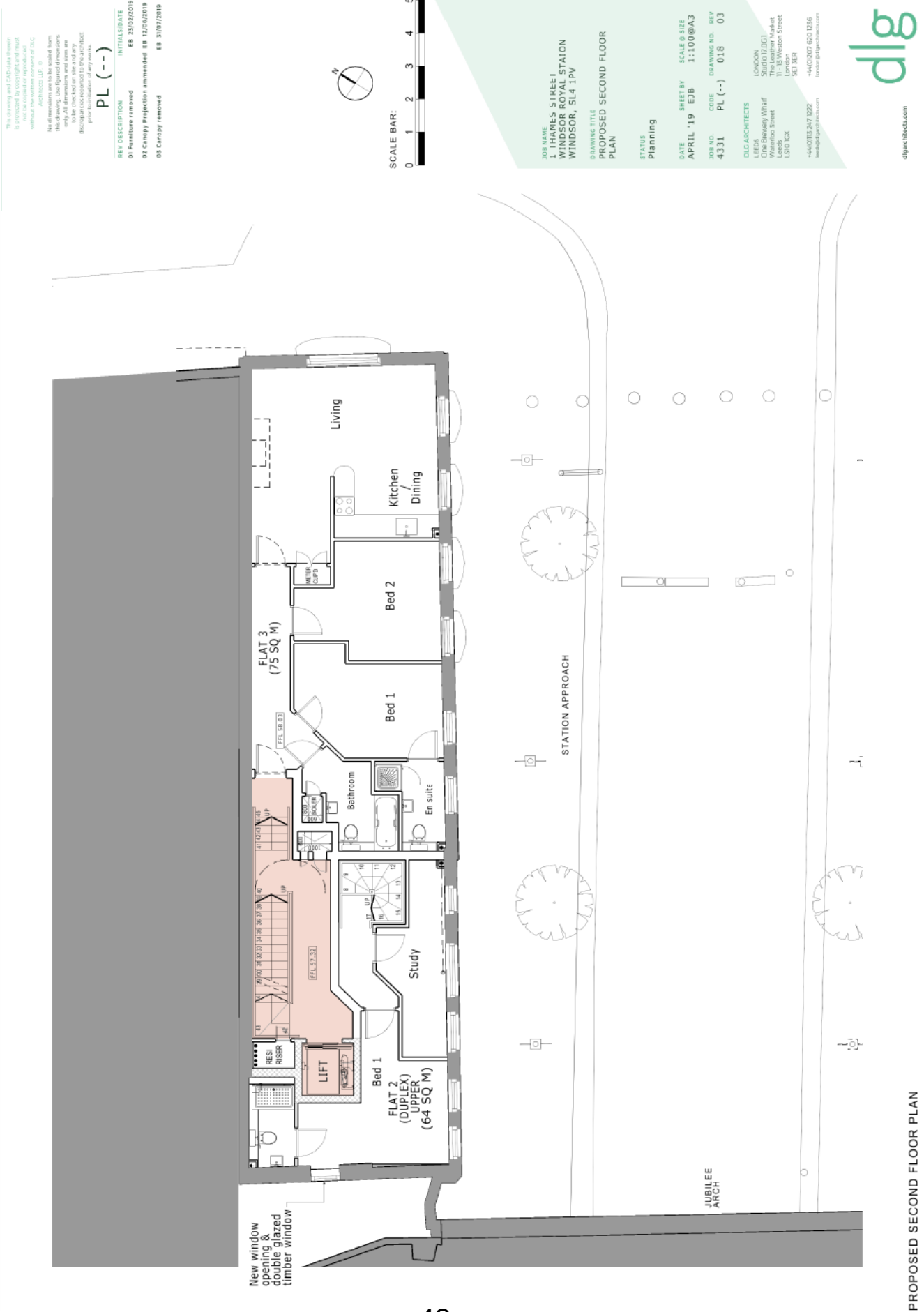
Proposed ground floor plan



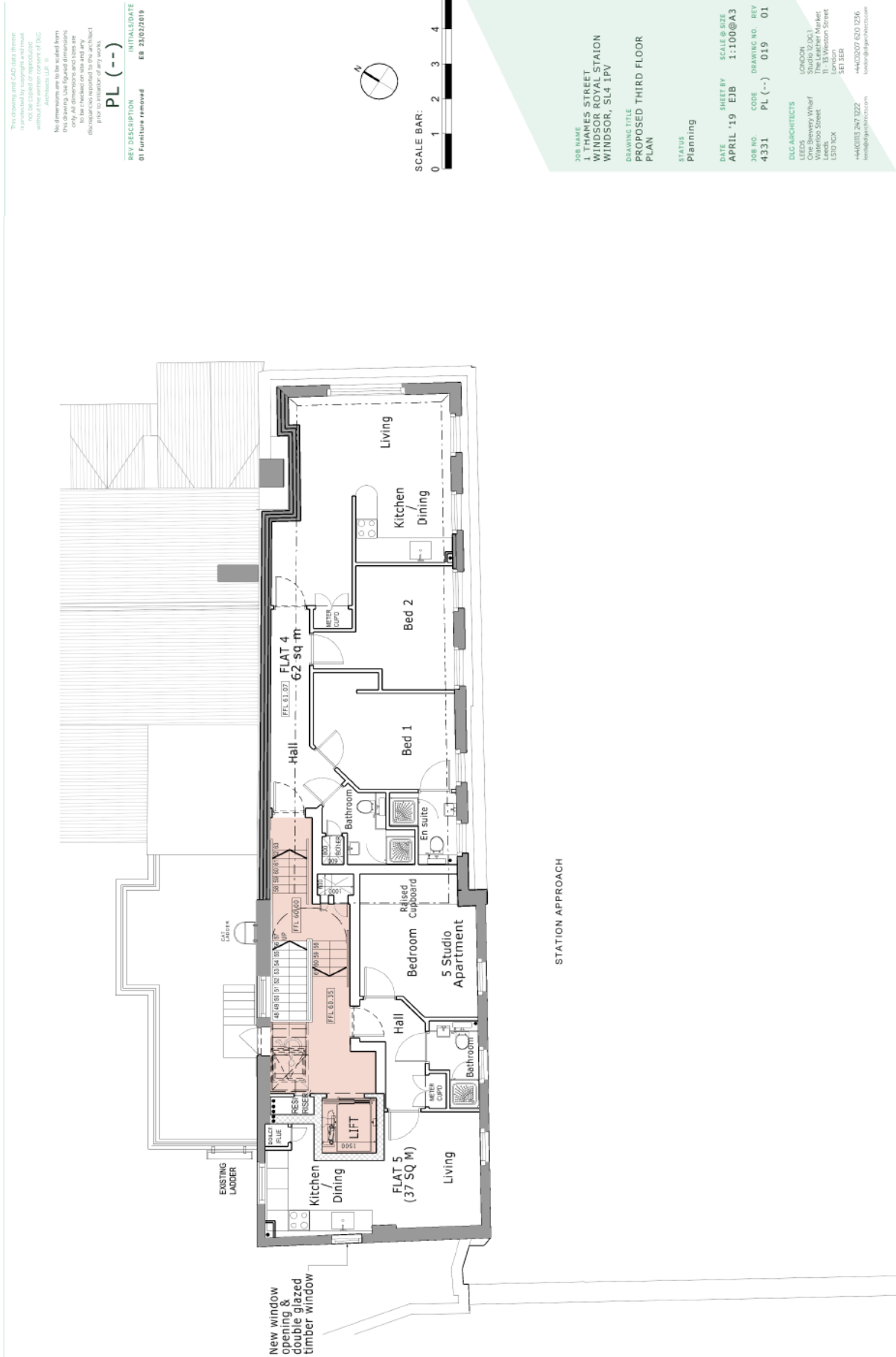
Proposed first floor plan



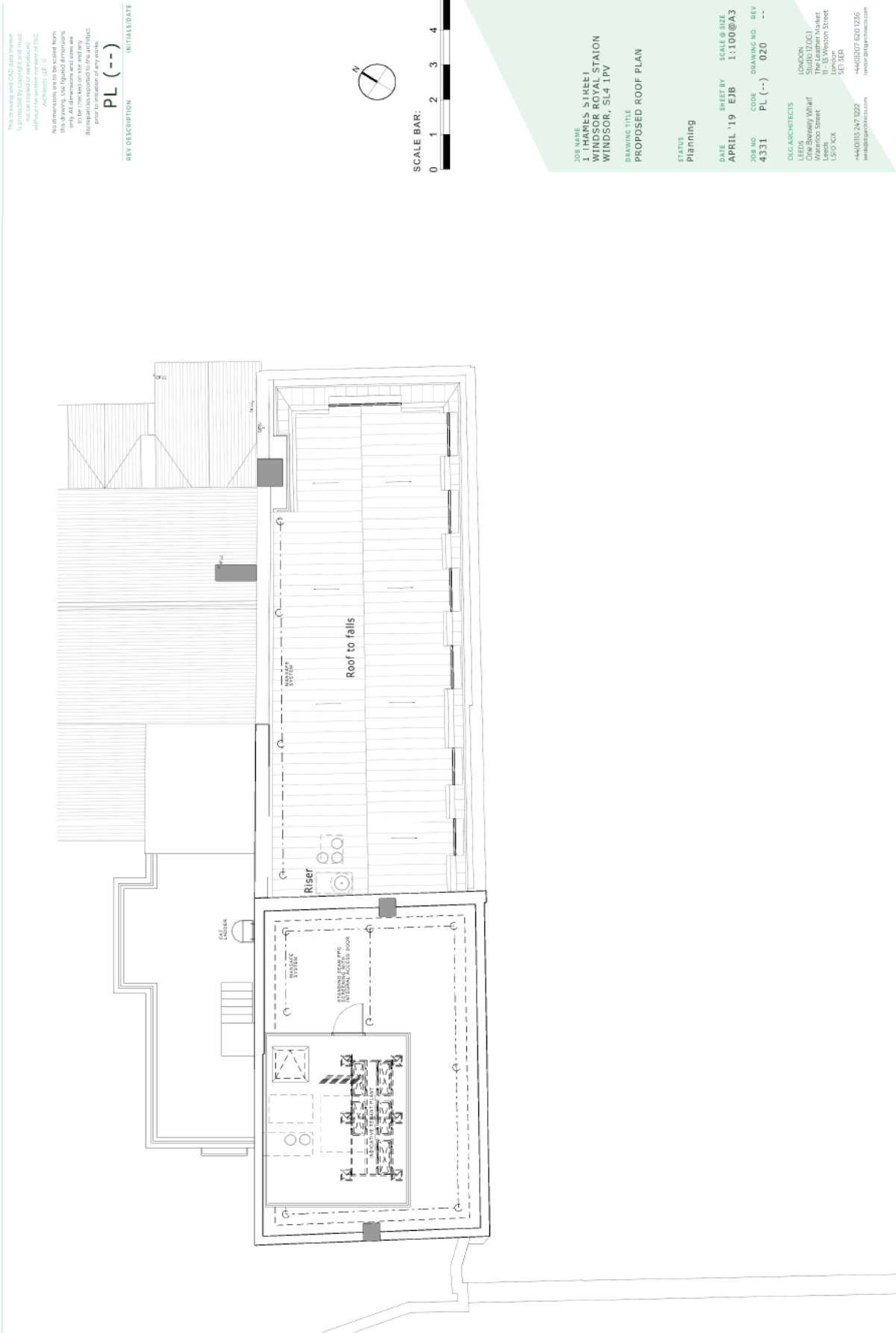
Proposed second floor plan



Proposed third floor plan



Proposed roof plan



PROPOSED ROOF PLAN

Proposed basement plan

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PL (--)

| REV DESCRIPTION | INITIALS/DATE |
|----------------------|---------------|
| 01 Furniture removed | EB 23/02/2019 |



SCALE BAR:



JOB NAME
11THAMES SIREEI
WINDSOR ROYAL STATION
WINDSOR, SL4 1PV

DRAFTING TITLE
PROPOSED
PLANSTATUS
Planning

DATE SHEET BY SCALE @ SIZE
APRIL '19 EJB 1:100@A3

JOB NO. CODE DRAWING NO. REV
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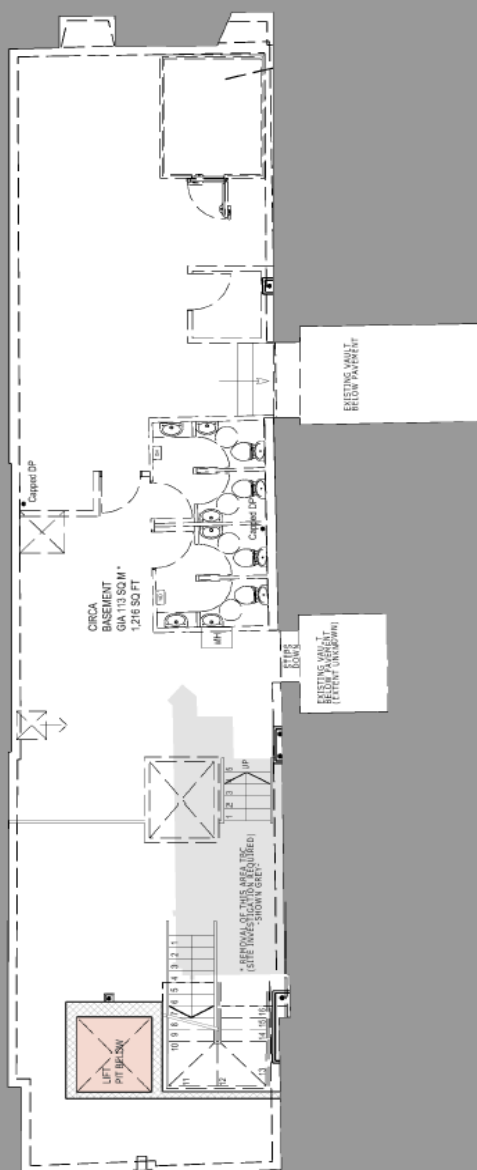
DLG ARCHITECTS
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+44(0)113 247 1222
joe@didtechnics.com

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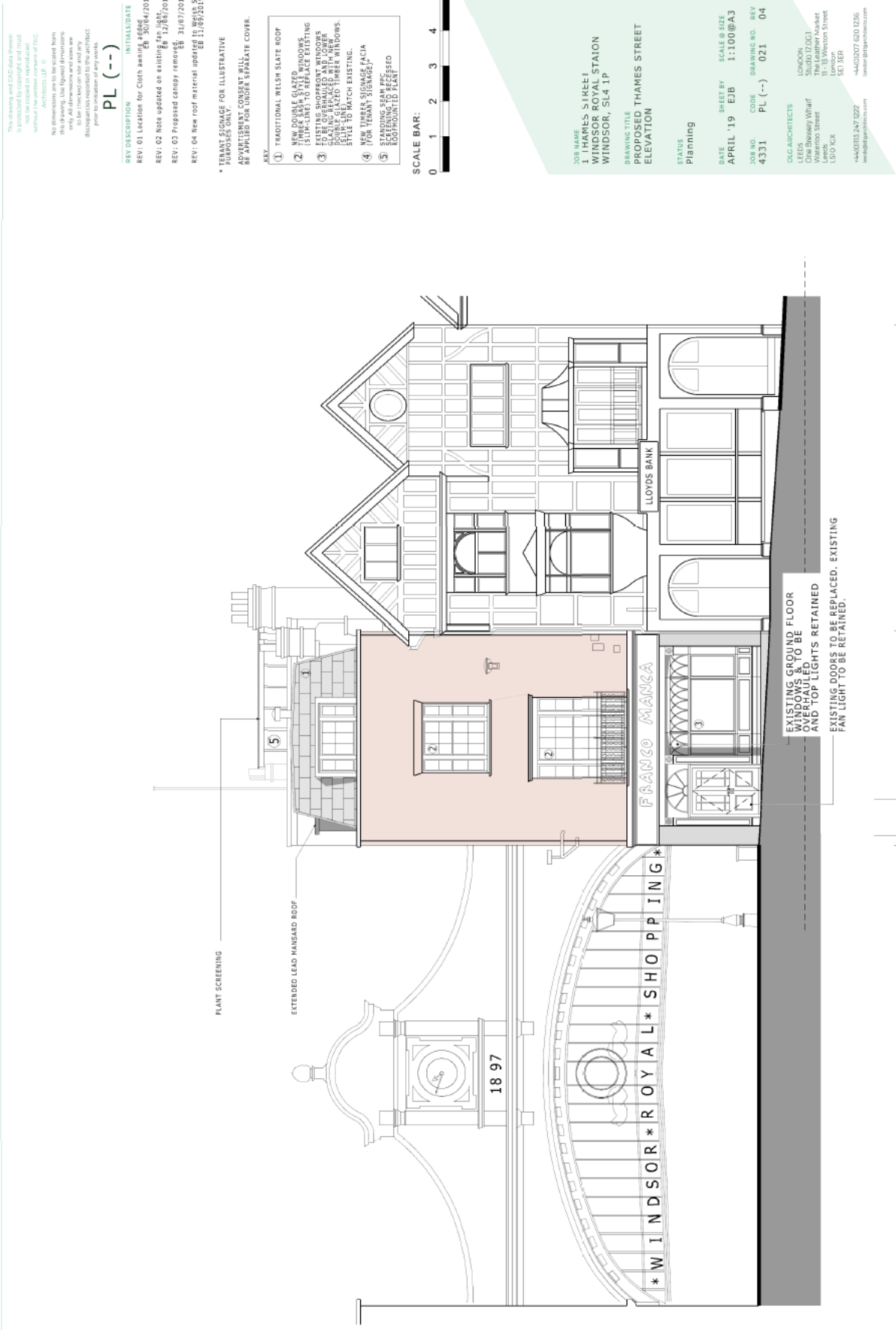
'Zone' for aterproof
tanking.



HARTE & GARTER HOTEL

PROPOSED BASEMENT PLAN

Proposed Thames Street elevation

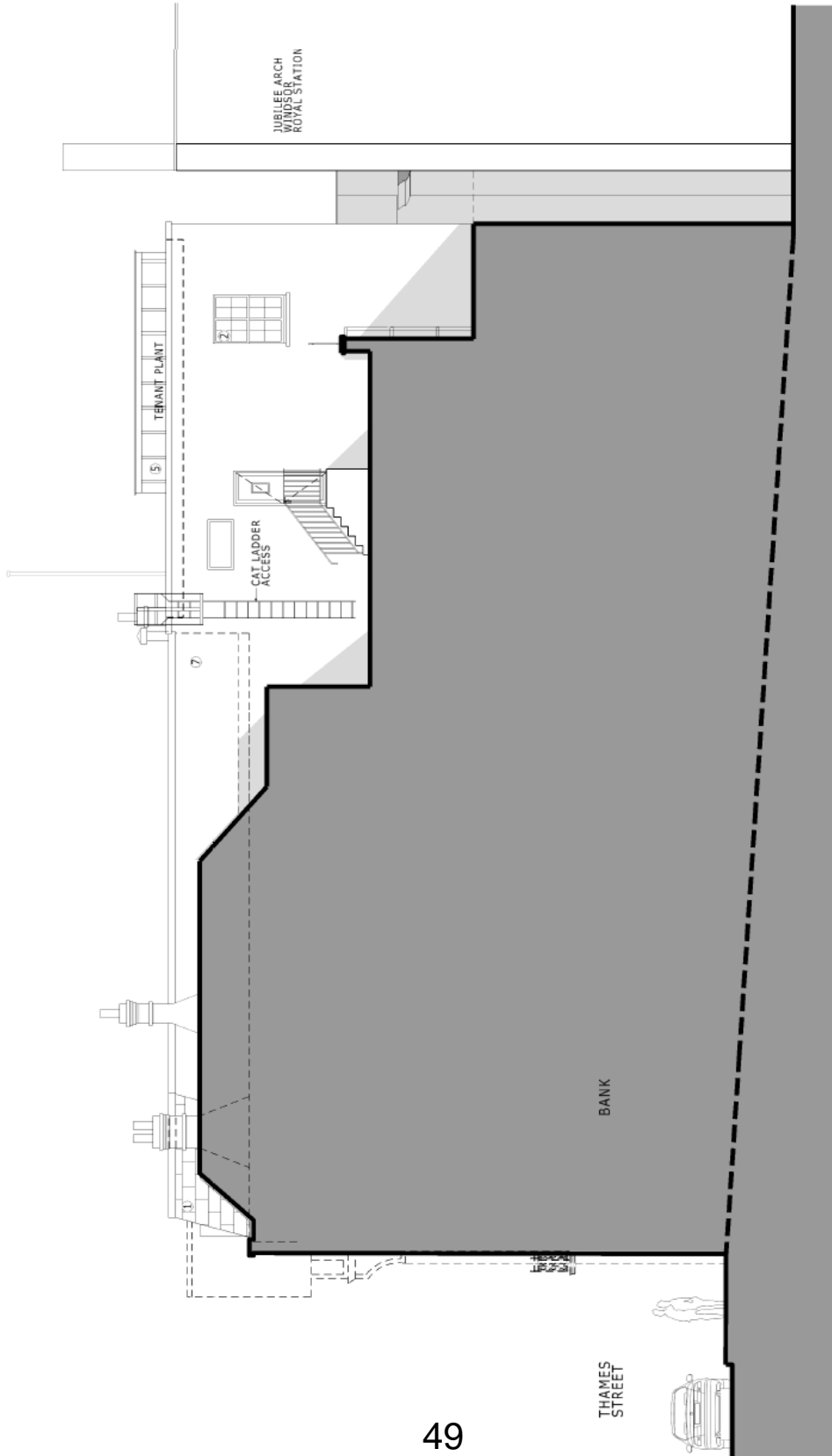


Proposed north west elevation

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| REV | DESCRIPTION | INITIALS | DATE |
|--------|--|----------|------------|
| REV-01 | New roof material updated to Welsh Slate | EB | 11/05/2019 |

- KEY
- 1 TRADITIONAL WELSH SLATE ROOF
 - 2 NEW DOUBLE GLAZED TIMBER SLIDING DOOR TO REPLACE EXISTING
 - 3 STANDING SEAM PVC ROOFING
 - 4 NEW BRICKWORK TO MATCH EXISTING
 - 5 TENANT PLANT
 - 6 CAT LADDER ACCESS
 - 7 JUBILEE ARCH WINDSOR ROYAL STATION



JOB NAME
WINDSOR SL4
WINDSOR ROYAL STATION
WINDSOR, SL4 1PV

DRAWING TITLE
PROPOSED NORTH WEST
ELEVATION

STATUS
Planning

DATE
APRIL '19

SHEET BY
EJB

SCALE & SIZE
1:100@A3

JOB NO.
4331

CODE
PL

DRIVING NO.
024

REV
01

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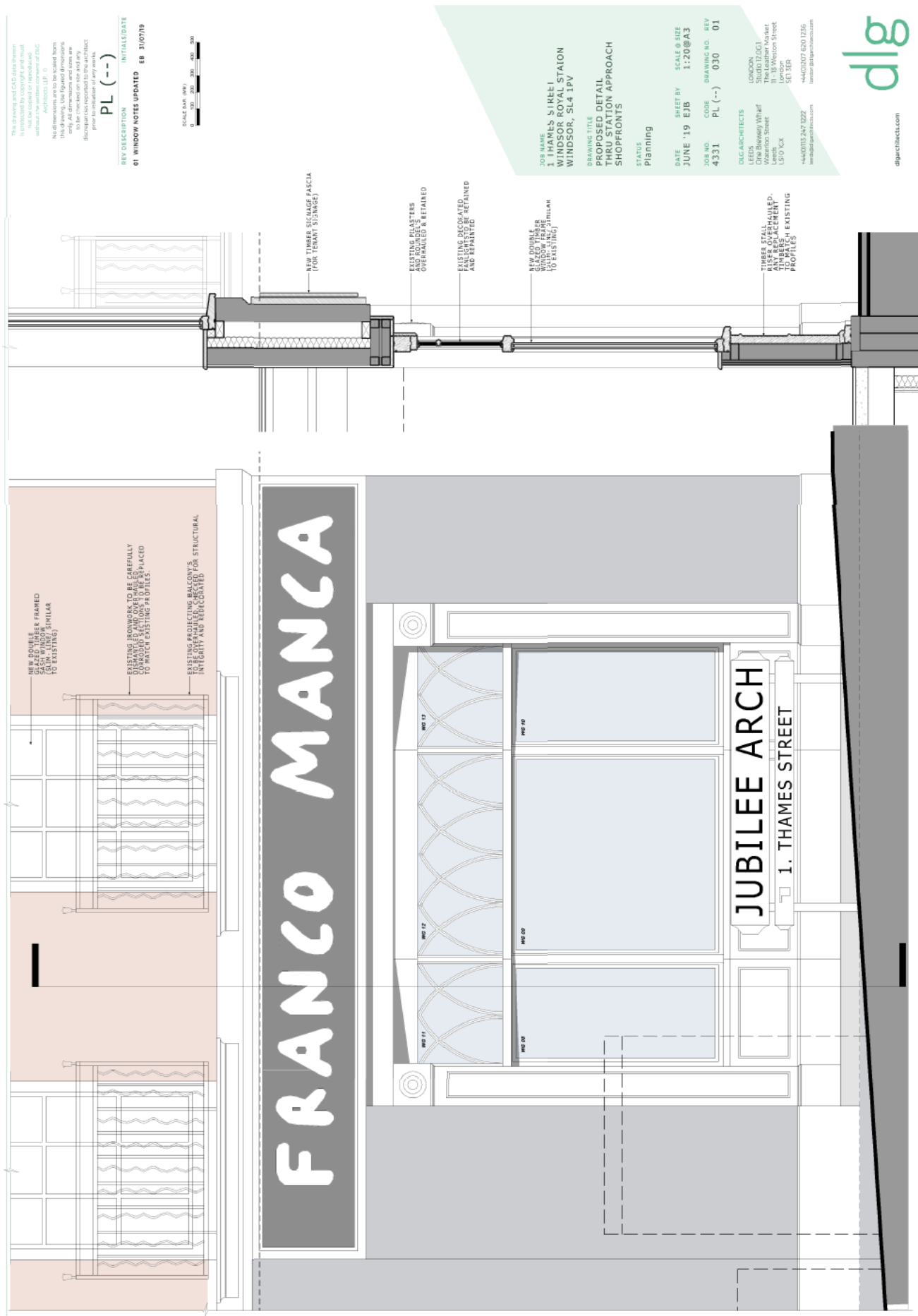
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Thames Street elevation detailed plans



Station approach elevation detailed plans



Ground floor windows section

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REV DESCRIPTION INITIALS/DATE

01 CANOPY REMOVED AND NEW SIGNAGE **EB 31/07/19**

SCALE BAR (MM)

0 100 200 300 400 500

FRANCO

MANCA

ELEVATION EXTRACT @ 1:50

STATION APPROACH

NEW DOUBLE GLAZED TIMBER WINDOW FRAME (SIMILAR TO EXISTING)

EXISTING (WORK TO BE CAREFULLY REMOVED) AND NEW CANOPY SECTIONS TO BE REPLACED TO MATCH EXISTING PROFILES.

NEW TIMBER SIGNAGE FASCIA (FOR TENANT SIGNAGE)

EXISTING PICTORIAL SIDE AND REPAIRED

NEW DOUBLE GLAZED TIMBER WINDOW FRAME (SIMILAR TO EXISTING)

TIMBER CANOPY FRAME TO BE REPLACED TO MATCH EXISTING PROFILES

EXISTING LOW LEVEL VENTILATION LOUVER TO BE REPLACED TO MATCH EXISTING AS THE STALL RISER

USER NAME
1 THAMES STREET
WINDSOR ROYAL STATION
WINDSOR, SL4 1PV

DRAWING TITLE
PROPOSED DETAIL
THRU CANOPY AND STALL RISER

STATUS
Planning

DATE JUNE '19
SHEET BY EJB
SCALE & SIZE 1:20@A3

USER NO 4331
CODE PL (--)
DRAWING NO. 032
REV 01

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First floor windows section

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EJB/11/09/2019
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CLAZING BAR DETAILS

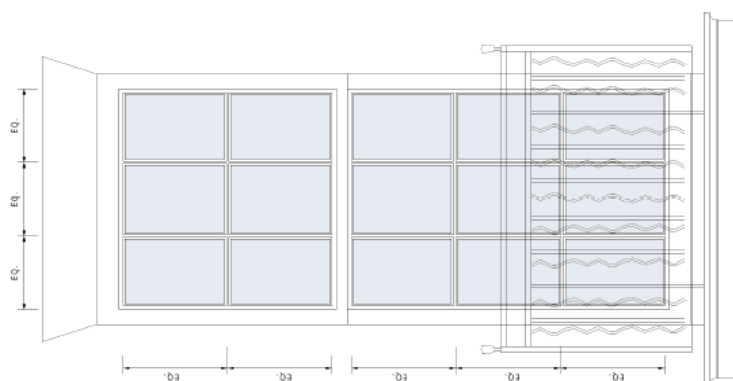
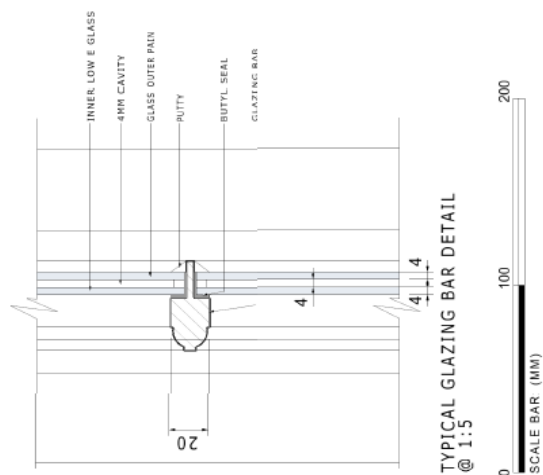
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WINDSOR, SL4 1PV

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PROPOSED TYPICAL
FIRST FLOOR WINDOW DETAILS

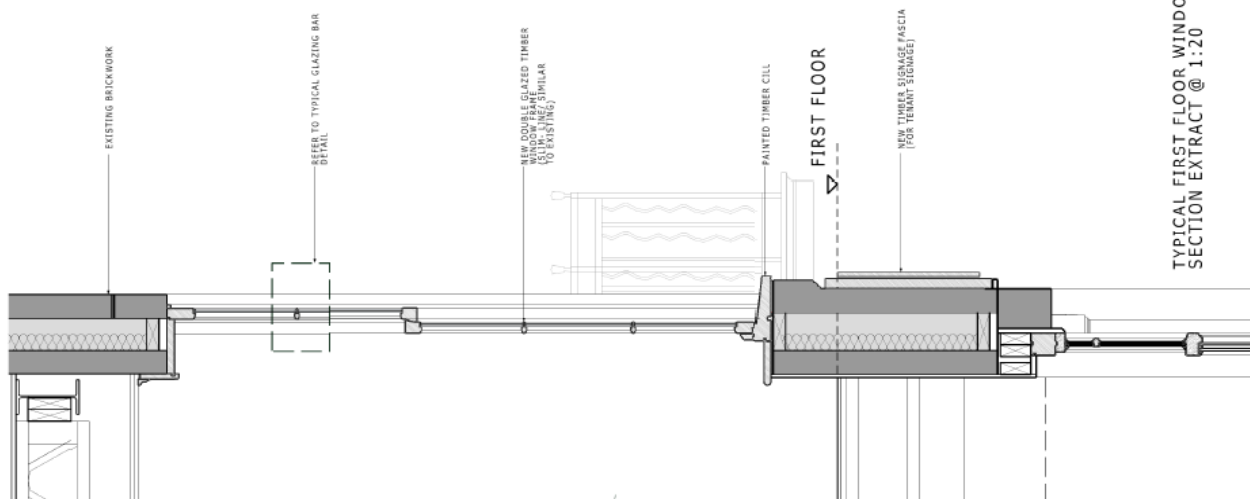
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DATE SHEET BY SCALE @ SIZE
AUGUST '19 EJB 1:20@A3
8 1:5

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info@djgarchitects.com

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TYPICAL FIRST FLOOR WINDOW
ELEVATION @ 1:20

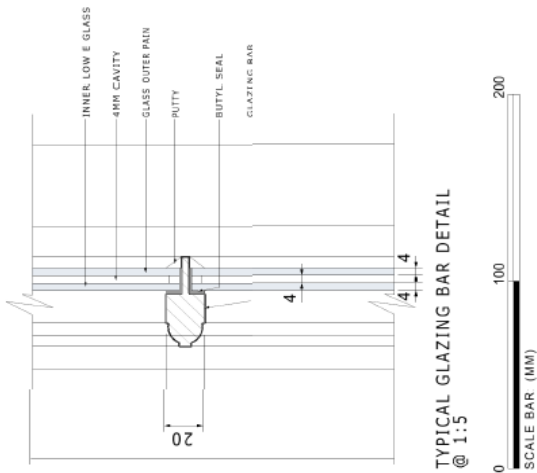


TYPICAL FIRST FLOOR WINDOW
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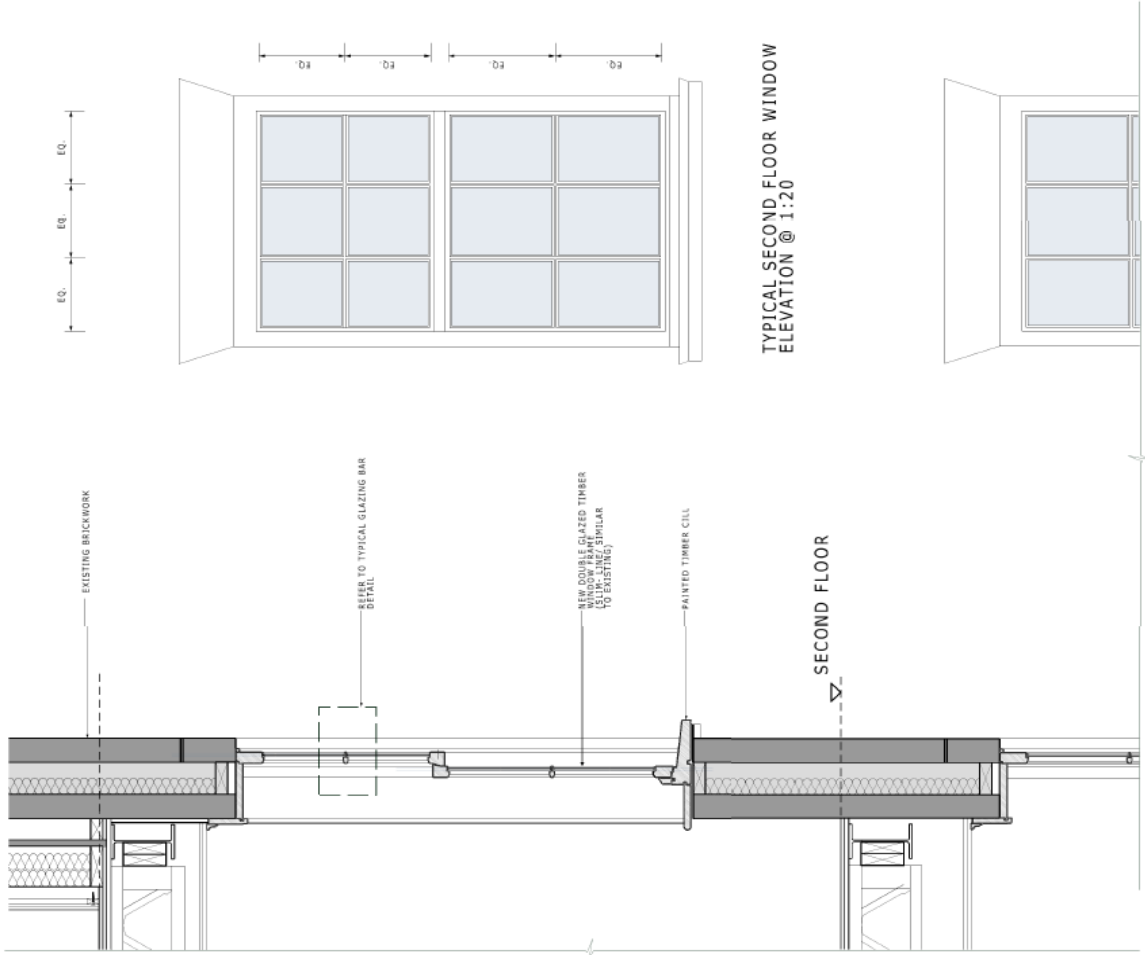
Second floor windows section

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TYPICAL GLAZING BAR DETAIL
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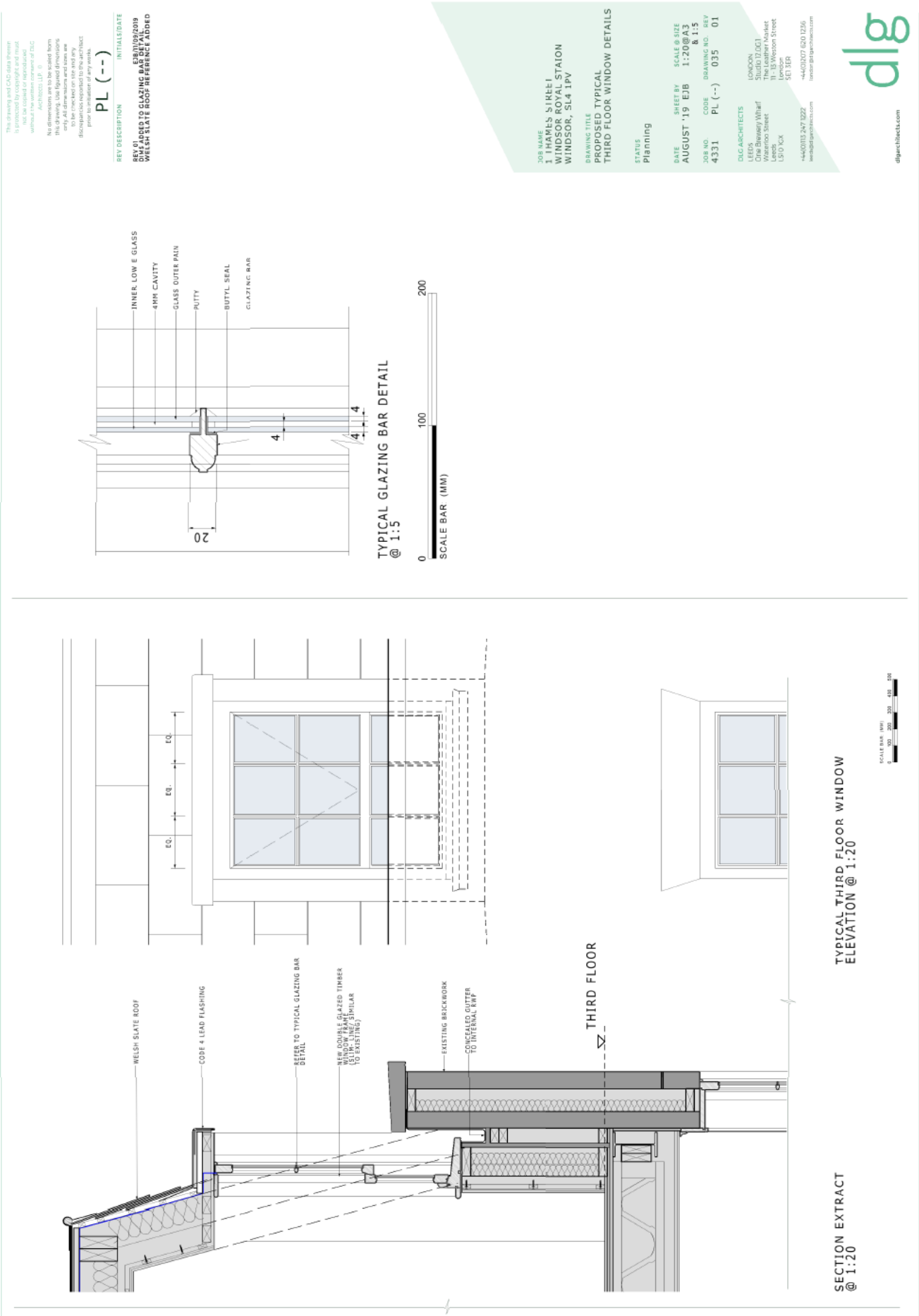
TYPICAL SECOND FLOOR WINDOW
ELEVATION @ 1:20

SECTION EXTRACT @ 1:20

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WINDSOR ROAD STATION
WINDSOR, SL4 1PW
DRAWING TITLE
PROPOSED TYPICAL
SECOND FLOOR WINDOW DETAILS
STYLE
Planning
DATE
AUGUST '19 EJB
SHEET BY
SCALE @ SIZE
1:20@A3
& 1:5
JOB NO.
4331
CODE
PL (--)
DRAWING NO.
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REV
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Third floor windows section



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2 October 2019

Item: 3

| | |
|--|--|
| Application No.: | 19/01555/FULL |
| Location: | Datchet Common Horton Road Datchet Slough |
| Proposal: | Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective). |
| Applicant: | Mssrs Loveridge And Giles |
| Agent: | Dr Angus Murdoch |
| Parish/Ward: | Datchet Parish/Datchet Horton And Wraysbury |
| If you have a question about this report, please contact: 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.

| It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report): | |
|---|---|
| 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. | 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. |
| 3. | The concentration of up to 67 densely parked cars and the siting of a porta-cabin 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. | The use of the land to station/park up to 67 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.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir as *'This is a sensitive matter. There is a lot of community tension between applicants and residents. Called in to ensure any decision is seen as transparent'*.

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.
- 3.3 A pallet storage yard is located to the south of the site separated from the site by an 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 67 cars. However, it should be noted that the related enforcement investigation has established that the entire planning unit is being used for airport parking with up to 400 cars being stationed on the land.

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 1925m² and the parking layout details 67 parking bays. The application also seeks to retain a porta-cabin used as an office in conjunction with the airport parking operation on site. The structure measures 7m x 2.5m and has a height of 2.85m.
- 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 and toilets to facilitate the use.
- 5.3 The entire area of Datchet Common has been covered in aggregate to form hard standing to facilitate the current unauthorised airport parking. This unauthorised 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.

| Reference | Description | Decision |
|---------------|---|---|
| 13/02024/FULL | The use of land as a public gypsy and traveller site consisting of 10 | Withdrawn on the 29 th 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 th 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 th 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 th 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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

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

Supplementary Planning Documents

- ☐ RBWM Interpretation of Policy F1

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

43 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 17th July 2019

No letters were received supporting the application.

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

| Comment | | Where in the report this is considered |
|---------|--|--|
| 1. | Proposal represents inappropriate development and it results in a substantial impact on the openness of the Green Belt. There are no very special circumstances. | 9.2 - 9.10 |

| | | |
|-----|--|-----------------------------|
| 2. | Inappropriate development in Flood Zone 3b. A flood risk assessment has not been submitted. | 9.13 - 9.16 |
| 3. | Urbanisation of once rural piece of land | 9.12 |
| 4. | Negative impact on rural character of site | 9.12 |
| 5. | The use will negatively affect amenity of nearby residential properties | 9.19 - 9.20 |
| 6. | Increase in level of activity and number of comings and goings and associated noise and disturbance. | 9.19 |
| 7. | Application gives an erroneous impression if the true situation. The number of cars currently parked far exceeds the maximum 67 stated. There are around 400 cars parked and it has been this way for several years. | 3.4 |
| 8. | Waste storage and removal plans are indicated on the application but no details are provided. | Not relevant to application |
| 9. | The hours of operation stretch beyond 9am-5pm to operate as airport parking. | 9.20 |
| 10. | The land can be seen from Datchet Common Public land | Noted |
| 11. | Airport parking is a total inappropriate use of land so close to residential properties. | 9.19 - 9.20 |
| 12. | The use subject local residents to noise, light pollution, atmospheric pollution and general disturbance from car journeys. The access roads are narrow, close to houses and unsuitable for this volume of traffic. | 9.19 - 9.20 |

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------|--|--|
| Environment Agency | <p>The EA have two objections namely:</p> <p>We object to the proposed development as it falls within a flood risk category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the NPPF and its associated guidance.</p> <p>A Flood Risk Assessment (FRA) has not been submitted. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown.</p> | 9.13- 9.16 |
| Highways | Comments Awaited | |

| | | |
|--------------------------|---|-----|
| Environmental Protection | It is suggested that a number of conditions and informatives be imposed if the application is approved. These suggested conditions cover the minimisation of artificial light on nearby properties, site working hours, and collections during construction and demolition. | N/A |
|--------------------------|---|-----|

Consultees

| Consultee | Comment | Response |
|----------------|--|--------------------------------|
| Parish Council | Members had no objection on the grounds that the applicant provides a Flood Risk Assessment (FRA). | An FRA has not been submitted. |

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 and the siting of a portacabin 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 67 cars and siting a porta cabin 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 and a portacabin 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 67 densely parked cars and a portacabin 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.
- 9.13 The application is supported by a landscape design statement. This illustrates soft landscape ‘islands’ within rows of parking, a 1m wide land strip to the site periphery and soft landscape buffer zones to the northern end of the site. Whilst a plan within the landscape statement illustrates landscaping, these plans do not correlate with the plans submitted to accompany the application. They do not mirror the proposed parking arrangement and do not include the porta cabin and so the landscaping proposed does not correlate with the development proposed. As such they are not relevant to the scheme being considered.

Flood Risk

- 9.14 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.
- 9.15 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.
- 9.16 In accordance with the requirements of National Planning Policy, the applicant is required to submit a site –specific flood risk assessment. The applicant has failed to submit a site-specific flood risk assessment which contravenes Section 14 of the National Planning Policy Framework.
- 9.17 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

- 9.18 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.
- 9.19 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

- 9.20 The use of the site to station/park up to 67 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 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.
- 9.21 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 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.
- 3 The concentration of up to 67 densely parked cars and the siting of a porta-cabin 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 The use of the land to station/park up to 67 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.

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Planning Appeals Received

23 August 2019 - 20 September 2019

WINDSOR

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

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

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

| | | | | |
|-----------------------|--|-----------------------|------------------------|--|
| Ward: | | | | |
| Parish: | Sunningdale Parish | | | |
| Appeal Ref.: | 19/60081/REF | Planning Ref.: | 19/00414/FULL | Plns Ref.: APPT0355/W/19/3233759 |
| Date Received: | 9 September 2019 | Comments Due: | 14 October 2019 | |
| Type: | Refusal | Appeal Type: | Written Representation | |
| Description: | Construction of 8 three bedroom apartments to include refuse storage, new vehicular and pedestrian access with additional access from Ridgemont Road, associated parking to include basement parking following demolition of the existing dwellings and garages. | | | |
| Location: | Sandhills And Sandhills Cottage And The Sunningdale Osteopathic Sandhills Cottage Cross Road Sunningdale Ascot | | | |
| Appellant: | Mrs Andrew Searchfield c/o Agent: Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle GU34 4NB | | | |
| | | | | |
| Ward: | | | | |
| Parish: | Datchet Parish | | | |
| Appeal Ref.: | 19/60083/REF | Planning Ref.: | 18/02068/CLD | Plns Ref.: APP/T0355/X/18/3211902 |
| Date Received: | 12 September 2019 | Comments Due: | 24 October 2019 | |
| Type: | Refusal | Appeal Type: | Written Representation | |
| Description: | Certificate of lawfulness to determine whether the two existing single storey rear extensions and a rear patio (300mm above existing ground level) are lawful. | | | |
| Location: | 4A Horton Road Datchet Slough SL3 9ER | | | |
| Appellant: | Mr Shehzad Satter c/o Agent: Mr Julian Castle 28 Dukes Close Shabbington HP18 9HW | | | |
| | | | | |
| Ward: | | | | |
| Parish: | Datchet Parish | | | |
| Appeal Ref.: | 19/60087/REF | Planning Ref.: | 18/01033/PDXL | Plns Ref.: APP/T0355/W/18/3206938 |
| Date Received: | 12 September 2019 | Comments Due: | 24 October 2019 | |
| Type: | Refusal | Appeal Type: | Written Representation | |
| Description: | Single storey rear extension no greater than 5.34m in depth, 3m high with an eaves height of 2.4m. | | | |
| Location: | 4A Horton Road Datchet Slough SL3 9ER | | | |
| Appellant: | Mr Shehzad Sattar c/o Agent: Mr Julian Castle 28 Dukes Close Shabbington Aylesbury Bucks HP18 9HW | | | |

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60084/REF **Planning Ref.:** 19/00994/FULL **Plns Ref.:** APP/T0355/D/19/3233422
Date Received: 13 September 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey side/rear extension, new door and balcony to first floor rear elevation and alterations to fenestration.
Location: **Santana 54 Llanvair Drive Ascot SL5 9LN**
Appellant: Mrs Joit Uppal **c/o Agent:** Mr Robin Bretherick Woodbank The Ridgeway Chalfont St. Peter Gerrards Cross Bucks SL9 8NP

Ward:
Parish: Datchet Parish
Appeal Ref.: 19/60085/REF **Planning Ref.:** 19/01214/FULL **Plns Ref.:** APP/T0355/W/19/3235507
Date Received: 13 September 2019 **Comments Due:** 18 October 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling.
Location: **Orchard Cottage 61 Horton Road Datchet Slough SL3 9HD**
Appellant: Mr And Mrs Lawrence **c/o Agent:** Mr Andrew Black Andrew Black Consulting 17 Egerton Road New Malden KT3 4AP

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 19/60092/REF **Planning Ref.:** 19/01427/FULL **Plns Ref.:** APP/T0355/D/19/3234893
Date Received: 17 September 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: New front canopy, single storey front extension, two storey rear extension, x2 front rooflights, x1 rear rooflight, x2 rear dormers and alterations to fenestration (retrospective).
Location: **18 Waylands Wraysbury Staines TW19 5DZ**
Appellant: Mr Manjit Jaswal **c/o Agent:** Mr Mav Sandhu Landmark Architecture And Planning The Pillars Slade Oak Lane Gerrards Cross SL9 0QE

Ward:
Parish: Windsor Unparished
Appeal Ref.: 19/60095/REF **Planning Ref.:** 19/00596/CPD **Plns Ref.:** APP/T0355/X/19/3227351
Date Received: 17 September 2019 **Comments Due:** 29 October 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Certificate of lawfulness to determine whether the proposed L-shaped rear dormer and 2no. front rooflights following the removal of existing 2no. rear dormer windows and 1no. front rooflight is lawful.
Location: **307 St Leonards Road Windsor SL4 3DR**
Appellant: Mr & Mrs Dimbylow **c/o Agent:** Mr Cameron Lloyd CAD UP Ltd Landmark House Station Road Hook RG27 9HA

Appeal Decision Report

22 August 2019 - 20 September 2019

WINDSOR

Appeal Ref.: 18/60112/PRPA **Planning Ref.:** 18/01991/TPO **Plns Ref.:** APP/TPO/T0355/7003

Appellant: Mr Woolner **c/o Agent:** Mr Paul Warrener Branch Management 110 Bagshot Green Bagshot Surrey GU19 5JT

Decision Type: **Officer Recommendation:** Partial Refusal/Partial Approval

Description: (T1) English Oak - reduce and re-shape by 1.5m overall.

Location: **Halfpenny House 10 Halfpenny Lane Sunningdale Ascot SL5 0EQ**

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

Main Issue: The oak tree is a large and imposing specimen, the tree is suitable for its situation and the works do not appear to be based on any arboricultural need. A reduction would compromise the tree's amenity and health. There is no arboricultural justification for the work.

Appeal Ref.: 19/60034/REF **Planning Ref.:** 18/03042/FULL **Plns Ref.:** APP/T0355/W/19/3226030

Appellant: Mr P Higgins **c/o Agent:** Mr Rajan Patel DB Planners 2 The Oaks Juniper Road Cove Farnborough GU14 9XU

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

Description: One new dwelling

Location: **Land At 1 Nursery Way Wraysbury Staines**

Appeal Decision: Dismissed **Decision Date:** 2 September 2019

Main Issue: The Inspector noted that the Sequential Test has not been undertaken and as such it has not been satisfactorily demonstrated that the other areas less prone to flooding are not suitable for the development. The Inspector also concluded that it has not been demonstrated that the development would not increase flood risk elsewhere. The Inspector considers that the combination of the design, orientation, layout and choice of materials for the proposed dwelling would harm the character and appearance of the area. The Inspector considers that the inadequate on-site parking would lead to additional vehicles parking on the street and this would be detrimental to highway safety. The Inspector concludes that the benefits of the scheme would be significantly and demonstrably outweighed by the adverse impacts of granting permission.

| | | | | | |
|-------------------------|--|--------------------------------|----------------|-------------------|----------------------------|
| Appeal Ref.: | 19/60050/REF | Planning Ref.: | 18/00624/FULL | Plns Ref.: | APP/T0355/W/19/ 3221751 |
| Appellant: | Mr Dudley Mills c/o Agent: Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB | | | | |
| Decision Type: | Committee | Officer Recommendation: | Refuse | | |
| Description: | Erection of a building comprising 10 apartments (4 x 3 bed and 6 x 2 bed apartments) following demolition of the existing dwelling | | | | |
| Location: | Hill House Cross Road Sunningdale Ascot SL5 9RX | | | | |
| Appeal Decision: | Dismissed | Decision Date: | 22 August 2019 | | |
| Main Issue: | <p>The inspector considered that the width and depth of the development, the fact that it is on elevated land, and the design of the proposal with a deep bulky roof would all contribute to creating an incongruous dominating development. The Inspector noted the importance of trees T17 and T27 and concluded that even if they were not harmed during construction there would be a pressure to prune these trees as a result of the perceived nuisance generated by issues such as blocked gutter from falling leaves, roosting birds and fears associated with dominance. The inspector considers that the pruning of these trees would result in a detrimental impact on the verdant character and appearance of the area. The inspector does not consider that the appeal site and the 'land at Hill House', site previously granted planning permission, should be viewed as one and therefore does not consider the threshold for affordable housing to have been met. For the same reason the inspector is of the view that SPA mitigation can be provided through a financial contribution to Allen's Field, however a legal agreement has not been completed. The inspector concludes that it has not been demonstrated that the views of the community have been taken into account and as such the development conflicts with policy NP/H1 of the Neighbourhood Plan.</p> | | | | |

| | | | | | |
|-------------------------|---|--------------------------------|------------------|-------------------|----------------------------|
| Appeal Ref.: | 19/60063/REF | Planning Ref.: | 19/00774/FULL | Plns Ref.: | APP/T0355/D/19/ 3231985 |
| Appellant: | Mr & Mrs M Rossiter 4, Kimber Close Windsor SL4 4BJ | | | | |
| Decision Type: | Delegated | Officer Recommendation: | Refuse | | |
| Description: | First floor front extension and alterations to form pitch roof over existing garage. | | | | |
| Location: | 4 Kimber Close Windsor SL4 4BJ | | | | |
| Appeal Decision: | Allowed | Decision Date: | 9 September 2019 | | |
| Main Issue: | <p>The Inspector concluded that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property or the locality.</p> | | | | |

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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