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## NOTICE OF MEETING

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# WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 4TH MARCH, 2020**

**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, HELEN PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Head of Governance - Issued: 25/02/2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Fatima Rehman** 01628 796251

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any Declarations of Interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the minutes of the previous meeting.  <u>PLANNING APPLICATIONS (DECISION)</u>  To consider the interim Head of Planning's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by access the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a>  KEY: <b>APP = Approval</b> <b>CLU = Certificate of Lawful Use</b> <b>DD = Defer and Delegate</b> <b>DLA = Defer Legal Agreement</b> <b>PERM = Permit</b> <b>PNR = Prior Approval Not Required</b> <b>REF = Refusal</b> <b>WA = Would Have Approved</b> <b>WR = Would Have Refused</b>	7 - 10
4.	<u>19/01657/FULL - ALL UNITS OFFICES AND BUILDINGS AT SHIRLEY AVENUE WINDSOR</u>  <i>Proposal: Construction of x87 dwellings (Use Class C3), new community centre (Use Class D1) and associated access, servicing, parking and landscaping.</i>  <b>Recommendation:</b> DLA  <b>Applicant:</b> Medina Property Development Ltd  <b>Call-In:</b> N/A  <b>Expiry Date:</b> 30 September 2019	11 - 52
5.	<u>19/03506/FULL - EDGEWORTH HOUSE MILL LANE WINDSOR SL4</u>	53 - 64

5JE

*Proposal: Replacement boundary treatment with vehicular entrance gates and erection of a bin store (Retrospective).*

**Recommendation:** REF

**Applicant:** Mr & Mrs O'Reilly

**Member Call-in:** Cllr Amy Tisi

**Expiry Date:** 05 March 2020

6.

19/03507/LBC - EDGEWORTH HOUSE MILL LANE WINDSOR SL4

65 - 76

5JE

*Proposal: Consent to retain the replacement boundary treatment, vehicular entrance gates and bin store.*

**Recommendation:** REF

**Applicant:** Mr O'Reilly

**Member Call-in:** Cllr Amy Tisi

**Expiry Date:** 05 March 2020

7.

ESSENTIAL MONITORING REPORTS (MONITORING)

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To note the Essential Monitoring reports.

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

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

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

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

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

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

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

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

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

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

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

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

# Agenda Item 3

## WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 5 FEBRUARY 2020

PRESENT: Councillors Christine Bateson, John Bowden (Vice-Chairman), David Cannon (Chairman), Wisdom Da Costa, Jon Davey, Julian Sharpe, David Hilton, Neil Knowles, Shamsul Shelim, Amy Tisi and Karen Davies

Officers: Adam Jackson, Lyndsay Jennings, Shilpa Manek, Harrison Moore and Ashley Smith

### APOLOGIES FOR ABSENCE

No Apologies were received.

### DECLARATIONS OF INTEREST

Councillor Hilton declared a personal interest on items 5 and 7 as his wife was a member of the Parish Council and she was a member of the Planning Committee. Councillor Hilton also declared that he owned a property on the High Street.

Councillor Sharpe declared a personal interest on items 5 and 7 as his wife is the Chairman of Sunninghill & Ascot Parish Council.

Councillor Shelim declared a personal interest as he owned a property on Ascot High Street.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 8<sup>th</sup> January 2020 be approved.**

### 19/01548/FULL - 49 VICTORIA ROAD AND SHEPHERDS HUT 17 AND INCLUDING LAND TO REAR OF 17 ETON WICK ROAD, ETON WICK, WINDSOR

A motion was put forward by Councillor Davey to PERMIT the application as per Officers recommendation. This was seconded by Councillor DaCosta.

**It was Unanimously agreed to Permit the application.**

<b>19/01548/FULL - 49 VICTORIA ROAD AND SHEPHERDS HUT, 17 AND INCLUDING LAND OF 17 ETON WICK ROAD, ETON WICK, WINDSOR (Motion)</b>	
Councillor Christine Bateson	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
Councillor Karen Davies	For
<b>Carried</b>	

19/02535/FULL - OAKLEA, 20A CROMWELL ROAD, ASCOT, SL5 9DG

A motion was put forward by Councillor Hilton to refuse the application, contrary to the Officers recommendation. The reasons were due to bulk, mass, scale, density and footprint of the building. The application fails to respect the Victorian character of the road and the Victorian setting. This was seconded by Councillor Bateson.

A named vote was carried out.

**It was agreed to REFUSE the application.**

<b>19/02535/FULL - OAKLEA, 20A CROMWELL ROAD, ASCOT, SL5 9DG (Motion)</b>	
Councillor Christine Bateson	For
Councillor John Bowden	Against
Councillor David Cannon	Against
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Shamsul Shelim	Against
Councillor Amy Tisi	Against
Councillor Karen Davies	For
<b>Carried</b>	

19/02590/FULL - LAND TO EAST OF ETON COLLEGE SPORTS CENTRE, SLOUGH ROAD, ETON, WINDSOR

A motion was put forward by Councillor Shelim to permit the application as per the Officers recommendation in the panel update. This was seconded by Councillor Bowden.

A named vote was carried out.

**It was Unanimously Agreed to PERMIT the application.**

<b>19/02590/FULL - LAND TO EAST OF ETON COLLEGE SPORTS CENTRE, SLOUGH ROAD, ETON, WINDSOR (Motion)</b>	
Councillor Christine Bateson	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
Councillor Karen Davies	For
<b>Carried</b>	

19/02973/FULL - HOPE TECHNICAL DEVELOPMENTS LTD, HIGH STREET, ASCOT, SL5 7HP

A motion was put forward by Councillor Da Costa to permit application as per Officers recommendation. This was seconded by Councillor Davies.



A named vote was carried out.

It was agreed to PERMIT the application.

<b>19/02973/FULL - HOPE TECHNICAL DEVELOPMENTS LTD, HIGH STREET, ASCOT, SL5 7HP (Motion)</b>	
Councillor Christine Bateson	Abstain
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Julian Sharpe	Against
Councillor David Hilton	Against
Councillor Neil Knowles	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
Councillor Karen Davies	For
<b>Carried</b>	

ESSENTIAL MONITORING REPORTS (MONITORING)

All details in the Essential Monitoring Reports were noted by the Panel.

The meeting, which began at 7.00 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....

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## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### DEVELOPMENT CONTROL PANEL

4 March 2020

Item: 1

<b>Application No.:</b>	19/01657/FULL
<b>Location:</b>	All Units Offices And Buildings At Shirley Avenue Windsor
<b>Proposal:</b>	Construction of x87 dwellings (Use Class C3), new community centre (Use Class D1) and associated access, servicing, parking and landscaping.
<b>Applicant:</b>	Medina Property Development Ltd
<b>Agent:</b>	Lichfields
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

#### 1. SUMMARY

- 1.1 The application is for the construction of 87 dwellings and new community facility on land that is an allocated employment site in the Adopted Local Plan. The site is allocated for employment as a mixed use area within the Borough Local Plan Proposed Modifications version.
- 1.2 A scheme for 89 residential units on this site was dismissed on appeal in December 2018 for the reason that the scheme would result in the loss of a community facility, and it would have adverse impact on protected trees. The principle of the loss of the employment land was considered acceptable in this appeal.
- 1.3 This current application has addressed the concerns in the previous planning appeal, by proposing community floorspace within one of the proposed buildings, and by amending the positioning of some of the proposed buildings to avoid adverse impacts on protected trees.
- 1.4 The layout, scale and appearance of the buildings largely follows that considered under the previous application and appeal.
- 1.5 An updated viability assessment has been submitted and is being reviewed by independent consultants. The report from the consultants will be prepared before the Panel meeting. A Panel Update report will be produced to consider what amount of affordable housing is viable to provide on-site.
- 1.6 It is considered that the previous appeal decision is a material consideration of significant weight to the determination of this planning application which would indicate that the loss of this site for employment land would be acceptable. In addition, the Council is not able to demonstrate a five year housing land supply, and so the 'tilted balance' would be engaged. On the basis that the provision of affordable housing is agreed, it is not considered that there would be significant or demonstrable adverse

impacts arising from the scheme that would outweigh the benefits, which would be the provision of 87 residential units, and the economic benefits arising from the proposal.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission subject to the conditions listed in section 13, with a legal agreement to secure :</b> <ul style="list-style-type: none"> <li>- <b>Affordable housing provision (the number of units will be dependent on the advice received from the Council’s independent consultant reviewing the viability assessment).</b></li> <li>- <b>The provision of the replacement community facility on the site</b></li> <li>- <b>Public open space</b></li> </ul>
2.	<b>To refuse planning permission if a legal agreement to secure an appropriate number of affordable units and replacement community facility has not been satisfactorily completed, for the reason that the scheme would conflict with policies H3 and CF1 of the Adopted Local Plan, and paragraph 92 of the NPPF.</b>

## **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 forms the south-eastern part of the Shirley Avenue - Vale Road Industrial Area, which is a protected employment site in the Adopted Local Plan. It consists of six buildings which are located to either side of Shirley Avenue. The eastern boundary of the application site is shared with the Clewer Memorial Recreation Ground and the southern boundary with residential properties at 52 Vale Road and 36 - 60 East Crescent (even number range). To the north of the site and also within the designated employment area, there is a medical centre on the Vale Road frontage. On the opposite side of Vale Road there are residential flats, which are three stories high adjacent to the street frontage (four storeys to the rear of this development), and the Sandown Park Care Home which is largely three-storeys in height but rises to four storeys towards the corner of Hanover Way, directly opposite the junction of Shirley Avenue with Vale Road. A more recently constructed building in the area (which is to the west of Sandown Park Care home) is a five storey building known as Bodley Quarter.
- 3.2 The buildings on the application site are in a mix of commercial uses. The only business operating on this site is the Medina Dairy. One building within the group, Technor House, has a D1 community use.
- 3.3 According to the Environment Agency Flood Map for Planning, the site is situated in flood zone 2 (medium risk of flooding). There are on and off-site trees to the east of the site (within Clewer Memorial Recreation Ground) which are protected, and to the south of the application site is a tree (hornbeam) subject to a Tree Preservation Order.

## **4. KEY CONSTRAINTS**

- Flood zone

- Loss of employment land on an allocated employment site
- Impact on Protected trees
- Community Facility

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

5.1 The application site measures circa 1 hectare. The proposal is to demolish the existing buildings at the site and construct six residential blocks consisting of 87 flats, with a community centre (D1 planning use class) accommodated in one of the blocks. The buildings would be arranged along both sides of Shirley Avenue, extending from the Vale Road frontage towards the site's eastern boundary with Clewer Memorial Recreation Ground.

5.2 During the course of this planning application, amended plans were received so that buildings B1 and B2 (the terraces of dwellinghouses) were removed, and one building to accommodate flats is proposed instead. Minor changes were also made to the positioning of blocks C and D to improve the relationship of these buildings with protected trees located to the east. These amended plans were re-consulted upon.

5.3 On the south side of Shirley Avenue and the public footpath to the Memorial Recreation Ground:

- Building A would be three-storey located in approximately the same position as the former Howden's joinery building, providing twelve flats (6 x 1-bedroom and 6 x 2-bedroom). This would be located to the north of the closest existing residential neighbour, 52 Vale Road. The building would have a height of around 10.5 metres.
- Building Block B would accommodate 11 flats (6x 1 bedroom and 5 x 2 bedroom flats). This building would be located in the approximate position of the existing Technor House, and is situated to the north of East Crescent. The building would be part 2, part 3 storeys in height. The three storey part of the building would have a height of around 9.9 metres, and the two storey part of the building (closer to the boundaries of the properties on East Crescent) would have a height of around 6.8 metres.
- Building C would be located at the south-eastern corner of the site, towards the Clewer Memorial Ground boundary. The proposed building would be part three, part four storeys in height, with a maximum height of around 13 metres. It would accommodate 16 flats (9x 1 bedroom and 7 x 2 bedroom flats).

5.4 On the north side of Shirley Avenue and the public footpath to the Memorial Recreation Ground:

- Building D would accommodate 4 x 1 bedroom, 12 x 2-bedroom and 5 x 3-bedroom flats over five storeys of accommodation (with a maximum height of 17 metres). Building D would be located directly north of Building C and to the north of the public footpath, in approximately the same location as the former premises of Windsor Vehicle Leasing. The closest residential neighbours are to the north on a recently constructed residential scheme (granted under planning reference 16/02737/FULL, with subsequent variation applications). This scheme was largely constructed during the officer site visit.

- Building E would be further westwards on part of the existing Medina Dairy site. The building would be 5 storeys, accommodating 4 x 1 bed flats and 15x 2-bedroom flats and would have a height of around 16.8 metres.
  - Building F would be located adjacent to the Vale Road frontage of the site, also on part of the existing Medina Dairy site. This 4 storey building would accommodate 4 x 2-bedroom and 4 x 1-bedroom flats and would have a height of around 13 metres. The community space, and its associated car parking and cycle store and bin store would be provided on the ground floor and first floor level of this building.
- 5.5 The proposed materials would be two tones of a “yellow” stock brick, the darker option providing a base to the building and to pick out selected details areas, but in the main the upper parts of the buildings would be the lighter brick. The areas where balconies, soffits and window “picture framing”, are likely to be a warm grey metal pressing
- 5.6 Within the scheme, between blocks E and D is an area of open space, with play equipment indicated.
- 5.7 118 car parking spaces, and 87 cycle spaces would be provided on site for the residential parts of the scheme. Car parking and cycle storage would be provided at surface level, and also within the basement levels of Blocks D and E.
- 5.8 For the community uses 17 car parking spaces and 6 cycle spaces would be provided.
- 5.9 The main vehicular access to the site would be off Shirley Avenue. A secondary vehicular access to serve the proposed car parking for the community centre is proposed to the northern part of the site off Vale Road, where a dropped kerb already exists.

Reference	Description	Decision
15/03465/FULL	Erection of residential development of 93 dwellings including 2 x 2 bed, 4 x 3 bed houses, 25 x 1 bed, 57 x 2 bed and 5 x 3 bed flats, refuse and cycle stores, with new road and pavements/cycleways with parking (surface and underground) and amenity space, hard and soft landscaping, ancillary works following demolition of all existing commercial buildings.	Refused on the 2 <sup>nd</sup> August 2016.
17/00482/FULL	Construction of a residential development comprising (Building A) a three storey block containing 7 x 1-bed, 5 x 2-bed flats, (Buildings B1 and B2) two terraces of 3 x 3-bed dwellings, (Building C) a part three/part four storey block containing 9 x 1 bed,	Refused on the 23 <sup>rd</sup> June 2017, and dismissed on planning appeal on the 6 <sup>th</sup> December 2018 on the grounds of the loss of the community facility,

	7 x 2-bed flats, (Building D) a part four/part five storey building containing 16 x 2 bed, 5 x 3-bed flats, (Building E) a part four/part five storey building containing 4 x 1-bed, 15 x 2-bed flats, (Block F) a four storey building containing 7 x 1-bed and 8 x 2-bed flats. Refuse and cycle stores, new road and pavements/cycleways with parking (surface and underground) and amenity/play space, hard and soft landscaping, ancillary works following demolition of existing commercial buildings.	and the impact on trees.
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The properties within the application site have the following relevant planning history:

Technor House:

Ref.	Description	Decision and Date
Reference	Description	Decision and Date
05/00759/COU	Change of Use of premises to Islamic education and community facility with a prayer room	Allowed on appeal on 22.11.2006
08/00908/VAR	Use as an Islamic education and community facility with a prayer room with variation of Condition 3 of appeal permission 05/00759 so that generated noise shall not exceed the background noise level by more than 5dB	Permitted, 14.07.2008

Depot on corner with Vale Road:

04/84801/COU	Change of use from warehouse and offices to children's play area (D2)	Refused, 10.03.2004
04/85471/COU	Change of use from warehouse and offices to children's play area (D2). Resubmission of 04/84801	Refused, 17.08.2004
04/01234/COU	Change of use of premises from B8 (warehouse and office) to D2 (Children's adventure play centre).	Refused, 30.11.2004

Howdens Joinery Ltd, Unit 1:

14/00652/DEM	Demolition of the Joinery showroom workshop and stores, two storey to Vale Road with rear single storey storage area off Shirley Avenue	Prior approval not required, 13.03.2014
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## 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	DG1, H10,H11
Highways	P4 and T5
Trees	N6, DG1
Affordable Housing	H3
Employment site	E2, E5
Aircraft noise	NAP2
Community Facility	CF1
Provision of open space	R4, R5
Flood Risk	F1

These policies can be found at

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

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

Section 2- Achieving Sustainable Development

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 6- Building a strong, competitive economy

Section 8- Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

### **Borough Local Plan: Submission Version Incorporating proposed changes**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP3
Sustainable Transport	IF2
Trees	NR3
Flood Risk	NR1
Affordable Housing	HO3
Housing mix	HO2
Protected Employment site	ED2, ED3

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.



7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

7.3 These documents can be found at:  
<https://www3.rbwm.gov.uk/blp>

**Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

**Other Local Strategies or Publications**

7.4 Other Strategies or publications material to the proposal are:

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

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

47 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application and the application was advertised in the Local Press on. Neighbours and contributors were also sent letters. This publicity covered the amended description of the scheme.

1 letters were received supporting the application, summarised as:

	Comment	Where in the report this is considered
1.	Scheme makes an important housing contribution in the area.	Section 11.
2.	The community centre which could support an increase in religious diversity would be a benefit.	9.14-9.18
3.	The Dedworth area of Windsor is in need of regeneration, and this scheme would partially help achieve this.	Noted.

**Statutory consultees**

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Should the Local Planning Authority be minded to grant planning permission, that a suitably worded pre-commencement (excluding demolition) condition be imposed requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements	9.11
Environment Agency	Has no objection provided conditions are imposed in relation to contaminated land (so as to prevent contamination of groundwater). The EA refer the LPA to their standing advice in relation to flood risk, as this is more vulnerable development located in flood zone 2.	See recommended condition.

### Consultees

Consultee	Comment	Where in the report this is considered
Council's Ecologist	Recommends a condition is imposed to secure a copy of the European Protected Species Licence issued by Natural England is provided to the LPA.  Also recommended a condition for a lighting strategy to be submitted to the LPA for approval to ensure it is sensitive to bats.  Recommends a condition to secure biodiversity net gains.	9.42-9.46
Highway Authority	No objections, subject to conditions being imposed.	9.31-9.36
Berkshire Archaeology	Raise no objection.	Noted.
Emergency Planner	Objects if there in the absence of an evacuation plan.	9.13
Environmental Protection	No objections, provided conditions relating to: -contaminated land -insulation against aircraft noise - construction environment management plan - plant - lighting  are imposed.  Comment that the impact on Air Quality is considered to be acceptable.	See recommended conditions.

### Others

Group	Comment	Where in the report this is considered
RBWM Access Advisory Forum	The homes will be built to lifetime home standards. It will provide much needed accessible homes in the borough.	Noted.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i whether the use of the site for housing would harm the industrial land supply within the borough and the local economy

ii Flood Risk

iii Community Facility

iv Design and layout, including impact on trees

v Residential Amenity (for future and neighbouring occupiers).

vi Transport

vii Affordable Housing

viii Contaminated land

ix Ecology

x Other considerations

xi Planning Balance and conclusion

**whether the use of the site for housing would harm the industrial land supply within the borough and the local economy**

9.2 Planning application 17/00482/FULL was refused on the basis that the scheme would result in the loss of an allocated employment site within the Adopted Local Plan, and it had not been demonstrated that the loss of this site to the alternative use of housing would not harm the industrial land supply within the Borough and the local economy.

9.3 This scheme then went to planning appeal, where the Inspector dismissed the scheme, but not on the grounds of loss of the employment land. The Inspector in their decision commented that:

***‘At my site inspection I found all the existing buildings to be tired and past their best; even those still in use by occupiers who have expressed a desire to stay. It seems to me that the buildings are not modern, thermally efficient or likely be attractive to new incoming occupiers once existing tenants depart. The summary of Mr Thomas, states that there is limited interest in the empty***

***premises, despite marketing; I am not surprised by this. While it is true that flexible modern premises could be redeveloped here, I suspect interest is likely to be limited because of the proximity to residential uses all around. I am also mindful of the busy pedestrian route right through the middle of the site, east-west, connecting to Clewer Park. I saw this locality at the end of a school day and it is extremely well-used; this does not seem to me an ideal mix, of young pedestrians and commercial traffic.*** They further commented that ***'while I accept the Borough's evidence that there is a demand for employment floor-space, I do not find the appeal site is or would be the best place'***

- 9.4 The Inspector in their decision also took into account that the land was allocated for mixed use, to include employment floor space in the emerging Borough Local Plan. The Inspector concluded that the use of the site for housing would not significantly affect the supply of industrial land supply within the Borough and the local economy and that the Council's policies would not be materially harmed by the proposal. The appeal decision is a material consideration of significant weight to the determination of this planning application. A copy of the appeal decision can be found at Appendix D.

### **Flood Risk**

- 9.5 According to the Environment Agency's flood map for planning, the site is situated in flood zone 2 (medium risk flooding).
- 9.6 Policy F1 of the Adopted Local Plan relates to flood risk. The key objectives of Policy F1 do not conflict with those of the National Planning Policy Framework on flood risk, although the policy criteria do not fully reflect the Sequential and Exception Tests or acknowledge the impacts of climate change. As such, Policy F1 is given weight, but not full weight.
- 9.7 The NPPF and NPPG are material considerations of significant weight to the determination of this application. This National guidance requires the application of the Sequential Test (this aims to steer new development to areas with the lowest risk of flooding). In this case, a site located within flood zone 1 would be sequentially preferable to locate the development.
- 9.8 The application is accompanied by a flood risk Sequential Test, which was updated during the course of the application to consider the 2019 HELAA. At the time of writing, the Local Planning Authority is not aware of a reasonably available site at a lower risk of flooding that could accommodate a similar quantum of development, including the community facility within the Borough. In addition, owing to the requirement to re-provide a community facility within the Windsor area (to serve a local need), a site would need to be provided within a suitable catchment area of Windsor. It is considered that the Sequential Test is passed. The Exceptions Test is not required as the site is within flood zone 2.
- 9.9 Paragraph 163 of the NPPF sets out that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 9.10 In relation to point (a) all of the site is situated in flood zone 2 (medium risk flooding), and so there is nowhere sequentially preferable on the site to locate the more vulnerable (residential) development. With regard to point (b), the Flood Risk Assessment identified the flood resilient and resistance measures as being raising the internal floor levels of the proposed building 30 cm above the external ground level of the site (condition 27 would secure this). The Environment Agency Standing advice sets out that ground floor levels should be a minimum of whichever is higher of 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level. The 2019 flood model was released by the Environment Agency in January 2020 and so the applicant has been asked to confirm that the proposed finished floor levels set at 30 cm above the ground level would be acceptable taking into account this new flood data. This will be addressed in the Panel Update.
- 9.11 With regard to the Sustainable Drainage system, a surface water sewer network runs through and it proposed that surface water will connect to this. The Sustainable Drainage Strategy is to reduce the impermeable surface on the site (most of the existing is covered in impermeable surfacing), and replace it with permeable surfacing. The permeable surfacing would be provided on the surface car parking areas which would allow surface water run off to drain through. The Lead Local Flood Authority has identified some conflicts between the Sustainable Drainage Strategy and hard landscaping plan, and so it is recommend that a condition is imposed so that the final detailed Sustainable Drainage Strategy is submitted to and approved by the LPA (see condition 7).
- 9.12 With regard to residual flood risk, the FRA sets out that the River Thames is a slow-responding catchment, and that major flood events in the past have been anticipated, and mitigation measures implemented, days to weeks in advance. Therefore, in the event of an extreme flood with the potential to reach the site, residents would receive a substantial warning period to arrange evacuation. As such, the residual risk is considered to be low.
- 9.13 With regard to a safe access route in a flood event. The site is entirely situated in flood zone 2 (medium risk flooding). Just south the application site, on Vale Road, the land is situated in flood zone 1 (low risk flooding). As such, it is considered that low hazard escape routes not at risk from flooding are available from the site through to Windsor Town centre or facilities in Dedworth which are outside of the floodplain.

### **Community Facility**

- 9.14 Technor House has an existing community use. Local Plan policy CF1 provides that the Council will not allow the loss of community facilities to occur unless it can be demonstrated that the facility is no longer needed, or the facility is provided elsewhere. Policy CF1 is broadly in line with the NPPF, and so is given great weight.
- 9.15 A large upper floor of Technor House is in use as a prayer room, and the Inspector in the previous appeal decision acknowledged that this community facility was of

importance, and its loss would conflict with the requirements of the NPPF and Policy CF1 of the Adopted Local Plan.

9.16 In this current scheme, community space would be provided within the ground and first floor of building F, which would comprise:

- 13x17 metre community hall
- Kitchen
- 2 changing rooms
- Toilets
- Ancillary office
- Car and cycle parking

9.17 The agent has provided floor plans showing the floorspace within Technor House which is used for community use. This building has around 533.5 square metres of floorspace that is in community use.

9.18 Block F would provide around 490 square metres of floorspace for community use (excluding the car parking area) across the ground and first floor level of the building. This is considered to be a reasonable amount of floorspace to re-provide for the existing community floorspace in Technor House that is to be lost as a result of this scheme, as it would provide an improved and more efficient layout for the community use compared to the existing space. This replacement community facility is required in order to make the development acceptable. The re-provision of the community facility needs to be secured through the legal agreement.

#### **Design and layout, including impact on trees**

9.19 The proposal is for relatively large scale buildings that are bigger in scale than the residential development to the north and south of the application site. However, there are larger scale buildings present within the local area and within the vicinity of the site, as described in section 3 of this report. The larger scale buildings in this scheme are located to the rear (eastern part of the site), with the smaller scale buildings fronting Vale Road, which are more in keeping with the scale of buildings on the opposite side of Vale Road.

9.20 The scale of the proposed buildings in this scheme is largely similar to the previously refused scheme, and the scale and design of the buildings were deemed to be acceptable. The previous decision is a material consideration of significant weight to the determination of this planning application when considering the acceptability of the design of the scheme. Two tones of a yellow stock brick are likely to be acceptable within this area, as yellow stock is present in the area. Condition 2 is recommended so that samples of the brick can be viewed on site, to ensure that the brick proposed is acceptable in the context of this area.

9.21 The proposed scheme also maximises the use of a brownfield site within a fairly sustainable location, which is encouraged by National Planning policy. With regard to the mix of housing types, although the site now contains only flats and no family dwellings, the site to north (recently constructed) has a much lower density development and provides 14 dwelling houses, as such, it is not considered vital for this application to provide dwelling houses.

- 9.22 Adopted Local Plan Policy R3 of the Local Plan requires public open space to be provided in new residential schemes of a certain size. As this site measures 1 hectare, Policy R3 requires 15% of the site to be open space. This scheme does provide public open space, and a local area of play within the development, however, the size of this open space falls short of the space required by Adopted Local Plan Policy. However, the standard set out in policy R3 is not in accordance with National Guidance, which is more recent, and so policy R3 is given reduced weight. The area of open space proposed is the same as in the previously refused scheme, which is a material consideration of significant weight. In addition, the application site is located next to a large recreation ground which future occupiers of the flats would have easy access to.
- 9.23 One of the reasons that the previous scheme was dismissed on appeal was over the impact on protected trees along the eastern boundary of the site (within the application site and within the adjacent recreation ground) and an off-site protected hornbeam tree to the south of the application site. The buildings proposed in the eastern part of the application site are now sited further away from the protected trees on the eastern boundary compared to the previously refused scheme. Blocks C and D would be located outside of the Root Protection Area of these trees (which is a change from the previously refused scheme). Although it's not desirable to have balconies on the eastern elevations of Blocks C and D facing these trees, because of the pressure to prune trees that may arise from future occupiers, it is not considered that the relationship is unacceptable to warrant refusal on this ground.
- 9.24 Proposed building B is for one block of flats. In the previously refused scheme, there were two buildings arranged in a row of terraces in the location of where block B is now proposed, and the Inspector found that this would have an unacceptable impact on the off-site protected tree, owing to the poor relationship the proposed dwelling and its garden would have with this tree and also as the proposed building would have made an incursion into the Root Protection Area of this tree. The proposed building in this scheme is moved away from this off-site protected tree so that it does not make an incursion into the Root Protection Area, and the building has an improved relationship with this tree. Car parking associated with this block of flats that comes in the Root Protection Area will be laid out in a no-dig construction to limit harm within the Root Protection Area. As such, subject to planning conditions (see condition 11), the impact on protected trees is considered to be acceptable.
- 9.25 Hard and soft landscaping plans have been submitted. Some of the proposed trees are sited in very close proximity to the buildings and may not be sustainable in the long term, however, it is considered an acceptable hard and soft landscaping scheme could be provided. Condition 12 would secure details of hard and soft landscaping.

### **Residential Amenity (for future and neighbouring occupiers)**

#### **Building A**

- 9.26 The neighbouring building most impacted by this building is number 52 Vale Road. However, the scale and siting of building A follows that which was considered on the previous application and appeal, and was deemed acceptable in terms of impact on neighbouring residential amenity. Many of the windows on this elevation are of a high level type, or are shown to be obscurely glazed, and so the impact on number 52 and its rear garden is considered to be acceptable. The bathroom windows in the southern elevation of Block A at first and second floor levels could provide views in to the rear garden of 52, and so condition 21 is recommended for these windows to be obscurely glazed with a top-opening.

### Buildings B

- 9.27 Building B has been designed to step down towards the East Crescent boundaries, and are not considered to have an unacceptable impact on the properties on East Crescent which abut this part of the site. There are first floor windows in the southern elevations of this proposed building, however the rear gardens to the properties on East Crescent are deep (in excess of 25 metres), and so it is not considered that there would be unacceptable levels of overlooking to these properties, or that it would be unduly overbearing. A condition is recommended for the first floor windows in the southern elevation (serving the en-suite bathroom) at first floor level to be obscurely glazed. (see condition 23).

### Building C

- 9.28 The height to the highest part of this building is circa 13 metres. The section of the building that would be closest to the rear boundaries of numbers 38 and 40 East Crescent would be 3 storeys in height, with a height of circa 9.8 metres. Given the depth of the gardens to numbers 38 and 40, it is not considered that the proposed building would be overbearing or result in unacceptable levels of overlooking to these properties. The scale of this building follows that in the previous application which was deemed to be acceptable. A condition is recommended to secure the en-suite bathrooms at first and second floor level to be obscurely glazed. (see condition 24).

### Building D

- 9.29 Building D would be a part-three, part-four and part-five storey building. The proposed building would be next to a site which benefits from planning permission for 14 dwellings (the site is to the north of the application site). This neighbouring development was nearing completion when the officer undertook a site visit. Building D would have the greatest impact on this neighbouring site. The building would face the dwelling and rear garden of the plot known as 11 Kingsbury Mews.
- 9.30 The fenestration in the northern elevation of the proposed building has been designed to reduce levels of overlooking to the neighbouring site, with most of the windows proposed being a high level type. The building would be located between 5 and 6 metres off the boundary with the rear garden of number 11, and the part of the building closest to this neighbouring plot would be 3 to 4 storeys in height. The relationship of Building D with this plot was considered within the previously refused application, and on balance was considered to be acceptable. It is recommended that the secondary windows serving the living areas in the northern elevation at first and second floor level are conditioned to be obscurely glazed to avoid overlooking to the garden. (see condition 25).
- 9.31 Balconies are proposed in the north-eastern part of the building at first and second floor level. It is recommended that a condition is imposed to ensure a privacy screen is erected on the northern boundary of these balconies. (see condition 26).

### Building E and F

- 9.32 Buildings E and F would be sited next to commercial properties to the north, therefore there would not be unacceptable impact on neighbouring residential amenity from these proposed buildings.

### **Transport**



- 9.33 Policies T5 and P4 of the Adopted Local Plan are of relevance. Policy T5 relates to the Council's highway design guide is of relevance and is broadly in accordance with the NPPF. Policy P4 refers to the Council's Parking standards, however, the Council's Parking standards refers to maximum parking standards, and this is not in accordance with paragraph 106 of the NPPF which sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. As such Policy P4 of the Local Plan is not given full weight.
- 9.34 In terms of traffic, the proposed scheme would result in a reduction in traffic when compared to that on the existing site (if the existing site was operating at full capacity). As such, the impact of the proposed development on traffic movements is considered to be acceptable.
- 9.35 The scheme proposes 33 x 1 bedroom flats, 49 x 2 bedroom flats and 5 x 3 bedroom flats. A parking ratio of, 1 car parking space per 1 bedroom flat, 1.5 car parking spaces 2 bedroom flat, and 2 car parking spaces per 3 bedroom flat have been applied, which means a total 118 car parking spaces would be provided. This car parking ratio was accepted in the previously refused planning application, as this location although not a sustainable location according to the Council's Parking Strategy is located near services and shops, and also near bus stops making it a fairly well connected site. The scheme would provide for 87 cycle parking spaces. Cycle storage is shown to be provided in cycle stores at surface level and within the basements of the buildings. This cycle provision is considered to be acceptable. Details of the surface level cycle stores should be secured by planning condition. Cross sections showing the cycle parking at the basement level will need to be provided to ensure the cycle stores would be accessible. (see condition 18)
- 9.36 The Council's Parking Strategy requires that 1 parking space per 30 square metres of community floorspace is provided. For this scheme 17 car parking spaces would be required in order to accord with the Council's Parking Strategy. The scheme proposes 17 car parking spaces to be provided for the community centre use, and 6 secure cycle parking bays to be provided, which is considered to be acceptable.
- 9.37 The number and size of the bin stores is considered to be acceptable. A condition is recommended to get elevations of the surface level bin stores. (see condition 19).
- 9.38 Cross-sections of the ramps to the basements in blocks D and E would need to be provided to ensure the ramps are an acceptable gradient. It is considered that this detail could be secured by planning condition (see condition 21). The scheme is considered to be acceptable on transport grounds.

### **Affordable Housing**

- 9.39 Policy H3 of the Adopted Local Plan sets out that for residential development sites of 0.5 ha or more in area, and / or those that would result in a net increase of 15 units or more, should provide a proportion of affordable housing on site. The Affordable Housing Planning Guidance sets out that 30% of the units should be affordable. Policy H3 is considered to be broadly in accordance with the requirements of the NPPF.
- 9.40 The Inspector in the previously refused scheme considered that 9 units would be acceptable based on the viability assessment that was submitted by the appellant. As the viability assessment for the planning appeal was undertaken in August 2018, and the nature of the scheme is different to what the Inspector previously considered, the

applicant has provided an update to the viability assessment that was undertaken in 2018 to relate to the development proposed in this application.

- 9.41 A viability assessment has been submitted with this application, and this is being reviewed by an independent consultant. The position of the affordable housing provision will be reported in the Panel Update report.

### **Contaminated land**

- 9.42 Given the previous uses on the site, including the use as a vehicle repair and workshop, it is considered necessary for a contaminated land assessment, and relevant remediation strategy to be undertaken (see condition 3). In addition the site is within the flood plain for the River Thames and there is likely to be groundwater in the Principal Aquifer, groundwater quality should be protected from any mobilisation of contaminants during development, and so conditions 4-6 are recommended to ensure that this is achieved.

### **Ecology**

- 9.43 The Ecology report concluded that the buildings on site were unlikely to support roosting bats. As evidence of roosting bats was recorded during the 2015 surveys, the applicant's ecologist has concluded that one of the buildings is likely to be a day roost maintenance of the population of bats on site. These include details of a roost boxes
- 9.44 The licensing process for development affecting bats is separate and distinct from planning permission but the Local Planning Authority has statutory obligations under the Habitat Regulations to consider it. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to meet the three tests of the Habitat Regulations) and that a licence is likely to be obtained from Natural England before they can issue planning permission.
- 9.45 The applicant's ecologist has provided details of mitigation measures to ensure the building with the bat roost by hand under the supervision of a licenced bat ecologist, for temporary use during development, the soft strip of the roosting features within used occasionally by single or low numbers of pipistrelle species bats. installation of bat tubes or bat access points within the proposed new buildings, use of bitumen felt within the buildings, and a sensitive lighting strategy. These mitigation and compensation measures will be detailed within a method statement to accompany a European Protected Species licence (EPSL) prior to the commencement of works. Therefore, it is likely that the development proposals will not have a detrimental effect to the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed. A condition is recommended to obtain a copy of the licence to be obtained from Natural England. The applicant's ecologist recommends measures as to how lighting could be designed to be sensitive, however, the proposed lighting strategy will be secured by planning condition. (see conditions 12 and 15).
- 9.46 Paragraph 175 of the NPPF sets out that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The applicant sets potential ways to secure biodiversity gains, such as the inclusion of native plant species of local provenance and/or plant species of known wildlife benefit, e.g. as nectar sources for invertebrates, within any proposed landscaping scheme, and the installation of purpose built bird nesting boxes and/or bat roosting boxes within the fabric of the new

buildings. This part of Windsor has a presence of hedgehogs. There has been a National decline in hedgehog numbers, and it is considered if new fencing is to be erected it should be designed to have suitably sized gaps along the base to allow hedgehogs to travel, this is another biodiversity enhancement that could be secured. The biodiversity measures to be used can be secured by planning condition (see condition 14).

- 9.47 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of saprxylic invertebrates, and fungal assemblages. The Natural 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on the features of significance of Windsor Forest and Great Park, due to the distance of the proposal from the SAC and therefore an appropriate assessment is not required.

#### Other considerations

- 9.48 The agent has advised that the applicant would provide 2 electric vehicle charging points per parking area. Paragraph 110 of the NPPF which sets out that applications should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Condition 16 would secure details of the parking bays to have the electric vehicle charging points.

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

- 10.1 The development is CIL liable.

### **11. PLANNING BALANCE AND CONCLUSION**

- 11.1 The scheme would result in the loss of employment land on an allocated employment site which is in conflict with Policy E5 of the Local Plan. However, the Inspectors conclusions from the previous appeal scheme were that the loss of this employment site would not significantly effect the industrial land supply within the Borough & the local economy, and that the objectives of the Council's policies would not be materially

harmed by the proposal is a material consideration to outweigh the conflict with Policy E5 of the Adopted Local Plan.

- 11.2 The scheme is considered to be of an acceptable design, have an acceptable impact on protected trees, and have an acceptable impact on neighbouring residential amenity. The scheme is also considered to have an acceptable impact on transport grounds. The scheme would re-provide the community facility within the development scheme, in compliance with CF1. The scheme is also considered to have an acceptable impact on drainage and ecology (subject to planning conditions being imposed).
- 11.3 The scheme is considered to comply with Policy F1 of the Local Plan, and with the requirements of the NPPF in respect of flood risk.
- 11.4 On the basis that the affordable housing provision is accepted by the independent viability consultant, then the scheme would not conflict with Policy H3 of the Adopted Local Plan or the requirements of the NPPF in this respect.
- 11.5 The only Local Plan policy that the scheme would conflict with is Policy E5, however, it is considered that the conflict with this policy is outweighed by the previous appeal decision which is a material consideration of significant weight.
- 11.6 As the Council cannot demonstrate a 5 year housing land supply, the application must also be assessed under paragraphs 10 and 11 of the NPPF (the tilted balance).
- 11.7 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.*
- 11.8 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..).'*
- 11.9 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).
- 11.10 This scheme would provide 87 residential units which would make a fairly significant contribution to the Council's 5 year housing land supply and this weighs in favour of this proposal. The scheme also makes efficient use of a brownfield site which the NPPF sets out that substantial weight should be given to the value of using suitable brownfield land.

11.11 Paragraph 120 of the NPPF sets out that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

11.12 Given the fact the Council cannot demonstrate a five year housing land supply and there is a local need to provide more housing, it is considered that the scheme would meet paragraph 120 of the NPPF.

11.13 In conclusion, the scheme conflicts with Policy E5 of the Adopted Local Plan, however, the previous appeal decision is considered to be a material consideration which outweighs this conflict with this Policy , and when assessed against the NPPF, the benefits of the scheme, which includes the provision of 87 residential units and job creation during the construction period would outweigh the disadvantages of the scheme, which is the loss of employment land, and so the application is recommended for approval.

## 12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Elevations
- Appendix D – Appeal decision for planning application 17/00482
- Appendix E- Site layout plan considered under planning application 17/00482

## 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 Samples of the;

(a) Bricks and other materials to be used in the construction of the walls

(b) Roofing materials, including guttering and drainpipes,

(c) Doors, windows and other external joinery, and balconies to be used on the buildings shall be displayed on site and approved in writing prior to the first use of the relevant material. 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 Policies - Local

Plan DG1

3 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;
- as assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, adjoining land,
  - groundwater 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, 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 condition needs to be pre-commencement, as potential contamination needs to be identified before development commences.

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.

- 4 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 5 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy as required by condition 4 and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 6 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 7 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, locations, gradients, invert levels, cover levels and relevant construction details.
  - Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, and the attenuation volumes to be provided.
  - Details of the maintenance arrangements 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.
- 8 Prior to the construction of the buildings hereby approved, 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, shall be submitted to and approved in writing by the Local Planning Authority. Sound insulation measures should be incorporated to keep internal levels below LAeq (16h) 40Db, in accordance with Local Plan Policy NAP2, subsection 2.5.4, or alternative level as agreed by the LPA. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained. 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 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. This condition needs to be pre-commencement, so that details of how construction traffic will be managed is agreed before the development commences.
- 10 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Environmental Protection Team
    - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site



must only take place within the permitted hours detailed above.

-Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

-Procedures for emergency deviation of the agreed working hours.

-Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

-Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 11 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

Nothing shall be stored or placed in any fenced area (construction exclusion zone) in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6. Tree protection measures need to be submitted and approved and in place before development commences.

- 12 Prior to any development above ground finished floor level of the buildings hereby approved, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before the completion of the development, and the soft landscape works shall be undertaken in the first available planting season following completion of the development. The development shall be retained thereafter in accordance with the approved details.

Hard landscaping - These details shall include a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of means of enclosures, ; vehicular and pedestrian access; hard surfaces (e.g. driveways, car parking, footpaths, patios,)

Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off-site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.

B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off-site trees, and other operations associated with, tree/shrub/ hedge/plant establishment.

If within a period of five years from the date of planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its

- written consent to any variation.
- Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 13 The demolition of the existing building or any development/works which may cause disturbance to the roosts within the site shall not commence unless the local planning authority has been provided with a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead. The development shall hereafter be carried out in accordance with the approved details within the EPSL.
- Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, as amended and the NPPF.
- 14 Prior to the construction of the buildings hereby approved, details of the locations and specifications of biodiversity enhancements shall be submitted and approved in writing by the council. Details of how the new fencing on the northern and southern boundary of the site will be designed to be sensitive to hedgehogs shall be provided. The biodiversity enhancements shall be installed as agreed.
- Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 15 Prior to the installation of any new external lighting, details of the lighting strategy which is suitable for the ecological sensitivity of the site shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.
- Reason: To ensure the lighting is suitable for the ecological sensitivity of the site.
- 16 No part of a block (as labelled on drawing 1103 Revision E) shall be occupied until the vehicle parking and turning spaces to be used in association with the relevant block, as shown on the drawing 1103 Revision E (including the basement car parking shown on drawings 1207 Revision B and drawing 1205 Revision A) 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.
- 17 No part of the development shall be occupied until details of the electric vehicle charging parking spaces have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The spaces approved shall be retained as electric charging points in perpetuity.
- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1
- 18 No part of a block (as labelled on drawing 1103 Revision E) shall be occupied until covered and secure cycle parking facilities to be used in association with the relevant block (including elevations of cycle stores, and the internal arrangement, and plans showing cross sections of the basement levels) have been provided in accordance with details ( ) have 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
- 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
- 19 No part of a block (as labelled on drawing 1103 Revision E) shall be occupied until

elevations of the refuse and recycling storage areas to be used in association with the relevant block have been submitted to and approved in writing by the Local Planning Authority. These refuse and recycling areas as shown on the approved plans 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.

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.

20 Prior to the erection of the gates across the vehicular access to the community facility, elevations of the gate shall be submitted to and approved in writing by the LPA. The gates shall be constructed in accordance with these approved details.

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

21 Cross-section of the access to include the gradient along the ramp to the basement levels of Blocks D and E shall be submitted to and approved in writing by the LPA, before construction of the blocks D and E. The design of the ramps shall accord with IStructE guidelines. The ramps shall be constructed in accordance with the approved details.

Reason: To ensure the ramps are of an acceptable gradient for vehicles to use.

22 The window(s) at first and second floor level in the southern elevation(s) of Block A, serving the bathrooms shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

23 The first floor level window(s) in the southern elevation(s) of Block B serving the en-suite bathroom shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

24 The first and second floor level window(s) in the southern elevation(s) of Block C serving the en-suite bathrooms shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

25 The first and second floor level window(s) in the north elevation(s) of Block D serving the living room shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered. The window at fourth floor level in the northern elevation serving the bathroom shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

26 A privacy screen at a height of 1.7 metres shall be provided on the northern boundary of the balconies to be provided on the north-eastern part of Block D at first and second floor level before the occupation of Block D. The details of the privacy screen shall have first been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be constructed in accordance with the approved details, retained in perpetuity.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

27 Notwithstanding the 2 metre high fencing proposed on the northern and southern

boundary of the application site, and the proposed gate into the across the vehicular access to the community centre, irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.

28 The ground floor finished floor level of the buildings hereby approved shall be set 300mm above the average external ground level of the site.

Reason: So that the buildings are designed to be flood resilient.

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

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

## Appendix A- Site location plan





# Building B



BUILDING B - NORTH ELEVATION



BUILDING B - EAST ELEVATION



BUILDING B - SOUTH ELEVATION



BUILDING B - WEST ELEVATION

# Building C



BUILDING C - NORTH ELEVATION



BUILDING C - EAST ELEVATION



BUILDING C - SOUTH ELEVATION



BUILDING C - WEST ELEVATION



Building D

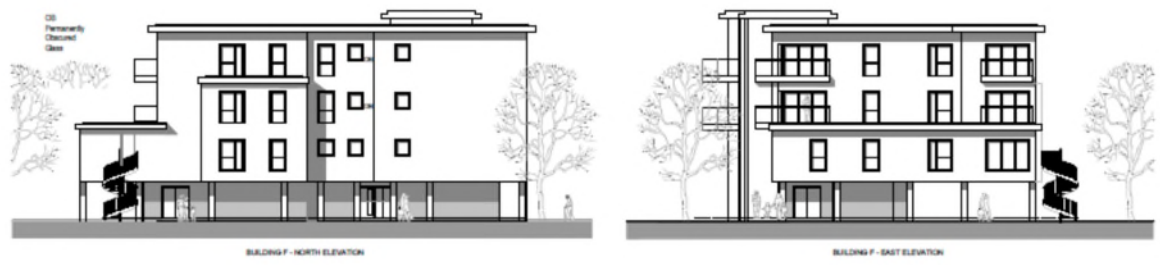


Building E





Building F



## Appeal Decision

Hearing Held on 18 September 2018

Site visit made on 18 September 2018

**by G D Grindey MSc MRTPI Tech. Cert. Arb**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 December 2018**

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**Appeal Ref: APP/T0355/W/17/3187347**

**Medina Dairy & commercial buildings at Vale Road and Shirley Avenue, Windsor SL4 5JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Medina Property Development Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 17/00482, dated 8 February 2017, was refused by notice dated 23 June 2017.
  - The development proposed is demolition of all existing commercial buildings, erection of residential development, (89 dwellings including 2 x 2bed and 4 x 3bed houses, 27 x 1bed, 51 x 2bed and 5x 3bed flats, refuse and cycle stores, with new road and pavements/cycleway with parking (surface and underground) and amenity space, hard and soft landscaping, ancillary works etc.
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### Decision

1. The appeal is dismissed.

### The hearing

2. The hearing was held for one day, followed by a site inspection. It was then adjourned for the preparation, receipt and circulation of further documents, including an executed Unilateral Undertaking (UU); I refer to this later. I closed the hearing in writing on 23 November 2018.

### Main Issues

3. From my inspection of the site and surroundings and the representations made at the hearing and in writing, I find that the decision on this appeal turns on 5 main issues. These are (i) whether the use of the site for housing would harm the industrial land supply within the Borough & the local economy; (ii) whether the scheme would result in the loss of a community facility that is not provided for elsewhere; (iii) flooding; (iv) whether the scheme would result in harm to trees protected by Tree Preservation Orders (TPO)s and (v) whether the proposal makes adequate provision for affordable housing.

## Reasons

*Issue (i) whether the use of the site for housing would harm the industrial land supply within the borough & the local economy*

4. My starting point must be the development plan. The appeal site is within the 'Shirley Avenue/Vale Road' identified industrial area, and is a protected employment site in the RBWM adopted Local Plan (LP) at policy E2. This allocates identified sites primarily for industrial and small scale distribution and storage uses. Policy E5 seeks to resist changes of use within these areas except for business, industrial or warehousing.
5. I am also aware that the appeal site is the larger part of Housing Site Allocation HA26 in the emerging Borough Local Plan (currently under examination) for 'a mixed use site'. Emerging policy ED2 lists Shirley Avenue/Vale Road as a mixed use area where intensification of employment activity will be encouraged, subject to various criteria, and an element of residential development is also permissible. The remainder of HA26 has a permission for residential use ref 14/02975/FULL, renewed in 2016<sup>1</sup> (Vale House site).
6. The Council argues that significant weight should be given to emerging policies ED1 ED2 and ED3; however the outcome of the examination process is not known; allocations and policies may still change at this point in the process. All that can be said is that a partial residential use of the site possibly indicates a direction of travel and the Council's acceptance of a partial residential use here, subject to caveats.
7. The Council argues that other, nearby, residential permissions were granted some time ago. They flow from a time when 'the circumstances of this site were different' and that evidence 10 years ago demonstrated an over-supply of employment land, which is not the situation now. However, I have to start from where we are. Circumstances prevailing at former times have led to the present situation where the appeal site has this residential permission (referred to above) to the north, East Crescent residential area to the south, Clewer Recreational Park to the east and modern residential redevelopments to the west (the former Goring Kerr and Teradyne sites). The appeal site has or will have, therefore, residential development on 3 sides and a public park on the remaining side; to my mind it is something of an anomaly.
8. At my site inspection I found all the existing buildings to be tired and past their best; even those still in use by occupiers who have expressed a desire to stay. It seems to me that the buildings are not modern, thermally efficient or likely be attractive to new incoming occupiers once existing tenants depart. The summary of Mr Thomas,<sup>2</sup> states that there is limited interest in the empty premises, despite marketing; I am not surprised by this.
9. While it is true that flexible modern premises could be redeveloped here, I suspect interest is likely to be limited because of the proximity to residential uses all around. I am also mindful of the busy pedestrian route right through the middle of the site, east-west, connecting to Clewer Park. I saw this locality at the end of a school day and it is extremely well-used; this does not seem to me an ideal mix, of young pedestrians and commercial traffic.

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<sup>1</sup> Appellant's proof paragraph 2.59

<sup>2</sup> 5 September 2018

10. I also bear in mind the Council's own comments and decision about current operations at Medina Dairy's site, set out in Mr Thomas's commentary of 5 September 2018. It is clear that in dealing with another application here, the Council refers to noise, parking, lorry movements, lighting and pollutions issues. All of these issues would be equally important in any redevelopment or continuation of employment use on the site. This is the Council's own recent assessment of compatibility with employment/residential uses here, and I agree with the concerns expressed.
11. I understand the Council's submissions<sup>3</sup> that the objectively assessed need for employment space - as identified in the Berkshire Economic Development Needs Assessment (EDNA) requires floor-space to accommodate 565 new jobs per year for the plan period, including B1, B2 and warehousing floor-space. However, I bear in mind that much of this demand is unlikely to be compatible with surrounding land uses around the appeal site. Indeed, the Borough accepts that any type of employment provided by redevelopment in the future would have to be compatible with a residential use<sup>4</sup>. This does, therefore, create something of a limitation on the flexible use of the appeal site in the future.
12. Pulling these threads together, while I accept the Borough's evidence that there is a demand for employment floor-space, I do not find the appeal site is or would be the best place, for the reasons stated above. The direction of travel suggested by the emerging LP accepts an element of residential use. I have little evidence of a demonstrated demand for the units here, nor commitment to any redevelopment for a mixed use which, all the evidence suggests, would be of limited attractiveness due to its near residential neighbours and pedestrian thoroughfare. A residential use seems to me to be a flexible, responsive and effective use of land, as the revised NPPF advises.
13. I conclude the use of the site for housing would not significantly effect the industrial land supply within the Borough & the local economy and that the objectives of the Council's policies would not be materially harmed by the proposal.

*Issue (ii) whether the scheme would result in the loss of a community facility that is not provided for elsewhere*

14. The revised National Planning Policy Framework (NPPF)<sup>5</sup> states that decisions should plan positively for the provision of community facilities such as meeting places, cultural buildings and places of worship. Decisions should also guard against the unnecessary loss of facilities and ensure that established facilities are retained for the benefit of the community. These objectives are reflected in Policy CF1 of the RBWM Local Plan which states that the Borough will not permit the loss of existing community facilities and buildings unless it is satisfied that (i) there is no longer a need for them or (ii) an acceptable alternative provision is to be made elsewhere.
15. Planning permission was granted in 2006 for an Islamic education and community facility, although it is agreed in the Statement of Common Ground<sup>6</sup> that this "has never been implemented and is not capable of implementation".

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<sup>3</sup> Berkshire Economic Development Needs Assessment (EDNA), email of 7 September 2018 & elsewhere

<sup>4</sup> LPA statement, paragraph 4.3.4

<sup>5</sup> Paragraphs 91 and 92

<sup>6</sup> Signed 21 September 2018, after the hearing

Notwithstanding this, I have to start from where we are, and we saw at my site inspection that the large upper floor of Technor House is in use as a prayer room and I was told that it has daily use primarily from employees on the appeal site. A much wider community also attends, with around 200 persons, for Friday prayers. I saw smaller rooms with chairs which were clearly in use as teaching facilities; the appellants stated that classes are sporadic, and largely depend on whether an appropriate person is available to teach.

16. The appellants repeat the Borough's view that the prayer room use is beyond any enforcement action<sup>7</sup>. Thus, whatever the planning status of the Islamic facility granted permission on this site in 2006 (implemented or not implemented) today there is a flourishing community facility operating, of which the Council is aware and which is immune from enforcement action. Indeed, the Borough seeks to protect it with their reason for refusal no 2.
17. The written support for the LP policy underlines the general shortage and difficulty of obtaining premises for community use. At the time of the hearing, the appellants had been unable to find alternative premises despite a search, which confirms the difficulties acknowledged in the LP. I understand the search has been hampered by the difficulties of sharing space with other uses including those that serve alcohol.
18. The appellants firstly covenant, in the UU, to not commence redevelopment of Technor House until a replacement facility is available and in use but this is a time-limited clause<sup>8</sup>. The UU details the payment of a replacement prayer facility contribution of £250,000 to the Borough if, after 24 months from the date of any planning permission, the owners have been unable to find a replacement facility<sup>9</sup>.
19. However, this does not seem to me to **secure** a replacement given the difficulties the appellants acknowledge already, in their own search, and as set out in the LP. It begs the question that, if the appellants have not been able to find such facilities, why would the Borough be in a better position? It seems to me that I have no evidence that there is a realistic prospect of the Islamic prayer hall and education facilities being replaced, nearby, in line with development plan policy requirements.
20. It is government policy, set out in the up-to-date revised NPPF and broadly repeated in LP policy CF1, to protect such facilities. I do not find that the mere payment-in-lieu would deliver a replacement for a currently well-used vibrant facility. It is abundantly clear that, particularly for Friday prayers, the loss of this facility would significantly affect the local community. The likely result is that those wishing to pray would have to travel further and its loss would lead to a reduction of the community's ability to meet its needs locally. The scheme would conflict with national and local policy and the UU offer would not assist.

### *Issue (iii) flooding*

21. At the time of the Council's decision in June 2017, the Environment Agency placed the site within flood zone 3 (high risk of flooding). In April 2018 the EA updated their flood maps and the appeal site is no longer shown to be in flood

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<sup>7</sup> Paragraph 2.84 of the appellants' statement

<sup>8</sup> Section 8 of the UU

<sup>9</sup> The UU, section 8

zone 3. The Statement of Common Ground agrees<sup>10</sup> that, if a satisfactory flood evacuation plan (FEP) is secured through a legal agreement, the Council is of the view that reason for refusal no 3 would be overcome. I accept this in the light of Planning Practice Guidance which states a need to demonstrate, to the satisfaction of the local planning authority, that the development will be safe for its lifetime<sup>11</sup>.

22. The completed UU, at section 9, secures that the appellants will submit a FEP to the Council and comply with any ongoing requirements and obligations of the approved FEP. While the Council would prefer a bi-lateral agreement<sup>12</sup> the UU does provide a commitment to the provision and implementation of a FEP and, it seems to me, overcomes the Council's reason for refusal, as agreed in the Statement of Common Ground. I need not deal with this issue further.

*Issue (iv) whether the scheme would result in harm to trees protected by TPOs*

23. The first tree of concern is a Hornbeam on the southern boundary of the site<sup>13</sup>. In the redevelopment scheme this tree would be located adjacent and to the south-west of building B1. The southern dwelling has a combined kitchen/living room with only one main window to this room, facing westward, and with the tree to the south-west aspect. Mr Goodger describes the likely result as "filtered diffuse shading to the limited part of the west elevation". I do not agree. This room would receive no natural light from any other orientation and the tree would certainly cast shade for a considerable portion of the day, making the ground floor main habitable room and the bedroom above dark and gloomy as a result. In addition, there would be a considerable overhang of the canopy over the garden, reducing its utility, given that it would shade the area and a considerable proportion of the garden would be beneath the canopy.
24. Mr Goodger argued that there would be no windows in the southern elevation, but that seems to me to miss the point that the only windows for the nearest rooms would be main windows to the dwelling that would be greatly influenced by the presence of the tree.
25. Building B1 just clips the Root Protection Area (RPA) of the Hornbeam. BS5837:2012 states that the "default position should be that structures are located outside the RPAs of trees to be retained"<sup>14</sup>. The scheme fails to meet this requirement and there are no overriding reasons to site the building here. The RPA is defined as the MINIMUM area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of the roots and soil structure is treated as a priority<sup>15</sup>.
26. Some works would also be required beneath the canopy and within the RPA of the Hornbeam to permit construction of the flood 'escape route' at a minimum height of 20.70AOD. This would not appear to involve a change in levels, judging from the existing levels annotated on drawing 1104D, nevertheless some works must be involved, well within the RPA and beneath the canopy. Notwithstanding that a no-dig' method could be used, it is unclear how a

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<sup>10</sup> Paragraph 2.31 (16)

<sup>11</sup> Paragraph 040 Reference ID: 7-040-20140306 and general section

<sup>12</sup> Email from C Pugh 22 November 20108

<sup>13</sup> Protected by ref: TPO 41 of 2006

<sup>14</sup> Paragraph 5.3.1

<sup>15</sup> BS 5837:2012; paragraph 3.7



- permanent, durable escape route could be achieved without further harm to the tree present.
27. In summary, the proposed position of the dwelling would be just within the RPA of a tree; it would be harmed by siting the proposed dwelling, (even with pile and beam construction since there should be no works within the RPA) and possibly the escape route, as proposed. Furthermore, the occupants of the dwelling would almost certainly find the constraints of the existing tree intolerable in terms of shading, proximity to the house and the lack of utility of the garden area. While I note the argument that the Council would have control over any applications to fell the tree, once the building is erected, with its main habitable room windows so close to the tree, I think the Council would find requests to fell difficult to resist.
28. The suggestion on the August 2018 166/107 plan, that the tree would be reduced by up to 1.5m to the east and 'other aspects where required' prior to construction even beginning, demonstrates to me that the building would be too close to this protected tree. Once reductions to the canopy begin, the tree will inevitably look more manicured and less natural no matter how skilfully done.
29. Turning now to the group of trees at the eastern end of the appeal site<sup>16</sup>, these are a protected group aligned north-south in a line. The trees at either end of the line would be unaffected by the scheme. Most lie along the western boundary of the Recreation Ground, and 2 lie within the grounds of Goswell House and within the appeal site.
30. T23, within the appeal site, is required to be felled simply because of the proposals. It was argued that felling it would give more space to T28 to the east. However, many trees have shared canopies, particularly when they are forming a boundary screen, as here, to the edge of a park. There is no particular requirement for every tree to be grown as an open-parkland standard. To fell this tree with no strong, overriding reason demonstrated runs counter to the thrust of the TPO system of making 'provision for the preservation of trees' as Section 198 of the Act says. It is not being 'preserved' in the ordinary meaning of the word of keeping safe from harm or injury; to take care of, to guard.
31. Some Block D residents, in apartments at the eastern end of the building, would have main living rooms facing out at close range to trees to the south and to the east. The living rooms have large corner wrap-around windows but, even so, the existing trees would be within a few metres, at their existing size, let alone allowing for future growth. In addition main bedroom windows on each floor would face onto the trees as well as the outdoor terraces.
32. The smaller bedrooms are only lit by relatively small windows which are to be located in the rear wall of the terrace areas so they would already be beneath an overhang and are likely to receive less light. The trees would not assist. BS5837 flags up that a realistic assessment of the probable impact of development on trees and vice versa should take into account due allowance and space for their future growth. The scheme fails to do this, and also fails to acknowledge shading of buildings and open spaces, especially rooms that require natural light.

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<sup>16</sup> Protected by TPO ref 008/2017

33. Future pressure for removal is a matter highlighted by the BS, when buildings are located too close to existing trees and cause apprehension and/or seasonal nuisance. I find that the buildings would be just too close to these protected trees.
34. Lastly, while not the subject of TPOs, I note the other trees along the southern border and shown on drawing 166/102C. The new development would, in some cases, be sited very close to these trees and within the respective RPAs. Over time, there may well need to be remove these, leading to a further diminution of the character and appearance of the area.
35. I conclude that all the trees, protected or not, have a positive impact on the local environment and its enjoyment by the public. They are highly visible from a public park and from the well-used public footpath route through the appeal site (as we saw during by site inspection) and from nearby dwellings. Felling T23, the reduction proposed for T5 and the likely loss of other trees too close to the buildings, over time, would have a detrimental effect upon the character and appearance of the locality.
36. The appeal scheme would fail to meet an objective of the RBWM Local Plan at DG1(6) to utilise existing natural vegetation in development proposals. Local Plan policy N6 seeks to ensure the retention of existing suitable trees and the scheme would also not meet that requirement. The revised NPPF seeks to ensure that all new developments add to the overall quality of an area and are visually attractive. A reduction in tree cover would not assist this objective.

*Issue (v) whether the proposal makes adequate provision for affordable housing*

37. The Council's policy for affordable housing is set out in Local Plan policy H3. The policy does not set a specific percentage target, although the written justification refers to seeking a provision of 30% in the period 1995 – 1998. The appellants carried out a viability assessment to inform the level of provision and sought to offer the level found to be appropriate in a S106. One of the reasons for accepting late documents, after the hearing event, was so that the Council could appoint their own expert to review the appellants' viability assessment.
38. Time was allowed for this and the Council stated, in the email of 31 October 2018, that they accept the appellants' position in respect of viability, following consideration of the BPS review of 27 September which they commissioned. Thus there is now no dispute between the parties on this issue.
39. BPS conclude that 7 units would be considered a viable provision (8%), albeit that such a small number would be likely to be unattractive to Registered Providers (RP). Although I have seen no evidence of that, I am aware that, often, RP seek a reasonable number of properties near together for management purposes. The executed UU details 9 affordable units (paragraph 7.1), or in the event that no agreement with an RP can be reached, a payment in lieu is offered of £975000 for off-site provision (paragraph 6.5). The weight to be given to a viability assessment is a matter for the decision maker, and I am mindful that the assessments from both parties are up-to-date; I have no reason to doubt the evidence therein. Accordingly I conclude that the proposal would make adequate provision for affordable housing in accordance with policy H3.



*The planning balance; harm/benefits and conclusion*

40. Planning benefits would flow from the scheme and I consider these next. The first would be the delivery of housing. The appellants express concerns in the Statement of Common Ground, as to the Council's 5 year housing land supply which the Borough's calculations put at 5.1 years. However, in answer to my question at the hearing, Ms Olley stated that a possible lack of a 5 year housing land supply was not a part of the appellant's case. Clearly, the appeal proposal would make a contribution to the Borough's housing stock and result in some affordable housing or a contribution to affordable housing. I give this considerable weight.
41. While I have found in favour of the appellants on issues (i) – employment land supply and (iii) – flooding; these are neutral in the weighing. There would be a minor benefit in the removal of a tired, under-utilised industrial area which does not add to the overall quality of the area. This scheme is not the only way to achieve this however, so I give this little weight.
42. This scheme would, in all probability, remove a community facility with no assurance that it could or would be replaced nearby, contrary to development plan policy CF1 and the revised NPPF. The appellants have already sought a replacement without success.
43. The scheme would harm the character and appearance of the area because of the loss, or reduction of the canopy, of trees and result in pressure for the future removal of others contrary to policies DG1 and N6 and the objectives of the NPPF. The considerable weight to be attached to the provision of housing is a material consideration but is not of the order to outweigh the conflict with the revised NPPF and the development plan policies referred to above. There are no exceptional reasons to allow this scheme, with its drawbacks, and I therefore dismiss the appeal.

*Gyllian D Grindey*  
Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Ms A Olley	Of Summit Associates Ltd
Mr C Thomas	Principal: Christopher Thomas
Mr K Rafferty	Principal: KR Planning
Mr T Goodger	Principal, Goodger Design Associates
Mr A Haines	Of Bidwells

### FOR THE LOCAL PLANNING AUTHORITY:

Ms C Pugh:	Planning Officer, Royal Borough of Windsor & Maidenhead (RBWM)
Ms S Saadeh	Planning Officer, RBWM
Mr D Kiusyc	Planning Officer, RBWM

### INTERESTED PERSONS:

Mr Z Hussain	Of Medina Properties
Mr S Butt	Of Medina Properties
Ms H Price	Interested resident
Mr M Allum	Interested resident

### DOCUMENTS

- 1 TPO document 008/2017 Clewer Memorial Recreation Ground
- 2 Agreed Statement of Common Ground – signed 21.9.18
- 3 Executed UU
- 4 OS plan to show extent of neighbouring permissions put in by Ms Olley
- 5 Various email trails; October and November 2018 between parties & PINS
- 6 BSP Viability Review dated 27 September 2018

Appendix E- Site layout plan considered under application 17/00482



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## DEVELOPMENT CONTROL PANEL

4 March 2020

Item: 2

<b>Application No.:</b>	19/03506/FULL
<b>Location:</b>	Edgeworth House Mill Lane Windsor SL4 5JE
<b>Proposal:</b>	Replacement boundary treatment with vehicular entrance gates and erection of a bin store (Retrospective)
<b>Applicant:</b>	Mr & Mrs O'Reilly
<b>Agent:</b>	Angela Gabb
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East
<b>If you have a question about this report, please contact:</b> Maki Murakami on 01628 796121 or at <a href="mailto:maki.murakami@rbwm.gov.uk">maki.murakami@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The applications relate to a Grade II\* listed building. Edgeworth House is of particular national importance with only 5.8% of buildings on the list belonging in this category. The listing extends to the front wall, part of which has already been demolished without the appropriate consent. The current proposal (which is retrospective) involves the erection of timber fencing and a timber double gate and pedestrian gate positioned forward to the original wall. The Conservation Officer has advised that the works undertaken and the subject of these applications cause substantial harm to the significance of the Grade II\* listed and front wall gateway to Edgeworth House (Grade II listed).
- 1.2 The site is within the Mill Lane Clewer Village Conservation Area which is characterised by buildings predominately of red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House. The majority of boundary treatments viewed from Mill Lane are of brickwork and the demolished part of the listed garden wall was also of red brick, which contributed to the integrity of the area. The proposed fence and gates employ timber materials and their informal design does not respect the traditional and formal nature of the listed Edgeworth House and garden wall. The development adversely affects the character of the host dwelling and the Conservation Area.
- 1.3 Two purple plum trees standing to the south of the location of the new fence and a Magnolia tree situated to the north of the proposed bin store are protected by a Tree Preservation Order. These trees contribute to the character of the conservation area, where houses have established vegetation and brick front boundary walls along Mill Lane. Due to insufficient information submitted regarding these TPO trees standing in close proximity of the development, the application fails to demonstrate that the proposal would cause no harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character.

**It is recommended the Panel refuses planning permission and listed building consent for the following summarised reason/s (the full reasons are identified in Section 13 of this report):**

- |           |  |
|-----------|--|
| <b>1.</b> | The demolition of the southern element of the garden wall which was grade II listed in itself and curtilage listed in respect of grade II* listed Edgeworth House has caused substantial harm to the significance of the designated heritage assets of the front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area. The partial demolition of the garden wall has caused loss of historic fabric and impacts significantly on |
|-----------|--|

	the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. There are no public benefits that outweigh that harm.
2.	The proposed boundary fence and gates do not respect the design and materials which represent the traditional and formal nature of the listed building and garden wall. In addition, the proposed boundary replacement is visible from Mill Lane and directly adversely impacts the street scene and the character of the area and, therefore, adversely affects the character and setting of the host dwelling.
3.	Due to insufficient information submitted regarding TPO trees within and near the development site, the application fails to demonstrate that the proposal would cause no harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character and setting of the listed building. The proposal would not comply with Policies N6, DG1 and LB2 of the Local Plan.

## 2. REASON FOR PANEL DETERMINATION

Councillor Tisi requested this application to be determined by the Panel if the recommendation is to refuse the application since the property has a complex planning history.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 Edgeworth House, Mill Lane in Windsor is located on the east side of Mill Lane. The plot is occupied by a white rendered two storey detached house with front and rear gardens. The dwelling is a Grade II\* building and set back behind a brick wall.

3.2 The garden wall is listed Grade II in its own right. The list description reads as follows:

*“Front wall gateway to Edgeworth House SU 97 NE 8/75A II 2. Red brick wall to garden has central gateway with square rubbed brick piers, stone caps and ball finials - wrought iron arched scroll pyramid overthrow with central coat of arms. The arched gate is made up of square bars with enriched cross bar and dog rails. Scroll enriched panelled standards and finials.”*

3.2 The site is situated within the Mill Lane, Clewer Village Conservation Area. The conservation area runs the length of Mill Lane from Maidenhead Road to Old Mill House and comprises White Lilies Island and St Andrews Church. The area is predominately characterised by buildings of red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House.

3.3 There is a Magnolia tree protected under Tree Preservation Order sitting to south of the Edgeworth House within the plot. Two Purple Plum trees stand to the south of the proposed location of the new fence, one is within the application site and the other is just outside of the plot. Both Purple Plum trees are protected by the Order and planted along Mill Lane.

## 4. KEY CONSTRAINTS

4.1 Edgeworth House itself is Grade II\* Listed Building and Front Wall Gateway to Edgeworth House is Grade II Listed Building.

4.2 The application site is within Mill Lane and Clewer Village Conservation Area.

4.3 Protected trees in and adjacent to the site.

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

- 5.1 The application seeks planning permission for the replacement boundary treatment with vehicular entrance gate and erection of a bin store. The proposal includes demolition of part of a Grade II listed boundary wall. The work started on 9<sup>th</sup> September 2016 without consent and the application is retrospective.
- 5.2 The proposed timber fence with gates runs from east to west for approximately 8.8m along the south boundary of the front garden of the property, which faces a private driveway. The boundary treatment has a maximum height of 1.85m. The proposed bin store measures 2m wide by 1m deep with a height of 1.9m and sits to the east of the proposed gate along the south boundary, approximately 2m away from the host dwelling. The new boundary treatments are not on the same line as the original boundary wall.
- 5.3 The application form addresses the proposed fixing of CCTV cameras and associated cables to the Grade II\* listed property in addition to the replacement boundary treatment. However, during the process of the validation of the application, the agent confirmed the CCTVs are not included in the current proposal.
- 5.4 Relevant planning history

Reference	Description	Decision
13/02019/TPO	Fell a Magnolia	Approved, 29.08.2013, Work not implemented
19/02546/FULL	Replacement boundary treatment with vehicular entrance gates and erection of a bin store (Retrospective).	Withdrawn, 25.11.2019
19/02547/LBC	Consent to retain replacement boundary treatment with vehicular entrance gates, bin store and the installation of 2no. CCTV cameras.	Withdrawn, 25.11.2019
19/03507/LBC	Consent to retain the replacement boundary treatment, vehicular entrance gates and bin store.	In progress

## 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
Preserving or enhancing historic environment	CA2, LB2
Trees	N6

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Historic Environment	HE1
Tree, Woodlands and Hedgerows	NR3

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)



## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

7 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 17<sup>th</sup> January 2020 and the application was advertised in Maidenhead and Windsor Advertisers published on 23<sup>rd</sup> January 2020.

1 letter was received supporting the application from Edgeworth Cottage, Mill Lane on behalf of the Edgeworth Residents Association, summarised as:

Comment		Where in the report this is considered
1.	The wall that was removed at the time of the proposed works was well within the eastern boundary of their property and has been significantly impacted by tree roots and a general lack of maintenance. It was not one of the original walls as it was clearly constructed from a mixture of brick types and was of poor construction unlike the front boundary wall.	Noted. Please see paragraphs 9.2-9.22
2.	The irregular positioning of the wall and a large concrete slab were both aesthetically and functionally at odds with the sympathetic entrance wall and gate enhancements that have provided a significant improvement to the Lane and our communal area.	
3.	The materials and construction methods used by the applicant are of the highest quality and are a major improvement visually and provide a more logical functionality for the residents using this shared space. There is no question that the old wall needed a total rebuild and new foundations and as a group of residents directly damaged by the works, we are in complete support of retaining these changes.	

### Consultees

Consultee	Comment	Where in the report this is considered
Borough Council Tree Team	<p>No information has been submitted by the applicant regarding trees, such as a BS5837 tree survey and constraints plan superimposed onto a layout plan.</p> <p>The covered bin store might be partly utilising an existing brick wall but other elements of the construction appear to be new, such as a wall to support the eastern side of the bin store and a roof. Details of excavations for the foundations of the bin store wall need to be provided, as these are within the root protection area of the Magnolia.</p> <p>The applicant will also need to clarify the extent of the enlargement of the driveway to the front of the house. This occupies some of the front garden and might have come within the root protection area of the protected trees. The</p>	Noted. Please see paragraph 9.23-9.26

	<p>entrance gates enabling vehicular access into the front garden may therefore be inappropriate.</p> <p>Once the above information has been submitted, I will be able to evaluate the impact of the scheme fully. If the above cannot be submitted, then I would recommend refusal of the application under Policies N6 and DG1 of the adopted Local Plan.</p>	
<p>Borough Council Conservation team</p>	<p>It is considered the loss of the wall causes substantial harm to the designated heritage assets and as there are no justifiable public benefits to outweigh this loss, as advised by the national and local policy, the loss is unacceptable, and permission should be refused.</p> <p>From the photographic and cartographic evidence, it is suggested the wall to the front garden on the southern side, which has been demolished to facilitate a parking area, was concurrent and physically linked to the front (western) portion of the wall and therefore carried listed status. The photographs on file show the wall to be of mixed red brick with buttressed/pier supported. The patina, bond (Flemish), capping treatment are all concurrent with the front garden wall facing the highway. It is therefore considered that the side portion of the wall is/was part of the listed structure. In addition to the wall being listed, as the boundary, or partial boundary, of a Grade II* building the wall would be considered curtilage listed.</p> <p>There is no extant Planning Permission nor Listed Building Consent in place for the demolition of the wall.</p> <p>The loss of the wall represents substantial harm to the significance of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area). Other than the obvious loss of historic fabric, the removal impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. The loss also impacts on the character of the Conservation Area and erosion of the setting of the designated heritage assets.</p> <p>The effective replacement boundary – albeit not on the same line – is not in keeping with the architectural language of the designated heritage assets. The house and extant boundaries are polite, traditional and formal in nature, reflecting the high-status of the building. The proposed timber fencing is a poor substitute considering the historic formal brick wall it is de facto replacing. It is not considered to be appropriate to the setting and character of the designated heritage assets.</p> <p>There are no great concerns surrounding the bin store.</p>	<p>Noted. Please see paragraph 9.2-9.22</p>

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the listed buildings;
- ii Conservation Area;
- ii Impact on TPO trees; and
- iv Impact on existing neighbouring occupiers' amenities and those of future occupants.

### **The Impact on the significance of the listed buildings**

9.2 The front boundary treatment to the property containing the wrought iron gate is listed Grade II in its own right. The list description reads as follows:

*"Front wall gateway to Edgeworth House SU 97 NE 8/75A II 2. Red brick wall to garden has central gateway with square rubbed brick piers, stone caps and ball finials - wrought iron arched scroll pyramid overthrow with central coat of arms. The arched gate is made up of square bars with enriched cross bar and dog rails. Scroll enriched panelled standards and finials."*

9.3 From old photographs of Google street views, it is considered the wall to the front garden on the southern side, which has been demolished to facilitate a parking area, was concurrent and physically linked to the front (western) portion of the wall and therefore carried listed status. The photographs on file show the wall to be of mixed red brick with buttressed/pier supported. The patina, bond (Flemish), capping treatment are all concurrent with the front garden wall facing the highway. It is therefore considered that the side portion of the wall is part of the listed structure.

9.4 In addition to the wall being listed in its own right, as a part of the boundary of a Grade II\* building, Edgeworth House, the wall would be considered curtilage listed. Grade II\* listed building is of particular national importance with only 5.8% of buildings on the list belonging in this category.

9.5 The house is listed with a description as following:

*'...2 storeys and attic rendered, string at 1<sup>st</sup> floor level, heavy wood moulded and modillioned cornice, old tile roof, Flanking chimneys, A 4-bay front with half-glazed door in second bay from right hand with rectangular fanlight, semi-circular and radiating glazing pattern, Door case has architrave surround, flat brackets, plain frieze and enriched cornice and pediment. The house is set back with brick wall to road. Interior altered but retaining closed string dog leg staircase, turned balusters, turned pendant finials to newels.'*

9.6 It should be emphasised the above description states the house is set back with brick wall to road. Therefore, according to the list description, it is clear that the brick wall of Edgeworth House is part of the distinctive feature of the setting of the listed building.

9.7 The applicant has not submitted any evidence to demonstrate that the demolished wall did not form a part of original front wall which was/is listed or curtilage listed.

- 9.8 Paragraph 193 of the National Planning Policy Framework (NPPF, 2019) states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation’ irrespective of extent of any potential harm’.
- 9.9 Paragraph 194 of the NPPF advises that  
*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*
- 9.10 Paragraph 195 of the NPPF sets out that, “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”
- 9.11 The proposal includes the removal of the southern element of the garden wall which is grade II listed as itself and the curtilage listed of grade II\* listed Edgeworth House and thus causes loss of historic fabric. The loss of the wall represents substantial harm to the significance of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area).
- 9.12 Other than the obvious loss of historic fabric, the removal impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. The loss also impacts on the character of the Conservation Area and erosion of the setting of the designated heritage assets.
- 9.13 There is no clear justification for the harm or public benefit which outweighs the substantial harm to the designated heritage assets.
- 9.14 Policy LB2 of the adopted Royal Borough Local Plan (2003) notes that the demolition of a listed building should not be approved unless there are very exceptional circumstances as to why the building cannot be retained and reused.
- 9.15 The applicant claims in the application that the wall which was demolished had been in disrepair and positioned inappropriately to the site boundary. This reason does not form very exceptional circumstances to justify the removal of the southern element of the listed garden wall and build a boundary wall which does not respect the style and materials of the original boundary wall or the host dwelling. In addition, there appears to be no evidence submitted by the applicant to illustrate that the southern element of the wall was in so poor condition that there was no other way other than demolishing it.
- 9.16 For the above reasons, the proposed works to the boundary treatment would result in unacceptable harm to the significance of the Listed Buildings and be contrary to paragraphs 193,194,195 of the NPPF and Policy LB2 of the Local Plan.

### **Impact on the character of Conservation Area**

- 9.17 The appearance of a development is a material planning consideration and the NPPF paragraphs 127 and 130 and Policy DG1 of the Local Plan advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy CA2 of the Local Plan requires that any development will enhance or preserve the character or appearance of the area.
- 9.18 Mill Lane, Clewer Village Conservation Area runs the length of Mill Lane from Maidenhead Road to Old Mill House and comprises White Lilies Island and St Andrews Church. The area is predominately red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House. According to a list description of Edgeworth House, the house is set back with brick wall to road.
- 9.19 The loss of the wall causes erosion of the setting of Edgeworth House and Front Wall to Edgeworth House and represents substantial harm to the significance of Grade II\* and Grade II listed buildings. Moreover, the removal of the brick wall has a detrimental impact on the appearance and character of the Conservation Area which has a distinctive character comprising houses and boundary walls of red brick along Mill Lane.
- 9.20 The effective replacement boundary, albeit not on the same line, is not in keeping with the architectural language of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area). The house and extant boundaries are polite, traditional and formal in nature, reflecting the high-status of the building. The proposed timber fencing is a poor substitute considering the historic formal brick wall it is de facto replacing. It is not considered to be appropriate to the setting and character of the designated heritage assets.
- 9.21 The proposed bin store is, due to its scale, design and siting, not detrimental to the character and appearance of the host dwelling and the area.
- 9.22 Overall, for the above-mentioned reasons, the development adversely affects the character of the host dwelling and the area and would result in unacceptable harm to the significance of the Conservation Area. The proposals do not comply with the NPPF paragraphs 127, 130, 193,194 and 195 and Policy DG1, CA2 and LB2 of the Local Plan.

### **Impact on Important Trees**

- 9.23 There is a magnolia tree by the south elevation of the property which is protected by a Tree Preservation Order (TPO). The proposed bin store would sit to the south of the tree. Permission to fell the magnolia was given under application 13/02019/TPO however, as seeing the current presence of the tree, it is understood that the work was not implemented.
- 9.24 Two Purple Plum trees covered by a TPO stand to the south of the proposed location of the new fence. One is within the application site and the other is just outside of the plot. Both Purple Plum trees are planted along Mill Lane and visible in the street scene.
- 9.25 The area is characterised with soft landscaping and established vegetation together with front boundary walls of brickwork to the front of houses. These TPO trees contribute to and form a key feature of the neighbourhood.
- 9.26 No information has been submitted by the applicant regarding trees, such as a BS5837 tree survey and constraints plan superimposed onto a layout plan. Due to insufficient information regarding trees, it is not possible to confirm the proposal would cause no

harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character of the area and the setting of the listed buildings. Therefore, the proposal does not comply with Policies N6, DG1 and LB2 of the Local Plan.

### **Impact on existing neighbouring occupiers' amenities and those of future occupants**

9.27 The NPPF paragraph 127 and Policy H14 of the Local Plan advise that the development should not result in unacceptable harm to residential amenities of the immediate neighbouring properties. Due to the siting, scale and design of the proposal, there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

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

10.1 The development is not CIL liable.

### **11. CONCLUSION**

11.1 The proposed works would result in unacceptable harm to the significance of the Listed Buildings and the Conservation Area and be contrary to paragraphs 127, 130, 193, 194, 195 of the NPPF and Policy LB2, CA2, DG1 and N6 of the Local Plan.

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

- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C - Elevations

### **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The demolition of the southern element of the garden wall, which is grade II listed in itself and curtilage listed with the grade II\* listed Edgeworth House, causes substantial harm to the significance of the designated heritage assets, namely the front wall gateway to Edgeworth House and Edgeworth House. The partial demolition of the garden wall causes loss of historic fabric and impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. There are no public benefits that outweigh that harm, and the proposal fails to comply with Paragraphs 193, 194 and 195 of the National Planning Policy Framework (NPPF, 2019) and Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan (2003).
- 2 The proposed boundary fence and gates do not respect the design and materials which represent the traditional and formal nature of the listed building, garden wall and their setting. In addition, the proposed boundary replacement is visible from Mill Lane and directly impacts the street scene and the character of the area and, therefore, adversely affects the character of the host dwelling and its setting. The proposal fails to comply with paragraphs 127 and 130 of the NPPF (2019) and Policies CA2, LB2 and DG1 of the Local Plan (2003).
- 3 As insufficient information has been submitted regarding the protected trees within and near the development site, the application fails to demonstrate that the proposal would not result in the loss of important features which contribute to the character of the area and setting of the listed buildings. The proposal does not comply with paragraph 127

of the NPPF (2019) and Policies N6, LB2 and DG1 of the Local Plan (2003).

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## DEVELOPMENT CONTROL PANEL

4 March 2020

Item: 3

<b>Application No.:</b>	19/03507/LBC
<b>Location:</b>	Edgeworth House Mill Lane Windsor SL4 5JE
<b>Proposal:</b>	Consent to retain the replacement boundary treatment, vehicular entrance gates and bin store.
<b>Applicant:</b>	Mr O'Reilly
<b>Agent:</b>	Angela Gabb
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East
<b>If you have a question about this report, please contact:</b> Maki Murakami on 01628 796121 or at <a href="mailto:maki.murakami@rbwm.gov.uk">maki.murakami@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The applications relate to a Grade II\* listed building. Edgeworth House is of particular national importance with only 5.8% of buildings on the list belonging in this category. The listing extends to the front wall, part of which has already been demolished without the appropriate consent. The current proposal (which is retrospective) involves the erection of timber fencing and a timber double gate and pedestrian gate positioned forward to the original wall. The Conservation Officer has advised that the works undertaken and the subject of these applications cause substantial harm to the significance of the Grade II\* listed and front wall gateway to Edgeworth House (Grade II listed).
- 1.2 The site is within the Mill Lane Clewer Village Conservation Area which is characterised by buildings predominately of red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House. The majority of boundary treatments viewed from Mill Lane are of brickwork and the demolished part of the listed garden wall was also of red brick, which contributed to the integrity of the area. The proposed fence and gates employ timber materials and their informal design does not respect the traditional and formal nature of the listed Edgeworth House and garden wall. The development adversely affects the character of the host dwelling and the Conservation Area.
- 1.3 Two purple plum trees standing to the south of the location of the new fence and a Magnolia tree situated to the north of the proposed bin store are protected by a Tree Preservation Order. These trees contribute to the character of the conservation area, where houses have established vegetation and brick front boundary walls along Mill Lane. Due to insufficient information submitted regarding these TPO trees standing in close proximity of the development, the application fails to demonstrate that the proposal would cause no harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character.

**It is recommended the Panel refuses planning permission and listed building consent for the following summarised reason/s (the full reasons are identified in Section 13 of this report):**

- |    |  |
|----|--|
| 1. | The demolition of the southern element of the garden wall which was grade II listed in itself and curtilage listed in respect of grade II* listed Edgeworth House has caused substantial harm to the significance of the designated heritage assets of the front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area. The partial |
|----|--|

	demolition of the garden wall has caused loss of historic fabric and impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. There are no public benefits that outweigh that harm.
2.	The proposed boundary fence and gates do not respect the design and materials which represent the traditional and formal nature of the listed building and garden wall. In addition, the proposed boundary replacement is visible from Mill Lane and directly adversely impacts the street scene and the character of the area and, therefore, adversely affects the character and setting of the host dwelling.
3.	Due to insufficient information submitted regarding TPO trees within and near the development site, the application fails to demonstrate that the proposal would cause no harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character and setting of the listed building. The proposal would not comply with Policies N6, DG1 and LB2 of the Local Plan.

## 2. REASON FOR PANEL DETERMINATION

Councillor Tisi requested this application to be determined by the Panel if the recommendation is to refuse the application since the property has a complex planning history.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 Edgeworth House, Mill Lane in Windsor is located on the east side of Mill Lane. The plot is occupied by a white rendered two storey detached house with front and rear gardens. The dwelling is a Grade II\* building and set back behind a brick wall.

3.2 The garden wall is listed Grade II in its own right. The list description reads as follows:

*“Front wall gateway to Edgeworth House SU 97 NE 8/75A II 2. Red brick wall to garden has central gateway with square rubbed brick piers, stone caps and ball finials - wrought iron arched scroll pyramid overthrew with central coat of arms. The arched gate is made up of square bars with enriched cross bar and dog rails. Scroll enriched panelled standards and finials.”*

3.2 The site is situated within the Mill Lane, Clewer Village Conservation Area. The conservation area runs the length of Mill Lane from Maidenhead Road to Old Mill House and comprises White Lilies Island and St Andrews Church. The area is predominately characterised by buildings of red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House.

3.3 There is a Magnolia tree protected under Tree Preservation Order sitting to south of the Edgeworth House within the plot. Two Purple Plum trees stand to the south of the proposed location of the new fence, one is within the application site and the other is just outside of the plot. Both Purple Plum trees are protected by the Order and planted along Mill Lane.

## 4. KEY CONSTRAINTS

4.1 Edgeworth House itself is Grade II\* Listed Building and Front Wall Gateway to Edgeworth House is Grade II Listed Building.

4.2 The application site is within Mill Lane and Clewer Village Conservation Area.

4.3 Protected trees in and adjacent to the site.

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

- 5.1 The application seeks planning permission for the replacement boundary treatment with vehicular entrance gate and erection of a bin store. The proposal includes demolition of part of a Grade II listed boundary wall. The work started on 9<sup>th</sup> September 2016 without consent and the application is retrospective.
- 5.2 The proposed timber fence with gates runs from east to west for approximately 8.8m along the south boundary of the front garden of the property, which faces a private driveway. The boundary treatment has a maximum height of 1.85m. The proposed bin store measures 2m wide by 1m deep with a height of 1.9m and sits to the east of the proposed gate along the south boundary, approximately 2m away from the host dwelling. The new boundary treatments are not on the same line as the original boundary wall.
- 5.3 The application form addresses the proposed fixing of CCTV cameras and associated cables to the Grade II\* listed property in addition to the replacement boundary treatment. However, during the process of the validation of the application, the agent confirmed the CCTVs are not included in the current proposal.
- 5.4 Relevant planning history

Reference	Description	Decision
13/02019/TPO	Fell a Magnolia	Approved, 29.08.2013, Work not implemented
19/02546/FULL	Replacement boundary treatment with vehicular entrance gates and erection of a bin store (Retrospective).	Withdrawn, 25.11.2019
19/02547/LBC	Consent to retain replacement boundary treatment with vehicular entrance gates, bin store and the installation of 2no. CCTV cameras.	Withdrawn, 25.11.2019
19/03507/LBC	Consent to retain the replacement boundary treatment, vehicular entrance gates and bin store.	In progress

## 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
Preserving or enhancing historic environment	CA2, LB2
Trees	N6

These policies can be found at

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

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Historic Environment	HE1
Tree, Woodlands and Hedgerows	NR3

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### **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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

7 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 17<sup>th</sup> January 2020 and the application was advertised in Maidenhead and Windsor Advertisers published on 23<sup>rd</sup> January 2020.

1 letter was received supporting the application from Edgeworth Cottage, Mill Lane on behalf of the Edgeworth Residents Association, summarised as:

Comment	Where in the report this is considered
1. The wall that was removed at the time of the proposed works was well within the eastern boundary of their property and has been significantly impacted by tree roots and a general lack of maintenance. It was not one of the original walls as it was clearly constructed from a mixture of brick types and was of poor construction unlike the front boundary wall.	Noted. Please see paragraphs 9.2-9.22
2. The irregular positioning of the wall and a large concrete slab were both aesthetically and functionally at odds with the sympathetic entrance wall and gate enhancements that have provided a significant improvement to the Lane and our communal area.	
3. The materials and construction methods used by the applicant are of the highest quality and are a major improvement visually and provide a more logical functionality for the residents using this shared space. There is no question that the old wall needed a total rebuild and new foundations and as a group of residents directly damaged by the works, we are in complete support of retaining these changes.	

### Consultees

Consultee	Comment	Where in the report this is considered
Borough Council Tree Team	<p>No information has been submitted by the applicant regarding trees, such as a BS5837 tree survey and constraints plan superimposed onto a layout plan.</p> <p>The covered bin store might be partly utilising an existing brick wall but other elements of the construction appear to be new, such as a wall to support the eastern side of the bin store and a roof. Details of excavations for the foundations of the bin store wall need to be provided, as these are within the root protection area of the Magnolia.</p> <p>The applicant will also need to clarify the extent of the enlargement of the driveway to the front of the house. This occupies some of the front garden and might have come</p>	Noted. Please see paragraph 9.23-9.26

	<p>within the root protection area of the protected trees. The entrance gates enabling vehicular access into the front garden may therefore be inappropriate.</p> <p>Once the above information has been submitted, I will be able to evaluate the impact of the scheme fully. If the above cannot be submitted, then I would recommend refusal of the application under Policies N6 and DG1 of the adopted Local Plan.</p>	
<p>Borough Council Conservation team</p>	<p>It is considered the loss of the wall causes substantial harm to the designated heritage assets and as there are no justifiable public benefits to outweigh this loss, as advised by the national and local policy, the loss is unacceptable, and permission should be refused.</p> <p>From the photographic and cartographic evidence, it is suggested the wall to the front garden on the southern side, which has been demolished to facilitate a parking area, was concurrent and physically linked to the front (western) portion of the wall and therefore carried listed status. The photographs on file show the wall to be of mixed red brick with buttressed/pier supported. The patina, bond (Flemish), capping treatment are all concurrent with the front garden wall facing the highway. It is therefore considered that the side portion of the wall is/was part of the listed structure. In addition to the wall being listed, as the boundary, or partial boundary, of a Grade II* building the wall would be considered curtilage listed.</p> <p>There is no extant Planning Permission nor Listed Building Consent in place for the demolition of the wall.</p> <p>The loss of the wall represents substantial harm to the significance of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area). Other than the obvious loss of historic fabric, the removal impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. The loss also impacts on the character of the Conservation Area and erosion of the setting of the designated heritage assets.</p> <p>The effective replacement boundary – albeit not on the same line – is not in keeping with the architectural language of the designated heritage assets. The house and extant boundaries are polite, traditional and formal in nature, reflecting the high-status of the building. The proposed timber fencing is a poor substitute considering the historic formal brick wall it is de facto replacing. It is not considered to be appropriate to the setting and character of the designated heritage assets.</p> <p>There are no great concerns surrounding the bin store.</p>	<p>Noted. Please see paragraph 9.2-9.22</p>

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the listed buildings;
- ii Conservation Area;
- ii Impact on TPO trees; and
- iv Impact on existing neighbouring occupiers' amenities and those of future occupants.

### **The Impact on the significance of the listed buildings**

9.2 The front boundary treatment to the property containing the wrought iron gate is listed Grade II in its own right. The list description reads as follows:

*“Front wall gateway to Edgeworth House SU 97 NE 8/75A II 2. Red brick wall to garden has central gateway with square rubbed brick piers, stone caps and ball finials - wrought iron arched scroll pyramid overthrow with central coat of arms. The arched gate is made up of square bars with enriched cross bar and dog rails. Scroll enriched panelled standards and finials.”*

9.3 From old photographs of Google street views, it is considered the wall to the front garden on the southern side, which has been demolished to facilitate a parking area, was concurrent and physically linked to the front (western) portion of the wall and therefore carried listed status. The photographs on file show the wall to be of mixed red brick with buttressed/pier supported. The patina, bond (Flemish), capping treatment are all concurrent with the front garden wall facing the highway. It is therefore considered that the side portion of the wall is part of the listed structure.

9.4 In addition to the wall being listed in its own right, as a part of the boundary of a Grade II\* building, Edgeworth House, the wall would be considered curtilage listed. Grade II\* listed building is of particular national importance with only 5.8% of buildings on the list belonging in this category.

9.5 The house is listed with a description as following:

*‘...2 storeys and attic rendered, string at 1<sup>st</sup> floor level, heavy wood moulded and modillioned cornice, old tile roof, Flanking chimneys, A 4-bay front with half-glazed door in second bay from right hand with rectangular fanlight, semi-circular and radiating glazing pattern, Door case has architrave surround, flat brackets, plain frieze and enriched cornice and pediment. The house is set back with brick wall to road. Interior altered but retaining closed string dog leg staircase, turned balusters, turned pendant finials to newels.’*

9.6 It should be emphasised the above description states the house is set back with brick wall to road. Therefore, according to the list description, it is clear that the brick wall of Edgeworth House is part of the distinctive feature of the setting of the listed building.

- 9.7 The applicant has not submitted any evidence to demonstrate that the demolished wall did not form a part of original front wall which was/is listed or curtilage listed.
- 9.8 Paragraph 193 of the National Planning Policy Framework (NPPF, 2019) states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation’ irrespective of extent of any potential harm’.
- 9.9 Paragraph 194 of the NPPF advises that  
*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*
- 9.10 Paragraph 195 of the NPPF sets out that, “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”
- 9.11 The proposal includes the removal of the southern element of the garden wall which is grade II listed as itself and the curtilage listed of grade II\* listed Edgeworth House and thus causes loss of historic fabric. The loss of the wall represents substantial harm to the significance of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area).
- 9.12 Other than the obvious loss of historic fabric, the removal impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. The loss also impacts on the character of the Conservation Area and erosion of the setting of the designated heritage assets.
- 9.13 There is no clear justification for the harm or public benefit which outweighs the substantial harm to the designated heritage assets.
- 9.14 Policy LB2 of the adopted Royal Borough Local Plan (2003) notes that the demolition of a listed building should not be approved unless there are very exceptional circumstances as to why the building cannot be retained and reused.
- 9.15 The applicant claims in the application that the wall which was demolished had been in disrepair and positioned inappropriately to the site boundary. This reason does not form very exceptional circumstances to justify the removal of the southern element of the listed garden wall and build a boundary wall which does not respect the style and materials of the original boundary wall or the host dwelling. In addition, there appears to be no evidence submitted by the applicant to illustrate that the southern element of the wall was in so poor condition that there was no other way other than demolishing it.
- 9.16 For the above reasons, the proposed works to the boundary treatment would result in unacceptable harm to the significance of the Listed Buildings and be contrary to paragraphs 193,194,195 of the NPPF and Policy LB2 of the Local Plan.



### **Impact on the character of Conservation Area**

- 9.17 The appearance of a development is a material planning consideration and the NPPF paragraphs 127 and 130 and Policy DG1 of the Local Plan advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy CA2 of the Local Plan requires that any development will enhance or preserve the character or appearance of the area.
- 9.18 Mill Lane, Clewer Village Conservation Area runs the length of Mill Lane from Maidenhead Road to Old Mill House and comprises White Lilies Island and St Andrews Church. The area is predominately red brick and clay tiled roofs, with the occasional rendered building including Edgeworth House. According to a list description of Edgeworth House, the house is set back with brick wall to road.
- 9.19 The loss of the wall causes erosion of the setting of Edgeworth House and Front Wall to Edgeworth House and represents substantial harm to the significance of Grade II\* and Grade II listed buildings. Moreover, the removal of the brick wall has a detrimental impact on the appearance and character of the Conservation Area which has a distinctive character comprising houses and boundary walls of red brick along Mill Lane.
- 9.20 The effective replacement boundary, albeit not on the same line, is not in keeping with the architectural language of the designated heritage assets (Front wall gateway to Edgeworth House, Edgeworth House and Mill Lane, Clewer Conservation Area). The house and extant boundaries are polite, traditional and formal in nature, reflecting the high-status of the building. The proposed timber fencing is a poor substitute considering the historic formal brick wall it is de facto replacing. It is not considered to be appropriate to the setting and character of the designated heritage assets.
- 9.21 The proposed bin store is, due to its scale, design and siting, not detrimental to the character and appearance of the host dwelling and the area.
- 9.22 Overall, for the above-mentioned reasons, the development adversely affects the character of the host dwelling and the area and would result in unacceptable harm to the significance of the Conservation Area. The proposals do not comply with the NPPF paragraphs 127, 130, 193,194 and 195 and Policy DG1, CA2 and LB2 of the Local Plan.

### **Impact on Important Trees**

- 9.23 There is a magnolia tree by the south elevation of the property which is protected by a Tree Preservation Order (TPO). The proposed bin store would sit to the south of the tree. Permission to fell the magnolia was given under application 13/02019/TPO however, as seeing the current presence of the tree, it is understood that the work was not implemented.
- 9.24 Two Purple Plum trees covered by a TPO stand to the south of the proposed location of the new fence. One is within the application site and the other is just outside of the plot. Both Purple Plum trees are planted along Mill Lane and visible in the street scene.
- 9.25 The area is characterised with soft landscaping and established vegetation together with front boundary walls of brickwork to the front of houses. These TPO trees contribute to and form a key feature of the neighbourhood.

- 9.26 No information has been submitted by the applicant regarding trees, such as a BS5837 tree survey and constraints plan superimposed onto a layout plan. Due to insufficient information regarding trees, it is not possible to confirm the proposal would cause no harm to the character of the surrounding area or would not result in the loss of important features which contribute to the character of the area and the setting of the listed buildings. Therefore, the proposal does not comply with Policies N6, DG1 and LB2 of the Local Plan.

#### **Impact on existing neighbouring occupiers' amenities and those of future occupants**

- 9.27 The NPPF paragraph 127 and Policy H14 of the Local Plan advise that the development should not result in unacceptable harm to residential amenities of the immediate neighbouring properties. Due to the siting, scale and design of the proposal, there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

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

- 10.1 The development is not CIL liable.

#### **11. CONCLUSION**

- 11.1 The proposed works would result in unacceptable harm to the significance of the Listed Buildings and the Conservation Area and be contrary to paragraphs 127, 130, 193, 194, 195 of the NPPF and Policy LB2, CA2, DG1 and N6 of the Local Plan.

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

- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C - Elevations

#### **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The demolition of the southern element of the garden wall, which is grade II listed in itself and curtilage listed with the grade II\* listed Edgeworth House, causes substantial harm to the significance of the designated heritage assets, namely the front wall gateway to Edgeworth House and Edgeworth House. The partial demolition of the garden wall causes loss of historic fabric and impacts significantly on the setting of Edgeworth House, specifically the historic arrangement of the front garden being enclosed by walls on all sides. There are no public benefits that outweigh that harm, and the proposal fails to comply with Paragraphs 193, 194 and 195 of the National Planning Policy Framework (NPPF, 2019) and Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan (2003).
- 2 The proposed boundary fence and gates do not respect the design and materials which represent the traditional and formal nature of the listed building, garden wall and their setting. In addition, the proposed boundary replacement is visible from Mill Lane and directly impacts the street scene and the character of the area and, therefore, adversely affects the character of the host dwelling and its setting. The proposal fails to comply with paragraphs 127 and 130 of the NPPF (2019) and Policies CA2, LB2 and DG1 of the Local Plan (2003).
- 3 As insufficient information has been submitted regarding the protected trees within and

near the development site, the application fails to demonstrate that the proposal would not result in the loss of important features which contribute to the character of the area and setting of the listed buildings. The proposal does not comply with paragraph 127 of the NPPF (2019) and Policies N6, LB2 and DG1 of the Local Plan (2003).

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## Appeal Decision Report

24 January 2020 - 24 February 2020

### WINDSOR

**Appeal Ref.:** 19/60065/REF      **Planning Ref.:** 17/02404/FULL      **Plns Ref.:** APP/T0355/W/18/3206924

**Appellant:** Mssrs T And D Giles And Loveridge **c/o Agent:** Dr Angus Murdoch Murdoch Planning Ltd PO Box 71 Ilminster Somerset TA19 0WF

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

**Description:** 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

**Location:** **Land At Datchet Common Horton Road Datchet Slough**

**Appeal Decision:** Allowed      **Decision Date:** 23 January 2020

**Main Issue:** The Inspector considered that there were Very Special Circumstances which outweighed the identified harm to the Green Belt. The Inspector concluded that the scheme was acceptable when assessed against Policy F1 of the Local Plan in respect of the flow of flood water and capacity of the flood plain. The Inspector found that even though the caravans would be sited in flood zone 3 that it had been demonstrated that the effect on public safety would be acceptable in respect of flood risk.

**Appeal Ref.:** 19/60081/REF      **Planning Ref.:** 19/00414/FULL      **Plns Ref.:** APPT0355/W/19/3233759

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

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

**Description:** Construction of 8 three bedroom apartments to include refuse storage, new vehicular and pedestrian access with additional access from Ridgmont 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**

**Appeal Decision:** Dismissed      **Decision Date:** 14 February 2020

**Main Issue:** The Inspector found that the proposed development could potentially result in harm or loss of the protected lime tree. It had not been adequately demonstrated that suitable protection for this tree could be achieved. Accordingly, the proposal fails to comply with saved policies N6, DG1 and H11 of the Local Plan which requires suitable landscaping and maintenance. It would also be at odds with the requirements of Policy NP/EN2 of the neighbourhood plan which requires the retention of mature of important trees. As the appeal site is located within 5KM of the Thames Heaths Special Protection Area, and as such the proposed development would be likely to have an adverse impact on the area, which is protected by European and national legislation.

**Appeal Ref.:** 19/60103/REF      **Planning Ref.:** 19/01243/FULL      **Plns Ref.:** APP/T0355/D/19/3234834

**Appellant:** Mrs Charlotte Smith 89 Slough Road Datchet Slough SL3 9AL

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

**Description:** Proposed hip to gable, rear dormer with roof terrace balcony, side window and 1 No. front rooflight to facilitate a loft conversion.

**Location:** **89 Slough Road Datchet Slough SL3 9AL**

**Appeal Decision:** Dismissed      **Decision Date:** 4 February 2020

**Main Issue:** The Inspector concluded that the proposed development would overlook the gardens for the surrounding properties which would result in a loss of privacy for the occupiers of the surrounding dwellings. The proposal would introduce a flat roof which would not match the existing roof line of the host dwelling or the neighbouring property, whilst this is located to the rear of the property this would cause harm to the character and appearance of the host dwelling and the street scene.

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**Appeal Ref.:** 19/60109/REF      **Planning Ref.:** 15/01655/FULL      **Plns Ref.:** APP/T0355/W/19/3238358

**Appellant:** Mr Stephen Bennett **c/o Agent:** ET Planning 200 Dukes Ride Crowthorne RG45 6DS

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

**Description:** Proposed detached dwelling with integral double garage following demolition of existing dwelling

**Location:** **The Chalet Ravensdale Road Ascot SL5 9HJ**

**Appeal Decision:** Dismissed      **Decision Date:** 20 January 2020

**Main Issue:** Although this application was a resubmission of an earlier 2012 approval, there had been a number of material changes in circumstances which included the approval and construction of four dwellings to the north west, additional planning history for the site, the adoption of the Neighbourhood Plan, and amendments to the NPPF which placed greater emphasis on good design. As a result, the Inspector considered that the proposed built form would have a greater scale and bulk than the existing dwelling. The Inspector raised concern in respect of the proximity of the development to the trees to the south. Given the scale of the proposed dwelling, open space around the site was limited and not considered commensurate to the scale of the dwelling. The Inspector concluded there would also be impact on light to the single-aspect dining and drawings rooms, which would affect the living environment of future occupiers. The Inspector was concerned that there would be post development pressures to severely cut back or remove trees, which would reduce the wooded setting of the site and contribution to the sylvan character. An application for costs was submitted and refused. Although the Inspector considered that the length of time it took the Council to determine the application was unreasonable, he concluded that this did not prevent further applications and appeals being made at the site. On balance, the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated in this case.

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**Appeal Ref.:** 20/60002/ENF      **Enforcement Ref.:** 17/50052/ENF      **Plns Ref.:** APP/T0355/C/19/3240945  
**Appellant:** Mr P A'Court 16 Wilton Crescent Windsor SL4 4YJ  
**Decision Type:** Enforcement Notice      **Officer Recommendation:**  
**Description:** Appeal against the Enforcement notice: Without planning permission, the use of the annexe as a separate unit of accommodation.  
**Location:** **16 Wilton Crescent Windsor SL4 4YJ**  
**Appeal Decision:** Withdrawn      **Decision Date:** 21 February 2020

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## Planning Appeals Received

24 January 2020 - 24 February 2020

### 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 PIns 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:** Windsor Unparished  
**Appeal Ref.:** 20/60009/REF      **Planning Ref.:** 18/03623/CPD      **PIns Ref.:** APP/T0355/X/19/3240732  
**Date Received:** 7 January 2020      **Comments Due:** 27 February 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Certificate of lawfulness to determine whether the proposed floating hydro powered barge not amounting to a form of development is lawful.  
**Location:** **Romney Weir Thames Side Windsor**  
**Appellant:** Southeast Power Engineering **c/o Agent:** Mr Michael Lee Woolf Bond Planning Ltd The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 20/60008/REF      **Planning Ref.:** 19/02293/FULL      **PIns Ref.:** APP/T0355/D/19/3242452  
**Date Received:** 28 January 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Garage conversion, side extension with front and rear dormers, first floor side extension, single storey rear extension and alterations to fenestration, following demolition of the existing rear conservatory  
**Location:** **15 Holmes Close Ascot SL5 9TJ**  
**Appellant:** Mr And Mrs D And T Page **c/o Agent:** Mr Martin Gaine Just Planning Suite 45 4 Spring Bridge Road London W5 2AA

**Ward:**  
**Parish:** Horton Parish  
**Appeal Ref.:** 20/60010/REF      **Planning Ref.:** 19/02195/FULL      **PIns Ref.:** APP/T0355/W/19/3243583  
**Date Received:** 29 January 2020      **Comments Due:** 4 March 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of 2no. three bedroom dwellings, 2no. pergolas, bin storage, new boundary treatment with associated parking and landscaping following the demolition of existing garages.  
**Location:** **Garages At 1 To 12 Milton Close Horton Slough**  
**Appellant:** Mr Charles **c/o Agent:** Mr R Charles Stable Clock House Trulls Hatch Argos Hill Rotherfield Crowborough TN6 3QL



**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 20/60011/REF      **Planning Ref.:** 19/02311/FULL      **Plns Ref.:** APP/T0355/W/19/3241596  
**Date Received:** 29 January 2020      **Comments Due:** 4 March 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Change of use of the existing first floor flat from residential to retail, new shop front, part single, part two storey rear extension with parapet wall, installation of a chiller unit, new boundary fence and alterations to fenestration to create new first floor flat with amenity space and external stairs.  
**Location:** **68 High Street Sunninghill Ascot SL5 9NN**  
**Appellant:** Sunninghill High Ltd **c/o Agent:** Mr Chris Maltby Edgeplan Ltd 3rd Floor 16 Upper Woburn Place London WC2H 0BS

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 20/60014/REF      **Planning Ref.:** 19/02844/FULL      **Plns Ref.:** APP/T0355/D/20/3245285  
**Date Received:** 5 February 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Raising of the ridge, x2 front rooflights and x1 rear L-shaped dormer.  
**Location:** **23 Arthur Road Windsor SL4 1RS**  
**Appellant:** Mr And Mrs Hall **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

**Ward:**  
**Parish:** Datchet Parish  
**Appeal Ref.:** 20/60017/REF      **Planning Ref.:** 19/02223/FULL      **Plns Ref.:** APP/T0355/D/20/3244196  
**Date Received:** 19 February 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** New front porch, part single, part two storey and part first floor side/rear extension.  
**Location:** **148 London Road Datchet Slough SL3 9LH**  
**Appellant:** Mr Atwal **c/o Agent:** Miss Emma Burns EJB Planning 24 Pinders Farm Drive Warrington WA1 2GF

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