

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 5TH JANUARY, 2022

At 7.00 pm

by

GREY ROOM - YORK HOUSE, ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

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

SUBSTITUTE MEMBERS

COUNCILLORS KAREN DAVIES, LYNNE JONES, HELEN PRICE, CAROLE DA COSTA, DAVID HILTON, SAYONARA LUXTON, JOHN STORY, GARY MUIR AND SAMANTHA RAYNER

Karen Shepherd – Head of Governance - Issued: 23rd December 2021

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

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 OF PREVIOUS MEETING</u> To approve the minutes of the meeting held on 1 st December 2021 as a true and accurate record.	7 - 10
4.	<u>21/02063/FULL - MERCURE CASTLE HOTEL - 18 HIGH STREET - WINDSOR - SL4 1LJ</u> PROPOSED: <i>New outdoor seating area with entrance gates, decking, steps, access ramp and handrails, pergola, arbour, and planters. (Retrospective)</i> RECOMMENDATION: REFUSE APPLICANT: Genesta Georgian LLP MEMBER CALL-IN: Councillor Samantha Rayner EXPIRY DATE: 7 th January 2022	11 - 24
5.	<u>21/02367/FULL - 109 HIGH STREET - ETON - WINDSOR - SL4 6AN</u> PROPOSED: <i>Part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and external alterations, following demolition of the existing single storey side and rear elements.</i> RECOMMENDATION: PERMIT APPLICANT: Mr Jagdev MEMBER CALL-IN: Councillor Samantha Rayner EXPIRY DATE: 7 th January 2022	25 - 38
6.	<u>21/02368/LBC - 109 HIGH STREET - ETON - WINDSOR - SL4 6AN</u> PROPOSED: <i>Consent for part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and internal and external alterations, following demolition of the existing single storey side and rear elements.</i> RECOMMENDATION: PERMIT	39 - 50

APPLICANT: Mr Jagdev

MEMBER CALL-IN: Councillor Samantha Rayner

EXPIRY DATE: 7th January 2022

7.

**PLANNING APPEALS RECEIVED AND PLANNING DECISION
REPORT**

To note the contents of the report.

51 - 52

This page is intentionally left blank

MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 1 DECEMBER 2021

PRESENT: Councillors David Cannon (Chairman), Christine Bateson, Julian Sharpe, Shamsul Shelim, Amy Tisi, Neil Knowles, Wisdom Da Costa, Carole Da Costa and Sayonara Luxton

Officers: Oran Norris-Browne, Sian Saadeh, Jo Richards, Anthony Lenaghan and Mark Beeley

APOLOGIES FOR ABSENCE

Apologies were received from the Vice-Chairman Councillor Bowden and Councillor Davey. Councillor's Luxton and C. DaCosta acted as substitutes respectively.

DECLARATIONS OF INTEREST

There were no declarations of interest made.

MINUTES OF PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held on the 3rd November 2021 be a true and accurate record.

21/01721/FULL - SUNNINGDALE PARK - LARCH AVENUE - ASCOT - SL5 0QE

A motion was put forward by Councillor C. Da Costa to permit the application as per officer's recommendation for the reasons listed in section 13 of the main report and additional conditions in relation to the biodiversity matters highlighted in paragraphs 9.43 and 9.44 of the report. This was seconded by Councillor Cannon.

A named vote was taken.

21/01721/FULL - Sunningdale Park - Larch Avenue - Ascot - SL5 0QE (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	Against
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Amy Tisi	For
Councillor Neil Knowles	Against
Councillor Wisdom Da Costa	For
Councillor Carole Da Costa	For
Councillor Sayonara Luxton	Against
Rejected	

The motion fell.

A second motion was then put forward by Councillor Knowles to refuse the application on the basis that there were no very special circumstances that justified the inappropriate development within the greenbelt and the harm to the character of the area outweighed the benefits of the scheme. This was against officer's recommendation. This motion was seconded by Councillor Luxton.

21/01721/FULL - Sunningdale Park - Larch Avenue - Ascot - SL5 0QE (Motion)	
Councillor David Cannon	Against
Councillor Christine Bateson	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	Abstain
Councillor Amy Tisi	Against
Councillor Neil Knowles	For
Councillor Wisdom Da Costa	Against
Councillor Carole Da Costa	Against
Councillor Sayonara Luxton	For
Drawn	

A named vote was taken.

The casting vote was made by the Chairman, which was against. Therefore, the motion fell.

A third motion was put forward by Councillor Shelim to permit the application as per officer's recommendation for the reasons listed in section 13 of the main report and the two additional conditions in relation to the biodiversity matters highlighted in paragraphs 9.43 and 9.44 of the report and to a construction traffic management plan being secured by condition. This was seconded by Councillor C. DaCosta.

A named vote was taken.

21/01721/FULL - Sunningdale Park - Larch Avenue - Ascot - SL5 0QE (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	Against
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
Councillor Neil Knowles	Against
Councillor Wisdom Da Costa	For
Councillor Carole Da Costa	For
Councillor Sayonara Luxton	Against
Carried	

RESOLVED: that the application be approved, as per the Officer recommendation.

The panel were addressed by Brendan Fitzmaurice, objector and Caroline McHardy, applicant.

20/02166/FULL - LAND AND LAKES EAST OF RAILWAY AND WEST AND NORTH OF DATCHET PUMPING STATION - HORTON ROAD - DATCHET - SLOUGH

A motion was put forward by Councillor Sharpe to permit the application as per officer's recommendation. This was seconded by Councillor Shelim.

A named vote was taken.

20/02166/FULL - Land And Lakes East of Railway And West And North of Datchet Pumping Station - Horton Road - Datchet - Slough (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For

Councillor Neil Knowles	For
Councillor Wisdom Da Costa	Against
Councillor Carole Da Costa	For
Councillor Sayonara Luxton	For
Carried	

RESOLVED: that the application be approved, as per the Officer recommendation.

The panel were addressed by Laurence Moore, applicant, Linda O’Flynn, Parish Councillor and Councillor Ewan Larcombe.

21/02302/OUT - LAND FRONTING NORTH BANK OF THAMES AND ACCESSED BETWEEN 66 AND 68 WRAYSBURY ROAD - STAINES

A motion was put forward by Councillor Sharpe to refuse the application, which was in line with the officer recommendation. This was seconded by Councillor Bateson.

A named vote was taken.

21/02302/OUT - Land Fronting North Bank of Thames And Accessed Between 66 And 68 Wraysbury Road - Staines (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
Councillor Neil Knowles	For
Councillor Wisdom Da Costa	For
Councillor Carole Da Costa	For
Councillor Sayonara Luxton	For
Carried	

RESOLVED UNANIMOUSLY: that the application be refused, as per the Officer recommendation.

The panel were addressed by Ian Benbow, applicant, and Councillor Ewan Larcombe.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The panel noted the reports.

The meeting, which began at 7.00 pm, finished at 9.25 pm

CHAIRMAN.....

DATE.....

This page is intentionally left blank

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

5 January 2022

Item: 1

Application No.:	21/02063/FULL
Location:	Mercure Castle Hotel 18 High Street Windsor SL4 1LJ
Proposal:	New outdoor seating area with entrance gates, decking, steps, access ramp and handrails, pergola, arbour and planters. (Retrospective)
Applicant:	Genesta Georgian LLP
Agent:	Ms Hannah Bizoumis
Parish/Ward:	Windsor Unparished/Eton And Castle
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 Retrospective planning permission is sought for the installation of a pergola, an arbour, planters, a decked area and associated ramp, steps and handrails in association with an outdoor seating area positioned alongside the Castle Hotel and part within the carriageway arch. The structures were erected in April 2021 in response to the 'opening up' of the hospitality sector to provide an outdoor seating area for hotel guests and members of the public using the hotel.
- 1.2 The Castle Hotel is a prominent four storey, grade II listed building which lies on the High Street within the historic core of the Windsor Town Centre Conservation Area. The works carried out are considered to have a negative impact on the setting of the listed building, adjacent historic buildings and on the character and appearance of the Conservation Area. The level of harm to each of these heritage assets is less than substantial, but given that multiple heritage assets would be harmed as a result of the proposal, the cumulative harm identified is significant. The public benefits in this case do not outweigh this significant harm.
- 1.3 The outdoor seating area does not result in an unacceptable impact on the living conditions of the neighbouring residential properties subject to controlling the hours of use and the lighting.

It is recommended that the Committee REFUSE planning permission for the following summarised reason (the full reason is identified in Section 12 of this report):

1. The pergola, arbour, planters and associated paraphernalia, by virtue their siting, height, design and materials result in a cluttered and incongruous appearance within the carriageway arch and would have a negative impact on the setting of the host listed building, adjacent listed buildings and on the character and appearance of the Conservation Area. The level of harm caused to the individual Heritage Assets would be less than substantial, but cumulatively the harm to heritage is significant and would not be outweighed by the public benefit. The development is contrary to Local Plan policies LB2 and CA2, emerging policy HE1 and guidance set out in section 16 of the NPPF.

2. REASON FOR PANEL DETERMINATION

- 2.1 The application has been called into Committee by Cllr Rayner, if minded to refuse on the grounds of economic regeneration of Windsor, Covid and tourism.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The Castle Hotel lies within the historic core of Windsor Town Centre on the western side of the High Street. There is a carriageway arch alongside the hotel which formerly provided vehicular access from the High Street to the car park at the rear. Vehicular access to the car park is now gained from Bachelors Acre. The area beneath the arch is now used as an outdoor seating area for hotel guests and members of the public and includes a decked area, timber arbour, pergolas and planters.
- 3.2 Residential properties lie immediately adjacent to the site, to the south.

KEY CONSTRAINTS

- 3.3 The Castle Hotel is grade II listed and lies within the Windsor Town Centre Conservation Area. The neighbouring buildings, numbers 15-17 High Street and 19-23 are also grade II listed. The site lies opposite the Guildhall which is grade I listed and close to Windsor Castle, a Scheduled Ancient monument and grade I listed building.

4. PROPOSED DEVELOPMENT & RELEVANT PLANNING HISTORY

- 4.1 Retrospective planning permission is sought for the installation of a pergola, an arbour, timber planters, a decked area and associated ramp, steps and handrails in association with the outdoor seating area positioned adjacent to the hotel building and part within the carriageway arch. The structures were erected in April 2021 in response to the 'opening up' of the hospitality sector to provide an outdoor seating area for hotel guests and members of the public using the hotel.
- 4.2 The application follows complaints received by the enforcement team.
- 4.3 The development is freestanding and is not physically attached to the listed building. No separate listed building consent is therefore required. Following concerns raised by the Conservation Officer attempts were made to seek amendments to the development. However, the applicant has chosen to pursue the original submitted scheme.
- 4.4 There is extensive planning history relating to this site. The most relevant history is set out as follows:

Ref.	Description	Decision and Date
21/01800/FULL	Part demolition and reconstruction of existing rear boundary wall, relocation and replacement of existing car park barrier and bollards, alterations to the existing access ramp and associated works.	Permitted 13/9/21

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Heritage	CA2, LB2
Noise	NAP3
Highways	T5

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

6. **MATERIAL PLANNING CONSIDERATIONS**

6.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 7 – Ensuring the vitality of town centres

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

6.2 **Borough Local Plan: Main Modifications Version (July 2021)**

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Heritage	HE1
Noise	EP4
Sustainable Transport	IF2

- 6.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 6.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the

Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

6.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 7 of this report.

6.6 These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

6.7

- Borough Wide Design Guide (adopted June 2020)

Other Local Strategies or Publications

6.8 Other Strategies or publications relevant to the proposal are:

- Windsor Town Conservation Area Appraisal 2009.

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

7. CONSULTATIONS CARRIED OUT

7.1 The application was advertised in the local press on the 29th July 2021 and site notices posted on the 30th July 2021.

Comments from interested parties

7.2 27 neighbouring properties were notified directly of the application.

7.3 2 letters have been received from the occupiers of neighbouring residential properties, numbers 4 and 7 Guards View. Their comments are summarised as follows:

Comment	Where in the report this is considered
☐ Noise needs to be properly managed and opening times may need restricting	Paragraphs 8.8 & 8.9
☐ Noise and disturbance to balcony and bedroom at neighbouring flat, number 4 Guards View from customers talking and laughing, dumping of glass bottles into bins late at night and early morning, noise from bell signalling food is ready and noise from people walking on decking in hard-soled shoes.	Paragraphs 8.8 & 8.9
☐ Light pollution – lighting for seating area is too bright.	Paragraphs 8.8 & 8.9
☐ The timber arbour, pergola, hanging lights, fake plants and flowers are incongruous with the listed building in the historic core of the Conservation Area.	Paragraphs 8.2-8.7

7.4 12 letters of support have been received including from several local businesses, Cllr Rayner and The Windsor and Eton Society. The comments are summarised as follows:

Comment		Where in the report this is considered
1.	In response to the pandemic local and national guidance encourages outdoor dining areas	Paragraph 8.6
2.	Seating area is set back from the high street within the carriage arch and does not spoil or interrupt the historic views and nature of the area.	Paragraph 8.2-8.7
3.	Council should support local businesses as they respond and recover from the past 18 months.	8.6
4.	Visually improves the hotel and high street without encroaching onto the public pathway.	8.2-8.7
5.	Traffic on High Street has been reduced by use of rear entrance	8.10
6.	More staff have been recruited to meet the demand due to the popularity of the space.	8.6
7.	Brings more foot traffic to this end of the High Street which benefits local businesses.	8.6
8.	Aesthetically the outside space is attractive and a great space for tourists and locals.	8.6
9.	Need to support local businesses in volatile trading times	8.6
10.	New space is supporting tourist trade	8.6
11.	Government is encouraging businesses to adapt	8.6
12.	Additional restaurant area is supporting additional jobs, local suppliers and local businesses.	8.6
13.	Removal of traffic and pollution from the high street	8.10
14.	Hotel is ensuring that noise is being kept to an acceptable level and outside area is closing at a reasonable hour.	8.9
15.	The gazebo has significantly improved the attractiveness of the High Street and improved the economic impact of dining.	8.2-8.7
16.	Not a structure that would permanently change the setting of the grade II listed building or the setting of the Conservation Area	8.2-8.7
17.	Other outdoor seating areas serving other establishments close by are surrounded by plastic barriers which are significantly more at odds with the Conservation Area than the infill of the arch with wooden structures.	8.2-8.7
18.	Outside seating areas for dining are welcome additions for the public.	8.6
19.	Time limited permission (say five years) could be considered.	8.11
20.	The structure is not attached to the listed building and does not damage the fabric of the building.	8.5

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	Support a recommendation for refusal	Paragraph 8.2-8.7
Environmental Protection	No concerns regarding this application	Paragraphs 8.8-8.9
Highways	No objection	Paragraph 8.10

8. MATERIAL CONSIDERATIONS

8.1 The key issues for consideration are:

- i) The Impact on Heritage Assets including the setting of listed buildings and the Conservation Area
- ii) Impact on Residential Amenity
- iii) Other Material Considerations

i)The impact on Heritage Assets including the setting of listed building and the Conservation Area

- 8.2 Local Plan policy CA2 requires development in Conservation Areas to enhance or preserve the character or appearance of the area and requires alterations to existing buildings to be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general. Policy LB2 deals with proposals affecting listed buildings or their settings and seeks to ensure that development proposals do not adversely affect the setting of listed buildings. Emerging policy HE1 requires the historic environment to be conserved and enhanced in a manner appropriate to its significance. Development proposals should seek to conserve and enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment.
- 8.3 The Castle Hotel is a prominent four storey, stucco fronted, grade II listed building which lies within the 'Historic core and High Street' character area of the Windsor Town Centre Conservation Area. It is located opposite the grade I listed Guildhall and forms part of a long run of listed buildings of varying architecture that line of western side of the High Street. The building dates from the 18th century with a later addition that includes a vehicle/carriage entrance at ground floor level. The hotel and the wider conservation area have architectural and historic significance. This is derived from the age and quality of the building and the character of the streetscape that together form a backdrop to Windsor Castle, a Scheduled Ancient monument and grade I listed building.
- 8.4 The structures, which include a timber pergola, arbour and planters are free standing and have no physical attachment to the building itself and therefore have no impact on the historic fabric of the listed building itself. The High Street frontage is however particularly sensitive and forms part of the streetscape context for several important buildings. The alterations to the rear of the building are within a secondary area and would not have a negative impact on the setting of the listed building or its wider context. The works that are visible from the High Street are however of more concern. Whilst there would be no objection in principle to the use of this area for outdoor seating associated with the hotel (as the use of this area as a carriageway did not form part of the original building), the rough timber arbour and pergola, which are decked with artificial flowers and hanging lights appear at odds with the refined architecture of the frontage. They are highly visible and given the context, they appear incongruous, creating a cluttered appearance that neither preserves or enhances the setting of the listed building nor the character of the Conservation Area.
- 8.5 The works are therefore considered to have a negative impact on the significance of the setting of the host listed building, The Mercure Castle Hotel, and on the appearance of the Conservation Area. In addition, the site lies opposite the grade I listed Guildhall, and in close proximity to Windsor Castle, a grade I listed building and Scheduled Ancient Monument. The proposed development is also highly prominent in the setting

of these important historic buildings and for the same reasons, would be harmful to the setting of these adjacent heritage assets.

- 8.6 The harm caused to each of the identified heritage assets is less than substantial and the degree of harm is of a moderate level. However, when moderate weight is given to the harm to each of the individual heritage assets, the cumulative harm to heritage becomes significant. Paragraph 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* It is acknowledged that there is local support for the development and economic and public benefits have been put forward, however these benefits have not been sufficiently evidenced such that they can be afforded more than limited weight in the balance. For example, the Planning Statement advises that the outdoor seating area allows the hotel to remain in operation, however, it has not been evidenced that the hotel would be an unviable business without the outdoor seating area. As such, the benefit of providing the development is not outweighed by the visual harm it causes. Furthermore it should also be noted that this area could still be productively used for outside seating without the timber pergola, arbour and other structures in place.
- 8.7 In this regard the development is not acceptable and should be refused on the grounds that the pergola, arbour, planters and associated paraphernalia, by virtue their siting, height, design and materials result in a cluttered and incongruous appearance within the carriageway arch and would have a negative impact on the setting of the listed building, adjacent historic buildings and on the character and appearance of the Conservation Area. The level of harm caused to the Heritage Assets would be less than substantial and of a significant level when the harm to the heritage assets is considered cumulatively and would not be outweighed by the public benefit. As such the development is contrary to Local Plan policies LB2 and CA2, emerging policy HE1 and guidance set out in section 16 of the NPPF.

ii. Impact on the living conditions of the neighbouring properties

- 8.8 Local Plan policy NAP3 states that planning permission will not be granted for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries. Emerging policy EP4 requires development proposals to consider the noise and quality of life impact on recipients in existing nearby properties to ensure they are not subject to unacceptable harm. Development that generates unacceptable levels of noise and affect quality of life will not be permitted. Effective mitigation measures will be required where development proposals may generate significant levels of noise and may cause or have an adverse impact on neighbouring residents. Emerging policy QP3 sets out design principles which includes development having no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust and smell, amongst other things.
- 8.9 The hotel lies within a town centre location where some noise is to be expected. There are residential properties situated immediately adjacent to the hotel and the outdoor seating area. There are also several hotel rooms which directly overlook the outdoor seating area. It would not be in the hotels interest for the outdoor seating area to cause noise and disturbance to its own guests and to a certain extent it would regulate itself in terms of noise and disturbance. The Environmental Protection team has also raised no concerns regarding this application. However, if planning permission is granted for the outdoor seating area it is considered reasonable and appropriate to restrict the hours of use to between 8am and 10pm to protect the amenities of the neighbouring residential properties. It is also considered that any external lighting associated with

the outdoor seating area would be turned off between the hours of 10pm and 8am to prevent any light pollution to the neighbouring properties. Subject to these conditions being secured it is not considered that the development would have an adverse impact on the living conditions of the neighbouring residential properties in this town centre location.

iii. Other Material Considerations

- 8.10 The Highways section has raised no objection to the closing of the vehicular access from the High Street. Vehicular access is now obtained from Bachelors Acre at the rear of the hotel.
- 8.11 Given the harm caused to the Heritage Assets it is not considered appropriate to grant a temporary permission.
- 8.12 No details of the gates, shown to be installed on the frontage, have been provided and details of the design, height and materials for the gates would need to be secured by condition in the event of planning permission being granted.

9. CONCLUSION

- 9.1 The economic and public benefits of the development put forward would not outweigh the harm to the setting of the host listed building, adjacent listed buildings and the character and appearance of the Conservation Area and the development is contrary to Local Plan policies LB2 and CA2 and emerging policy HE1.

10. RECOMMENDATION

Refuse Planning Permission

11. APPENDICES TO THIS REPORT

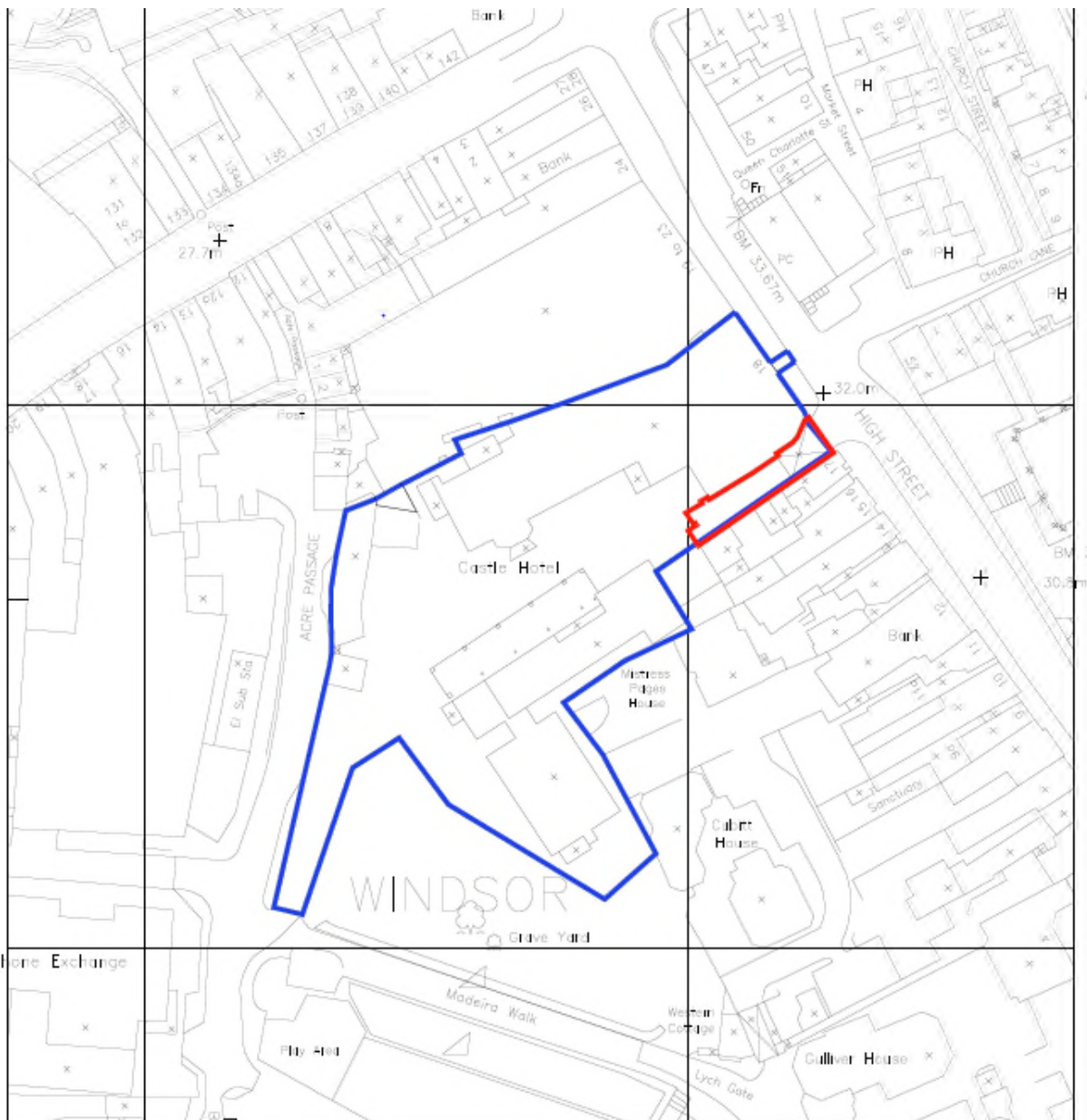
- Appendix A – Site Location Plan
- Appendix B – Site Plan
- Appendix C – Elevation
- Appendix D – Details

12. REASONS FOR REFUSAL:

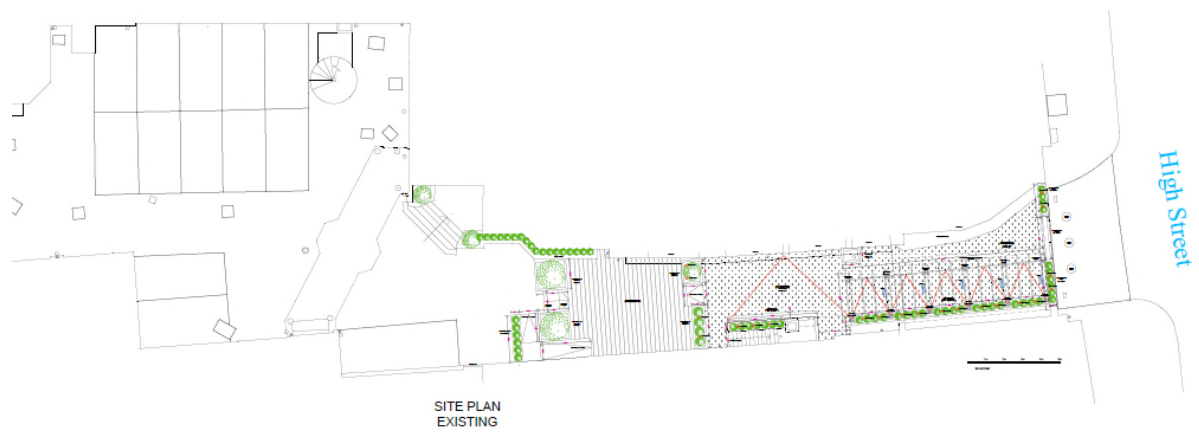
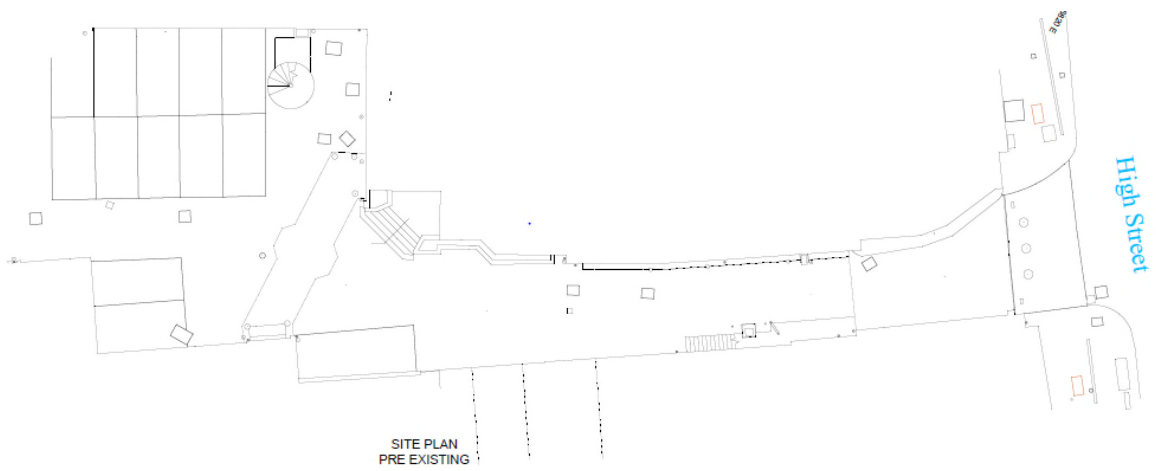
- 1 The pergola, arbour, planters and associated paraphernalia, by virtue their siting, height, design and materials result in a cluttered and incongruous appearance within the carriageway arch and would have a negative impact on the setting of the host listed building, adjacent listed buildings and on the character and appearance of the Conservation Area. The level of harm caused to the individual Heritage Assets would be less than substantial, but cumulatively the harm to heritage is significant and would not be outweighed by the public benefit. The development is contrary to Local Plan policies LB2 and CA2, emerging policy HE1 and guidance set out in section 16 of the NPPF.

21/02063/FULL – Mercure Castle Hotel, 18 High Street, Windsor

Appendix A – Site Location Plan



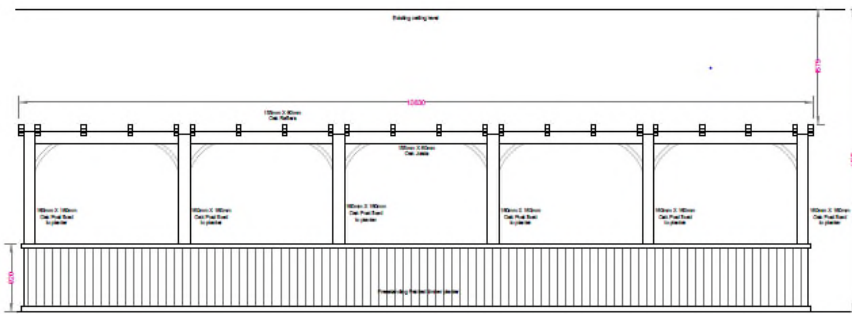
Appendix B - Site Plan



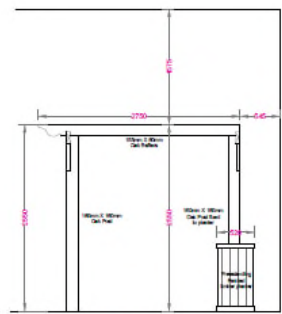
Appendix C – elevation



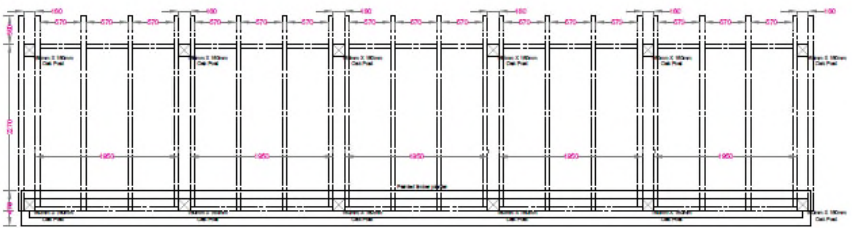
Appendix D – Details



PERGOLA DETAILED FRONT ELEVATION - REF A

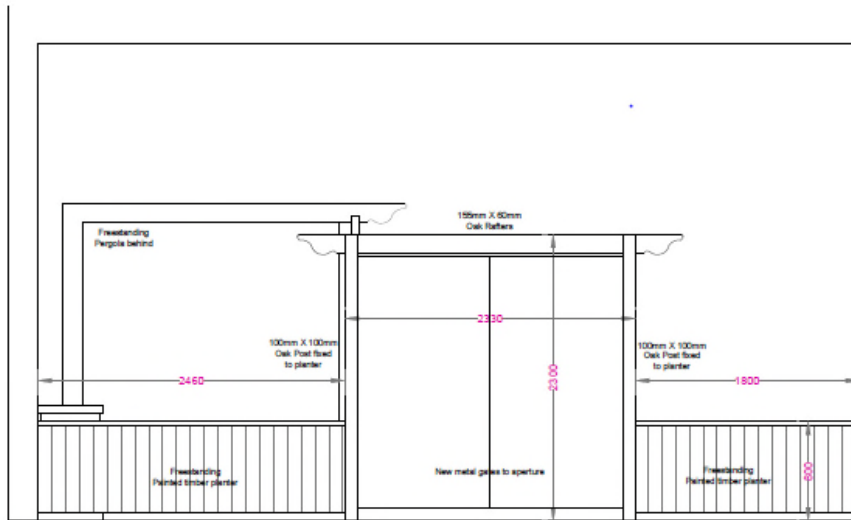


PERGOLA DETAILED SIDE SECTION - REF A

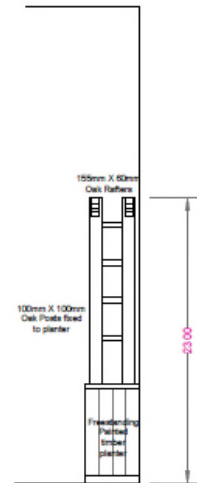


PERGOLA DETAILED PLAN - REF A

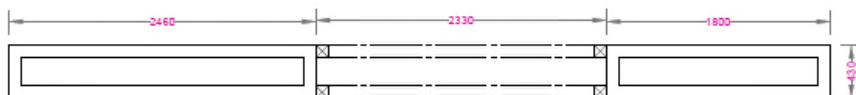
Rev	Description	Date
hcd@h-w-n.com 0783 231288		
Site Address	CASTLE HOTEL WINDSOR	
Drawing Title	DETAILS SHEET 1	



ENTRANCE ARBOR
FRONT ELEVATION - REF B

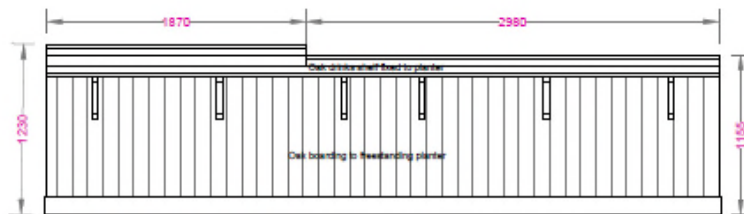
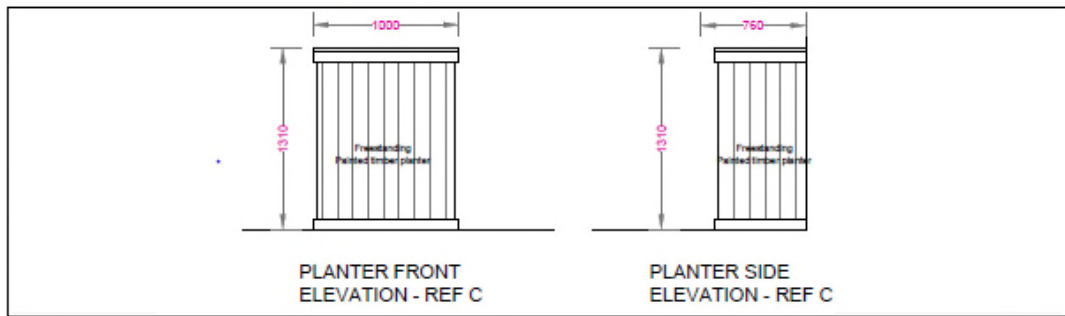


ENTRANCE ARBOR
SIDE ELEVATION - REF B

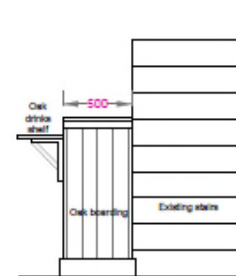


ENTRANCE ARBOR PLAN - REF B

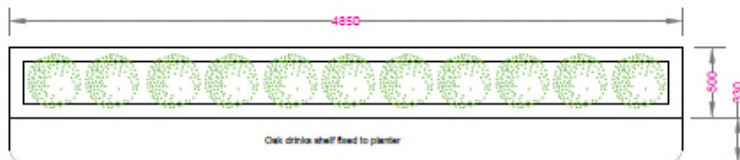
Details (cont.)



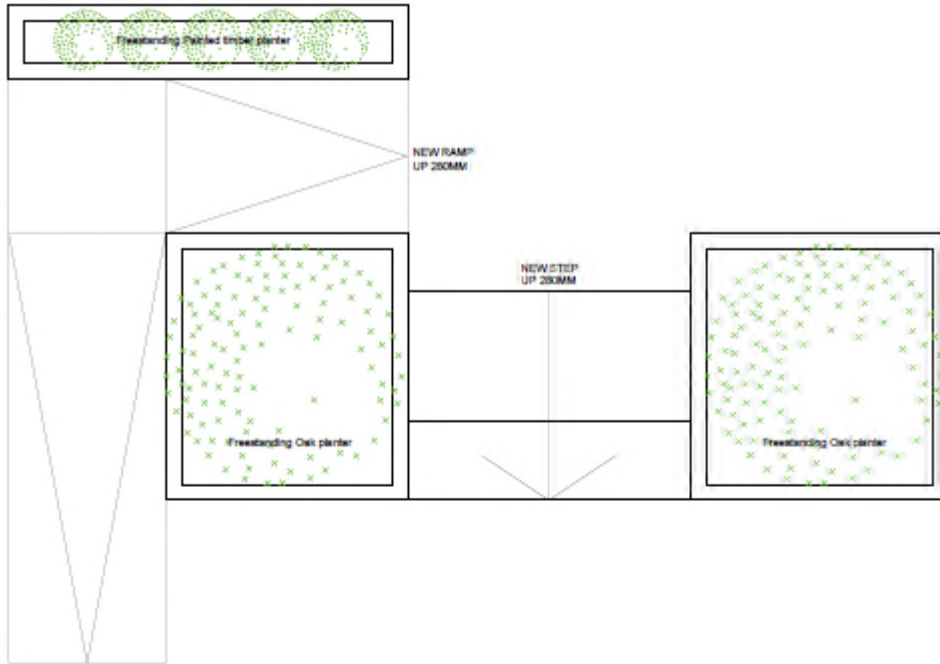
OAK PLANTER & SHELF
DETAILED FRONT ELEVATION- REF D



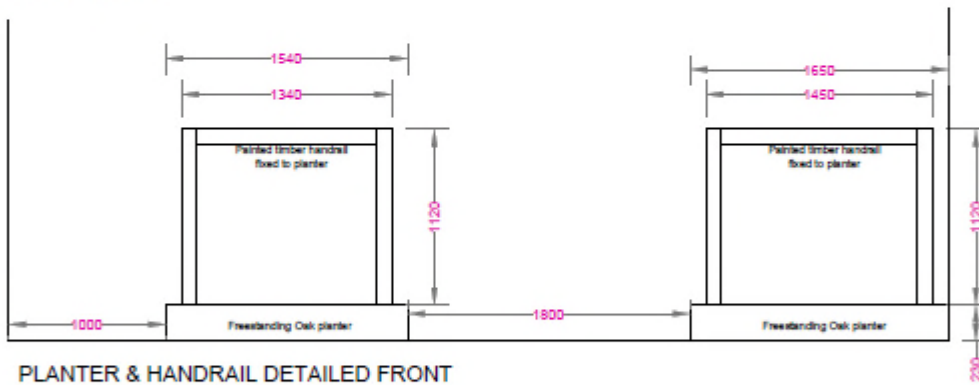
OAK PLANTER & SHELF
DETAILED SIDE ELEVATION- REF D



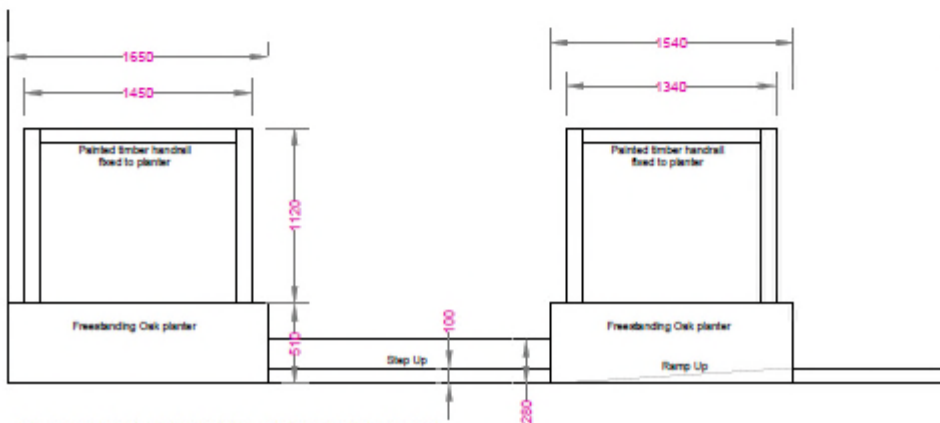
OAK PLANTER & SHELF
DETAILED PLAN - REF D



OAK PLANTER & HANDRAIL DETAILED PLAN - REF E



PLANTER & HANDRAIL DETAILED FRONT ELEVATION- REF E



PLANTER & HANDRAIL DETAILED REAR ELEVATION- REF E

DEVELOPMENT CONTROL PANEL

5 January 2022

Item: 2

Application No.:	21/02367/FULL
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	Part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and external alterations, following demolition of the existing single storey side and rear elements.
Applicant:	Mr Jagdev
Agent:	Mr Simon Horler
Parish/Ward:	Eton Town Council/Eton And Castle
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This grade II listed building lies on the High Street in Eton and comprises commercial floor space on the ground floor and residential use on the first and second floors. The proposal seeks to amend a previous planning permission and listed building consent. The amendments relate to changes to the internal layout resulting in a reduction in the amount of commercial floorspace at ground floor and an increase in residential floor area. Minor external alterations are also proposed.
- 1.2 The retention of the existing shopfront and the amount of commercial floor area retained would be sufficient to maintain the vitality and viability of the High Street in accordance with neighbourhood plan policies BL1 and BL2.
- 1.3 The proposal would be sympathetic to the character and appearance of the existing building and the Conservation Area and would accord with Local Plan policy CA2, Neighbourhood Plan policy HD3 and emerging policy HE1.
- 1.4 Subject to appropriate flood resistant and resilient measures being secured the proposal would accord with neighbourhood plan policy EN3, adopted local plan policy F1, emerging policy NR1 and paragraph 167 of the NPPF and is acceptable in flood risk terms.
- 1.5 The living conditions of existing and future occupiers is acceptable and the proposal accords with emerging policy QP3 and paragraph 130f) of the NPPF.
- 1.6 The proposal is acceptable in terms of parking and highway safety.

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

2. REASON FOR PANEL DETERMINATION

- The application has been called in by Cllr Rayner, if minded to approve, on the grounds that it conflicts with the neighbourhood plan and could have a detrimental effect on the economic viability of Eton High Street.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the western side of the High Street in Eton on a prominent corner plot adjacent to Jubilee Gardens, an area of public open space. To the north of the site lies The Christopher Hotel. The site comprises an attractive, late 17th or early 18th century, two storey building with rooms in the roof. It fronts onto the High Street and has a white painted façade. The ground floor has two timber shopfronts and a pair of entrance doors and was formerly occupied by a photographic studio (Class A2 financial and professional services) and is now vacant. The first and second floors were in residential use (1 x 1 bed and 1 x 3 bed flat). There is a gravel parking area to the rear of the building served by a gated vehicular entrance from Eton Court.
- 3.2 Work has already commenced on site under the previous planning permission and listed building consent, reference numbers 17/02460/FULL and 17/02461/LBC. The single storey rear extension is nearing completion and internal alterations are underway.

4. KEY CONSTRAINTS

- 4.1 The building is grade II listed and lies within the Eton Conservation Area. The site lies within Flood Zone 3.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to amend the previously consented schemes under application numbers 17/02460/FULL and 17/02461/LBC (which have been implemented). The overall size and external appearance of the proposed extensions remains largely unchanged. The amendments to the permitted scheme include:
- Retention of the Jubilee Garden party wall, previously shown to be demolished.
 - The reconfiguration of the internal layout resulting in a reduction in commercial floorspace (to 66 sq.m) and an increase in residential floor space at ground floor level. This in turn has resulted in the number of bedrooms for each residential unit being increased from 2 to 3.
 - The replacement of a door on the front elevation with a window and two separate entrance doors to serve both residential units on the rear elevation.
- 5.2 The number of residential units remains unchanged at 2.
- 5.3 Further amendments were sought during the application and include:
- Stepping in of the first floor side extension off the Jubilee Garden party wall.
 - Changes to the design of the rear entrance doors
 - A note to include replacement of existing uPVC dormer windows with timber windows.
- 5.4 The relevant planning history is set out as follows:

Reference	Description	Decision
17/02460/FULL	Part change of use of ground floor from A2 (Financial and Professional Services) to residential; part single, part two storey side and rear extensions following the demolition of existing additions.	Permitted 19.10.17

17/02461/LBC	Consent for part change of use of ground floor from A2 (Financial and Profession Services) to residential; part single, part two storey side and rear extensions following demolition of existing additions.	Permitted 19.10.17
20/02910/CONDIT	Details required by condition 2 (materials) 3 (roof materials) 4 (windows) 5 (joinery) 6 (rainwater goods) 7 (roof details) 9 (archaeology) of planning permission 17/02460/FULL	Approved 24.12.20
20/02911/CONDIT	Details required by condition 2 (materials) Condition 3 (Roof Materials) Condition 4 (Windows) Condition 5 (Joinery) and condition 6 (Rainwater goods) of listed building consent 17/02461/LBC	Approved 24.12.20
21/02368/LBC	Consent for part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, alterations to fenestration and internal and external alterations, following demolition of the existing single storey side and rear elements.	Pending Consideration

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Conservation Area	CA2
Listed Building	LB2
Highways and Parking	T5 & P4
Flooding	F1

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Neighbourhood Plan Policy
Development within Eton	HD3
Retail	BL1
Eton High Street	BL2
Bicycle Parking	TI3
Flooding	EN3

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

- 7.1 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 16- Conserving and enhancing the historic environment

7.2 **Borough Local Plan: Main Modifications Version (July 2021)**

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Heritage Assets	HE1
Managing Flood Risk and Waterways	NR1
Sustainable Transport	IF2

- 7.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 7.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

- 7.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

- 7.6 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Borough Wide Design Guide June 2020
- Eton Conservation Area Appraisal adopted 2009

Other Local Strategies or Publications

7.7 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application. No comments have been received.

The planning officer posted a notice advertising the application at the site on the 20th August 2021 and the application was advertised in the Local Press on the 19th August 2021.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection subject to conditions	Paragraphs 9.4-9.6
Environmental Protection	Conditions requested relating to acoustic details and construction site working hours and delivery hours.	Paragraph 9.17
Eton Parish Council	No comments received.	

9. EXPLANATION OF RECOMMENDATION

Loss of commercial floorspace

9.1 The Eton and Eton Wick Neighbourhood Plan seeks to maintain and enhance a vibrant retail environment. Part of the vitality of the High Street in Eton is its mixture of small-scale shops that allow a diverse range of businesses including independent businesses. Neighbourhood Plan policy BL1 states that in Eton, the retention of single retail units and the limiting of alterations to the retail footprint of existing shops will be supported. Neighbourhood Plan policy BL2 states that development requiring planning permission for a change of use from retail to residential on the ground floor will not be permitted on Eton High Street.

9.2 In this case the ground floor was formerly used as a photographic studio and now lies vacant. It is proposed to retain the shopfront and retain 66 sq.m of retail/commercial floorspace at the front of the ground floor unit. The rear of the ground floor would be used for residential. It is considered that the retention of the shopfront and retail/commercial floorspace fronting the High Street would be sufficient to protect the vitality and viability of the High Street. The resulting smaller unit would still help to support smaller and independent businesses that define the local character of the High Street and would ensure that the vitality and viability is maintained in accordance with neighbourhood plan policies BL1 and BL2.

- 9.3 On this basis the proposal would not have a detrimental effect on the economic viability of Eton High Street and is acceptable.

Heritage and Design

- 9.4 The application has been accompanied by a Design and Access Statement and a Heritage Statement. The building is grade II listed and lies within the Eton Conservation Area. Local Plan policy CA2 requires proposals for new extensions in the Conservation Area to be of a high design standard and sympathetic in terms of siting, proportion, scale, form, height, materials and detailing. Neighbourhood Plan policy HD3 states that new development should not detract from the character of existing buildings or the appearance of the surrounding area and should be in harmony with materials, scale, massing and the architectural vernacular and rhythm of surrounding buildings. Emerging policy HE1 requires development proposals to seek to conserve and enhance the character, appearance and function of heritage assets and respect the significance of the historic environment.
- 9.5 The revisions to the previous planning permission and listed building consent are set out above and involve relatively minor changes to the internal layout of the ground and first floor and some small changes to the external appearance of the building. The Jubilee Garden party wall is now proposed to be retained, rather than demolished and the first-floor side extension would now be stepped in off the party wall. The uPVC dormer windows on the front elevation are to be replaced with timber windows and the design of the rear entrance doors have been revised and the side lights omitted.
- 9.6 Subject to securing appropriate conditions relating to the re-pointing of the existing brickwork, a brick panel to show the bricks, mortar mix and jointing detail and further details of the door and windows, the proposal is acceptable. Overall, the proposal would be sympathetic to the character and appearance of the existing listed building and the Conservation Area and would accord with Local Plan policy CA2, Neighbourhood Plan policy HD3 and emerging policy HE1.

Flood Risk

- 9.7 The application has been accompanied by a Flood Risk Statement and a Note on Flood Risk. The application needs to be considered against emerging policy NR1 and the guidance set out in the NPPF.
- 9.8 The site lies within Flood Zone 3a (High probability of flooding) and an area benefitting from flood defences on the EA flood maps for planning. There is no change proposed to the building footprint from the previous proposal and it would not result in any change in the risk of flooding to third party landowners or property. The works constitute 'minor development' and the Sequential and Exception Test do not need to be applied in this case.

Design response

- 9.9 Since the previous application in 2017 more comprehensive flood modelling information has been released that includes the anticipated impacts of climate change. The estimated design flood level has been reduced by 160mm (from 20.81 to 20.65m AOD) and the submitted Flood Risk Statement takes account of this latest available information. The ground floor is set 150mm above the street level at an estimated 20.47m AOD. The 1% annual probability flood event would result in a flood depth of 330mm externally and if water entered the building the internal flood depth would be

180mm. The floor levels are not expected to change and the approach proposed is to keep water out. The following measures are proposed:

- The use of flood boards on doorways
- Use of durable fittings that are not significantly affected by water and can be easily cleaned
- Placing fittings, like electrical appliances on plinths as high as practicable above floor so that they are above the floodwater level
- Install non-return valves for the drainage system to prevent back-flow of sewage
- Install electrical sockets above floor water level.

All sleeping accommodation is located at first floor and above.

Safe access and Egress

- 9.10 It was previously determined, under application number 17/02460/FULL, that there was no safe or low hazard escape route available for this site. However, given that the number of residential units was not increasing, and the number of bedrooms remained the same it was determined that there was no increase in the number of people or properties at risk of flooding. This is the same with the current proposal in that the number of residential units remains the same however the number of bedrooms is now proposed to be increased from 2 to 3 and it could be argued that more people are potentially at risk of flooding. It is acknowledged that the proposal constitutes 'minor development' and is not introducing new households, only changing the possible size of a household and the way it might occupy a single dwelling. On this basis it is not considered that an objection on flood risk grounds could be sustained.
- 9.11 The site has a very low risk of surface water flooding and is not expected to flood from surface water. The risk of groundwater flooding and risk of flooding from sewers to the site is also considered to be low. The existing drainage network would be used and surface water would be discharged from the site via existing connections.
- 9.12 Overall it is considered that subject to appropriate flood resistant and resilient measures being secured by condition the proposal would accord with neighbourhood plan policy EN3, emerging policy NR1 and paragraph 167 of the NPPF and is acceptable in terms of flood risk.

Impact on living conditions of existing and future occupiers

- 9.13 The site lies adjacent to the Christopher Hotel and the Jubilee Garden, an area of public open space. The proposal would have no adverse impact on the living conditions of any neighbouring properties. The provision of outdoor amenity space for each residential unit, whilst small, is unchanged from the extant permission. Overall, the living conditions of existing and future occupiers is acceptable and the proposal accords with emerging policy QP3 and paragraph 130f) of the NPPF.

Parking/Highway safety

- 9.14 Six parking spaces are shown to be provided at the rear of the site which will be accessed via the existing vehicular access from Eton Court. The proposal would not affect the existing visibility splays or access arrangements. The proposal would require four parking spaces to be provided for the 2no 3 bed units to accord with the adopted parking standard and a further two spaces would be available for the commercial unit. The proposal is acceptable in terms of parking and highway safety.

9.15 Details relating to cycle storage and bin storage can be secured by condition.

Other Material Considerations

9.16 Although the proposal seeks to increase the size of the existing residential units it is not proposing any new units and the proposal does not fall to be considered against the criteria set out in the interim position statement in terms of sustainability.

9.17 The suggested conditions from the Environmental Protection team in relation to construction hours and deliveries can be satisfactorily covered by the Considerate Constructors informative and other statutory regimes. The suggested condition relating to acoustic insulation was not previously secured under the extant permission and it would not now be reasonable to secure this condition.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The net increase in gross internal floor area would not exceed 100sq.m and therefore the development is not CIL liable.

11. CONCLUSION

11.1 For the reasons set out in this report the amendments to the previous scheme are deemed to be acceptable.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and block plan
- Appendix B – floor plans and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

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

2 Prior to the commencement of the part single, part two storey side extension a sample panel of brickwork approximately 1m x 1m showing the bricks, method of bonding, colour and mortar mix and jointing shall be prepared on site and approved in writing by the Local Planning Authority. The external surfaces of the building shall thereafter be finished in accordance with these approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area. Relevant policy CA2.

3 The roof shall be clad in natural slate as approved under condition application 20/02910/CONDIT.

Reason: To protect or enhance the character and appearance of the Conservation Area. Relevant policy CA2.

4 Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors including surrounding frames, as well as full specifications at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area. Relevant policy CA2.

5 The development shall be undertaken in accordance with the flood mitigation

measures set out in the 'Design Response to Flood Risk' section of the Flood Risk Statement dated 28th July 2021.

Reason: To ensure the development is appropriately flood resistant and resilient in accordance with paragraph 167 of the NPPF and emerging policy NR1.

- 6 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policy P4.

- 7 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

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

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

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

- 9 The development shall be carried out in accordance with the Project Specification of the Archaeological watching brief dated 27th October 2020 approved under conditions application number 20/02910/CONDIT.

Reason: The site lies within an area of archaeological potential, specifically within the historic core of the medieval settlement of Eton. A programme of work is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local policy.

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

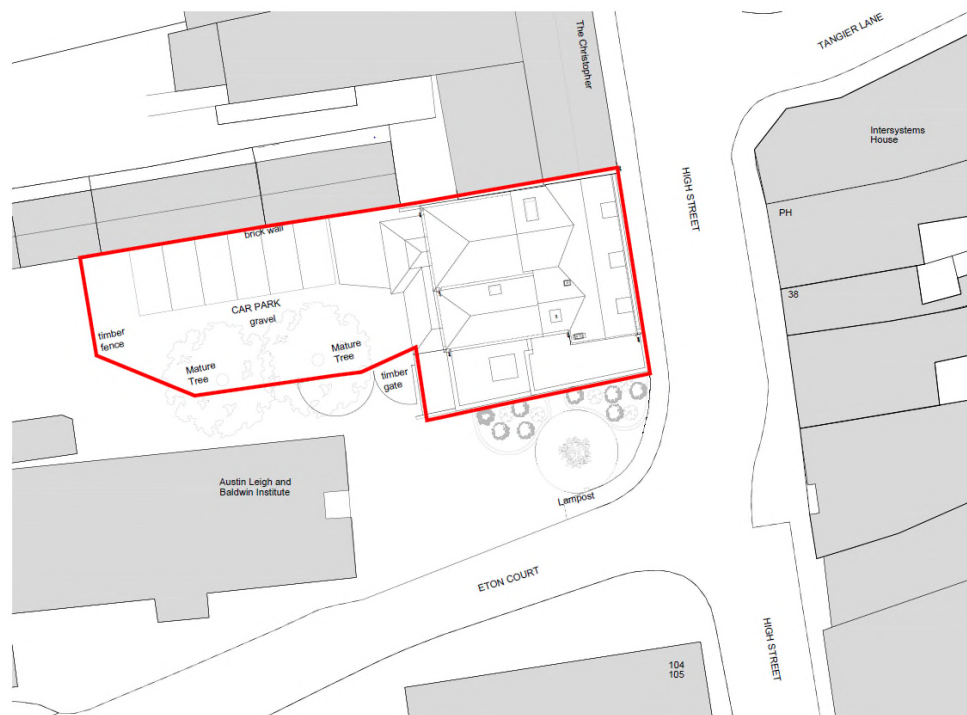
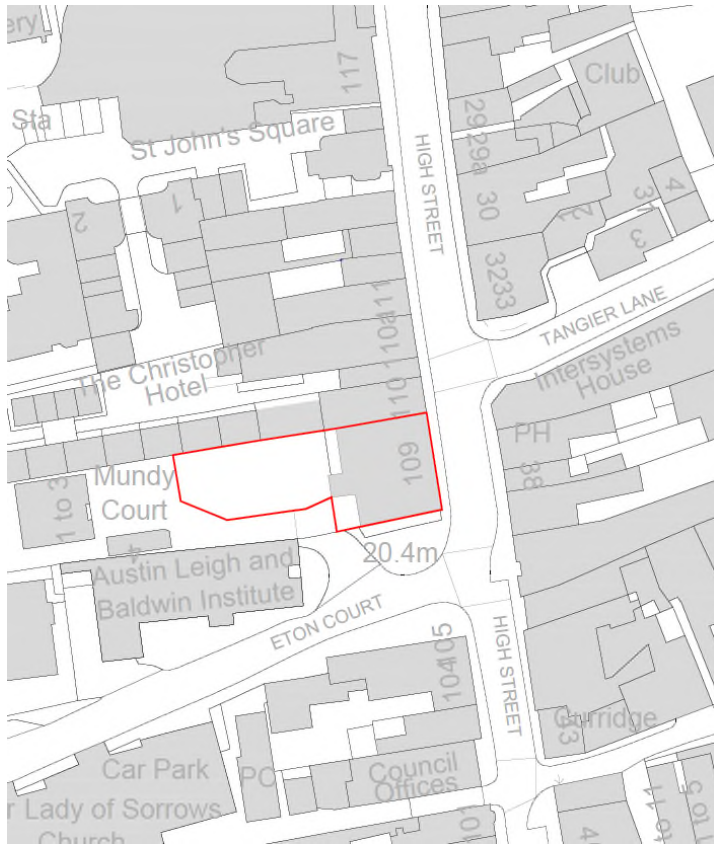
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

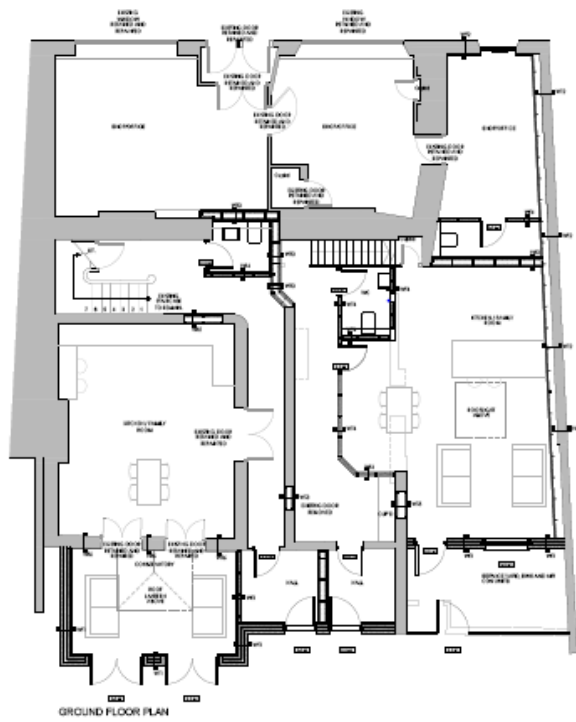
21/02367/FULL – 109 High Street, Eton

Appendix A – Site Location Plan and block plan

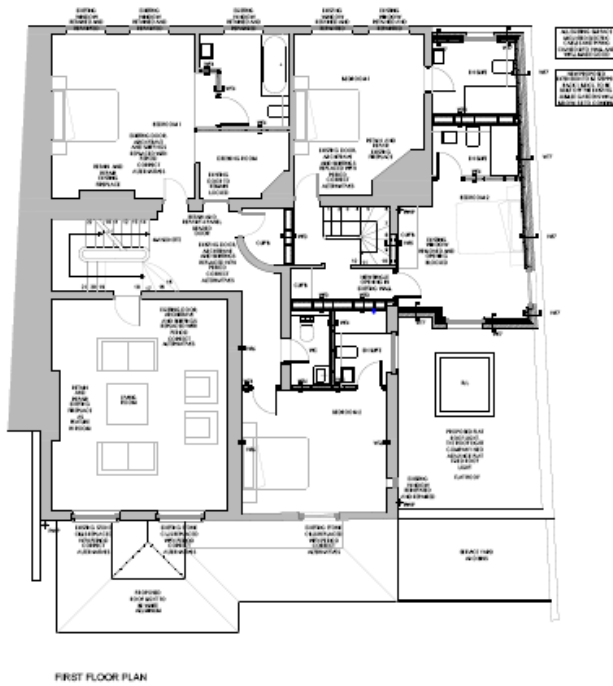


Appendix B – floor plans and elevations

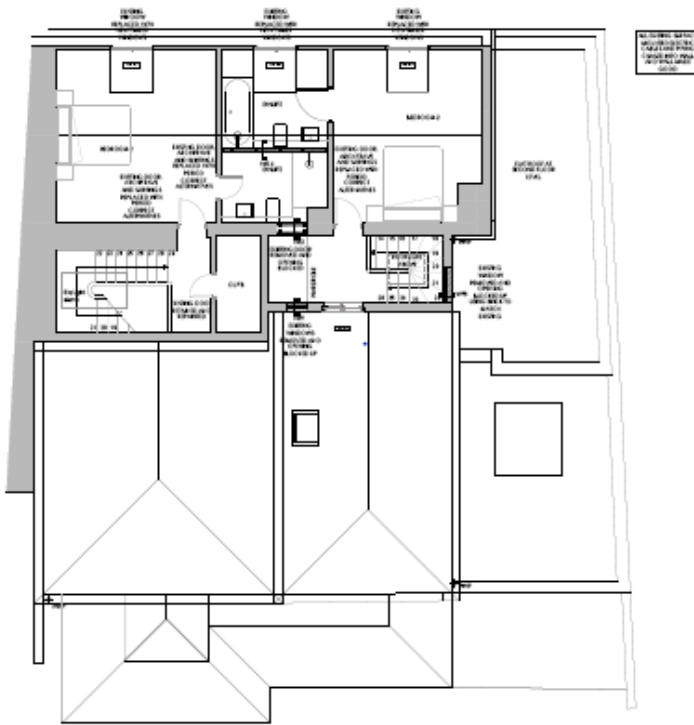
Ground floor



First floor

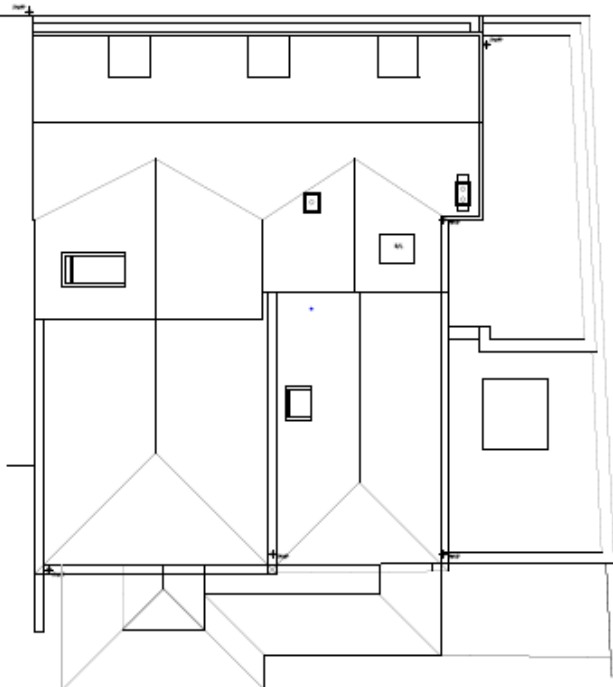


Second floor



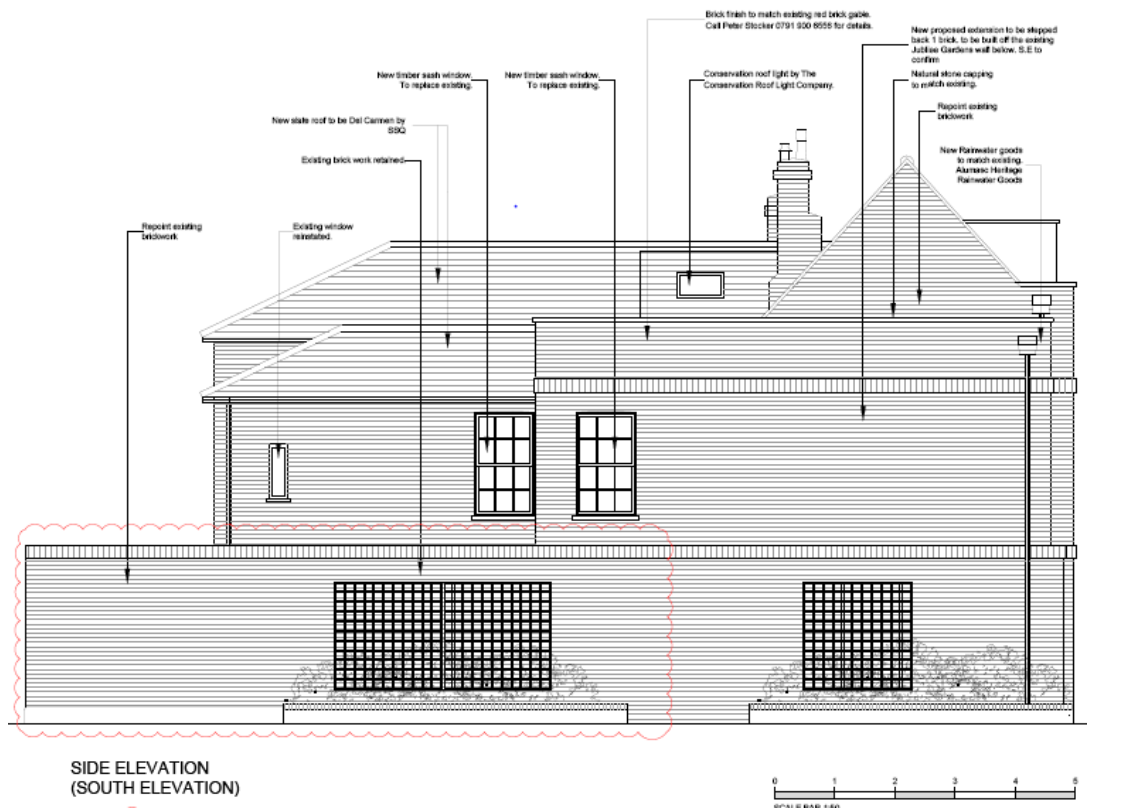
SECOND FLOOR PLAN

Roof plan



ROOF PLAN

Elevations





DEVELOPMENT CONTROL PANEL

5 January 2022

Item: 3

Application No.:	21/02368/LBC
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	Consent for part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and internal and external alterations, following demolition of the existing single storey side and rear elements.
Applicant:	Mr Jagdev
Agent:	Mr Simon Horler
Parish/Ward:	Eton Town Council/Eton And Castle
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This grade II listed building lies on the High Street in Eton and comprises commercial floor space on the ground floor and residential use on the first and second floors. The proposal seeks to amend a previous listed building consent. The amendments relate to changes to the internal layout and some external alterations.
- 1.2 The proposal would be sympathetic to the character and appearance of the listed building and would accord with Local Plan policy LB2, Neighbourhood Plan policy HD3 and emerging policy HE1.

It is recommended the Panel grants listed building consent with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

- The application has been called in by Cllr Rayner, if minded to approve, on the grounds that it conflicts with the neighbourhood plan and could have a detrimental effect on the economic viability of Eton High Street. This matter is dealt with under planning application number 21/02367/FULL.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the western side of the High Street in Eton on a prominent corner plot adjacent to Jubilee Gardens, an area of public open space. To the north of the site lies The Christopher Hotel. The site comprises an attractive, late 17th or early 18th century, two storey building with rooms in the roof. It fronts onto the High Street and has a white painted facade. The ground floor has two timber shopfronts and a pair of entrance doors and was formerly occupied by a photographic studio (Class A2 financial and professional services) and is now vacant. The first and second floors were in residential use (1 x 1 bed and 1 x 3 bed flat). There is a gravel parking area to the rear of the building served by a gated vehicular entrance from Eton Court.

3.2 Work has already commenced on site under the previous planning permission and listed building consent, reference numbers 17/02460/FULL and 17/02461/LBC. The single storey rear extension is nearing completion and internal alterations are already underway.

4. KEY CONSTRAINTS

4.1 The building is grade II listed and lies within the Eton Conservation Area. The site lies within Flood Zone 3.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 Listed building consent is sought to amend the previously consented scheme under application number 17/02461/LBC (implemented). The overall size and external appearance of the proposed extensions remains largely unchanged. The amendments to the consented scheme include:

- The retention of the Jubilee Garden party wall, previously shown to be demolished.
- The reconfiguration of the internal layout involving the removal and construction of internal walls.
- The replacement of a door on the front elevation with a window and two separate entrance doors to serve the residential units on the rear elevation.

5.2 Further amendments were sought during the application and include:

- The stepping in of the first floor side extension off the Jubilee Garden wall.
- The removal of side lights from the rear entrance doors
- A change in the design of the rear entrance doors
- A note on the drawings to include replacement of existing uPVC dormer windows with timber windows.

5.3 The relevant planning history is set out as follows:

Reference	Description	Decision
17/02460/FULL	Part change of use of ground floor from A2 (Financial and Professional Services) to residential; part single, part two storey side and rear extensions following the demolition of existing additions.	Permitted 19.10.17
17/02461/LBC	Consent for part change of use of ground floor from A2 (Financial and Profession Services) to residential; part single, part two storey side and rear extensions following demolition of existing additions.	Permitted 19.10.17
20/02910/CONDIT	Details required by condition 2 (materials) 3 (roof materials) 4 (windows) 5 (joinery) 6 (rainwater goods) 7 (roof details) 9 (archaeology) of planning permission 17/02460/FULL	Approved 24.12.20
20/02911/CONDIT	Details required by condition 2 (materials) Condition 3 (Roof Materials) Condition 4 (Windows) Condition 5 (Joinery) and condition 6 (Rainwater goods) of listed building consent 17/02461/LBC	Approved 24.12.20

21/02367/FULL	Part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, alterations to fenestration and internal and external alterations, following demolition of the existing single storey side and rear elements.	Pending Consideration
---------------	--	-----------------------

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Listed Building	LB2

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Neighbourhood Plan Policy
Development within Eton	HD3

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2021)

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

7.2 Borough Local Plan: Main Modifications Version (July 2021)

Issue	BLP MM Version Policy
Heritage Assets	HE1

7.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

7.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.6 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- Eton Conservation Area Appraisal adopted 2009

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

No comments have been received.

The planning officer posted a notice advertising the application at the site on the 20th August 2021 and the application was advertised in the Local Press on the 19th August 2021.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection subject to conditions	Paragraphs 9.1-9.3
Eton Parish Council	No comments received.	

9. EXPLANATION OF RECOMMENDATION

Heritage

9.1 The application has been accompanied by a Heritage Statement. The building is grade II listed and lies within the Eton Conservation Area. Local Plan policy LB2 states that listed building consent will only be granted for alterations and extensions provided that the character of the building will not be adversely affected both internally and

externally. Neighbourhood Plan policy HD3 states that new development should not detract from the character of existing buildings or the appearance of the surrounding area and should be in harmony with materials, scale, massing and the architectural vernacular and rhythm of surrounding buildings. Emerging policy HE1 requires development proposals to seek to conserve and enhance the character, appearance and function of heritage assets and respect the significance of the historic environment.

9.2 The revisions to the previous listed building consent are set out above and involve relatively minor changes to the internal layout of the ground and first floor and some small changes to the external appearance of the building. The amendments include the retention of the Jubilee Garden party wall, previously shown to be demolished, and the stepping in of the first floor side extension off the party wall. The uPVC dormer windows in the front elevation are to be replaced with timber windows and the design of the rear entrance doors have also been revised and the side lights omitted.

9.3 Subject to securing appropriate conditions relating to the re-pointing of the existing brickwork, a brick panel to show the bricks, mortar mix and jointing detail and further details of the door and windows, the proposal is acceptable. Overall, the proposal would be sympathetic to the character and appearance of the listed building and would accord with Local Plan policy LB2, Neighbourhood Plan policy HD3 and emerging policy HE1.

10. CONCLUSION

10.1 For the reasons set out in this report the amendments to the previous scheme are deemed to be acceptable.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and block plan
- Appendix B – floor plans and elevation drawings

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The works/demolition shall commence not later than three years from the date of this consent.

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to avoid unimplemented consents remaining effective after such lapse of time that relevant considerations may have changed.

2 Prior to the re-pointing of the existing brickwork on the existing side (south) elevation, as annotated on drawing number B301 Rev 02, further details including a method statement, contractors experience, a sample of re-pointing and the proposed materials (lime mortar) shall be submitted to and approved in writing by the Local Planning Authority. The works to the building shall thereafter be undertaken in accordance with these approved details.

Reason: To protect the special interest of the listed building. Relevant policy LB2.

3 Prior to the commencement of the part single, part two storey side extension a sample panel of brickwork approximately 1m x 1m showing the bricks, method of bonding, colour and mortar mix and jointing shall be prepared on site and approved in writing by the Local Planning Authority. The external surfaces of the building shall thereafter be finished in accordance with these approved details.

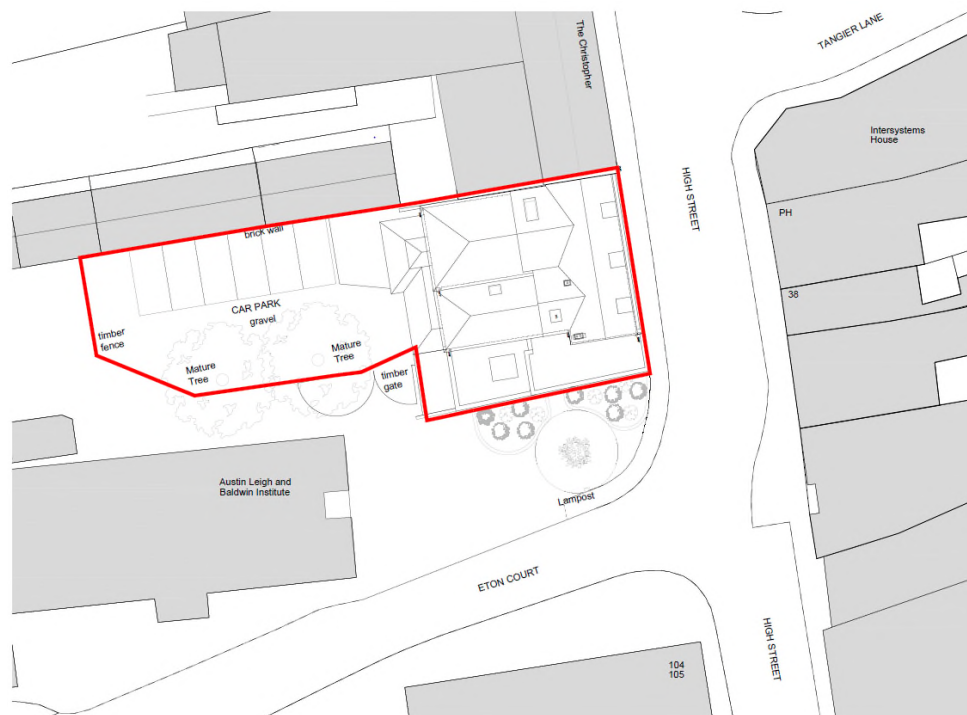
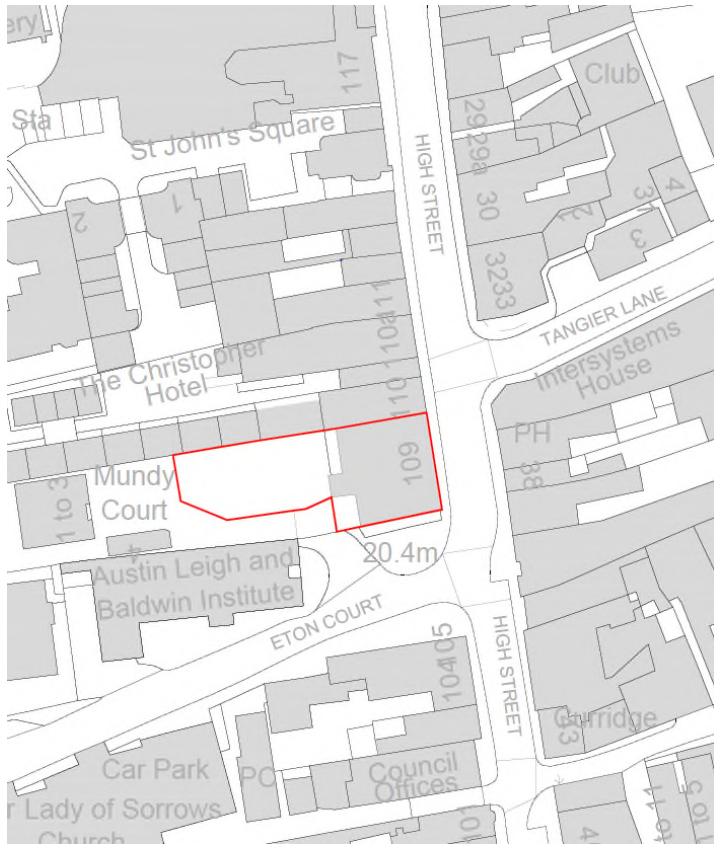
Reason: To protect the special interest of the listed building. Relevant policy LB2.

4 The roof shall be clad in natural slate as approved under condition application 20/02910/CONDIT.

- Reason: To protect the special interest of the listed building. Relevant policy LB2.
- 5 Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors including surrounding frames, as well as full specifications at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- Reason: To protect the special interest of the listed building. Relevant policy LB2.
- 6 The external rainwater goods, drainage and ventilation goods shall accord with the details approved under 20/02911/CONDIT unless any variation is first agreed in writing by the Local Planning Authority.
- Reason: To protect the special interest of the listed building. Relevant policy LB2.
- 7 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.

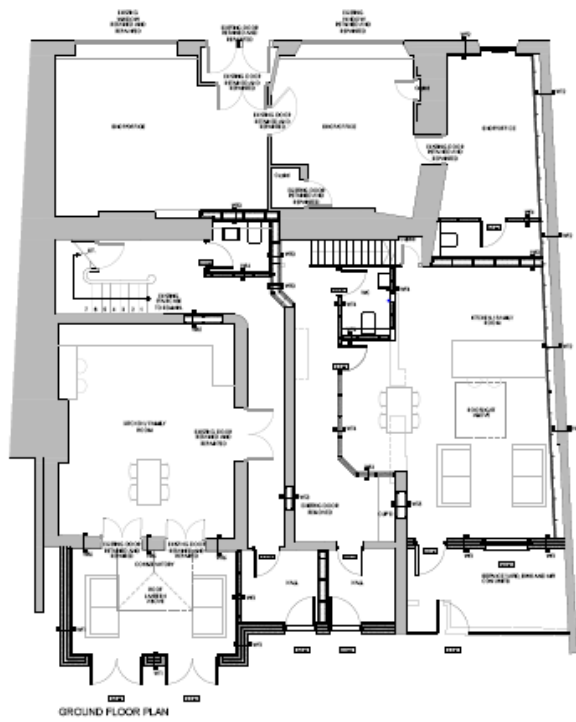
21/02368/LBC – 109 High Street, Eton

Appendix A – Site Location Plan and block plan

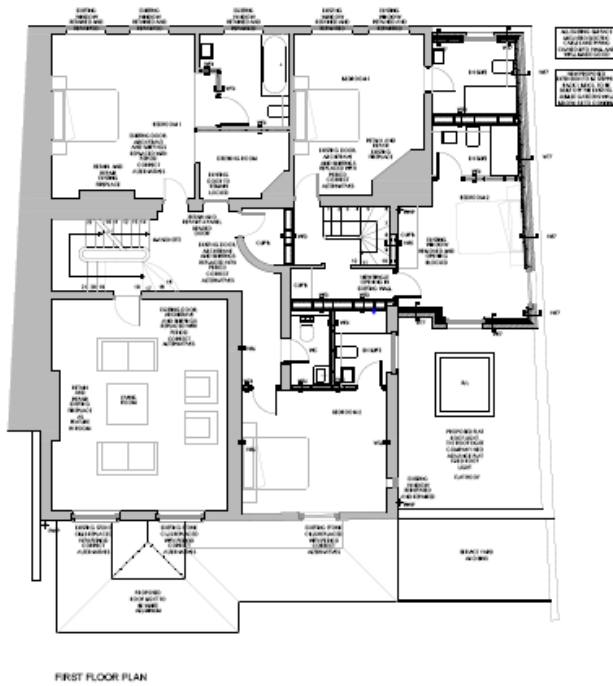


Appendix B – floor plans and elevations

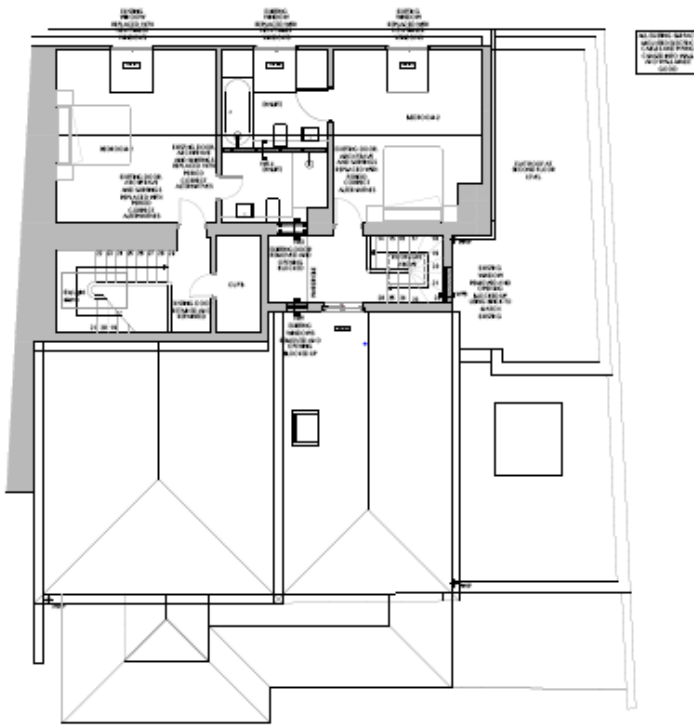
Ground floor



First floor

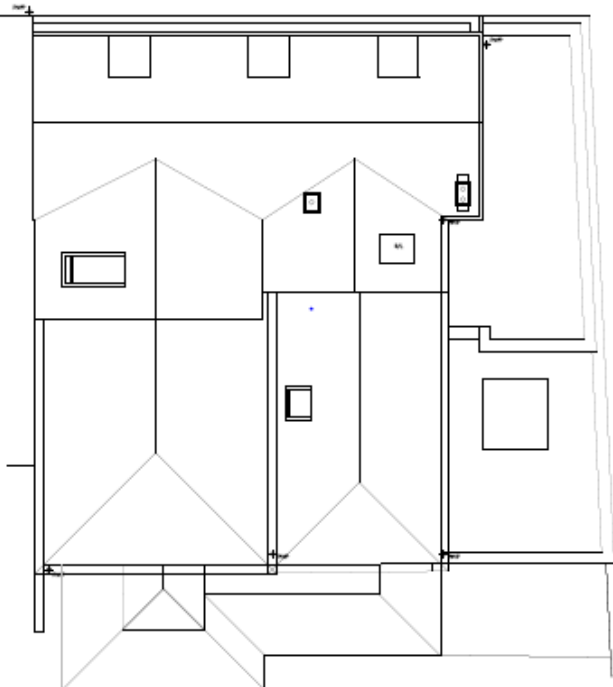


Second floor



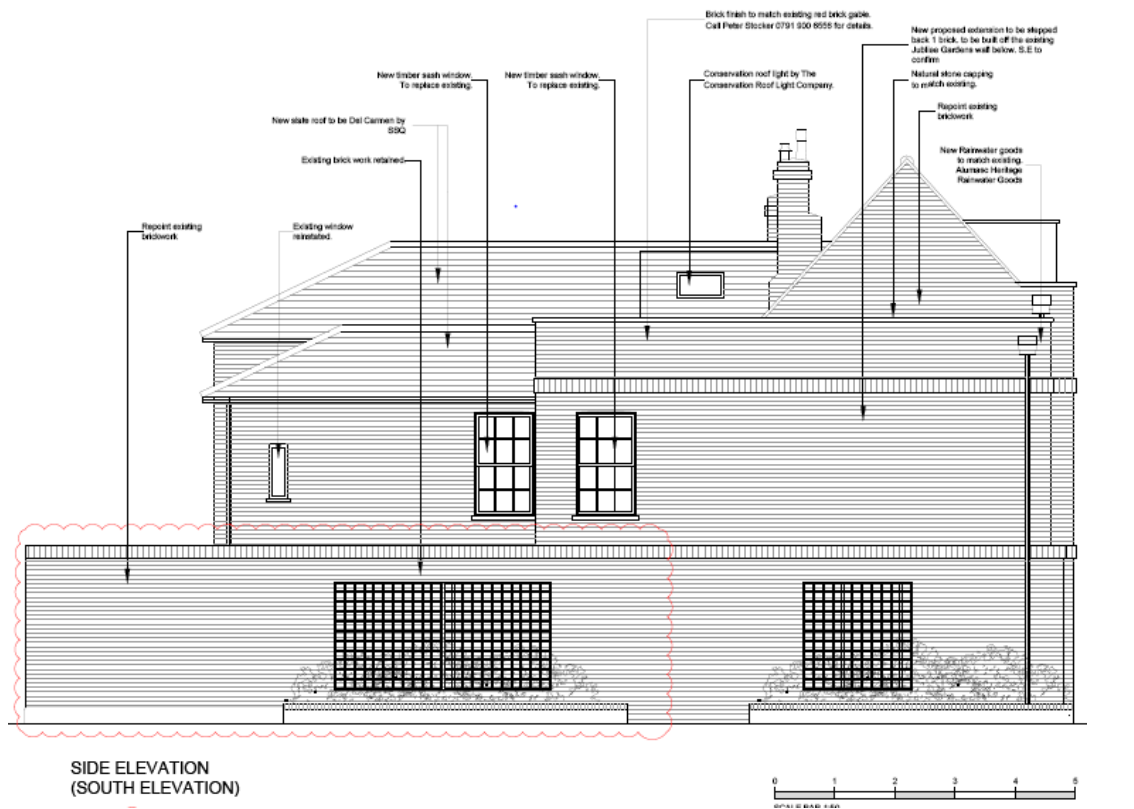
SECOND FLOOR PLAN

Roof plan



ROOF PLAN

Elevations





This page is intentionally left blank

Appeal Decision Report

20 November 2021 - 16 December 2021

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

Windsor and Ascot

Appeal Ref.:	21/60040/ENF	Enforcement Ref.:	16/50344/ENF	Plns Ref.:	APP/T0355/F/21/3271323
Appellant:	Leopard Ventures Ltd Meat At The Parish 10 High Street Windsor SL4 1LD				
Decision Type:	Enforcement Notice	Officer Recommendation:			
Description:	Appeal against the Enforcement Notice: Replacement shop front and display of adverts without listed building consent.				
Location:	Casa Del Sole 10 High Street Windsor SL4 1LD				
Appeal Decision:	Dismissed	Decision Date:	24 November 2021		

Main Issue: Under the ground (c) appeal the Inspector concluded that the advertisements, including the menu box have been affixed to the front of the building and as such have altered its appearance. Having seen the signs in situ there is no doubt that the installation of the signage has affected the character of the building as a building of special architectural interest. There is no LBC in place for these works, and it follows therefore, that a contravention of the Act has occurred. The appeal on ground (c) fails. Regarding the deemed application for listed building consent, the Inspector concluded that the advertisements alleged in the notice do not preserve the special architectural and historic interest of the building. In addition, they detract from the character and appearance of the Conservation area. In the context of the significance and special interest of the assets as a whole, and in the language of the Framework, the harm would be less than substantial. Because the harm is less than substantial, paragraph 202 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum use. There are no public benefits which would outweigh the considerable importance and weight to be given to the harm to the heritage assets. As such, the works do not comply with paragraph 202 of the Framework and would conflict with the design and heritage aims of Policies LB2 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999. The Inspector concluded therefore that the appeal on ground (e) fails and listed building consent is refused.

Planning Appeals Received

20 November 2021 - 16 December 2021

Windsor and Ascot

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.: 21/60076/REF **Planning Ref.:** 21/01674/FULL **PIns Ref.:** APP/T0355/D/21/3285167
Date Received: 2 December 2021 **Comments Due:** Not applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: New front boundary treatment including a sliding vehicular entrance gate, garage conversion, part first and second floor front/side extension with front undercroft, single storey side/rear extension, new roof over the existing dwelling, x1 front dormer, new front rooflights, x3 rear dormers and alterations to fenestration.
Location: 11 Bolton Avenue Windsor SL4 3JD
Appellant: Mrs Imme Davies **c/o Agent:** Mrs Caroline Longman Longman Planning Consultancy 20 Greetham Road Aylesbury HP21 9BS