

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

4 January 2017

Item: 1

<b>Application No.:</b>	16/03387/FULL
<b>Location:</b>	135 - 136 Peascod Street Windsor SL4 1DS
<b>Proposal:</b>	Change of use from (A1) retail storage on first, second and third floors to 2 x 1 bedroom flats and 1 x 2 bedroom duplex flat to include mechanical extractor fans
<b>Applicant:</b>	Quinn Claremount Limited
<b>Agent:</b>	Mrs Adrienne Hill
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

<b>Application No.:</b>	16/03388/LBC
<b>Location:</b>	135 - 136 Peascod Street Windsor SL4 1DS
<b>Proposal:</b>	Consent for change of use from (A1) retail storage on first, second and third floors to 2 x 1 bedroom flats and 1 x 2 bedroom duplex flat to include mechanical extractor fans, refurbishment and internal and external alterations
<b>Applicant:</b>	Quinn Claremount Limited
<b>Agent:</b>	Mrs Adrienne Hill
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This report deals with the planning application and the listed building application. The site is located in an accessible location in Windsor town centre within the Conservation Area and within the primary shopping core area. The building is a Grade II listed building. The ground floor of the building is used as a shop. The principle of converting the first, second and third floors of vacant retail storage space to 3 flats is considered to be acceptable. Furthermore, the prospect of the building being inhabited as it was originally designed to be used is very welcomed and will ensure a positive future for this listed building. There would be less than substantial harm to the listed building through the proposed internal conversion works. The proposal would cause less than substantial harm to the listed building that would be outweighed by the appropriate residential use of the building securing its future together with improvements in interior architectural features.
- 1.2 The proposed development is considered acceptable from a highway and parking point of view, provided the applicants enter into a S106 unilateral undertaking in respect to the planning application, to prevent future occupiers obtaining parking permits.

<b>In respect of the planning application it is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to prevent future occupiers obtaining parking permits and with the conditions listed in Section 10 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to prevent future occupiers from obtaining parking permits has not been satisfactorily completed by 31 Jan 2017, for the reason that the proposed development would create additional demand for on-street parking permit spaces which are already in high demand.</b>

**In respect of the listed building application it is that the panel grants consent with the conditions listed in section 10 of this report.**

**2. REASON FOR PANEL DETERMINATION**

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

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

3.1 The building is a Grade II Listed Building which is sited within the Conservation Area. The ground floor is currently in use as a clothing shop. The upper floors are currently vacant. Evidence suggests that the upper floors were originally used as ancillary residential purposes, although more recently the upper floors may have been used for storage in connection with former retail uses. In the past the building was occupied by Samuels the jewellers and the Samuel’s clock on the front elevation remains a feature on this building.

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

4.1 The proposal is for the conversion of the upper floors of vacant shop storage areas into three separate flats. The main entrance for each of the new flats would be via a door and stairway on the left hand side of the shop unit. This entrance would be separate and independent of the shop unit. The Listed Building application specifically deals with the alterations to the fabric of the building to facilitate the conversion and restoration/repair to internal details such as doors, cornices, skirting and fireplaces, and repairs to windows.

4.2

Ref.	Description	Decision and Date
14/03718/LBC	Minor external alterations to front elevation to entrance panelling and dentils to pilasters, existing stone corbels to be repaired, and existing clock to be repaired/refurbished and painted, plant screen fence, timber fencing and gate with galvanised mesh bottom panel for ventilation.	Refused 23/1/2015.
14/03719/FULL	Installation of new shop front.	Refused 23/1/2015.
15/03394/LBC	Refit of existing ground floor. Refurbishment of the basement for storage with improved and replacement stairs and opening to the basement. Three existing A/C condensers to be removed and placed on the rear elevation. Shop front to be redecorated.	Refused 10/12/2015.

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

5.1 National Planning Policy Framework Sections: Core Principles – paragraph 17; Chapter 2 – ensuring the vitality of town centres; Chapter 6 – delivering a wide choice of high quality homes; Chapter 7 – requiring good design; Chapter 12 – conserving and enhancing the historic environment.

**Royal Borough Local Plan**

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

Within settlement area	Highways and Parking	Aircraft noise
DG1, CA2, LB2	P4, T5	NAP2

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)

## **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at:  
[http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Principle of the change of use, impact on the Conservation Area and Listed Building
- ii Living environment for future occupiers and impact on neighbouring properties
- iii Highways and parking

### **Principle of the change of use, the impact on the Conservation Area and Listed Building.**

- 6.2 Policy H6 of the Local Plan is supportive of the change of use (of retail storage) to housing in vacant upper floors in town centre shopping areas. Paragraph 51 of the NPPF also encourages bringing back into residential use, empty housing and buildings.
- 6.3 Policy LB3 of the Local Plan advises that wherever possible the Borough Council will require that listed buildings are used for purposes which will secure their long term future and which will preserve or enhance their physical fabric, setting, special character and interest. Proposals for change of uses of listed buildings which do not meet these objectives will not be permitted. It appears that the upper floors of the building would have originally been used for residential purposes and more latterly as retail storage. The proposal would not result in the loss of existing or former office space.
- 6.4 The building is a Grade II Listed Building. The proposal would alter modern features such as the ground to first floor staircase, to achieve the layout of 3 flats through modest remodelling, remove modern and unsympathetic fire surrounds and replace with contemporary or replacement examples, reinstate cornicing and skirting where appropriate and refurbish windows, replacing a couple.
- 6.5 The Council's Conservation Officer has commented that the proposal would cause less than substantial harm to the significance of the heritage asset, but would ensure the future of the building in residential use (for which the building was originally designed and used) together with numerous small-scale enhancements that would cumulatively outweigh the low level of less than substantial harm the proposal would cause.
- 6.6 The heritage statement submitted provides a comprehensive assessment of the significance of the building which is aesthetic as a well preserved example of restrained Venetian Victorian architecture, with historical and architectural interest as residential use above commercial ground floor. The links of previous inhabitants to the royal household amongst other things are also of historical interest. The heritage statement also provides analysis of the impact the proposed changes would have on the special interest of the building.
- 6.7 The Conservation Officer concurs with the heritage statement's point of view that the proposal would have only a low level of harm to significance, primarily by the minor remodelling to achieve through routes to flats and within flats (such as the lobby area to flat A). The remodelling would

reduce the ability to read the former 2 separate units of accommodation (within the existing building) that were once inhabited some time ago, by connecting the 135 and 136 in a horizontal manner, although the two sets of staircases would remain as a clear indicator of the previous layout and use.

- 6.8 However, as the heritage statement also highlights, numerous modest heritage benefits would also be achieved through the scheme that cumulatively add up to a clear improvement in the overall interior architectural features of the listed building.
- 6.9 The main plan form of the building will remain with only modest changes to the floorplan of the building, as mentioned above. The prospect of the building being inhabited as it was originally designed to be used is very welcomed and will ensure a positive future for the building. This must be weighed up in the balance against the proposed less than substantial harm.
- 6.10 The Council's Conservation Officer concludes, in weighing up the degree of proposed harm against the building, the benefits outweigh the harm. Conditions relating to window details, plaster details and vents are included in section 10 – see conditions 2, 3, 4 listed building conditions.
- 6.11 Furthermore, it is considered that the proposed residential use would preserve the character and appearance of the Conservation Area, complying with Local Plan CA2. The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.12 The Council has had special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses, as required under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the application has been considered on the basis of the Development Plan, including Local Plan Policy LB2 and the NPPF.

### **Living environment for future occupiers and impact on neighbouring properties**

- 6.13 Although the proposed flats would not have any on-site outdoor amenity space, there are public open spaces and leisure facilities within walking distance. Therefore, in this location the lack of on-site amenity space should not be a reason to refuse planning permission.
- 6.14 It is noted that there are numerous windows in the existing building and no new window openings are proposed. As such, it is considered that there would be no significant overlooking issues. Nearby buildings are in various uses and to the rear of the building it is accepted that there is already an element of mutual overlooking between adjacent properties. As such, it is considered that the proposal would not exacerbate the existing situation.
- 6.15 The Environmental Protection Team has raised no objection, suggesting a condition to secure sound insulation against aircraft noise as well as a condition to control noise at the boundary of the site. It is noted that mechanical extractor fans are proposed; however, as the proposal is for a residential use, a condition to control noise levels at the boundary of the application site is not necessary in this instance. A condition should be imposed for insulation for aircraft noise. See planning condition 4 in section 10 below.

### **Highway and parking**

- 6.16 Peascod Street is an adopted highway which is predominately a pedestrianised zone - permit holders as well as loading is permitted between 6am and 11am and 4pm and 8pm only. The proposal site has no means of vehicular access therefore there are no visibility issues. The proposed residential units have the potential to produce between 8 and 16 vehicle movements per day within the local highway network.
- 6.17 The existing use class has been identified as A1 retail (storage). To comply with the current parking requirements 1 parking space per 60 square metres is required in a town centre location.

The applicant states there are 267.9 square metres of A1 retail; this equates to parking requirement of 5 spaces (rounded up).

- 6.18 The proposal is for the conversion of the first, second and third floors into three residential units (2 x 1 bedroom and 1 x 2 bedroom). To comply with the current parking requirements (for an accessible location, such as this) each of the 1 bedroom units requires 0.5 parking spaces and the 2 bedroom unit requires 1 parking space – i.e. a total of 2 spaces. Due to the constrained nature of the site, it is not possible to provide off street parking spaces. However, in the town centre location, no on-site car parking spaces can be accepted.
- 6.19 Central Windsor suffers from a significant shortfall in parking permit parking spaces therefore no parking permits will be permitted to residents or any successors in title. This will need to be dealt with by way of a S106 Unilateral Undertaking.
- 6.20 To comply with the current cycle parking standard each of the residential units needs to provide 1 covered, safe and secure cycle spaces. Due to the constrained nature of the site, it is not possible to provide a cycle store on the site. It is considered that the lack of on-site cycle parking provision, does not provide a strong enough reason to justify refusing planning permission for the proposed development, particularly given the heritage benefits of securing a future residential use for the upper floors of this building.
- 6.21 No bin storage facilities for the flats are shown and no waste management scheme has been submitted. Therefore, refuse provision will need to be covered by condition. Given the constraints of the site, there is no outside bin storage area and it would not be acceptable or indeed practical to leave refuse bins or recycling bins/sacks outside in the street. It is understood that it is proposed that future occupiers could store refuse inside the building within the designated first floor ventilated storage/refuse room (labelled as ‘store’ on the plans) until collection day. Waste management details can be secured by condition – see planning condition 3 in section 10 below.
- 6.22 Given the sites town centre location and restricted means of access a Construction Management Plan will be required. This can be covered by condition – see planning condition 2 in section 10 below.

## **Other Material Considerations**

### Housing Land Supply

- 6.23 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.24 It is acknowledged that this scheme would make a contribution to the Borough’s housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

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

- 7.1 The proposal is CIL liable but would attract an exemption if the applicant claims a self-build exemption. In the absence of a self-build exemption the CIL liability, based upon the chargeable residential floor area £240 per square metre.
- 7.2 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development (267.9 square metres) could potentially be in the order of £64,320. The applicants consider that this development may not attract CIL payments, because they are not creating additional floorspace and the existing floor space has been used for 6 months in the last 3 years for a lawful use. This matter will need to be considered further by the Council’s team who may need further evidence to establish CIL liability.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

10 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 14 November 2016 and both applications were advertised in the Maidenhead Advertiser on 17 November 2016.

No letters of objection or support were received supporting the application.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	No objection subject to conditions and informatives.	See paragraphs 6.15-6.21.
Conservation Officer	No objection. Conditions suggested.	See paragraphs 6.2-6.12.
Environmental Protection	No objection. Conditions and informatives suggested.	See paragraphs 6.14.

## 9. APPENDICES TO THIS REPORT

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

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

### Listed Building Consent.

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. Plans (at a scale of 1:20, 1:50) and full details showing new sections of windows, their method of opening and details of materials shall be submitted to and approved in writing by the Local Planning Authority, prior to their insertion. The work shall be carried out in accordance with the approved details.  
Reason: In the interest of the character and appearance of the listed building. Relevant Policies - Local Plan LB2.
3. Any new areas of plaster shall match that of the existing, both in method and composition.  
Reason: In the interests of preserving the character of the listed building. Relevant Policy - Local Plan LB2.
4. Any new external vent exit points shall be finished in either a cast iron grille or a decorative vent brick to match the colour of the adjacent brick.  
Reason: In the interests of preserving the character of the listed building. Relevant Policy - Local Plan LB2.
5. Plans (at a suitable scale) together with details of all new and repaired internal features including skirtings, architraves, doors and fire surrounds shall be submitted to and approved by the Local Planning Authority, prior to the commencement of development.  
Reason: In the interest of the character and appearance of the listed building. Relevant Policies - Local Plan LB2.

6. 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.

**10. 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 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.
3. No part of the development shall be occupied until details of refuse disposal and provision for recycling (waste management scheme) have been submitted and approved in writing by the Local Planning Authority. The waste management scheme shall be carried out in accordance with the approved details.  
Reason: To ensure that the development is provided with adequate facilities and to ensure that refuse and recycling materials are not left out on the street. In the interests of the amenity of the area. Relevant Policies - Local Plan T5, DG1, CA2.
4. No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
5. 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. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations
2. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. The applicant will be required to comply with the Royal Borough of Windsor and Maidenhead Local Plan Policy (Plan NAP2) subsection 2.5.4 which states where such development is permitted; sound insulation measures should be incorporated to keep internal levels below 40 dB (A). Applicants are invited to contact the Environmental Health Unit Environmental Protection

Team Leader on 01628 683830 for a copy of the aircraft noise insulation guidance notes.

5. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
6. The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
7. The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
8. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00; Saturday 08.00-13.00. No working on Sundays or Bank Holidays.