

WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 30 MAY 2018

PRESENT: Councillors Dr Lilly Evans (Chairman), Colin Rayner (Vice-Chairman), Michael Airey, David Hilton, John Lenton, Sayonara Luxton, Julian Sharpe, Lynda Yong and Malcolm Beer

Officers: Ashley Smith, Victoria Gibson, Wendy Binmore, Victoria Goldberg

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bateson.

DECLARATIONS OF INTEREST

Cllr L. Evans – Declared a personal interest in item 2 as she is a Member of the Parish Council that considered and commented on the application. Cllr Evans was not sure if she was present at the meeting when the application was discussed and she had not voted on the item. Cllr Evans confirmed she had attended the meeting with an open mind.

Cllr Hilton – Declared a personal interest in item 2 as he was at the meeting of the Parish Council when the application was considered. Since then, considerable changes to the application had taken place. He also stated his Wife was the Chairman of the Parish Council Planning Committee and had registered to speak on the item. Councillor Hilton confirmed he had attended Panel with an open mind.

Cllr Lenton – Declared a personal interest in the Enforcement item as his wife was the Chairman of the Parish Council and had registered to speak. Cllr Lenton confirmed he had come to Panel with an open mind.

Cllr Luxton – Declared a personal interest in item 1 as she knew the manager of the restaurant personally. She confirmed she attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 3 May 2018 be approved.

PLANNING APPLICATIONS (DECISION)

17/02204 N/A: Construction of a building to provide x8 two bed flats, together with access to London Road and landscaping, following demolition of the existing buildings at Bluebells Restaurant and Bar, London Road, Sunningdale, Ascot SL5 0LE – **THE PANEL VOTED UNANIMOUSLY to grant planning permission with the conditions listed in Section 10 of the Main Report, as per the Head of Planning's recommendations and following satisfactory amendment to the secured Section 111 for mitigation to the SPA. Also with the following amendments:**

- Remove condition 7
- Amend condition 11 to state: Prior to the commencement of development a landscape management plan including long-

term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority . the plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping. Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies – Local Plan DG1.

(The Panel was addressed Mr Douglas Bond, the agent).

18/00346* Ashton Hawthorne: Two storey front/side extension, single storey rear extension and new first floor and side windows, alterations to entrance and fenestration at 3 Hermitage Drive, Ascot SL5 7LA – **THE PANEL VOTED to approve the application with the conditions listed in Section 9 of the Main Report, in accordance with the Head of Planning’s recommendations.**

Five Councillors voted in favour of the motion (Cllrs M. Airey, Beer, Luxton, C. Rayner and Yong), two Councillors voted against (Cllrs Hilton and Sharpe), and two Councillors abstained from the vote (Cllrs L. Evans and Lenton)

(The Panel was addressed by Denise Keane and PCllr Barbara Hilton in objection and Ashton Hawthorne the applicant in support of the application).

PLANNING ENFORCEMENT REPORT (DECISION)

Land East of Hythe End Road, Wraysbury, Staines-Upon-Thames, Middlesex TW19 5AW

Members considered a number of options relating to potential enforcement options in relation to the site. The Panel was to consider if lawful development certificate 97/75746 should be revoked and if it was expedient to give further consideration to the alleged intensification of the use of the site. There were four options available to the Panel, two related to whether or not to revoke the certificate, two related to whether or not enforcement action should be pursued relating to the intensity of use issue. These options are set out in full in the agenda report.

Members first considered if the revocation of the certificate should be pursued. The options being considered by the panel were:

Option 1: To pursue the revocation of the Lawful Development Certificate dated 9 September 1998 and granted under reference 97/75746

Option 2: Not to pursue the revocation of the Lawful Development Certificate dated 9 September 1998 and granted under reference 97/75746

There was significant discussion between members regarding both options available to it and consideration of reports, legal advice and representations from third parties.

A motion was proposed by Cllr C Rayner, seconded by Cllr Beer. The motion proposed was whether to defer the decision for one cycle so that Members could have more time to consider information, particularly a late letter provided by Clyde and Co solicitors on behalf of local residents, further prior to making a decision.

Councillor Hilton proposed a motion in support of the officer recommendations not to give further consideration to the revocation of the certificate. The motion was seconded by Councillor M. Airey.

Cllr Lenton stated that he thought the Council should be able to do more to protect the residents. Councillor Lenton requested it be specifically minuted that he was dissatisfied that the legal advice provided to Officers was exempt from the public and had been kept away from public scrutiny in Part II. The Legal Advisor to the Panel explained that the information and advice received from Counsel was legally privileged and that as much of the information had remained in the public domain as legally possible. Members indicated that they wished to discuss the legal advice further before the voting on the motions.

The meeting moved in to part II for a short period for further discussion on legal advice provided.

After returning to part I there was further discussion and then Cllr Rayner's motion to defer was voted on. However, the motion was not successful. Five Councillors voted against the motion (Cllrs M. Airey, L. Evans, Hilton, Luxton and Yong), and four Councillors voted in favour of the motion (Cllrs Beer, Lenton, C. Rayner and Sharpe).

Members voted then voted on Cllr Hilton's motion to pursue Option two which was not to pursue the revocation of the Lawful Development Certificate dated 9 September 1998 (granted under reference 97/75746). Six Councillors voted in favour of the motion (Cllrs M. Airey, Beer, L. Evans, Hilton, Luxton and Yong). Two Councillors voted against (C. Rayner and Sharpe) and one Councillor abstained from the vote (Cllr Lenton).

The Panel then considered the intensification matter. These options are listed on page 60 of the agenda pack as option 3 and option 4. These options were:

Option 3: To further consider the case of intensification in the use of the site with a view to serving an enforcement notice in relation to that allegation.

Option 4: Not to give further consideration to the case of intensification in the use of the site and thus not to serve an Enforcement Notice in relation to that allegation

There had been discussion on the alleged intensification matter and history of the site throughout the meeting as well as the representations, legal advice and reports provided. The Deputy Head of Planning highlighted the appeal inspector's decision relating to the skip hire business and that the character of the use had been considered to have remained the same over three site operators by the Appeal Inspector, this was a recent decision and officers did not consider that there had been a material change. Cllr Airey and Cllr Hilton noted this Appeal decision and the advice provided in relation to both options 3 & 4. Cllrs Lenton had expressed concerns over intensification and its' potential impact upon residents.

Councillor Yong made a proposal to pursue Option 4, Councillor Hilton seconded the motion. Six Councillors voted in favour of the motion (Cllrs M. Airey, Beer, L. Evans, Hilton, Luxton and Yong) and three Councillors voted against the motion (Cllrs Lenton, C. Rayner and Sharpe). Members thus determined not to give further consideration to the case of intensification in the use of the site and thus not to serve an Enforcement Notice in relation to that allegation.

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Monitoring Reports were noted.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

To consider passing the following resolution:-

“That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act”.

The meeting, which began at Time Not Specified, finished at Time Not Specified

CHAIRMAN.....

DATE.....