

WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 30 JANUARY 2019

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Michael Airey, Malcolm Beer, John Bowden, Eileen Quick, Samantha Rayner, Shamsul Shelim, Malcolm Beer and Edward Wilson

Officers: Ashley Smith, Wendy Binmore, Louise Humphreys, Sian Saadeh, Ashley Smith and Jenifer Jackson

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wisdom Da Costa.

Councillor M. Airey also notified the Clerk he would be attending Panel a few minutes late.

DECLARATIONS OF INTEREST

Cllr M. Airey – Declared a personal interest in item 2 as his wife, Cllr N. Airey, called the application in to Panel. However, Cllr M. Airey had not discussed the application with his wife and he confirmed he attended Panel with an open mind.

Cllr Bowden – Declared a Prejudicial interest in item 4 as he was a resident of the Conservation Area and he spoke against the item the last time it was presented at Panel. Cllr Bowden confirmed he would not vote on the item.

Cllr Quick – Declared a personal interest in item 4 as she had signed the petition relating to the development. However, she confirmed she attended Panel with an open mind.

Cllr S. Rayner – Declared a personal interest in item 4 as Cllr S. Rayner and Cllr C. Rayner held insurance with the Farmers Union who were the applications for the item. Cllr S. Rayner confirmed she attended Panel with an open mind.

Cllr Shelim – Declared a personal interest in item 4 as he owned a business in the immediate area and also signed the petition on the development. He confirmed he attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 7 January 2019 be approved.

TO CONSIDER A REPORT FROM THE HEAD OF PLANNING

Jenifer Jackson, Head of Planning, stated the purpose of the report being presented to Panel was not to reopen that application and so new reasons for refusal could not be added, it was brought back to Panel to consider the three reasons for refusal. The Head of Planning added that following correspondence, the Council needed to revisit

the application to make sure the reasons for refusal stood up at appeal. Officers did not feel they could robustly defend the refusal in light of the Borough Local Plan being paused. Therefore, Officers would only present reason three as laid out in Section three of the main report.

The Head of Planning wanted to reassure residents and the Panel that it was usual to negotiate and enter into a legal agreement prior to appeal and that would not prejudice the case. The Inspectorate would want it made clear what the dispute was prior to the application going to appeal.

Councillor Stretton addressed the Panel and stated following the Full Council decision to uphold the appeal, she had read the report from the June Panel and Officers had cited three reasons for refusal. She asked why all aspects were not included; residents and Members were being told that a long pause in the Borough Local Plan was requested due to significant changes being needed. Councillor Stretton added the submission of evidence should reflect the weight of the Borough Local Plan and she suggested a robust refusal and that Officers could just remove the reference to the Borough Local Plan. Councillor Stretton said an informative could be added and that she will recommend the application is reviewed and scrutinised at the Planning & Housing Overview & Scrutiny Panel. She had raised the issues in Spring 2018.

Councillor Bowden said he would attend the appeal as a Councillor and as a local resident. He would be supporting residents in objection to the application. Councillor Bicknell stated it had been made clear that the Panel were not going over the decision. Development of the site had been presented to Panel over many years but, it had never been approved. He added the Borough's Officers were the experts and there were three reasons for refusal but, two now appeared to carry less weight and were weak. If the Borough put forward the two weak reasons, it could make the third reason weak and that was concluded from expert advice. Councillor S. Rayner agreed; she stated the third reason had given more weight to refusal and would help the case. The development was not of a high quality design.

The Head of Planning confirmed the Panel debated many issues back in June 2018 and only requested three reasons for refusal so it was not right to add any more reasons. Councillor E. Wilson said he agreed with Councillor Bicknell's comments that the situation had changed materially since June 2018 and of the Council did not consider those material changes, the Planning Inspector would ask why. Full council had supported the Panel's desire to defend the reason for refusal. He supported the recommendations in the report. Councillor Quick stated the Panel wanted to make sure the Council had the best case to win at appeal. She added that as the site was derelict, that would weaken the reason for employment. The Head of Planning confirmed in June 2019 that the Borough was in a position to allocate the site for employment in the Borough Local Plan but the plan had not progressed as quickly as hoped and therefore, that did not help the Council's case.

Councillor Beer stated he had been a Member of Development Management Panels for over 24 years and he felt the Borough was stuck. He did not like it but he thought the Panel should adopt the recommendation before them as it was best to stick to firm ground, he also supported the Officers recommendations as listed in the report. The Head of Planning stated it was not that the Borough Local Plan was proceeding very well, it was that it was taking longer than hoped. She confirmed the plan had been progressing well. The Council were prepared for the appeal and had appointed an

urban design officer to make the case; she had been out to site and a survey of the site had also been carried out.

The Chairman informed residents and Members that the appeal was being held at the Windsor Racecourse and he urged all those that could to attend.

RESOLVED: That the Panel authorised the Head of Planning to:

- 1. Write to the Planning Inspectorate and Appellant setting out that the Council will now only be pursuing the appeal on the third reason for refusal and then to prepare evidence and defend the Council's case only in relation to the third reason for refusal.**
- 2. Finalise a Section 106 agreement with the Appellant to be submitted to the Planning Inspectorate.**

(Councillor Bowden abstained from the vote due to the interest he declared, and Councillor M. Airey did not vote as he arrived to Panel a few minutes into the debate of the item).

PLANNING APPLICATIONS (DECISION)

18/02391 Dr Marsden-Huggins: Construction of 56 bedroom hotel at SG Autopoint 437-441 St Leonards Road, Windsor SL4 3DT – **THIS ITEM WAS WITHDRAWN FROM THE AGENDA AT THE REQUEST OF THE APPLICANT.**

18/02929 Ms Prothero: Demolition of existing house and construction of new dwelling at 2 Bolton Crescent, Windsor SL4 3JQ – **THE PANEL VOTED to approve the application and grant planning permission with the conditions listed in Section 13 of the Main Report, in accordance with the Head of Planning's recommendations.**

Eight Councillors voted in favour of the Motion to grant planning permission (Cllrs M. Airey, Alexander, Beer, Bicknell, Bowden, Quick, Shelim and E. Wilson), and one Councillor voted against (Cllr S. Rayner).

(The Panel was addressed by Claire Miln in objection and Rhiannon Prothero the applicant).

18/03486 Mrs Jacobson: Two storey side extension, first floor rear extension with Juliet Balcony, single storey front extension, rendering to existing single storey rear element, roof lights and new first floor side window at 129 Springfield Road, Windsor SL4 3PZ – **THE PANEL VOTED to approve the application and grant planning permission with the conditions being delegated to Officers, against the Head of Planning's recommendations.**

Eight Councillors voted in favour of the Motion to grant planning permission (Cllrs M. Airey, Alexander, Bicknell, Bowden, Quick, Shelim, S. Rayner and E. Wilson), and one Councillor voted against (Cllr Beer).

(The Panel was addressed by Leona Jacobson the applicant).

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100 (A)(4) of the Local Government Act 1972, the public can 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 1 – 7 of Part I of Schedule 12A of the act.

The meeting, which began at 7.00 pm, finished at 8.10 pm

CHAIRMAN.....

DATE.....