

DEVELOPMENT CONTROL PANEL

6 November 2019

Item: 5

Application No.:	18/03584/REM
Location:	151 - 153 Clarence Road Windsor
Proposal:	Reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 17/02566/OUT (allowed on appeal) for demolition of 151-153 Clarence Road and construction of 3 storey building with accommodation in the roof and associated car parking and landscaping [10/10/19I - Amended design and scale. Floor plans, elevations and site plan have been amended]
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer North Ward

If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk

1. SUMMARY

- 1.1 This is a reserved matters application seeking approval for appearance, landscaping, layout and scale pursuant to outline planning permission 17/02566/OUT. The access to the site has already been approved as part of the outline planning permission.
- 1.2 This reserved matters application is for 14 x 2 bed units. The building proposed is a three storey building, with accommodation in the roof served by gables and dormers.
- 1.3 The development proposed is considered to respect the character, layout and form of the surrounding residential development and provide a successful transition to the adjacent buildings. Consequently, the effect of the development on the character and appearance of the area, and neighbouring residential properties is acceptable and there is no conflict with saved policies DG1, H10 and H11 of the Local Plan or NPPF (2019).

It is recommended the Panel grants planning permission with the conditions listed in Section 11 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 application site is located on the northern side of Clarence Road, in close proximity to the Goslar Way junction. At present, the site consists of a semi detached pair of houses, with its vehicular access and parking located to the rear and accessed via a single track between No. 153 and 155 Clarence Road.
- 3.2 The north of the site is located within Flood Zone 3, a very small portion in Flood Zone 2 and the rest of the site including the existing dwellings, in Flood Zone 1, which is the result of the site rising towards Clarence Road.
- 3.3 There are a number of large residential developments in the immediate vicinity of the site. Trevelyan Court, a 2-5 storey residential development is located to the south of the application site. Immediately adjacent to the application site is Castle View, Helston Lane, which has recently been completed. This is a 2-5 storey care apartment and 72 bed nursing home. Two further large apartment developments front Goslar Way roundabout to the east, which include Clarendon

Court (2-3 storey development of 41 apartments) and Pavilions, Clarence Road (3-5 storey development of 46 apartments).

- 3.4 The area to the west of the application site is considerably different in character, consisting of mainly 2-3 storey dwelling houses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This a reserved matters application seeking approval for appearance, landscaping, layout and scale pursuant to outline planning permission 17/02566/OUT.
- 4.2 This reserved matters application is for 14 x 2 bed units. The building proposed is a three storey building, with accommodation in the roof served by gables and dormers. The building proposed is approximately 8.3 metres to the eaves, 12.2 metres to the ridge. The building is approximately 23.8 metres in length, and 15.8 metres in width, and maintains a set back from the front boundary of the site of between 3-3.5 metres.
- 4.3 It should be noted that the matter of vehicular access and highway/pedestrian safety was considered and approved within the outline planning permission (17/02566/OUT). This application gave planning approval to the means of vehicular access to the whole site from Clarence Road, through the widening of the existing access road. This will be the principal access to the site.

Ref.	Description	Decision and Date
94/01587/OUT	Erection of a detached dwelling and garage	Refusal 20.3.1995
95//01786/OUT	Erection of a detached house and garage	Refusal 17.6.1996
17/02566/OUT	Outline application for up to 14 units with access only to be considered at this stage with all other matters to be reserved for the construction of a 3 storey building with accommodation in the roof and associated car parking and landscaping following demolition of 151 -153 Clarence Road	Refusal 15.12.2017

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, H10,H11
Highways	P4 and T5
Trees	N6

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, EP2, EP4
Makes suitable provision for infrastructure	IF1
Manages flood risk and waterways	NR1

6.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

6.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

6.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

40 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 25th January 2019 and the application was advertised in the Local Press on 10th January 2019.

Three consultations were carried out on this application. The first on the 3rd January 2019 and second on the 25th April 2019 and a third on the 10th October 2019. 3 letters were received to the first consultation and 3 letters to the second consultation objecting to the application. At the time of writing this report, comments from the third consultation on the site were not available and will be reported within the panel update. The comments received from the 3rd January and 25th April consultations are summarised as:

Comment	Where in the report this is considered
---------	--

1.	Concern with size of the access road and highway and pedestrian safety	Paragraph 4.3 Access has been approved under application 17/02566/OUT and is not being considered as part of this application
2.	Applicant has no right of way over the access road	This is not a planning matter.
3.	Parking provision is insufficient for the development	8.24-8.25
4.	Overdevelopment of the site and out of scale. Proposal is a 4 storey building not 3 storey.	8.5, 8.12-8.14
5.	Proposal will have a negative impact on the character of Clarence Road and townscape.	8.16-8.18
6.	Mature trees will be lost and proposed planting is very low	8.10
7.	Loss of light to adjacent properties and overlooking to kitchen/garden areas	8.19-8.20
8.	Increase in the number of windows overlooking No, 155.	8.20

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comments	n/a

Consultees

Consultee	Comment	Where in the report this is considered
Trees	Planting details as amended are acceptable.	8.10
Highways	No objection to the details provided pursuant to condition 6 of outline consent	8.26
Ecology	No objections subject to the installation of bat and bird boxes shown on landscaping plan.	Noted
Lead Local Flood Authority	Clarification required on a few matters relating to the drainage report submitted. These have been addressed by the applicant and we are awaiting additional comments from the LLFA.	To be reported in panel update.
Environmental Protection	No objection	

8. EXPLANATION OF RECOMMENDATION

- 8.1 The principle of developing this land has been established through the approved outline planning permission. Therefore the key issues for consideration are:
- i. Layout and landscaping;
 - ii. Scale;
 - iii. Appearance; and
 - iv. Impact on neighbouring properties;
 - v. Parking;

vi. Other matters – condition discharge

- 8.2 The NPPF (2019) and Councils adopted policies DG1, H10 and H11 seeks to secure standards of design that promote high quality, varied and stimulating townscape and environment. The design guidelines set out within the Policies, advise that when assessing new development proposal, regard will be had to ensuring that harm is not caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features that contribute to the character. Policy H10 further advises that “new residential development scheme will be required to display high standards of design” and Policy H11 adds that “in established residential areas, planning permission will not be granted for schemes that introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area”

Layout and Landscaping

- 8.3 In relation to the proposed layout of the building, the outline permission (17/02566/OUT), provided an indicative layout for the proposed development. This detailed a detached building, set forward of the neighbouring semi-detached buildings on Clarence Road, with parking to the rear, accessed via the enlarged access road.
- 8.4 The proposed building is of a similar size and siting to the indicative layout provided. In relation to the siting of the building within the plot, it is proposed to be set forward of the adjacent semi-detached properties on Clarence Road. The Inspector noted in paragraph 14 of the appeal decision that “...*there is some variation to the existing building line at this section of Clarence Road. Therefore it is not necessary that the proposed building keeps the exact same building line as No. 155*”. Given the conclusions of the Inspector, the variation in building lines along this part of the road, corner location of the site, and that the proposed building retains a notable set back from Clarence Road, the proposed siting of the building in the context of the street scene is considered acceptable.
- 8.5 The proposed building is of a comparable length to the adjacent properties, with a small communal garden area to the rear and parking area. In respect of the proposed layout, in general terms, no objection is raised to this arrangement, given that this is a similar arrangement to the adjacent properties in Clarence Road. Whilst it is acknowledged that the proposed building is an enlargement beyond the existing, the provision of 14 units is considered an efficient use of the land. The quality of the accommodation proposed is considered acceptable, and the building proposed and its associated parking, is not considered to constitute an overdevelopment of the site.
- 8.6 At outline stage, concern was raised by officers in respect of the siting and size of the car parking to the rear and this eroding the green space that contributed to the wider character of the site and area. However, within paragraph 12 of the appeal decision, the Inspectors comments on the siting and size of the proposed car park area were: “*Being to the rear would be more discreet and less prominent than if it was at the front...based on the indicative plans, the proposed parking area would not result in a dominant feature or have a significant adverse visual effect on the surrounding area.*”
- 8.7 No objection is therefore raised to the provision of car parking to the rear of the site. 14 car parking spaces are proposed to serve the units as opposed to 19. This reduction in the number of car parking spaces has resulted in the parking area being reduced which has increased the opportunity for soft landscaping. The parking shortfall and will be considered within section 8.24-8.25 of this report.
- 8.8 The scheme was amended during the course of this application to add an additional entrance to the side of the site and provide pedestrian access routes to the car park/communal gardens. A pedestrian footpath runs adjacent to the access road to allow safe access/egress for pedestrians and this is considered of a sufficient size and siting to serve the site. This amended arrangement is considered to improve the layout of the proposal and ensure that the development is accessible and safe to all.

- 8.9 The communal garden to the rear is modest in size, however is of a comparable size to that considered by the Planning Inspector as part of application 17/02566/OUT. Within paragraph 13 of the appeal decision, he indicated that although the rear garden was small in comparison to others in the vicinity, it was of “...*sufficient size to visually contribute to the setting*“. In this regard, the proposed garden is considered acceptable in the context of the site.
- 8.10 A comprehensive hard and soft landscaping scheme, including biodiversity enhancements has been provided as part of the submission. This details soft landscaping along the access road and to the front and rear, which will go some way to mitigating the loss of existing trees/hedges and softening the landscape around the site. The proposed details are considered appropriate for the site and no objection raised to the landscaping and biodiversity scheme proposed.

Scale

- 8.11 In terms of the scale proposed, the outline consent approved a three storey building with accommodation in the roof. The scheme has been amended during the course of the application to reduce the scale, bulk and massing of the development proposed and ensure that the proposal is within the parameters of the outline consent.
- 8.12 The detailed scheme submitted as part of this application is for a detached building of three storeys in height, plus accommodation in the roof. There are both semi-detached and detached properties in this section of Clarence Road. Given this variance, the Inspector concluded within the appeal decision that “*the appearance of a detached building would be appropriate, even if it was replacing a semi-detached pair.*” The Inspector continued to acknowledge that it would result in a wider plot than most others in the area, however, “*given its location adjacent to other large new residential buildings, and this being an efficient use of land, it would not appear incongruous or visually disruptive*”. The principal of a detached building is therefore considered acceptable in the context of the site.
- 8.13 In consideration of the specific scale of the building proposed, the character of the immediate area is relevant. The surrounding residential development to the west has a suburban character and appearance, primarily comprised of detached houses of various heights and styles. The care home building to the north east and other developments opposite facing Goslar Way roundabout are significantly larger, rising to a maximum of five storeys in height.
- 8.14 The height of the development proposed would exceed that of the detached properties adjacent (the detached properties on Clarence Road are approximately 11 metres in height, the proposed development is approximately 12.2 metres), but would remain lower than elements of the larger care home building to the north east (approximately 16.5 metres at its maximum height). The height of the building would address the transition from Clarence Road to the Goslar Way roundabout in a similar way to the other buildings in the vicinity. The bulk of the development would enable the Clarence Road development to appear to rise, to provide a transition from the suburban development to the east to the more urban, higher density built form currently found on Goslar Way roundabout.
- 8.15 In terms of the overall scale and massing of the building proposed, this is considered acceptable in the context of the surrounding development.

Appearance

- 8.16 The Inspector acknowledged within the appeal decision that there are a mix of housing styles within the surrounding area. This section of Clarence Road is classed as part of a Victorian Village landscape in the townscape assessment, which some of the neighbouring properties fit the description of. However, the Inspector continues to state that there is also a mix “...*with modern apartments to the opposite side of the road from the appeal site, which also form part of the street scape. Within the row of houses on the same side of the road as the appeal site, there is also variety in design and style, although they would all be described as having traditional appearances*”.

- 8.17 The overall design approach is similar to that of Trevelyan Court to the south of the application site, with its part brick and rendered facades, and stone band course, and also integrates some of the architectural characteristics of the Clarence Road properties, with the addition of the gable features on the front.
- 8.18 Given the mix of dwelling types in the street, the Inspector within the appeal decision, considered that it was not necessary for any building on this site to mimic the older residential properties adjacent. The design approach presented within this scheme, which integrates elements of the surrounding developments, is considered to help give the development a distinctive character, which sits well with the varied built form of the wider setting. Consequently, there is not considered to be any harm to the character and appearance of this part of the street scene.

Impact on the neighbouring properties

- 8.19 No. 155 to the east of the application site abuts the existing access road. This property is set over three floors and in the side elevation, has one window at ground floor, two at first floor and one small window on the second floor. It is understood that these windows are secondary windows or serve non habitable spaces. There would be a distance of 8 metres between the flank walls and this distance, combined with the orientation of the windows and their secondary nature would ensure that the proposed development does not result in an unacceptable loss of light or overshadowing to these windows. Furthermore, given that the development only extends 3 metres beyond the rear elevation of this property, and the separation between them, the proposal is not considered to result in a loss of light to the rear windows in this dwelling.
- 8.20 Windows are proposed in the side elevation of the building which serve bedrooms, bathrooms to the proposed flats. Whilst there may be some loss of privacy to the windows in the side elevation of 155, given the secondary nature of these windows and that some of the windows proposed in the side elevation serve non habitable spaces (bathrooms) and do not directly look into the windows of No. 155, the loss of privacy is not considered to be of such a degree that would warrant an objection or refusal on such grounds.
- 8.21 Whilst it is noted that the building is larger in size than the existing, the depth and siting of the building is such that it is not considered that the development will have a detrimental impact on the outlook, nor is it considered to appear unduly overbearing or visually intrusive to the adjacent properties on Clarence Road.
- 8.22 To the north east of the application site is the residential care home 'Castle View'. The element of the Care Home adjacent to proposed development, contains the stairwell to this part of the building, seating and some bedrooms. The proposed development by reason of its orientation, scale and siting is not considered to result in an unacceptable loss of light, privacy or outlook to the Care Home, nor to appear unduly overbearing or visually intrusive.

Parking

- 8.23 Within application 17/02566/OUT, 18 car parking spaces were proposed as part of the application. Whilst this provision was below the Councils standards, no objection was raised to this provision. As part of this submission, the number of car parking spaces has been reduced to 14.
- 8.24 Application 18/00419/OUT refused outline consent on this site for up to 14 units. However, as part of this application, the number of parking spaces was reduced to 14, to which no objection was raised. The following text has been extracted from the officer report and provides justification for this:

"The site is located 0.9 m from a frequently serviced train station and proposes a total of 14 car parking spaces. This parking ratio of 1 space per unit presents a shortfall from the Councils standards. In light of the Ministerial Statement (March 2015) which states that: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network ", it is considered that in this instance a lower parking provision could be

accepted given that the site is located within reasonable walking distance of local amenities, bus routes and the town centre with only a modest trip generation of 8-12 during the AM and PM peak times. Furthermore, an appeal decision for 129-137 Clarence Road (APP/T0355/A/03/1133047) accepted an even lower parking ratio of 0.86 spaces per unit. The Inspector considered that as a frequent bus service passed the site, walking, cycling to the facilities/railway stations being a realistic option, presence of local facilities and there being no compelling evidence that the level of parking would have significant implications for the safety or convenience of road users, that it would be acceptable.

Although this decision was in 2004, the circumstances for consideration of whether the level of parking is adequate are all still relevant and have been reiterated by the NPPF (paragraph 39) and Ministerial Statement. In this instance, there is no compelling evidence to suggest that the parking ratio proposed would be unacceptable in this instance nor that the vehicular trips generated would give rise to a scheme that would have a detrimental impact on the general highway safety within the surrounding roads.”

- 8.25 Whilst the NPPF has been updated since the consideration of this application, the sections relating to parking standards have not altered and neither has any compelling evidence been provided as part of this application to alter the Councils position on the agreed parking ratio for this site. No objection is therefore raised to the proposed parking provision.

Other matters – Condition discharge

- 8.26 As part of this application, the applicant has submitted details pursuant to conditions 6 (Construction Management Plan) and 8 (Surface Water Drainage). Condition 6 has been reviewed by the Councils Highways Officer and the details considered acceptable. It is therefore recommended that this condition is discharged. Condition 8 has been reviewed by the Lead Local Flood Authority. In its current form, amendments have been sought to the details submitted which have been addressed by the applicant and are being reviewed by the LLFA. An update to this consultation will be provided in the panel update.

9. CONCLUSION

- 9.1 The development proposed is considered to respect the character, layout and form of the surrounding residential development and provide a successful transition to the adjacent buildings. Consequently, the effect of the development on the character and appearance of the area is acceptable and there is no conflict with saved policies DG1, H10 and H11 of the Local Plan or NPPF (2019).

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed ground and first floor plan
- Appendix D – Proposed second and third floor plan
- Appendix E – Proposed elevations
- Appendix F – Proposed sections
- Appendix G – Proposed street scene
- Appendix H – Planting plan

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall commence within two years from the date of this reserved matters permission.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

- 3 Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved 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 Policies - Local Plan P4, DG1.
- 4 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. 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.
- 5 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
- 6 Works for demolition and construction shall be implemented and maintained for the duration of the works in accordance with the details contained within the following management plan documents:
Transport Statement Reference JP/TS/02/18 by Jon Pearson received 7th February 2019
Construction Environmental Management Plan by Castlemere Developments received 7th February 2019.
Reason: In the interests of highway safety and the free flow of traffic and amenity of surrounding residential occupiers Relevant Policies - Local Plan T5.
- 7 The hard and soft landscaping shall be carried out in accordance with the following approved documents:
Landscape Layout VIR/AJ/Clarence Rev B 02 May 19
Plant Specification Rev 13.5.19
Planting plans VIR/AJ/Clarence PP Rev B 05.19
The hard landscaping works shall be carried out as approved prior to the occupation of the building. The soft landscaping works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 8 No part of the development shall be occupied until a privacy screen has been provided along the north west elevation of the balcony to Flat 13, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. This screen shall thereafter be retained in accordance with the approved details.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers Relevant Policies - Local Plan H11.
- 9 No part of the development shall be occupied until an external lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented and operated in accordance with the approved scheme and maintained as operational thereafter.

The scheme shall include the following:

- i. The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity
- ii. The proposals to minimise or eliminate glare from the use of the lighting installation.
- iii. The proposed hours of operation of the lighting, and any mechanism to control timing.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Paragraph 127 of the National Planning Policy Framework (2019)

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.

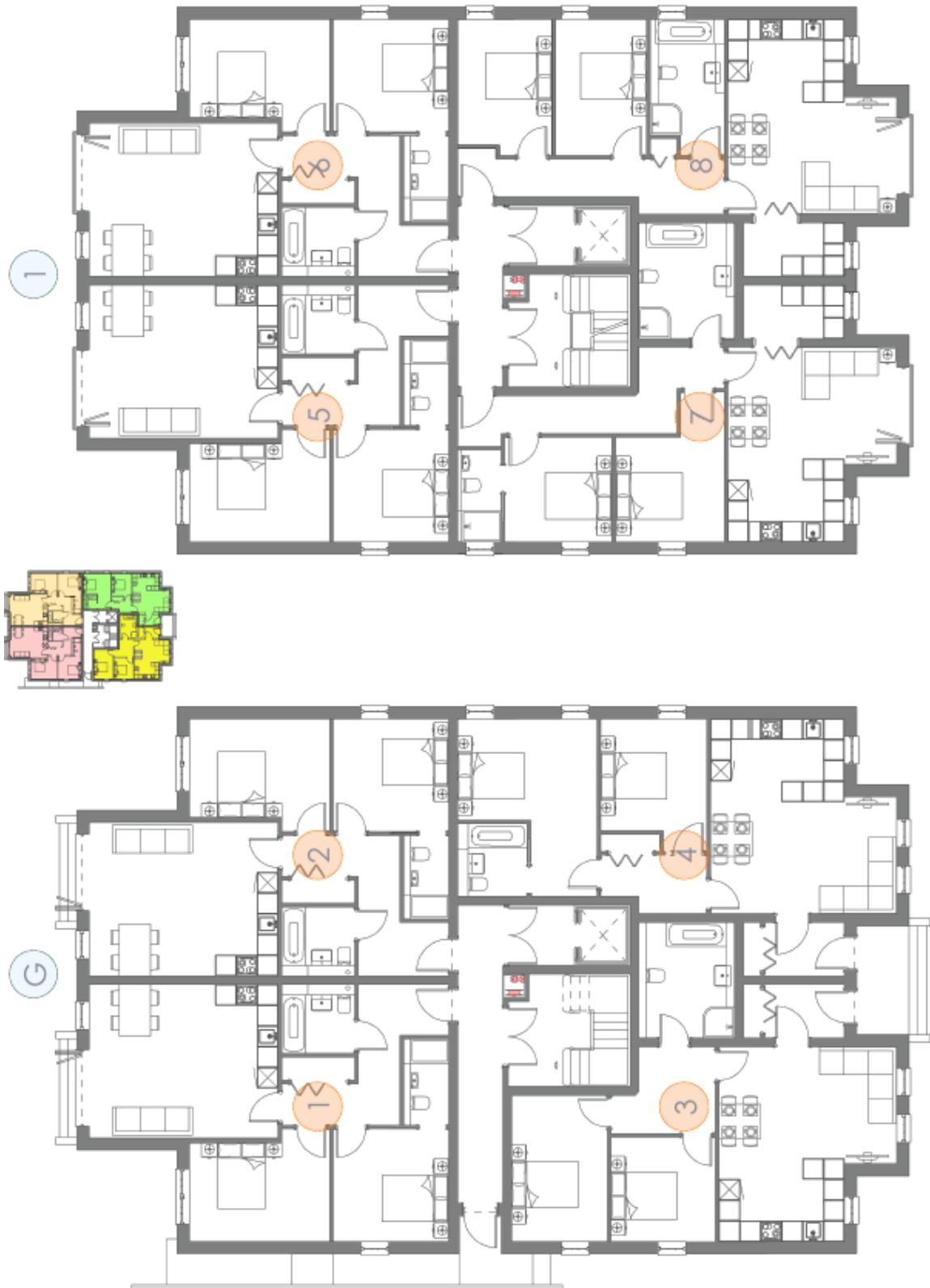
APPENDIX A – Site location plan



APPENDIX B – Proposed site plan



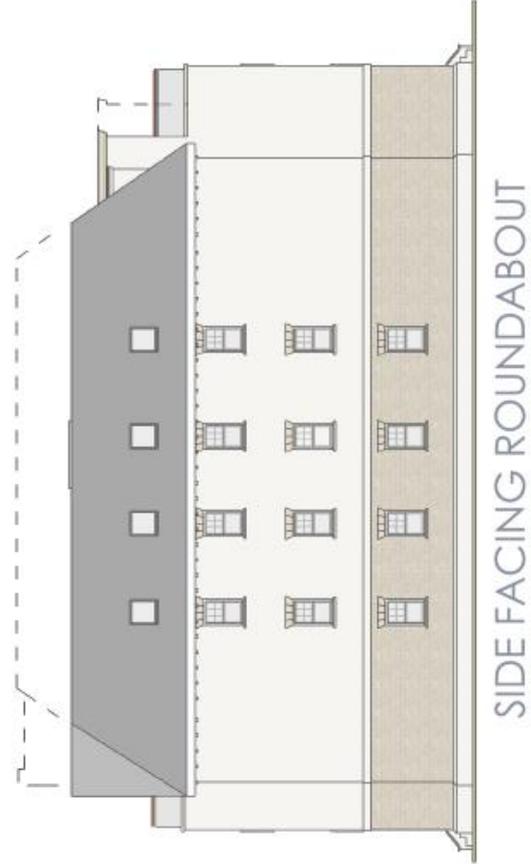
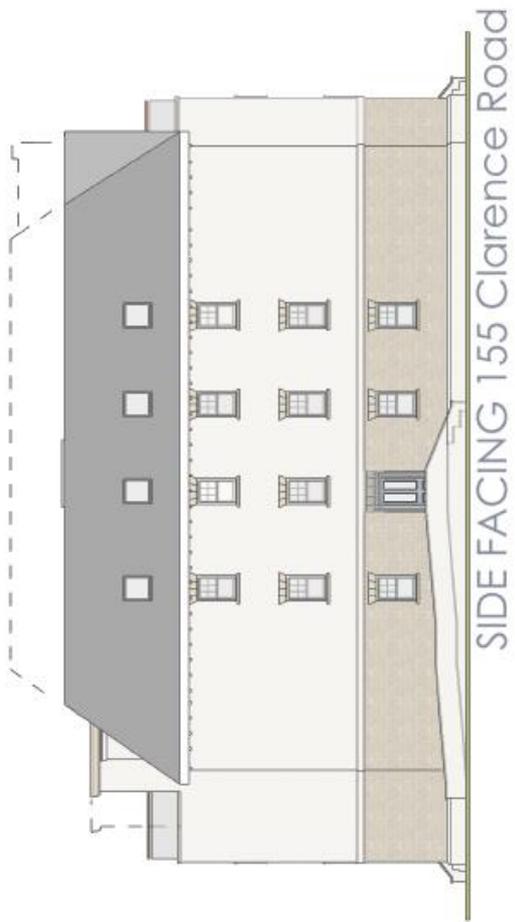
APPENDIX C – Proposed Ground and first floor plan



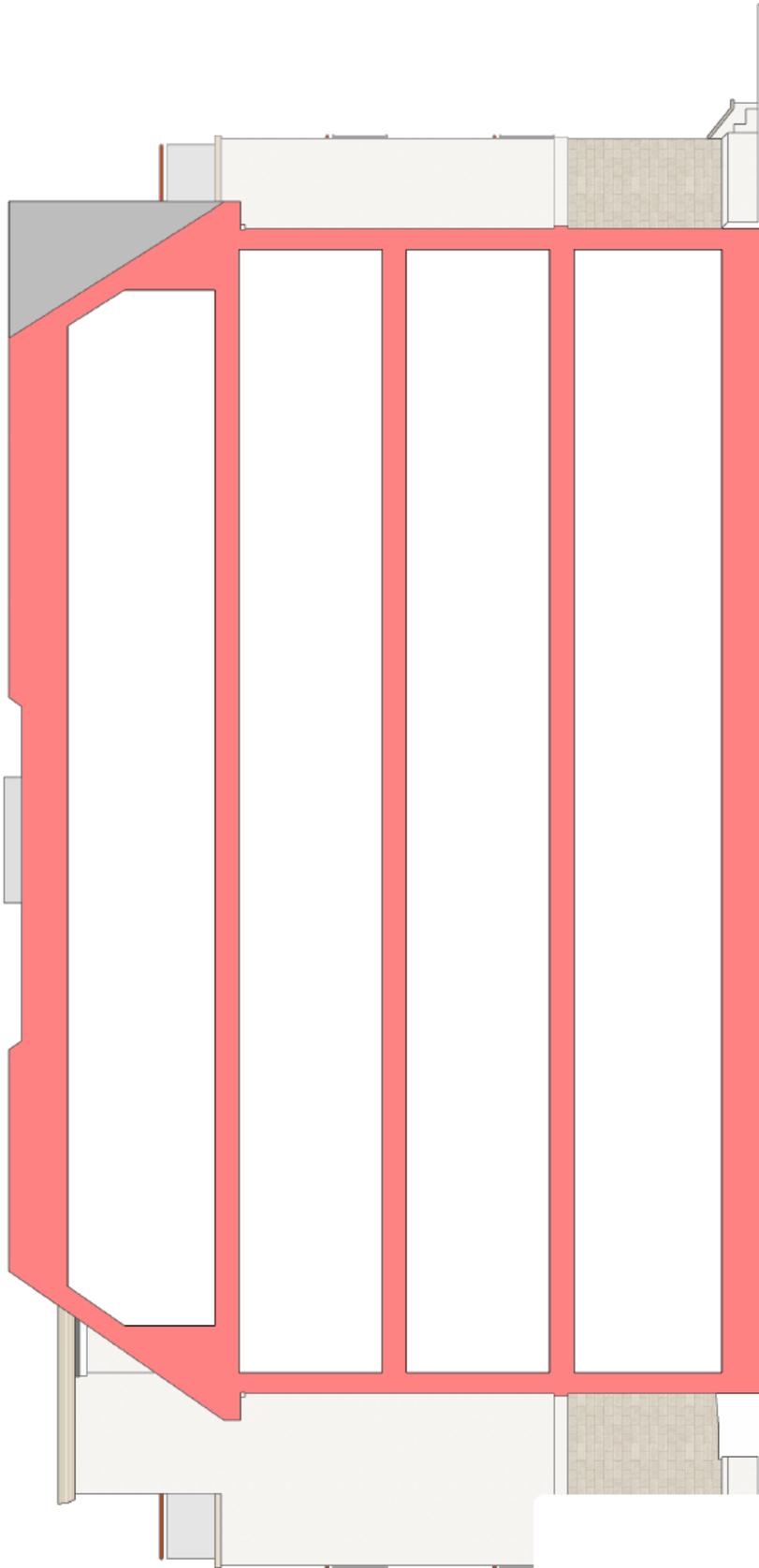
APPENDIX D – Proposed second and third floor plan



APPENDIX E – Proposed Elevations



APPENDIX F – Proposed Sections



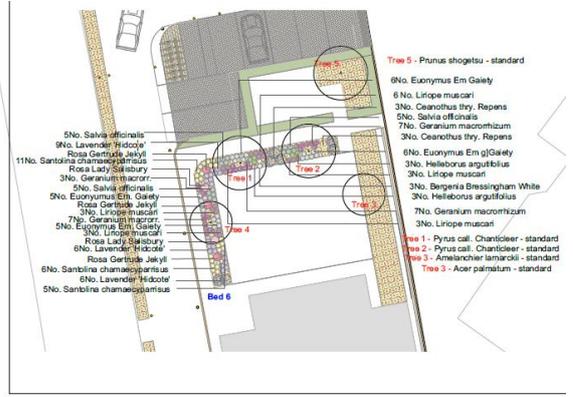
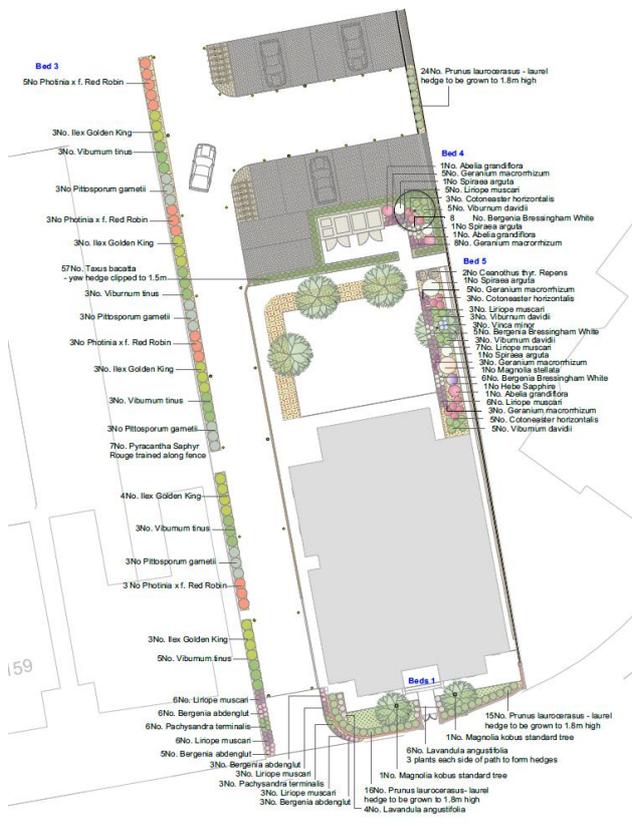
APPENDIX G – Proposed Street scene plans



Facing B3024 - Clarence Road

SOUTH ELEVATION

APPENDIX H – Planting Plan



Client	Castlemere Developments
Project	151-153 Clarence Rd Windsor
Title	Planting Plans Rev May 19
Scale	1:250
Date	13th May 2019
Dwf	VIRIA 151-153 Clarence Rd Rev 05 19

