

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 3

Application No.:	23/01516/FULL
Location:	59 - 59A St Leonards Road Windsor
Proposal:	Part single part two storey side/rear extension, roof extension with 1no. rear dormer, 2no. rear roof terraces, alterations to fenestration and a new refuse and cycle store to provide an additional ground floor commercial unit and a change of use of the first and second floors from retail/offices to provide 4no. dwellings.
Applicant:	Mr Allaway
Agent:	Mr David Howells
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	

11 1. SUMMARY

- The proposal involves the extension and conversion of numbers 59 and 59A St Leonards Road in Windsor town centre. The site lies within the secondary shopping frontage and the proposal is for the provision one additional commercial unit (Class E) to the rear at ground floor and a total of 4 residential units at first and second floor. The site lies within the Inner Windsor Conservation Area and is surrounded to the north and south by residential properties in Temple Gate and Chesterton Place.
- The proposal is considered to cause less than substantial harm, at the lower end of the scale, to the significance of the Conservation Area. However, it is considered that the public benefits of providing additional residential properties and securing the optimum viable use of the site would outweigh the harm in this case.
- The proposal is acceptable in all other respects including its impact on the living conditions of the neighbouring properties and on highway and parking grounds.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of a unilateral undertaking to secure the carbon off set contribution required in Section 10 of this report and with the conditions listed in Section 15 of this report.
2.	To refuse planning permission if a unilateral undertaking to secure the carbon off set contribution required in Section 10 of this report has not been satisfactorily completed.

2. REASON FOR COMMITTEE 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 Committee as the application has been called in by Cllr Julian Tisi, irrespective of the recommendation,

due to a number of complexities including parking, loss of amenity (in particular potential loss of privacy for neighbouring residents) and that the building is within the Inner Windsor Conservation Area.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises numbers 59 and 59A St Leonards Road, an attractive pair of late 19th/early 20th century buildings. The buildings front onto the eastern side of St Leonards Road, within Windsor Town Centre and within a secondary shopping frontage. The ground floor of number 59A was up until recently occupied by Millars cafe and is now vacant. The ground floor of number 59 is occupied by a picture framing business. The picture framing business also occupies the rear portion of number 59A. The first and second floors are vacant and were last occupied as an office (Class E).
- 3.2 The site backs onto Trinity Yard, a courtyard comprising retail units and a gym all within the applicant's ownership. Residential properties to the north in Temple Gate are separated from the application property by an access drive serving Trinity Yard. To the south of the site lies number 61 St Leonards Road, a funeral directors with residential above. Chesterton Place, a flatted development lies to the south, separated from the application site by number 61 and an access drive/parking area.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Inner Windsor Conservation Area and a Secondary Shopping Frontage. The site lies within the 'Victorian and Edwardian suburbs' classification set out in the Townscape Assessment. The site falls outside the Windsor Neighbourhood Plan Area.

5. THE PROPOSAL

- 5.1 Permission is sought to extend and convert the existing buildings to provide an additional commercial/retail unit at ground floor and provide a total of 4 flats comprising 2 x 1 bed flats and a studio flat at first floor and a 2 bed flat at second floor level.
- 5.2 The proposal includes an infill extension at the rear, comprising a part single/part two storey rear extension and a roof extension incorporating a dormer window. First and second floor rear roof terraces are proposed and glass privacy screens have been added to the first floor roof terrace. Some alterations to the fenestration are proposed including the insertion of an additional first floor window in the northern elevation to serve a bedroom and a first-floor door in the southern elevation to replace an existing window. The front elevation would remain unchanged. Access to the first and second floor flats will be via an existing ground floor door in the northern elevation.
- 5.3 The existing commercial units at ground floor would be retained and reconfigured and a new commercial unit created at the rear. A refuse/bin store and cycle store are proposed to be provided within two existing garages within Trinity Yard.

6. RELEVANT PLANNING HISTORY

- 6.1 The relevant planning history is set out below and includes a current application, reference number 23/01390/FULL, relating to Trinity Yard, owned by the same applicant and pending consideration.

Reference	Description	Decision
23/01390/FULL	Creation of 5no. individual Class E units and 1no.B8 unit together with bin/refuse and cycles stores,	Pending Consideration
22/02897/CLAMA	Prior approval for change of use of first and second floors from commercial, business and service (Class E) to create 1 x studio, 1 x 1 bed and 1 x 2 bed self-contained flats (use class C3 – residential)	Prior approval required and granted 19.12.22
21/03376/FULL	Part change of use of existing building from retail and office to residential, part single part two storey rear extension with x 1 first floor rear facing balcony above, roof extension, x 1 rear dormer with x 1 second floor rear facing balcony to create x5 dwellings and alterations to fenestration.	Withdrawn 19.10.22
21/02356/CLASSO	Change of use of the first and second floors from offices to residential for 3no.flats	Prior approval required and refused 23.9.21
18/00854/FULL	Change of use of ground floor shop unit from Class A1 (retail) to Class A3 (cafe/restaurant).	Permitted 14.5.18
98/77520/FULL	Change of use of second floor (suite 5) from office to admin and technical support centre for private car hire company	Permitted 20.1.99

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan:

Issue	Policy
Climate Change	SP2
Character and Design of New Development	QP3
Other Sites and Loss of Employment Floorspaces	ED3
Windsor Town Centre	TR2
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Noise	EP4
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

Section 7 – Ensuring the vitality of town centres

Section 9 - Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- a) Borough Wide Design Guide
- b) Inner Windsor Conservation Area Appraisal 2015

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. 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 28th June 2023 and the application was advertised in the Local Press on 7th July 2023.

8 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Lack of parking – parking in nearby streets is already overcrowded. Sufficient off-street parking should be provided.	Section 8v
2. Increase in noise and disturbance from large outdoor roof terraces	Section 8iv
3. Overlooking and loss of privacy of neighbouring properties in Temple Gate and Chesterton Place.	Section 8iv
4. Adverse impact on road and pedestrian safety –increase in traffic via narrow access where visibility restricted.	Section 8v
5. Flats 4 & 5, Chesterton Place have living room and bedroom windows approx. 10m from proposed terraces.	Section 8iv
6. No noise or sound insulation.	Section 8iv
7. Garages in Trinity Yard could be used for parking	Section 6 & 8v
8. Loss of natural light.	Section 8iv

9	The main door serving the flats would lead out onto the busy access road and would cause noise and disturbance to occupiers of Temple Gate.	Section 8iv
10.	Proposal does not address previous concerns relating to balconies and does not enhance the character and appearance of the Inner Windsor Conservation Area.	Sections 8iii & 8iv
11.	Bats in the area	Section 8vi
12.	The new first floor window will look directly into bedroom windows in Temple Gate.	Section 8iv
13.	Fire safety is questioned – 4 properties accessed via a narrow stairwell.	Covered under building regs.
14.	New glass door in south elevation will directly face windows/skylights in Chesterton Place –loss of privacy.	Section 8iv
15.	Bin area insufficient to accommodate refuse for commercial businesses and 4 new flats.	Section 8iv

Consultees

Consultee	Comments	Where in the report this is considered
Conservation Officer	Summary: The proposal would cause less than substantial harm at the lower end of the spectrum to the significance of the Conservation Area – Object.	Section 8iii
Ecology Officer	No objection on ecological grounds subject to a condition to secure biodiversity enhancement.	Section 8vi
Environmental Protection	Future and existing sensitive receptors need to be protected from noise. No objection subject to conditions (noise containment & aircraft noise).	Section 8iv

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

1. Principle of Development

10.2 BLP policy ED3 states that where a change of use from an economic use to another use is proposed, credible and robust evidence of an appropriate period of marketing for an economic use must be provided to demonstrate that the proposal would not cause unacceptable harm to the local economy. A further consideration will be the significance to the local economy of the use to be lost. The first and second floors are currently vacant however the last known use was as an office (Class E). The proposal from office (Class E) to residential would conflict with policy ED3 since no evidence of an appropriate marketing exercise has been supplied. However, in this case there is a fall-back position as the change of use of the first and second floors from Class E to 3 residential units has already been granted prior approval under application

22/02897/CLAMA and significant weight can be given to this fall-back position as there is a realistic expectation that it would be implemented in the event of this application being refused.

- 10.3 The site lies within Windsor Town Centre and a secondary shopping frontage. BLP policy TR2 'Windsor Town Centre' supports proposals in secondary frontages where they contribute to the existing character, function and vitality of the street or surrounding environment and proposals for residential use on upper floors throughout Windsor town centre will be encouraged.
- 10.4 The commercial units fronting St Leonards Road are to be retained and the retail function and viability of the secondary shopping frontage would be unaffected. New commercial development is encouraged in town centre locations and the principle of an additional commercial Class E unit in this location is accepted.
- 10.5 The principle of the development is accepted and accords with BLP policies TR2 and ED3.

2. Climate Change and Sustainability

- 10.6 Local Plan policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The Council's Interim Sustainability Position Statement sets out certain requirements which will be sought for new developments including a reduction in carbon emissions and includes conversion of existing buildings where new dwellings are being created.
- 10.7 The application has been accompanied by an updated Sustainability and Energy Statement prepared by Bluesky Unlimited dated 14th November 2023. The carbon emission calculation includes the proposed extensions and an estimate of emissions from the conversion of the building. The SAP calculations for the apartments are based on the installation of heat pump hot water cylinders. The total carbon dioxide emissions are assessed as 2,417 kg CO₂ per year and a carbon off set payment of £5,003 is required. Water efficient devices to achieve the 110 Litres per person per day target are also to be installed.
- 10.8 Subject to securing a Unilateral Undertaking to secure the carbon off-set contribution and securing a condition to ensure the proposal is undertaken in accordance with the measures set out in the updated Energy Statement, the proposal accords with BLP policy SP2 and the ISPS.

3. Impact on character and appearance including heritage assets

- 10.9 The building lies within the Inner Windsor Conservation Area and the application has been accompanied by a Design & Access Statement and a Heritage Statement.
- 10.10 Local Plan policy HE1 requires development proposals to demonstrate how they preserve or enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment. Works that would cause harm to the significance of a heritage asset will not be permitted without a clear justification in accordance with legislation and national policy.
- 10.11 Local Plan policy QP3 requires new development to contribute towards achieving sustainable high quality design and development proposals will be considered high

quality design and acceptable where it achieves a number of design principles including respecting and enhancing the local or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, scale, bulk, massing and materials, amongst other things and respecting and retaining high quality townscapes.

- 10.12 The existing buildings dates from the late 19th /early 20th century and comprise part of a short terrace of properties fronting St Leonards Road. The front elevation facing St Leonards Road includes traditional shopfronts, a projecting gable at roof level oversailing a square oriel window, timber frame detailing and bargeboards. The front elevation would remain unaltered. To the rear is a projecting gable constructed in a London stock brick with red brick dressing. The entire roof is finished in plain clay tiles with a clay ridge tile detail. The existing building makes a positive contribution to the street scene and contributes to the character of this part of the Conservation Area, forming a distinct entrance to Trinity Yard.
- 10.13 The proposed extensions at ground, first and second floors would be contained within the small rear yard to the south of the rear range. The proposed extension to the building, by virtue of its massing and horizontal emphasis, the proposed crown roof and tiled balustrades to the roof terraces, would fail to respect the character, grain and form of the host building. The additions to the building, however, are to the rear and largely contained between the existing outrigger of No.59 and the two storey neighbouring building No.61, the harm to the character of the existing building and wider area is therefore limited.
- 10.14 The proposals, including the glass privacy screens are considered to cause less than substantial harm, at the lower end of the scale and would have a minor detrimental effect on the character and appearance of the Conservation Area. This harm needs to be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use (paragraph 202 of the NPPF) and this is set out in the planning balance in Section 12.

4. Impact on the living conditions of neighbouring occupiers and future occupiers

- 10.15 Local Plan policy QP3 requires development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance and sunlight and daylight, amongst other things. Local Plan policy EP4 requires development proposals to consider the noise and quality of life impact on recipients in existing nearby properties and the intended new occupiers ensuring they will not be subject to unacceptable harm. Development proposals that generate unacceptable levels of noise and affect quality of life will not be permitted.
- 10.16 Temple Gate is a relatively modern housing development comprising 12 properties to the north of the site separated from the application properties by a drive/access serving Trinity Yards. The flank (southern) elevation of Temple Gate is blank and has no windows directly facing the application site. There are windows, including bedroom windows, facing out onto a communal parking area within the Temple Gate development. Chesterton Place is a modern, flatted development to the south of the site separated from the application property by number 61, a funeral directors and an access/parking area. There are first and second floor windows in the northern elevation of Chesterton Place including dormer windows which serve living room and bedroom windows and a small, glazed balcony serving Flat 5. These windows currently look out onto the roof of number 59A. The residents of both Temple Gate and Chesterton Place

have raised concerns that the proposal would result in overlooking and loss of privacy and result in noise and disturbance from the roof terraces.

- 10.17 Opaque privacy screens have been added to the first-floor roof terrace to prevent any overlooking or loss of privacy to any neighbouring properties. The second-floor roof terrace would be fully hidden behind the existing rear projecting gable of number 59a and number 61 St Leonards Road. The first-floor terrace would measure 12 sq.m and the second floor roof terrace would measure 24 sq.m. It is not anticipated that the roof terraces would generate an unacceptable level of noise and disturbance to neighbouring residents or introduce any unacceptable level of overlooking or loss of privacy.
- 10.18 An additional first floor window is proposed in the northern elevation to serve a living/dining room. This window would look out onto the blank elevation of Temple Gate and any views into any windows in Temple Gate would be somewhat oblique. The replacement of a first-floor window with a glazed door in the south elevation of the existing building would not introduce an unacceptable level of overlooking or loss of privacy to Chesterton Place. The use of an existing side door in the northern elevation to access the flats would not result in an unacceptable level of noise and disturbance to occupiers of Temple Gate.
- 10.19 The proposal would have no unacceptable impact on the living conditions of the neighbouring properties in terms of light, privacy and noise and disturbance. The site backs onto commercial properties in Trinity Yard and would have no unacceptable impact on these properties.
- 10.20 The Environmental Protection team has raised no objection to the proposal but have suggested conditions be secure details relating to acoustic insulation to contain internally generated noise and to insulate all habitable rooms against aircraft noise.
- 10.21 Subject to securing appropriate conditions the proposal would accord with Local Plan policies QP3 and EP4.

Future Occupiers

- 10.22 The proposed flats meet the minimum standards set out in the nationally described space standards. Whilst only two of the flats would have external amenity space in the form of roof terraces it is acknowledged that in this type of historic, urban environment it may not always be possible to provide external amenity space for all the flats. There is public amenity space within easy walking distance of the site and no objection is raised on the grounds of lack of amenity space. The proposal provides a betterment in terms of amenity for future occupants compared to the fall-back position which provided no amenity space.
- 10.23 A communal bin store and secure cycle store are shown to be provided in the existing garages in Trinity Yard and these facilities are sufficient to serve the proposed development.
- 10.24 Overall, the proposal would achieve good living conditions for future occupiers in accordance with Local Plan policy QP3.

5. Highways and parking

- 10.25 Local residents have raised concern about the lack of parking and have referred to existing parking difficulties in the surrounding roads. The site is located in a town centre

location in a highly sustainable location, within easy walking distance of local amenities and public transport links including two train stations. Car free development in town centre locations is accepted as being in line with the governments objective of promoting sustainable transport modes. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.26 The fall-back position (prior approval 22/02897/CLAMA) already allows 3 flats which could be implemented if this application is refused. No objection was raised to the previously withdrawn application on highway or parking grounds. Whilst it was suggested that future occupiers should be prevented from obtaining parking permits, given that these are issued separately by the RBWM Parking Team it is not considered appropriate or necessary to secure a condition or S106 agreement to this affect.
- 10.27 The bin store and cycle store are now shown to be provided within the existing garages in Trinity Yard which has enabled the area to the rear of number 59 and 59A to be retained as a turning area for the wider benefit of Trinity Yard.
- Subject to securing appropriate conditions the proposal accords with BLP policies IF2 and QP3.

6. Ecology & Biodiversity

- 10.29 The application has been accompanied by a Preliminary Bat Roost Assessment and an Emergence Survey (Cherryfield Ecology, February 2023 and June 2023) which have been undertaken to an appropriate standard. The report concludes that the building is unlikely to host roosting bats and there is no objection to the proposal on ecological grounds.
- 10.30 BLP policy NR2 states that ‘opportunities to incorporate biodiversity in and around development should be encouraged’. Proposals are also required to demonstrate a net gain in biodiversity. In this regard a planting bed is shown to be provided to the rear of the building. The area supports a population of swifts whose numbers have declined in recent years partly due to a lack of nesting sites commonly found in buildings. Details of biodiversity enhancements such as swift bricks/boxes can be secured by condition.
- 10.31 Subject to securing appropriate conditions, the proposal accords with BLP policy NR2.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development would be CIL liable based on the following:

Reason for liability	new residential development, more than 100 sqm of new dev
CIL Charging Rate	£240
New floorspace	Approx 255 sq.m new residential floorspace created by approved development

12. PLANNING BALANCE

- 12.1 Duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 need to be considered by the decision maker in determining the application. Paragraph 202 of the NPPF states:

'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 optimum viable use.'

- 12.2 The Council is currently not meeting its 5-year housing land supply. The proposal would bring forward a total of 4 residential units, which is 1 more than the prior approval scheme. The proposal would also result in an increase of commercial floorspace within this town centre location. On balance it is considered that securing optimum viable use of the site would outweigh the less than substantial harm (which has been identified to sit at the lower end of the scale) in this case.

13 CONCLUSION

- 13.1 The proposal is acceptable in all other matters and should be approved.

14. APPENDICES TO THIS REPORT

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

15. 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 A sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing to be used shall be prepared on site and approved by the Local Planning Authority in writing prior to the commencement of work. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 3 Prior to the commencement of development details of the roof tile to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 4 Prior to the installation of new external doors and windows, details including the manufacturer and product information of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 5 The rear ground floor commercial unit shall only be occupied by a Class E use as set out in the Town and Country Planning (Use Classes) Order 2020 (as amended).

- Reason: To protect the amenities of the neighbouring residential properties. Relevant Policies - Local Plan QP3.
- 6 Prior to occupation of the flats the opaque privacy screens as shown on the approved drawings shall be installed and maintained in accordance with the approved details.
Reason: To protect the living conditions of the neighbouring residential properties. Relevant Policies - Local Plan QP3.
- 7 Prior to the completion of the development, details of biodiversity enhancements, including swift boxes/bricks integrated into the proposed extension and details of wildlife planting to be provided in the 'planted area' shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed and a simple plan showing their location and photographs of the enhancements in situ shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance biodiversity in and around the development .Relevant Policies - Local Plan NR2.
- 8 The turning space to the rear of the buildings shall be kept free and available for vehicles using Trinity Yard.
Reason: To facilitate vehicles entering and leaving the highway in a forward gear. Relevant Policies - QP3 and IF2.
- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan QP3 and IF2
- 10 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 - QP3 and IF2.
- 11 The development shall be carried out in accordance with the measures set out in the Sustainability and Energy Statement dated the 14th November 2023, prepared by Bluesky Unlimited.
Reason: To help mitigate climate change. Relevant policy - Local Plan SP2.
- 12 No development shall take place until details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The assessment shall include the effects of local commercial noise on the proposed residences and the survey shall be carried out in accordance with industry best practice and British Standards. The approved measures shall be carried out and completed before the use commences and shall be retained/ maintained in good working order at all times.
Reason: To protect the residential amenities of the area. Relevant Policy - Local Plan
- EP4
13 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

- 14 Policies Local Plan QP3 and EP4.
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.