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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 24TH MAY, 2017

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS MALCOLM ALEXANDER (CHAIRMAN), PHILLIP BICKNELL (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JESSE GREY, EILEEN QUICK, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, GARY MUIR, NICOLA PRYER, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: 18 April 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796 251

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 8
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	9 - 12
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	13 - 86
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	87 - 88
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 7, 8 and 9 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"	

PRIVATE MEETING - PART II

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
7.	<u>ENFORCEMENT REPORT</u> To receive the above report. <i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>	89 - 94
8.	<u>PLANNING APPEALS QUARTERLY UPDATE</u> To note the details of the above update. <i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>	95 - 98
9.	<u>PLANNING ENFORCEMENT UPDATE</u> To note the details of the above update. <i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>	99 - 102

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 26 APRIL 2017

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Shamsul Shelim, Jesse Grey, Eileen Quick and Edward Wilson

Also in attendance: Councillor Wesley Richards and Derek Wilson

Officers: Wendy Binmore, Jenifer Jackson and Daniel Gigg, Mary Kilner and April Waterman

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Airey, John Bowden and Samantha Rayner.

DECLARATIONS OF INTEREST

Cllr Alexander – Declared personal interests in item 17/00406 as his daughter worked at Trevelyan Middle School and; item 1700558 as his grandson was a pupil at The Windsor Boys School. He confirmed he attended Panel with an open mind.

Cllr Bicknell – Declared a personal interest in item 17/00406 as his youngest son was a pupil at the school. He confirmed he attended Panel with an open mind.

Cllr Shelim – Declared a personal interest in item 17/00406 as his daughter was a pupil at the school. He confirmed he attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Management Panel held on 29 March 2017 be approved.

PLANNING APPLICATIONS (DECISION)

17/00235* Royal Borough of Windsor And Maidenhead: Refurbishment of existing York House office building to include an additional storey of office accommodation, replacement windows over cladding of brickwork and associated public realm works at Royal Borough of Windsor and Maidenhead Council, York House, 41 Sheet Street, Windsor SL4 1DD – **THE PANEL VOTED to APPROVE the application in accordance with the Head of Planning's recommendations and grant planning permission with the conditions listed in Section 10 of the Main Report with the additional/amended conditions in Section 3 and an additional informative as advised verbally as listed below:**

Amended Conditions:

- 2. Construction Environment Management Plan:** No development, no ground works and no clearance of existing structures to materials on the site shall commence until a Construction

Environment Management Plan (CEMP) for the development has been submitted to and approved by the Local Planning authority. The plan shall include details of:

- a. The location, design and duration of any temporary surfacing of or access to the site;
- b. The location, design and duration of temporary structures including cranes, construction or waste control equipment and facilities for staff;
- c. The transportation of soil, spoil and waste on and off site;
- d. Measures to control dust and mud from affecting neighbouring properties and the highway network, including wheel washing facilities;
- e. A construction noise control plan, including quiet vehicle reversing warning systems;
- f. The location of any materials compound or other storage;
- g. The design of any temporary hoarding;
- h. Specified on-site and off-site parking provision for construction vehicles and construction staff vehicles and cycles, together with manoeuvring and access arrangements;
- i. The number of vehicles expected per day;
- j. Out of hours contact details for the site personnel to be posted in a public location on or near the site;
- k. Details of construction lighting, plant, security fencing and alarms, and
- l. Measures for the control of construction related litter.

The construction works shall be carried out in accordance with the approved CEMP, no burning of materials shall take place on the site. No demolition or construction works, and no deliveries to the site or collections from it shall take place except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between the hours of 08.00 and 13.00 on Saturdays. Reason: To minimise the impact of the works during the construction period in the interests of residents, highway safety and the free flow of traffic, and to safeguard the amenities of the area in accordance with Policy T5 of the Local Plan and guidance contained within the NPPF2012.

9. Parking Provision: No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawings. 92 car parking spaces shall be retained at all times for parking for the users of the development hereby approved or shall be available for public parking during periods of the day and week as shall be agreed from time to time in writing by the Local Planning Authority. Reason: to secure an appropriate level of car parking within the site for the purposes of the development and in the interests of the amenities of the Town, in accordance with local national planning policy as set out in Policies DG1, E10 and P4 of the Local Plan, objectives in the adopted Parking Strategy 2004, and guidance contained within section 4 of the NPPF, 2012.

Additional Conditions:

- 13. Travel Plan:** No part of the development hereby permitted shall be occupied until a Travel Plan to serve the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the measures set out in the approved Travel Plan are in place and are operational, in accordance with their approved scheduling, for the duration of the occupation of the development. Reason: To secure an appropriate pattern of transport for the users of the site, in the interest of sustainability, in accordance with national and local planning policy as set out in policies DG1, E10, T7, T8 and P4 of the Local Plan and guidance contained within the NPPF 2012.

Additional informative

Contaminated land: In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority.

Four Councillors voted in favour of the motion)Cllrs Alexander, Bicknell, Grey and E. Wilson) and one Councillor voted against (Cllr Shelim). Cllr Quick did not take part in the vote as she was not present from the beginning of the item.

(The Panel was addressed by Mr John Holland in Objection, Cllr Wesley Richards and by Mark Baines, the Architect/Agent).

- 17/00406* Ms Wardle: Removal of existing hard surfaced playing areas, replacement and extension of hard surfacing, with associated floodlighting and fencing at Trevelyan Middle School, Wood Close, Windsor SL4 3LL – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Head of Planning’s recommendations and grant planning permission on the satisfactory completion by 9th June 2017 of a Section 106 undertaking to secure a Community Use Agreement to ensure that the new facilities are made available for the community use and subject to the conditions listed in section 9 of the Main Report.**
- 17/00556 Mrs Longworth-Krafft: Consent to display one set each of non-illuminated individual stainless steel lettering to Pupil Entrance and Reception Front Entrance at Windsor Girls School, Imperial Road, Windsor SL4 3RT – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application in accordance with the Head of**

Planning's recommendations and grant planning permission with the conditions listed in Section 9 of the Main Report.

17/00558 Mrs Longworth-Krafft: Consent to display one set each of non-illuminated individual stainless steel lettering for 6th Form Entrance and Front Entrance at The Windsor Boys' School, Maidenhead Road, Windsor SL4 5EH – **THE PANEL VOTED to APROVE the application in accordance with the Head of Planning's recommendations and grant planning permission with the conditions listed in Section 9 of the Main Report.**

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

The meeting, which began at 7.00 pm, finished at 8.26 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

24th May 2017

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No. 1 **Application No.** 16/03438/FULL **Recommendation** DD **Page No.** 15
Location: Former Windsor Rackets And Fitness Club Helston Lane Windsor
Proposal: Alterations and additions to form five no. additional close-care apartments in addition to that approved under 11/00403/FULL.
Applicant: Mr Hughes **Member Call-in:** Not applicable **Expiry Date:** 12 February 2017

Item No. 2 **Application No.** 17/00006/FULL **Recommendation** REF **Page No.** 33
Location: Thames Court 1 Victoria Street Windsor SL4 1YB
Proposal: Construction of a 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building.
Applicant: BMW (UK) Trustees Limited **Member Call-in:** Cllr Jack Rankin **Expiry Date:** 24 March 2017

Item No. 3 **Application No.** 17/00425/FULL **Recommendation** REF **Page No.** 67
Location: Land To Rear of 250 To 284 Horton Road Datchet Slough
Proposal: Erection of two new commercial units (Use class B2 - general industrial) within the existing commercial site.
Applicant: Mr Loveridge **Member Call-in:** Cllr Gary Muir **Expiry Date:** 28 March 2017

Item No. 4 **Application No.** 17/01019/FULL **Recommendation** PERM **Page No.** 81
Location: Windsor Girls School Imperial Road Windsor SL4 3RT
Proposal: Erection of 9 x 8m high external lighting columns.
Applicant: Mrs Longworth-Krafft **Member Call-in:** Not applicable **Expiry Date:** 26 May 2017

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 1

Application No.:	16/03438/FULL
Location:	Former Windsor Rackets And Fitness Club Helston Lane Windsor
Proposal:	Alterations and additions to form five no. additional close-care apartments in addition to that approved under 11/00403/FULL.
Applicant:	Mr Hughes
Agent:	Mr John Montgomery
Parish/Ward:	Windsor Unparished/Clewer North Ward

If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk

1. SUMMARY

- 1.1 This application is returned to Panel following its first discussion at the 29th March 2017 Windsor Urban DM Panel meeting. The application was deferred for a maximum of 2 cycles to allow the applicant to address the outstanding fluvial flood risk issues; further information has been supplied by the applicant relating to flood risk. Those matters included in the 29th March update have been incorporated into this report.
- 1.2 Permission is sought to add five close-care apartments (Class C2 – Residential Institutions) to the scheme of development already permitted on the site, which comprises a 72-bed nursing home, 58 close-care suites and communal facilities, parking and landscaping, and revised site access arrangements, approved in January 2012.
- 1.3 The additional units are proposed to be constructed at fourth floor level, atop and set in from the plan area of the northern-most part of the approved development, in a rooftop extension similar in design to that of the “sky lounge” included in the approved scheme above part of the four storey central section of the building.
- 1.4 The site adjoins residential, leisure and transport land uses, with some boundaries screened by tall tree belt and group planting, while others are open, allowing views into and out of the site.
- 1.5 The land falls within Flood Zones 3 and 2, with Flood Zone 1 to the south of the site. The applicant has demonstrated that they have passed the Sequential Test. With the additional information provided, it has been demonstrated that the proposal will be safe for the lifetime of the development without increasing flood risk elsewhere, in order to pass the second part of the Exceptions Test; the first part has been met relating to the wider sustainability benefits to the community.
- 1.6 The proposed additional units would increase the number of C2 units in the development, intensifying the already permitted use, but not introducing any new uses on the site. The principal issues relate therefore to whether this intensification can be absorbed and catered for in terms of the increased pressure on infrastructure and impact on the environment, and whether the design of the additional built form is acceptable on aesthetic and amenity grounds. It is considered that the proposed development is now acceptable on all counts.

It is recommended that the Panel defers and delegates authority to the Head of Planning to grant planning permission, with the conditions listed in Section 10 of this report and on completion of a satisfactory legal agreement to:

- **secure measures, in the event of flooding, to ensure the evacuation of the building via a safe means of escape through the development approved under the original planning permission.**

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; decisions for the approval of more than two dwelling units can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This 0.91 hectare site lies to the west of Royal Windsor Way, north of Clarence Road and south of (and accessed from) Helston Lane on the western side of Windsor, near to the Fountains Roundabout.
- 3.2 The site formerly accommodated the Windsor Squash and Rackets Club, comprising a modern building of brick, slate and flat roofed elements of a combination of three and two storey height. Further single storey buildings on the site accommodated offices and facilities for the Red Cross, and for Mencap. All the buildings on the site were cleared in October 2016. Works of site excavation have been completed and construction of the development scheme already permitted (see history) is progressing.
- 3.3 The site dips gently towards the north. Its boundaries are marked by a belt of tall conifers to the west, separating the land from the residential development of Petworth Court. Helston Lane marks the northern edge of the site, with the Tennis Club's courts, building and car parking beyond set down from the Lane, also with some tree and hedge screening. The A332 Royal Windsor Way flyover and the A308 slip roads create a wide and hard boundary to the eastern edge to the land, where former tree and hedge cover on the intervening highway verge has been removed to enable the laying of a major sewer. The tapering southern end of the site meets the Fountains Roundabout, with the gardens of one of a pair of semi-detached two storey houses fronting Clarence Road on the southern-most part of the western boundary.
- 3.4 Other apartment buildings in the locality include the four storey and penthouse development of Trevelyan Court to the south of Clarence Road, facing the roundabout, and the Pavilions, to the east of Royal Windsor Way, also of four storeys plus penthouse level. Other development in the area comprises single and two storey housing, and areas of open car parking.
- 3.5 Almost the entire site falls within Flood Zone 2, with a major part (the northern and western area) also within Flood Zone 3. A small part of the south eastern area of the site, and its southern tip lie in Flood Zone 1. The site lies within an Air Quality Management Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning history is set out below:

Application Reference	Description	Decision and Date
08/03027/FULL	Demolition of existing building and erection of care home for the elderly (C2 use) comprising 58 care suites with parking, access and landscaping and replacement facilities for Red Cross and Mencap	Permitted 25.02.2010
11/00403/FULL	Demolition of existing building and erection of a care home to provide a 72 bed care home and 58 close care suites (C2 use) with replacement accommodation for Mencap and Red Cross with associated parking and vehicular access onto Helston Lane.	Permitted 17.01.2012
14/03890/NMA	Application for approval of a non-material amendment (revised plans and details) to development approved under 11/00403/FULL.	Approved 06.01.2015
14/03908/CONDIT	Details required by various conditions (including soft and hard landscaping) on 11/00403/FULL	Approved 06.01.2015

14/04049/LEG	Variation of legal agreement governing development approved under 11/00403/FULL (timing of contribution payments)	Pending decision
16/01533/VAR	Demolition of existing building and erection of a care home to provide a 72 bed care home and 58 close care suites (C2 use) with replacement accommodation for Mencap and Red Cross with associated parking and vehicular access onto Helston Lane without complying with condition 6 (access road)	Permitted 17.30.2017
16/03099/NMA	Application for approval of a non-material amendment (revised plans and details) to development approved under 11/00403/FULL.	Refused 02.03.2017

- 4.2 Full planning permission is sought for the construction of one 1-bedroom and four 2- bedroom care suites, each including kitchen, living and bathroom facilities, with use of the communal care services and facilities available in the already approved development. All five units are proposed to be accommodated within a fifth level above the northern-most part of the building, set back from its edges, in a flat-roofed design similar to that of the communal sky-lounge on the central part of the building. Lift and stair access to the new level will be provided, extending that already reaching the fourth storey.
- 4.3 Work on the scheme of development approved under 11/00403/FULL and 16/01533/VAR has begun. The pre-occupation condition relating to the approval of car parking provision to serve the development has not yet been discharged, although the 71 spaces indicated on previously approved layout drawings has drawn no objection from the Highways Authority. The recent approval of the Section 73 application (16/01533/VAR) does not affect the assessment of the application subject of this report (the variation relates only to the timing of construction of the access road from Helston Lane). An application for a non-material amendment to the design of the building (16/03099/NMA) has been refused. This prompted a revision of the elevation and footprint plans for the current application, to revert to the earlier approved drawings of the main building.
- 4.4 No Flood Risk Assessment originally accompanied this application, but latterly the 2010 FRA (which, together with an Addendum of March 2011, was accepted for the entire development under planning application 11/00403/FULL) was submitted in support of this scheme for additional units. Two updates to the 2010 and 2011 FRA were submitted, dated February 2017 and March 2017. These documents were the basis upon which the earlier (March 2017) Panel report was made, including the recommendation to require clarification on the escape route, in relation to the full range of climate change allowances as revised by the EA in February 2016. Since the Panel discussed this case on 29th March, a new FRA and two revisions to it have been submitted on behalf of the applicant, and have been assessed in the light of the concerns raised by your Officers and by Councillors at the previous Panel meeting.
- 4.5 Confirmation has been provided by letter from the care home operator that residents of the additional care suites subject of this planning application would be allowed to exit the building through the nursing home to the south of the building, as is the informal arrangement for the residents of the 58 care suites approved in 2012.
- 4.6 Originally, this application showed additional parking provision for 9 cars on one of the submitted drawings, on land on the northern side of Helston Lane at its junction with the A308 slip road. This proposal has been omitted from the scheme. This land is outside the application site, and it is understood that instead the plot is earmarked for additional landscape planting to replace that recently removed (such new landscaping will not require planning permission to be granted).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework guidance of relevance to this application is contained within paragraphs 6 and 7 (detailing the presumption in favour of sustainable development,

incorporating its three aspects: economic, social and environmental) together with the core planning principles set out in paragraph 17. The proposal is also assessed against the thematic guidance in sections 4 (Promoting sustainable travel), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change) and 11 (Conserving and enhancing the natural environment) of the NPPF 2012.

- 5.2 Subject to the satisfaction of the matters outlined later in the report (expected) the scheme is considered to comprise sustainable development, for which there is a simple presumption in favour expressed in the NPPF. There are no material considerations that indicate otherwise.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Environment
DG1, H3, H8, H9, H10, H11	P4, T5, T7	N6	F1, NAP1, NAP2

These policies can be found at

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

Supplementary planning documents

- 5.4 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning for an Ageing Population 2010

More information on these documents can be found at:

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

Other Local Strategies or Publications

- 5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy May 2004
- Affordable Housing Planning Guidance Document December 2016

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The principle of additional C2 units
- ii Flood risk
- iii Design and impact on surroundings and amenity of neighbouring residents
- iv Trees and landscaping
- v Parking and highways
- vi Air quality and noise

Principle of residential development

- 6.2 The site already benefits from a succession of planning permissions for its redevelopment for specialist housing use. The proposed development would provide accommodation for elderly residents, with in-home and communal care services and facilities, such that the 5 units would be classified as C2 (residential institutions) rather than C3 (dwellings). Local Plan policies H8 and H9 and the adopted 2010 Supplementary Planning Guidance "Planning for an Ageing Population" require and encourage the provision of good quality special needs housing, which is accessible to the disabled. With the safeguards set out in the recommended condition, the additional 5 care suites proposed are considered to comply with these policy and guidance standards.
- 6.3 On developments of over 15 homes, or on sites of greater than 0.5 hectares, Policy H3 of the Local Plan enables the Local Planning Authority to seek the provision of an appropriate proportion of housing to be affordable. Although only 5 units are proposed in this application, its site covers 0.91 hectares, so normally there would be an expectation that on-site affordable housing should be provided, or a contribution made toward such provision off-site. However, advice in the recently-adopted Affordable Housing Planning Guidance document notes that "*The Council will not seek an affordable housing contribution from specialist, non-Class C3 residential developments such as traveller accommodation (a sui generis use), and any C2 uses such as nursing/residential care homes as on-site provision is often not suitable and as the Council wishes to encourage the provision of these specialist forms of accommodation where an identified need exists. However, if the extent of care is limited in a nursing home, such a use will be treated as a C3 use, which will require affordable housing provision.*" Provided the proposed units are occupied as C2, not C3 residences, no affordable housing provision will be required.
- 6.4 The scheme represents an increase of 8.6% in the number of close-care units over the already approved scheme, and a smaller proportionate increase (4.6%) in the overall floor space of the approved 2, 3, 4 and 5 storey block (approximately an additional 595 sq m to the approved 12,827 sq m). In principle the degree of increase of use of this site for an appropriate purpose is acceptable in terms of policy set out in the NPPF 2012 and the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

Flooding

- 6.5 The site for the nursing home and care suite development is shown on current Environment Agency Flood Maps as having both Flood Zone 2 and 3 designations, and a small area of Zone 1, as detailed above. Living accommodation of this sort is considered to be a "more vulnerable" use and for the development to be permitted in terms of national and local planning policy it must pass both sequential and exceptions tests, evidenced by a Flood Risk Assessment.
- 6.6 It was accepted that the FRA supporting the development of the "parent" nursing home and care suites development (11/00403/FULL and now 16/01533/VAR) successfully demonstrated how the sequential and exceptions tests had been applied and passed, on the basis of the flood information and policy (PPS 25) pertaining at that time.
- 6.7 The proposed development of an additional 5 units (C2) has been submitted as a stand alone planning permission application, and is to be assessed as such, against the flood risk information and policy currently in place. The new units would be located above the part of the approved building which stands in Flood Zone 3, and as the scheme again relates to development in the "more vulnerable" category the proposal must be accompanied by a Flood Risk Assessment, including applying the Sequential Test and Exceptions Test.
- 6.8 The additional 5 units would, in order to fulfil a C2 categorisation, need to offer a particular level of care services and facilities to the residents. It is not likely that such provision would normally be viably provided for a group of only 5 units, and therefore it is reasonable to conclude that 5 such units would only be brought forward as an extension to an existing, or already approved, larger development. The search for locations of a lower or otherwise preferable Flood Zone classification, that could accommodate 5 units, is reasonably confined to existing or approved care village/nursing home sites. The applicant has now supplied additional information on this

point, to demonstrate that there are no such sites reasonably available, and therefore the Sequential Test is passed.

- 6.9 The development would also need to show that it would pass the exceptions test: i.e. that it would provide wider sustainability benefits to the community that outweigh flood risk, and that it would be safe for its lifetime without increasing risk elsewhere. In approving the scheme already granted permission in 2012, the Local Planning Authority acknowledged that the provision of housing for those in need of care was a benefit to the community that would weigh in favour of the development. The 5 additional units under the current proposal are also to be classified as C2 units, to include the provision of care, and can therefore be treated as of benefit, in the same way as the already approved 58 care suites.
- 6.10 The February 2017 and March 2017 FRA Addenda acknowledged that there had been Environment Agency (EA) amendments to the Climate Change Allowances, but did not translate them onto the submitted Access and Egress Plan which indicated safe access and escape locations. Further clarification was requested on whether the accesses shown on that FRA submission would, in fact, continue to be safe for the lifetime of the development (100 years) to provide an effective evacuation route away from the site. The additional information provided was not considered to fully demonstrate this matter.
- 6.11 Since the matter was discussed at the Panel on 29th March 2017, further information has been submitted. The latest Flood Risk Assessment (referenced 41021/4001/001/Rev B, received 28th April 2017) describes how, in a 1 in 100 year flood event taking into account plus 35% climate change allowance (CCA), flood water would reach a level of 21.22 m AOD. This would be below the level of the finished floor level of the building (21.34 m AOD) which is also shown as the level of the route indicated for safe escape, leading out of the building at its southernmost point and across the small garden area. A further revised drawing of the hard and soft landscaping of this part of the site has been submitted, indicating spot heights, and a more direct route than previously from the building to an existing opening in the perimeter hedge. The route would join the public highway at a height of 21.39 m AOD, and the pavement leading westwards (along the Clarence Road roundabout frontage, and then south towards Imperial Road) would rise almost immediately to 21.43 m AOD. For the 1 in 100 year flood event plus 35% CCA the route to dry land away from the site (southwards, along Imperial Road) is predicted to remain outwith flooded areas.
- 6.12. In an extreme flooding event (reflecting a 1 in 100 year flood event plus 70% CCA) flood water is modelled to peak at 21.76 m AOD, which is above the finished floor level of the approved building, and above the level of the route from the building to the public highway. In this modelled scenario, Clarence Road would be affected by flood water for a significant length. A short stretch of Imperial Road (between the roundabout and Green Lane) would also experience flooding, up to a depth of 230mm. A route from the ground floor of the building to a place of safety *during the period of peak flow of flood water, and assuming a velocity of flow of no more than 1m/sec* would be classified as representing “danger for some” or “danger for most” for the first part of the route (on exit from the southern end of the building) and then be classified as “danger for some” or “very low hazard” in the wet section of Imperial Road, depending on the velocity of the flow of water. In order to be able to consider whether the proposed development would be safe for its lifetime the applicant proposes that a “managed approach” is taken to provide safe access to and egress from the building before such a flood event impacts on the southern escape route, i.e. to evacuate the building while this escape route remains dry. Therefore the decision to evacuate the building, and to put this action into effect, must be capable of being carried out within the period between a warning of a flood event being issued by the EA, and the occurrence of the inundation itself.
- 6.13 The submitted FRA asserts that *“the River Thames in Windsor has a response time of days rather than hours following a rainfall event. There will be a significant lead time in advance of a flood, specifically through the EA’s Flood Information Service which issues a Flood Alert up to two days prior to a flood event, a Flood Warning up to one day prior, and a Severe Flood Warning a minimum of two hours prior to flooding onset. This provides ample warning to residents and occupants and will enable evaluation of the necessity of evacuation and actual evacuation within the 30 minutes to one day time frame in advance of flooding onset.”* A draft

Flood Risk Management Plan has been submitted which covers not only the additional 5 extra care suites subject of the planning application, but also the entire building, including the already approved 58 care suites and 72-bed care home. The applicant has confirmed that “*the evacuation can be effected within the maximum likely notice period of 1 day (minimum 30 minute) for a flood warning*”.

- 6.14 As the flats subject of the planning application sit well above the level of potential flood water, these units may not be directly damaged by flooding, and it may be that their evacuation is not considered by their residents to be necessary. However on two counts the continued occupation of the proposed development during an extreme flood event should not be countenanced: if power, water and drainage services are interrupted (or indeed switched off/sealed as part of the Flood Risk Management Plan) then living conditions in the units will not be safe (and, incidentally, the security of the whole building may be compromised). Furthermore the duration of a flood event may not be predicted, and residents staying put may run out of supplies or need medical assistance over time which it will be increasingly more hazardous to deal with in terms of bringing supplies to or rescuing residents from the new units. Securing an escape route and a plan to ensure that any necessary evacuation of the building can be carried out *before* a relevant flooding event would affect the site, or its route to a place of safety, is therefore essential to give confidence that the development may be considered safe for its lifetime. The circumstances under which any such evacuation may also be obligatory (once a decision has been made that evacuation is necessary) should also be made clear. For the reasons set out above the “managed approach” to safe escape is not failsafe, and any decision made to grant planning permission with reliance on such an approach must be made with full awareness of the risk that human behaviour may undermine its efficacy.
- 6.15 It is recommended that a final FRMP is secured through a Section 106 agreement, rather than by condition, as the preparation and implementation of such a Plan would involve and oblige the management of both parts of the parent building (approved under planning permissions 11/00403/FULL and 16/01533/VAR) to co-ordinate its operation. The comments of the Council’s Flood Risk Manager have been sought on the content of the draft FRMP Rev A, and these comments will be reported to the Panel in an update.
- 6.16 At present, the approved landscaping details (soft and hard, including boundary treatments agreed under application referenced 14/03908/CONDIT) show a 1.8 m high brick wall, and retained hedge/shrub planting beyond, separating the site from Clarence Road. The applicant has provided details of the hard and soft landscaping on this part of the site to supersede those already approved, to enable the evacuation of the residents of the 5 additional units (in addition to those of the approved 58 suites and the 72 bed-nursing home) through this route. If the approved scheme of landscaping is to be changed in order to provide this escape route, the proposal should: a) create no danger or inconvenience to highway users at this point close to the roundabout; b) accommodate successfully the change in level between the site and the public footway; and, c) ensure the security of the site. The applicant has noted that amendments to the approved landscaping for the entire site are to be submitted, under a separate Discharge of Condition application. For the purposes of the current planning application a condition (condition 11) to secure landscaping details for the site, which include an appropriate flood escape route (in terms of its alignment and level) from the building to the public highway will suffice, and the submission of discharge of condition applications can be so co-ordinated.
- 6.17 The comments of the Environment Agency have been sought on the February 2017 FRA Addendum, and also on the April 2017 FRA rev B and FRMP Rev A; consultation is required to ensure that the FRA complies with EA expectations. Any comments received will be reported to the Panel in an update.
- 6.18 Provided that the “managed approach” for the safe means of access and egress for the development can be adequately secured, the proposed development is considered to pass the requirements of the Exceptions Test. Therefore the proposed development may be considered acceptable in terms of the national and local planning policy, as set out in section 10 of the NPPF 2012 and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

Design and impact on amenity

- 6.19 The addition of a fifth storey to this part of the building, of the design and footprint shown, is considered to be acceptable in terms of its impact on the character and appearance of the locality, and its contribution to the aesthetic of the building itself. This roof top addition would not close down or interrupt any important public views of heritage assets, nor would it impact on the significance of the setting of the Castle or any of the Historic Parks and Gardens associated with it. This roof top addition would be recessed by between 1.5 m and 3.5 m from the face of the approved four storey building below. Other apartment developments close to this busy approach to the town centre are of the same scale, are also of contemporary style, and display a similar palette of materials and architectural detailing. The employment of a top storey addition of different design to the floors below it on two, three or four storey buildings is a widely used practice in both modern and historic buildings in the town, and this scheme uses this concept well.
- 6.20 The materials proposed for the additional units follow those approved for the fifth storey lounge: mid grey render for the walls, a light grey single ply membrane for the flat roof, and mid grey aluminium powder coated coping and framing for the full height windows.
- 6.21 With the retention of the extensive tree cover to the west of the site, (a requirement of the permission for the parent development, which it is recommended to repeat for any permission granted on this application) the additional units should have no overlooking or oppressive impact on the privacy or outlook of residents in Petworth Court. Shadows cast by the additional built form will not significantly affect any other residential property. The construction period for the development is not expected to be extended by the proposed additional elements, as various phases of the scheme will be built out at the same time.

Trees and landscaping

- 6.22 The views of the Tree Officer have been reflected in the amendment of the scheme, to omit the laying out of 9 car parking spaces on the north side of Helston Lane, at its eastern end. It is understood that new tree and other planting is now intended to take the place of the earlier proposal to provide car parking on this land (for which no planning permission needs to be sought, as it is not considered to be development). With this change, and on this understanding, it is considered that the scheme will have at least a neutral impact on the general amount and quality of landscaping around the site.
- 6.23 It is regrettable that the need to retain access to the new sewer laid along the eastern frontage of the site precludes new landscape planting on this highway verge, as a softer edge here would better reflect its former green appearance at slip road level. However, the proposed development is considered to be acceptable as an addition to the approved building in its own right, and consequently the lack of screening or baffling (that tree planting on this verge might provide) is not considered to be a reason for refusing the proposed development.

Parking and highways

- 6.24 As set out in the comments of the Highways Authority, the proposed development is unlikely to generate a significant increase in vehicular activity into the surrounding road network. Parking provision for the proposal may be accommodated within the site and it is recommended that details of this matter are secured by condition (condition 8) prior to the occupation of the units, as with the parent development. Similarly, refuse and recycling storage arrangements, and access for collection vehicles, can also be secured as for the already approved main building.
- 6.25 The existing Section 106 Agreement governing the development permitted under Planning Permission referenced 11/00403/FULL includes an obligation to prepare and submit for the Council's approval a Travel Plan. The terms of and triggers for the Travel Plan relate to the Care Home part of the approved development, rather than to the care suites, and provided that the car parking provisions set out in the Highway Authority's comments are secured and laid out (the suggested condition refers) then it is considered that the variation of the existing legal agreement to amend the Travel Plan is not necessary.

Air quality and noise

- 6.26 Although not featured in the response from the Environmental Protection team, issues of air quality and noise disturbance that new residents may experience should be addressed in assessing the proposed development. As has already been achieved for the other approved care suites on the site, measures to ensure that appropriate sound insulation and ventilation provision is made for the additional units can be secured by condition (condition 5).

Other Material Considerations

Housing Land Supply

- 6.27 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 housing applications should be considered in the context of 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.
- 6.28 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 units, for residents with particular needs, would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development is estimated to be in the order of £142,800 on the basis of a net increase of 595 sq m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers of nearby property were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 17th November 2016

1 letter was received from the Windsor Lawn Tennis Club supporting the application, summarised as:

Comment	Where in the report this is considered
1. Scheme will enhance the locality	Paras 6.2 and 6.19-21
2. Welcomes views from new residences over the courts	Paras 6.19-21
3. Welcomes use by future residents of newly refurbished club facilities	Noted

3 letters were received objecting to the application, from a resident of Petworth Court, from a resident of Slough and from the Windsor and Eton Society, summarised as:

Comment	Where in the report this is considered
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1	The approved building is already high and bulky – additional flats and lift housing will worsen its overbearing impact.	Paras 6.19-21
2	Need to take care over building heights to preserve historic views and to be in character	Paras 6.19
3	Development will dominate this part of Windsor because of its height	Paras 6.19
4	Mass and scale emphasised by unlandscaped road edge position	Paras 6.19-21 and 6.22-23
5	More cars and use of car park will create greater disturbance to nearby residents and worsen air quality by traffic.	Paras 6.24 and 6.26
6	Site is in AQMA – surprised that council approved scheme for susceptible residents in polluted area.	Noted Para 6.26
7	Additional parking on Helston Lane verge not acceptable - should be refused on tree loss grounds (biodiversity, visual amenity and environmental reasons). Trees are needed to help to mitigate air pollution, so should remain.	Paras 4.6 and 6.22-23
8	No tree survey or assessment	Para 6.22-23
9	Additional units will elongate the construction period: more disturbance and more stress for residents	Para 6.21
10	No Flood Risk Assessment for development in the flood plain: EA objection is supported.	Paras 6.5-18

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>Objection. No FRA submitted with the application. Application needs to show that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall.</p> <p><i>Comments on Feb 2017 addendum</i></p> <p>The proposed development will only meet the requirements of the National Planning Policy Framework if there will be no increase in built footprint by locating the proposed development on the roof of the building which has already been granted planning permission (ref: 11/00403/FULL and which is currently under construction.</p> <p>The applicant has not submitted an up to date FRA, or made an assessment of what the latest climate change allowances should be for this site based on the latest guidance. An assessment may need to be made to ensure that the occupiers of the new units have a safe access and egress route to land outside of the 1 in 100 year plus an appropriate allowance for climate change.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.</p> <p><i>Comments are awaited on the April 2017 FRA supplied.</i></p>	Paras 6.5-18
Highways Authority	<p>Recommends approval subject to conditions, relating to the provision of the new access, stopping up of the existing access, and provision of on-site car parking.</p> <p>For the previous submission [planning permission 11/00403/FULL] 71 car parking spaces were proposed and</p>	Paras 6.24-25

	<p>accepted by the Highway Authority to serve the 72 bed care home and the 58 close-care unit.</p> <p>This development makes no reference to parking provision in the application form. However, the Site Plan does show 29 ground level parking spaces, including 2 disabled spaces and 3 loading/visitor spaces. Similar to the previous application there is a vehicular access to the basement area which we presume would continue to serve the 45 car parking spaces in this area. This results in a total parking provision of 74 spaces.</p> <p>The additional C2 care facility attracts a demand for 1 additional parking space plus 1 space per full-time staff, which can be accommodated within the site.</p> <p>The plan shows 4 cycle stands and there is no significant change in provision for refuse.</p> <p>Given the nature of the proposal the traffic generation is unlikely to amount to a significant increase in vehicular activity into the surrounding road network.</p> <p>The applicant is required to amend the existing Travel Plan.</p> <p><i>Amended scheme (omitting parking spaces from land to the north of Helston Lane):</i> Confirms that parking provision for the additional 5 close care units (1 space) can be secured within the site by condition. The additional units are not expected to prompt an additional member of staff.</p>	
Lead Local Flood Authority	<p>This proposal appears to include alterations to the buildings footprint and the provision of additional car parking areas. The exact extent of the proposed impermeable area is however unclear and arrangements for dealing with surface water runoff from these areas are also unclear.</p> <p>I would therefore recommend that this application is not approved pending the provision of additional information clarifying the revised impermeable areas and the arrangements for dealing with surface water runoff from these areas.</p>	<p>Paras 6.5-18 and 6.22-23 The proposal now relates only to the footprint already approved under 11/0403/Full and 14/03890/NMA: The coverage of impermeable areas will be subject to LPA approval through recommended conditions</p>

Other consultees

Consultee	Comment	Where in the report this is considered
Trees Officer	Objects to the proposed parking area to the north of Helston Lane which will result in the loss of a Leyland cypress, adversely affect a row of mature Field maple, and may also impact on other trees on the highway verge, This would be harmful to the amenities of the site and compound the	Paras 4.6 and 6.22-23

	adverse impact of other tree loss already allowed by the approved development. Insufficient space would be available amongst the proposed parking into which to fit suitable replacement planting. In the absence of a BS5837:2012 tree survey, a precautionary approach should be taken and refusal of the application is recommended on Local Plan policies N6, DG1 and H10 grounds.	
Environmental Protection	No objection.	Para 6.26

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

- 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 No development hereby permitted shall be commenced until 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 have been 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, and of the protection of the amenity of residents in the vicinity of the site. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 3 The units of residential accommodation hereby approved shall be used only for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification) or any equivalent classification of use which is defined by the level of care associated with the occupation of the accommodation. No part of the development shall be first occupied until details of the scope and duration of care facilities and services to be provided to occupiers of the close care suites have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and services shall be kept available for use by residents of the development at all times.
Reason: To ensure that the residential accommodation provided is appropriately used and retained to meet the identified housing needs of the area. Relevant Policies - Local Plan H3, H8 and H9 and guidance contained within the NPPF 2012.
- 4 The Leylandii hedge along the western boundary of the site shall be retained and maintained and, if in part or whole it is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, it or that part of it shall be replaced within the first planting season following such event, in accordance with a scheme of replacement tree planting that shall have first been submitted to and approved in writing by the Local Planning Authority, 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 and protects the amenities of the neighbouring residents. Relevant Policies - Local Plan DG1, N6 and guidance contained within the NPPF 2012.
- 5 No part of the development shall be first occupied until measures to ensure appropriate levels of sound insulation have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.

Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.

- 6 No part of the development shall be first occupied until measures to ensure that occupiers are adequately protected from air pollution have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.

Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.

- 7 No part of the development shall be first occupied until the vehicular access to the site has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the duration of the occupation of the units.

Reason: To secure a safe and convenient means of vehicular access to the site in the interests of road safety. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.

- 8 No part of the development shall be occupied until vehicle parking and turning space for one vehicle has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall at all times be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking and turning facilities in the interest of the safety and convenience of all users of the highway network. Relevant Policies - Local Plan P4, DG1 and guidance contained within the NPPF 2012.

- 9 No part of the development shall be occupied until a refuse bin storage area and recycling 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 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.

- 10 No development hereby permitted shall be commenced until full specifications and samples (if requested) of the materials to be used in the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - DG1 and H10 of the Local Plan and guidance contained within the NPPF 2012.

- 11 No construction operations for the development hereby approved shall be commenced until details of the hard and soft landscaping of the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall show the escape route for all users of the building in the event of flooding. The details required shall comprise the design, appearance, construction details, materials, levels and finish for all free-standing or retaining structures and means of enclosure, and all roads, paths, external parking spaces and other hard surfaced areas, and the location, species, size and planting density of all trees, hedges, shrubs herbaceous plants and areas to be grassed, together with programmes of implementation and after care (of a minimum of 5 years). The landscaping scheme shall be completed in accordance with the implementation programme, and any trees or other plants which die, are damaged or destroyed or become no longer viable within 5 years of the completion of the implementation programme shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, the provision of safe escape from the building in the event of flooding, and the protection of the water environment, in accordance with national and local planning policy as set out in policies DG1, H10, F1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan and guidance contained within the National Planning Policy Framework 2012.

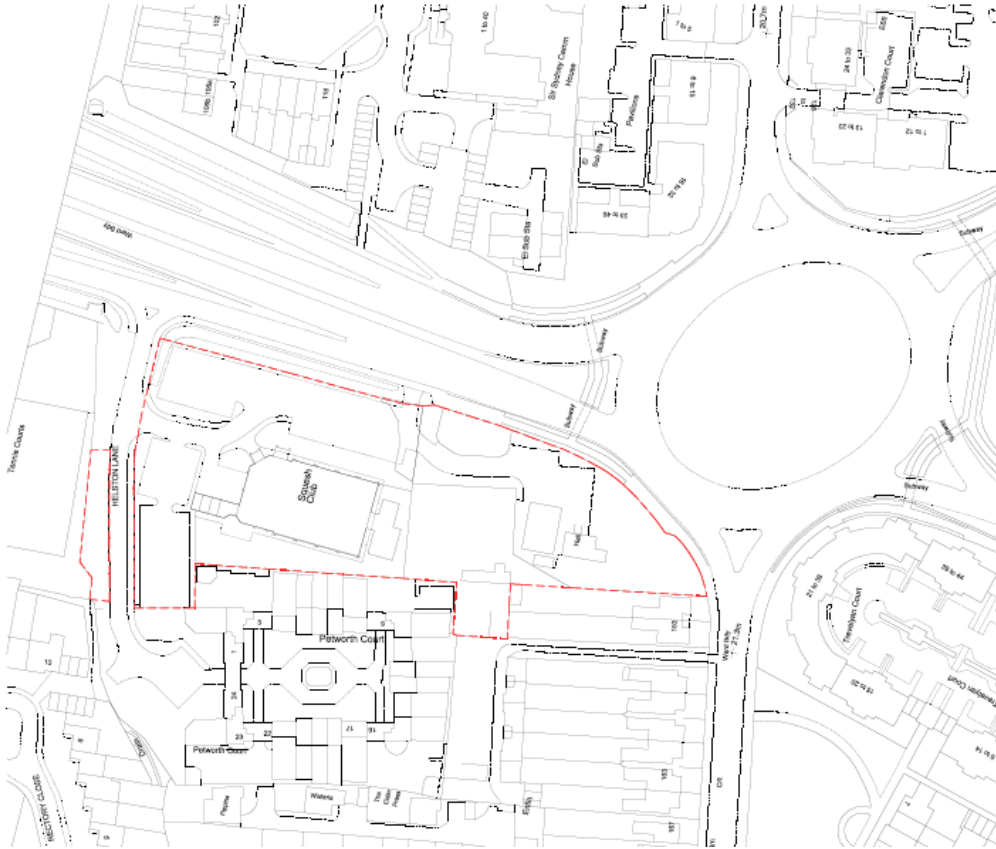
- 12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 This permission is governed by and shall be read together with the Agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated xx xx 2017.
- 2 Before any development commences the applicant shall enter into a legal agreement with the council under Section 278 of the Highways Act 1980 to cover the construction of the new and the stopping-up of the existing vehicular access.

Appendix A

Location plan



Block layout plan



Appendix B



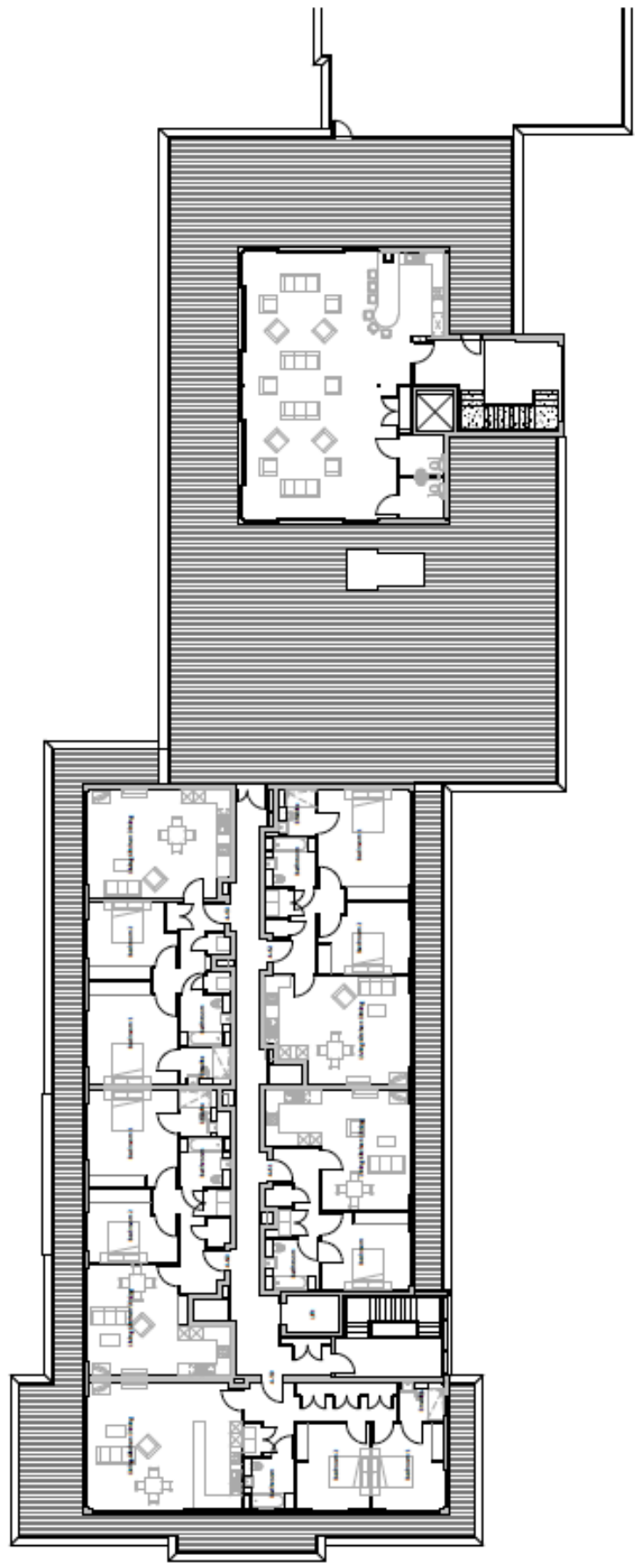
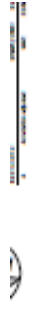
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 2

Application No.:	17/00006/FULL
Location:	Thames Court 1 Victoria Street Windsor SL4 1YB
Proposal:	Construction of a 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building.
Applicant:	BMW (UK) Trustees Limited
Agent:	Philip Marsden
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 The application proposes the demolition of existing office building and its replacement with a larger office. A new access off Victoria Street and re-configured car park area is proposed. The application site lies within the "Bachelors Acre and Surrounds" character area, but borders the "Sheet Street and Park Street" character area defined within the Windsor Town Centre Conservation Area Appraisal.
- 1.2 Planning permission was refused in 2016 for a 5 storey office building at this site for reasons that the scale and mass of the proposed building was excessive and would be out of keeping with the area, and would cause less than substantial harm to the character and appearance of the Conservation Area. The scheme was also refused over a harmful impact on the residential amenity of the occupiers of Victoria Court and on Lancaster House. This refusal is a material consideration in the determination of this application. This current scheme is different to the building that was previously refused; changes have been made to the design (the fenestration has been changed, and there are changes to the materials), changes have been made to heights of the building, and reductions have been made in the amount of floorspace proposed, but ultimately these changes do not significantly change the mass of the building in the previously refused scheme.
- 1.3 It is considered that the proposed building in this scheme is of an unacceptable mass and form that would cause harm. The current scheme has overcome the previous reason for refusal over the impact on residential amenity.
- 1.4 The scheme is considered to result in less than substantial harm to the character and appearance of the Conservation Area. The benefits put forward include positive impacts to the local economy, the provision of high specification office space within the Borough and potentially the use of the car park by the public during weekends/bank holidays. However, these benefits are not considered to be significant enough to outweigh the less than substantial harm caused to the character and appearance of the Conservation Area. As such the scheme is recommended for refusal for the reason summarised below.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

1. **The proposal owing to its combined scale and shape creates a building of a large mass that would be out of keeping with the size of surrounding buildings and as such the building would appear overdominant and incongruous. The entrance to the proposed building, owing to its design would look at odds with the design of the rest of the building and at odds with the surrounding area. The proposal would result in less than substantial harm to the character and appearance of the Conservation Area, and the public benefits, including securing the building's optimum viable use are not considered to outweigh this harm.**

2. REASON FOR PANEL DETERMINATION

At the request of Councillor Rankin, irrespective of the recommendation of the Head of Planning for the reason that it is in the Public Interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a building which faces both Victoria Street and Sheet Street in Windsor. The building is vacant, but was formerly used as office. The building adjoins Victoria Court (residential) which faces Sheet Street. Victoria Court was built the same time as the office building, but is not subject to this planning application. The existing building steps up to 5 storeys in height, and a large proportion of this building (the later addition to the building) which faces Victoria Street is two stories in height.
- 3.2 The site is a prominent one within the Windsor Town Centre Conservation Area, and is close to Listed Buildings to the north and east, including Hadleigh House which is Grade II* Listed. To the south of the site is the Victoria Barracks and Lancaster House, which comprises office space, with apartments on the upper floor.
- 3.3 The existing vehicular access is from Victoria Street, and this leads to a car park area which is used in part to park vehicles in association with residents of Victoria Court.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Planning permission 15/02248 was refused on the 25th July 2016 for the construction of 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building for the following reasons:

1. The proposal owing to its combined height and mass set close to the road would be out of keeping with the size of surrounding properties and as such the building would appear overdominant and incongruous, resulting in an adverse impact on the streetscene and character and appearance of the area. The scale of the building will be reinforced by the large glazed openings which are not in keeping with the local vernacular. The proposal would result in less than substantial harm to the character and appearance of the Conservation Area, and the public benefits identified are not considered to outweigh this harm. The proposal is considered to conflict with Paragraph 134 of the National Planning Policy Framework and with Policies DG1(3) and Policy CA2 (1, 2 and 3) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

2. The proposal would result in unacceptable overlooking and overbearing impact to the balcony of Lancaster House. The proposal would also result in an unduly overbearing impact to the outlook to bedroom windows in Victoria Court, labelled W6/ground, W7/ground, W6/first and W7/First on the plan included within the Daylight and Sunlight Review. As such the proposal is considered to conflict with Paragraph 17 of the National Planning Policy Framework in that it fails to secure a good standard of amenity for existing occupants of the neighbouring residential properties.

- 4.1 This current application seeks planning permission for the construction of a 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building.

Main changes between the previously refused scheme and the current planning application

- Change to the angle of the proposed building near to the flats of Victoria Court (attached building)
- Change to the floor area on the upper floor levels (second, third and fourth floor) near to Lancaster House (to increase the distance between Lancaster House).
- The front elevation of the building has been amended to include greater use of brick, and reduce the amount of metal cladding.
- Reduction in the scale of the glazed openings on the elevation facing Victoria Street

- At fourth floor level, the area used for plant has been reduced by relocating some of the plant to ground floor level, as such there is less internal office floor space proposed at this level
 - The design of the entrance to the proposed building has been altered.
- 4.2 The proposed building would measure approximately 18.5 metres in height to the highest point (the fourth floor level), which is a similar height to the previously refused scheme. The height to the third floor level would be around 15 metres. The height to the second floor level would be circa 11.8 metres (this is around 60 cm lower than the 2nd floor level in the refused scheme). The third and fourth floor levels would be set back from the edges of the building, with the top storey of the building being more set back than other floors (by 11 metres along most part). The existing office space has a floorspace of 2,662 square metres. The proposed building would have a floorspace of 5,029 square metres thereby increasing the amount of office floorspace by 2,367 square metres. In the previously refused scheme, the amount of floorspace proposed (total) was 5,164 square metres.
- 4.3 The building will make use of brick and glazing on the elevations of the building on three floors. Profiled vertical seam metal cladding will be used on the fourth and fifth floors.

The applicant's Design and Access Statement (DAS) and Heritage Statement describes the scheme as:

- The proposed elevation to Victoria Street is considered to be the primary elevation. The DAS sets out that this elevation addresses the Conservation Area and has been designed, to reference the standard plot widths and proportions common within the historic heart of Windsor. The various set-backs also serve to emphasise the historical rhythm and reduce the perceived bulk of the structure, as well as respecting the parapet height of the adjacent building. It is explained that the window hierarchy hints at classical proportions of the surrounding context, while detailed in a contemporary manner. It is stated that it is the 3 storey brick elevation that will be perceived from street level.*
 - The DAS explains that the secondary elevation onto Sheet Street is, at the junction a continuation of the Victoria Street Elevation. The DAS explains that the third and fourth floors will only be visible in the long views and with their lightweight materials and superior detailing will be an element of relief in the skyline.*
 - The rear elevation, while not visible from the public realm, has not been forgotten and continues the language of the Victoria Street elevation. The third and fourth floor set-backs with their changes in material bring scale to this elevation.*
 - The Barrack Lane elevation is a special case. Although windows have been indicated to enliven the facade and to provide light to the office floor plate the glazing closest to the surrounding buildings will be obscured to prevent overlooking. A terrace has been provided, set back from the elevation also to minimise overlooking.*
- 4.4 The existing central vehicular access to the site would be removed, and a new vehicular access would be created next to Barrack Lane. 33 parking spaces, (including 4 wheelchair bays) would be provided. The application seeks provision for 75% of the parking (25 spaces) to be used by members of the general public. It is proposed that the car park will be made available between 07:00 on Saturday and 22:00 on Sundays and between 07:00 and 22:00 on Bank Holidays.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections:

- Paragraph 7- Sustainable Development
- Paragraph 14- Decision making
- Paragraph 18- Building a strong competitive economy
- Paragraph 17- Providing a good standard of amenity
- Paragraphs 58, 60, 61 and 64- Design
- Paragraphs 128, 131 and 134- Heritage Assets

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Setting of Listed Building	Highways/ Parking issues
Local Plan	DG1, E1, E10	CA2	LB2	T5, P4

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
- RBWM Parking Strategy - view at: 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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of providing office space;
- ii Townscape (including impact on the character of the area, impact on Conservation Area, and Setting of Listed Buildings)
- iii Impact on neighbouring residential amenity;
- iv Parking and Highways;
- v Economic Impacts
- vi Ecology;
- vii Sustainable Design;
- ix Surface Water and Drainage;
- x Developer contributions;
- xi Archaeology

Principle of providing office space

- 6.2 The application site is within the designated Town Centre boundary. The Local Plan supports office development in Town Centres. The NPPF is more recent than the Local Plan and this continues to support the 'town centre first' approach to the location of offices. As such the principle of providing office space is considered to be acceptable.

Townscape (including character of the area, impact on Conservation Area, and Setting of Listed Buildings)

- 6.3 The site is located within two defined character areas of the Windsor Town Centre (WTC) Conservation Area appraisal, these being 'Sheet Street and Park Street area' and 'Bachelors Acre and Surrounds'. Part of the site was used as a vehicle garage during the late 20th century. The primary frontages for the site were and remain onto Victoria Street. Adjacent to the site, the Victoria Barracks site has also developed with all the buildings demolished during the late 20th century. Along Sheet Street numerous plots have been redeveloped during the 20th century.
- 6.4 The 'Bachelors Acre and Surrounds' character area in particular has experienced considerable areas of redevelopment, as identified in the Conservation Area appraisal. In terms of building heights the Conservation Appraisal sets out that there is variety between architectural ages, with the 19th century terraces being low key, whilst modern office blocks are much taller. Some of the other key features of the area are:
- To the north along Sheet Street there is a strong rhythm formed by the terrace of traditional buildings, of three storeys with attics and basements;
 - The buildings adjacent to the application site are generally 2-and-a half storeys;
 - There are modern buildings in the vicinity of the site that vary in scale rising up to three storeys, sometimes over a basement, with a fourth floor in the roof;
 - Views along Victoria Street are closed by the Grade II* Hadleigh House, a late 18th Century three-storey house with attics and a basement. This view is framed by the Grade II listed public house on the north side and the application site on the South side.

Loss of Existing building

- 6.5 The existing office block was designed by architects Elaine Denby and Gordon Badnell. The architects are not significant in the context of 20th century architecture and Number 5 Victoria Street (part of the application site) is slightly later in date and in the form of a two storey terrace and constructed of London stock brick with decorative concrete lintels. Both structures are consistent with the general palette of materials found in this part of Windsor.
- 6.6 The building is not considered to be of architectural merit, however, the positives of the building are that it has a definitive entrance which addresses the junction of Victoria Street and Sheet Street. The scale and massing of the existing building is broken up. The scale and modelling of this building helps the transition between the fine grain of traditional terraces to the north and the more open grain with lower scale buildings to the south. The existing building is considered to have a neutral impact on the character and appearance of the Conservation Area.
- 6.7 There is no objection in principle to the loss of this building.

Whether the redevelopment scheme has an acceptable impact on the character of the area, the character and appearance of the Conservation Area, and the setting of Listed Buildings.

- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of the Conservation Area. In considering the impact on the Conservation Area, it is important to assess the impact on views into and out of the Conservation Area.

- 6.9 The buildings to the west of the application site on this road are 2 and 2- and -half stories in height. Whilst a replacement building is considered to be acceptable at the site, the building has to respond to its local context. The proposed building would be sited in close proximity to 13-15 Victoria Street. This building is a 2 and half storey building with mansard roof. The building has a height of 7.3 metres to the eaves (the eaves height is what is read as the main height of this neighbouring building, as the mansard roof slopes away from the road and is set back). The overall height of this building is circa 11 metres.
- 6.10 The height to the third storey (second floor level) of the proposed building would be 11.8 metres which is a reduction in height by circa 60cm from that in the previously refused scheme. Whilst, in principle, there is no objection to the height of the proposed building increasing above the height of number 13-15 Victoria Street, consideration must be given to the shape and scale of the proposed building. In this case the proposed building extends the entire width of the application site at 3 stories in height facing Victoria Street and extends back further into the site than the existing building at a greater height than the existing building, a large part of which is 2 storey in height. In addition, there are 2 further floors above the second floor level (third storey), which although have smaller floor areas than the floor levels below will still be visible (this is evident from the views study submitted by the applicant). It is acknowledged that the height of various stories of the building have been altered and the amount of floorspace reduced on the upper floor, however it is not considered that these changes are significant enough to reduce the mass of the building to an acceptable level. In this current scheme, the building owing to its size and shape results in the building having a large mass that is not in keeping with the scale of surrounding buildings. It is the combination of the width, depth and height of the proposed building in the form proposed that results in the building having a large mass. The mass of the proposed building is still considered to be out of keeping with the scale and form of surrounding buildings in the locality, and would look very imposing against its neighbouring buildings (Victoria Court and 13-15 Victoria Street) which are smaller in scale. The building would appear imposing when viewed from Bachelors Acre (which is within the Conservation Area and is a well used public space) and from views along Victoria Street.
- 6.11 The building known as Saxon House, opposite the site is larger in scale than the buildings to the west of Victoria Street. However, it is not comparable in scale to this proposed building. Notwithstanding this, Saxon House has a different setting from the application site, and has Bachelors Acre situated next to it which provides sufficient space for the setting of this building.

Junction of Sheet Street and Victoria Street

- 6.12 This is a key focal point when descending Sheet Street within the Conservation Area. All floors to the proposed building would be visible from this junction. The proposed building will appear dominating, particularly when viewed against the Victoria Court apartments (to remain); the third floor level (clad in metal) would be visible, and would look at odds with the adjoining building which is lower. At this point the main entrance to the proposed building would be most visible. A strong, definitive entrance would be expected for this office building and to address this important corner in the Conservation Area; this was identified in the previously refused scheme as the entrance failed to be strong and definitive. In this current scheme, the plans show a glazed two storey entrance projecting from the main wall of the building. This does not relate to the design of the proposed building, and would appear as an alien feature. In addition the proposed entrance, fails to respond the fenestration and articulation of surrounding buildings. The proposed entrance would cause some harm to the character and appearance of the Conservation Area.

The junction of Frances Road and Kings Road and Sheet Street

- 6.13 This point is situated outside of the Windsor Town Centre Conservation Area, but close to the boundary with the Inner Windsor Conservation Area. Whereas the existing building can be seen over the Barracks when looking from this point, it is smaller in scale, and most of what can be seen is the mansard roof, which blends in with the roof of the barracks because of the similar lead colour

materials. When looking at the proposed building, a greater extent of the building will be seen as it would be larger in scale particularly because it would have a large, flat roof.

- 6.14 Owing to the more localised harm caused to this part of the Conservation Area, rather than wider harm to the Conservation Area, it is considered that the proposal would result in less than substantial harm. As such the requirement under paragraph 134 of the NPPF is for this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use (OVU). The public benefits arising from the proposal will be considered in the planning balance at the end of this report.

Setting of the Listed Building

- 6.15 Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 explains that in granting planning permission which affects the setting of a Listed Building, regard shall be had to the desirability of preserving the building, or its setting or any features of special architectural or historic interest which it possesses.
- 6.16 Hadleigh House (Grade II* Listed) is situated on Sheet Street, this building has an important view when approached from Victoria Street. The existing buildings on Victoria Street can be seen in the context of Hadleigh House, but do not compete or interfere with views or setting of this building. The setting of Hadleigh House is an urban town with Windsor Castle's Long Walk to the rear, and buildings within its setting have a close urban grain fronting onto the street. The proposed office building would be significant in scale, and would be more prominent in views when looking down Victoria Street onto Hadleigh House than the existing building. In this town centre location where the urban grain is tighter, a building may be visible when looking onto a Listed Building, however, it has to be considered whether impact would be so significant that it would adversely impact on the setting of the Listed Building. The buildings along Victoria Street frame Hadleigh House when looking down this street, however, it is not considered that the proposed building would detract from the view of Hadleigh House and its setting when looking down Victoria Street.
- 6.17 The Corner House is a Grade II Listed Building, situated opposite to the application site. Again, it is acknowledged that the scale of the new building will be larger than surrounding buildings and would result in harm to views within the Conservation Area, it is considered that the development would preserve the setting of the Corner House.
- 6.18 The proposed building will be seen when looking towards Windsor Castle, when looking from down the southern end of Sheet Street. Both Historic England and the Council's Conservation Officer have raised concerns over the impact of the proposed development on views and the setting of Windsor Castle (Grade I Listed). Although verified views of the current scheme have not been provided from this point, based on the elevations, views study, the site visit, and the previous verified views study, it is considered the proposed building would be more visible than the existing building when viewed from further down Sheet Street, however, it is not considered to be so imposing as to adversely affect the setting of Windsor Castle. It should also be considered that the previous application was not refused on the grounds that it would adversely affect the setting or views of Windsor Castle.

Impact on neighbouring residential amenity

Victoria Court

- 6.19 Victoria Court (which contains residential flats) adjoins the building subject to this application, and would remain connected to the proposed office building.

Daylight/Sunlight

- 6.20 A Daylight and Sunlight Review was submitted with the planning application. The review is based on the methodologies set out within the Building Research Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)'. The result of the

review show that the reduction in daylight to the rooms of Victoria Court would be within levels which are considered to be acceptable and in accordance with these guidelines.

Privacy

6.21 In respect of the elevation of the proposed building that would face Victoria Court, there is no glazing proposed, and as such there would not be unacceptable overlooking to these flats. Roof terrace areas are proposed; these are set away from the windows in Victoria Court, as such it is not considered that there would be unacceptable overlooking to these flats.

Outlook

6.22 There are windows within Victoria Court that are impacted by the existing office building. The judgement in this case is whether the increase in the scale of the building, compared to the existing building would cause an unacceptable impact on these windows in terms of their outlook, but more particularly to habitable rooms such as a living room or bedroom, which are afforded greater protection in terms of outlook.

6.23 The windows in Victoria Court are labelled on a plan within the daylight and sunlight review document, which is included in Appendix E for convenience, as are the details of the rooms which they serve. The layout of the rooms in Victoria Court at first floor level and their relationship to the existing office building are shown on the plan in Appendix E. The table below summarises the impact on these windows in respect of outlook.

Window number	Officer Comment
W2/second, W3/second, W1/second, W9/First, W10/First, W9/ground, W10/ground, W8/ground, W8/first	The window already looks onto the existing office building, and as such the increase in the scale of the building is not considered to significantly worsen the outlook from these windows
W6/ground and W7/ground, W6/first and W7/first	<p>The view from these bedroom windows are partially onto the flank elevation of the existing office building, and partially onto the car park, with Lancaster House beyond.</p> <p>In the previously refused scheme, the impact on the outlook was:</p> <p><i>‘The proposed office development would increase the angle of the building by around 16 degrees and the building would extend across the width of the car park at this angle for a greater depth and height than the existing building. Owing to the increase in the angle of the building, together with the extent to which building run across the site, this would change the outlook from the bedroom window of the flat, so that their outlook would see mostly the flank elevation of the office building.’</i></p> <p>The impact from the current scheme is below:</p> <p>The proposed development would increase the angle of the building by around 8 degrees for a distance of 10 metres, the building would then then step out by 3 metres and extend for a distance of 25 metres. Owing to the fairly minor change in the angle of the building closest to windows W6, and W7 (ground and first floor), it is not considered that the outlook from these windows would be significantly worse to warrant refusal on this ground.</p>

W10/ground, W5/ground, W4/First, W3/ground, W2/ground, W1/ground,	W11/First, W5/first, W4/ground, W3/first, W2/first, W1/first	In urban areas such as this, it is not unusual for a new building to be seen, the test is whether the new building would be unduly overbearing to the outlook of the habitable room windows. In this case, it is not considered that the new building would have an unduly overbearing impact to the outlook of these windows which would warrant refusal of this application.
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Lancaster House

- 6.24 Turning to the impact on Lancaster House, the proposed office steps in at second, third and fourth floor level, so that there is a gap of 4 metres between the proposed building at this level and the balcony to Lancaster House. It is acknowledged that the first floor level of the proposed office building will come within close proximity to this balcony area, however as the upper floors have been set back, the building will not appear as imposing from this view as in the previously refused application, where these floors were 2 metres from this balcony. In addition, the main outlook from the balcony to Lancaster House faces into the car park area to Thames Court and not onto the rear elevation of the proposed building. Given this urban location, where there tends to be a higher density of development, this distance is considered to be acceptable for the proposed building not be unduly overbearing to this balcony area.
- 6.25 An assessment on the daylight and sunlight review shows that there are some isolated impacts but the retained daylight and sunlight amenity to this property can be considered to be good judged against the BRE guidelines. The report concludes that given the dual aspect nature of the rooms, the daylight distribution within all of the rooms can be considered above the recommended requirements of guidance. A floor plan approved under reference 15/02665/FULL for Lancaster House can be seen in Appendix D. In respect of the impact on Lancaster House, the daylight and sunlight review also includes windows that benefit from planning permission.
- 6.26 As the upper levels of the proposed office (second, third and fourth floor) are set back by 4 metres from the balcony to Lancaster House, this increases the distance from the balcony than in the previously refused scheme by 2 metres, and so the level of overlooking to this balcony would be reduced. There will be views from windows in the rear elevation of the proposed office building. This is a town centre location where a higher degree of overlooking could be expected compared to a suburban location and this relationship is not considered to be unacceptable.

13-15 Victoria Street

- 6.27 The proposed building (where it is built up close to the boundary with Barrack Lane) would impact on side facing windows in this building. However, the existing building at Thames Court already impacts upon the outlook and light to these side facing windows at ground and first floor level, and so it is not considered that the proposed development would result in an unacceptable reduction in daylight or outlook to these windows. In respect of the second floor side facing windows in number 13-15 Victoria Court (where the proposed building comes in close proximity with the boundary with Barrack Lane), these include a secondary window to a bedroom, a principal window to a study/bedroom and a stairwell window. In terms of the secondary bedroom window, the impact is considered to be acceptable, as the main outlook and source of daylight to this room will be from the window in the front elevation. In respect of the bedroom/study, this would not be a main bedroom (there are 3 other bedrooms in this apartment), and this room would be more likely to be used as a study (a non-habitable room) and so the impact on outlook and daylight is considered acceptable. In terms of the stairwell window this is not a habitable space, and so is not afforded protection in respect of light or outlook.
- 6.28 In respect of the other windows in the side elevation located further back within this neighbouring building, the new building would not come in such close proximity of these windows, and there would be a gap of over 10 metres maintained. As such the impact upon these windows is considered to be acceptable in terms of outlook and daylight. It also has to be taken into account that these are side facing windows and occupiers should not expect these windows to have the

same freedom from visual intrusion that normally applies to windows contained in principal front or rear elevations.

- 6.29 There is glazing proposed in parts of the elevation of the new building which faces 15 Victoria Street, and these windows are shown on the plans to be obscurely glazed, which would prevent unacceptable overlooking (obscure glazing in this elevation of the building could be secured by planning condition). It must be taken into account that this is a town centre location, where a higher degree of overlooking may be expected, and this elevation would face side facing windows. It should also be noted that, as the scheme is for office use, it is likely to be occupied at different times from the neighbouring residential use.

Parking and Highways

- 6.30 Victoria Street is a classified un-numbered local distributor road that provides an alternative link between the B470 Sheet Street and the A332/A308. Parking on Victoria Street is controlled by permit holder parking, short term parking restrictions and double yellow lines. Similar parking restrictions apply on Sheet Street. Victoria Street and Sheet Street are both subject to a 30mph speed limit.
- 6.31 The applicant predicts that during the *am* and *pm* peak periods the development is likely to result in a net increase of 29 and 27 vehicular trips respectively, based purely on the additional 2,367m² of B1 floor space. However, the development as a whole (5,029m²) is predicted to generate between 61 two way movements during the *am* peak period and 54 two way movements in the *pm* peak.
- 6.32 The site currently provides 2662 square metres of office space, served by 45 parking spaces, 4 of which are parked in tandem. This application site is within an area of good accessibility as defined by the Council’s Parking Strategy. The maximum parking standards for an area of good accessibility is 1 parking space per 100 square metres of floorspace. As such, 50 parking spaces would need to be provided in order to meet the maximum parking standard. The scheme would provide 33 parking spaces, and so the parking shortfall would be 17 parking spaces. However, this is an accessible location and the parking standard is maximum standard, not a minimum standard. It is considered that if a travel plan with appropriate targets is secured, then the traffic generated from the proposal is unlikely to have a material impact upon the surrounding road network.
- 6.33 The targets set in the applicant’s travel plan are set out in the table below.

Target	Indicator	Mode Split				
		Baseline Year 0	Year 1	Year 2	Interim Year 3	Final Year 5
Staff						
Achieve a decrease in single occupancy vehicle trips for staff per year for the first 3 years by 5 percentage points ¹	Modal split monitoring surveys for SOV use	20%	19%	17%	15%	To be decided at a later date with RBWM

¹Including staff parking at the site and those parking within the vicinity

- 6.34 The travel plan adopts a standard that is more onerous than the Council’s primary target set out in the Supplementary Planning Document (SPD) on Planning Obligations and Developer Contributions, which sets out that the daily car/employee ratio should not exceed 70% at any time during the first year of occupation of the site and shall be reduced a further 5% each year for the

next two years. The targets in the travel plan sets an initial car mode share of 20%, falling to 15% by the end of year 3, which reflects the limited parking available at the site. The target applies to members of staff driving to the site or the vicinity of the site. This would apply to public car parks and on-street parking in the town centre, but staff would still be able to use park and ride sites. The travel plan commits to providing annual surveys and producing monitoring reports. Copies of the travel plan monitoring reports would be provided to the Council for approval for the first 5 years. The targets and monitoring within the Travel Plan are considered to be acceptable.

- 6.35 The application also proposes the provision of the car park to be used by the public at specific times. Within the planning statement it is explained that it is anticipated that the car park would be open to the public during weekends and bank holidays, as it anticipated the office would not be operational at these times, but this has not been established as the end occupier is not known. If the application were acceptable in other respects, the appropriate mechanism to secure this public benefit would be through a legal agreement.

Economic Impacts

- 6.36 A report produced by Regeneris Consulting for the applicant assesses the economic benefits of the potential employment generation resulting from the development of this new office building.

. This has the potential to generate economic benefits as follows:

- The potential for 234 – 304 gross additional FTEs within Windsor taking account of potential current use of the site.
- The potential for employment on the site to support additional jobs in the wider Windsor and Maidenhead economy through indirect and induced effects.
- A boost to the local construction sector job creation with opportunities for training and apprenticeships benefiting the local resident population.
- A contribution to the local and regional economy through increased expenditure in the town centre and the wider region during construction and post occupation
- Modernisation of an existing employment site thereby improving the choice and flexibility of business space
- The proposed development would support the vitality and viability of Windsor through a series of factors including: private sector investment and additional employees working in the town. The Regeneris Report estimates Gross Value Added for the town could reach up to £19.1m and up to £4.8m of additional wages for employees resident within the Borough.

- 6.37 The proposal has the potential for significant economic benefits, and this needs to be considered in the planning balancing exercise. Benefits such as training and apprentice opportunities would ordinarily be secured through a legal agreement.

Ecology

- 6.38 The building was subject to a detailed inspection for bats. Following detailed examination of potential roosting sites, the buildings were recorded as having negligible potential to support roosting bats. The applicant's ecologist has recommended that a precautionary approach to works at the site is adopted, including soft demolition of the buildings should the Local Planning Authority be minded to grant planning permission. The proposed development is considered to have an acceptable impact on ecology.

Surface water and drainage

- 6.39 The requirement for a brownfield site such as this is to discharge at the greenfield rate wherever possible. The proposed surface water drainage strategy outlined in the Surface Water Drainage and SuDS Assessment accompanying this application indicates that permeable paving and tank storage, with a flow control system, will be provided to limit surface water runoff to 5 l/s for all storm events up to and including the 1 in 100 year plus climate change event. The proposed SUDS is considered to be acceptable. If the scheme was acceptable this would be secured by conditions including maintenance arrangements.

Archaeology

6.40 The application site lies just outside of the historic medieval core of Windsor. Sheet Street was an important thoroughfare leading south from the medieval town and began to be developed from the early post-medieval period onwards. While the site therefore has a modest archaeological potential, it has been substantially developed with the construction of the current office building in the 1970s and housing prior to this. Owing to the built development that exists on site, there are not considered to be implications for the buried archaeological heritage.

Other Material Considerations

6.41 Paragraph 66 of the NPPF states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Even if members of the community feel that their comments have not been incorporated in the scheme, this would not warrant refusal of the application.

6.42 Members of the public question the need for so much additional office space, when there is so much vacant office space within Windsor, and other buildings have been converted from office space to residential. It should be noted that National or Local Planning Policy does not require the Local Planning Authority to take into account existing vacant office space in the locality in considering whether new office space is acceptable in the town centre.

6.43 Concern is raised over the noise and disturbance that would arise during the demolition/construction phases of development and the impact this would have on the personal and work life of occupiers in the adjoining flats of Victoria Court. Whilst this is appreciated, a certain level of noise and disturbance would be expected with new development, however, this would not constitute a valid reason to refuse planning permission. In addition, construction workers may be able to look into the windows of flats during construction, but this would not be a valid reason to refuse planning permission. In respect of concerns over construction traffic, if planning permission was granted a Construction Management Plan would be required. The applicant has submitted the drafts heads of terms for a Construction Management Plan, which are included in Appendix 7 of the Transport Statement. If the scheme were acceptable this would be secured by planning condition.

6.44 The NPPG sets out that the contaminated land regime under Part 2A of the Environmental Protection Act 1990 provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The regime does not take into account future uses which could need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes. Concern has been raised that the land on the application site is contaminated. On the previously refused application, Environmental Protection did not raise this as an issue. Environmental Protection has not yet commented on this application, however, a condition could be imposed to require submission of a contamination report to be submitted to identify the risk to future users of the office building.

6.45 The potential impact that the demolition/construction of the building could have on the structural stability of the adjoining flats is not a planning consideration. Dust and hours of working during construction are not a planning consideration, but these would be matters that Environmental Protection would have remit over.

6.46 Concern is raised over how residents of Victoria Court would access their parking spaces during the construction period. However, this is a private matter that would need to be managed by the developer during the construction process. It is not a valid reason to refuse planning permission. Likewise, once development was complete and occupied, if office workers/the public parked in private spaces for Victoria Court, it would be a private matter between the relevant parties.

6.47 Concern is raised over the development resulting in a decrease in value of surrounding properties, however this is not a planning consideration.

- 6.48 Comment is made that planning policy favours a three storey building for the site. It should be noted that planning policy does not restrict the building to being 3 storeys at the site.

Developer Contributions

- 6.49 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. However, planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms provided that the obligations meet the tests outlined in the CIL Regulations. In this case planning obligations would not be sought as potential highway projects would not meet the tests set out in the CIL regulations at Regulation 122.

Planning Balance

Benefits

- 6.50 There will be economic benefits that could arise through increasing the amount of office space- both direct and indirect impacts, and temporary effects from employment during the construction period. This scheme is likely to have positive impacts but localised ones for the economy and temporary ones in the case of construction works. The proposed development would support the vitality and viability of Windsor through a series of factors including: private sector investment and additional employees working in the town.
- 6.51 Windsor in particular has, and is continuing to experience, a significant loss of office floorspace due to the permitted provisions to change from office to residential land uses. This is reducing the stock of office floorspace within the town and the proposed development would help to reverse this and provide the opportunity for regional, national or international occupiers to secure new premises within Windsor.
- 6.52 Another possible benefit is if the car parking area was made available to the public on the weekends and bank holidays, as it would assist in providing parking in a town where there is recognised pressure for parking, however, as this is use of the car park by the public will be dependent upon the end user of the development, it may not come to fruition and so is given very limited weight. It should be noted that the applicant is not willing to formally secure this element through a legal agreement.
- 6.53 The Borough's Employment Land Review from 2009 shows that there is an identified supply requirement for 85,900sqm of B1 office floorspace up to 2026. The emerging ELR is also indicating there is a requirement for a further supply of office floorspace. The proposal would provide a net addition of 2,367sqm which will assist in meeting the quantitative demand. In addition office demand has focused on new and good second hand space and the ELR notes that older stock is not in as high demand. The new office building would therefore go to meeting a demand and this is a benefit of the proposal.

Adverse Impacts

- 6.54 The report sets out the adverse impacts of the scheme in detail. To summarise, these are the less than substantial harm caused to the character and appearance of the Conservation Area. No evidence has been submitted to justify why this scale of building is required, and why a scheme with less floorspace could not be provided, and so in weighing the benefits and adverse impacts of the scheme, there is nothing which supports the justification of why this scale of building is necessary.
- 6.55 The benefits of the scheme have been identified previously and include the provision of high specification office space, benefits to the local economy, and the potential to make the car park available to the public during weekends, public benefits also include the Optimum Viable Use (OVU). In terms of the OVU, it would appear that this relates more to proposals affecting the use of heritage asset, for example, a change of use of a listed building. The NPPG under the heading "What is a viable use for a heritage asset and how is it taken into account in planning decisions"

seems to also infer that the assessment is based on the use of a building and the advice refers to heritage assets having a viable use. It further advises that where there are a range of alternative viable uses, the OVU may not necessarily be the most profitable one. It is therefore considered that the OVU is not relevant to this development. However, if the OVU was applied, the existing building is considered to have a neutral impact on the character and appearance of the Conservation Area. From this perspective it would be preferable to utilise the existing building compared to the proposed building which is considered to cause harm. No evidence has been put forward to show why the existing building could not be retained and in use.

- 6.56 The public benefits which would be mainly economic benefits and would mainly be local ones and temporary benefits. The NPPG explains that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. The NPPG further explains that public benefits need to be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It is not considered that the benefits of the scheme put forward by the applicant would be of a benefit to the public at large; as such it is not considered to outweigh the less than substantial harm caused to the Conservation Area as required by paragraph 134 of the NPPF. The heritage qualities of Windsor are world-renowned and these qualities should be preserved and where possible enhanced. Therefore any public benefits would need to be significant to outweigh the harm.
- 6.57 Paragraph 14 of the NPPF sets out that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF sets out guidance for decision making. Officers are not of the view that this proposed development is a form of sustainable development, as there is identified harm to the character and appearance of the Conservation Area, and the public benefits are not considered to outweigh this harm. As such the proposal is not considered to accord with Local Plan Policies DG1 and CA2, which are all considered to be consistent with the requirements of the NPPF and therefore relevant to the determination of the proposal.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

39 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 12th January 2017 (for development affecting the setting of a Conservation Area and Setting of Listed Buildings).

The planning officer posted a statutory notice advertising the application at the site on 12th January 2017.

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

Comment		Where in the report this is considered
1.	Over development of the site.	6.3-6.14
2.	Would adversely impact on views in the Conservation Area, of Listed Buildings, and at higher levels of Windsor Castle.	6.3-6.17
3.	The building is not of a high enough design to preserve or enhance the character and appearance of the Conservation Area.	6.3-6.17
4.	Applicant did not consult with the owners of Lancaster House before the application was submitted.	Noted.
5.	The residential element of Lancaster House has recently been refurbished, but a tenant cannot be found because of this scheme. In addition, planning permission 15/02665 was granted for an additional window to be put in the northern elevation of Lancaster	6.24-6.26

	House, but this cannot be done now, because of the proximity of the proposed building.	
6	Development will be overbearing to Lancaster House.	6.24-6.26
7	The full height windows in the southern elevation of the proposed building will result in unacceptable overlooking to the residential element of Lancaster House.	6.24-6.26
8	Unacceptable parking provision for the amount of office floor space proposed.	6.30-6.35
9	The building is built on hazardous contaminated ground, surprised that the Environmental Protection has not objected to the extensive works to the grounds. Request an urgent reply from Environmental Protection.	6.44
10	The contextual analysis undertaken by the applicant shows that buildings in the locality are 3 stories or less.	Noted.
11	Numerous buildings within Windsor have been converted from office space to residential, and so there is a question of the need/demand for this office space.	6.42
12	When the existing building was occupied with office workers, residents of Victoria Court experienced issues with workers parking in residents spaces; this situation will worsen if the development is permitted.	6.46
13	Does not consider this current scheme overcomes the previous reason for refusal of over the impact on residential amenity in Victoria Court.	6.24-6.26
14	The application fails to address how the flats in Victoria Court will be protected during construction. There would be vast levels of noise and disturbance caused during construction which would adversely impact upon the day to day living of occupiers in these flats. Some occupiers are over 65 years old and would have little option for escape. A resident also has to work from home.	6.43
15	Residents of Victoria Court have requested compensation for the impact the construction phase would have upon them living and working from home, however, the developer has not responded to them.	Noted.
16	Applicant has failed to consult with the occupiers of Victoria Court.	Noted.
17	Residents will need to see awards under the Party Wall Act.	Noted.
18	A clear, detailed 'Construction Management Plan' needs to be seen and approved prior to planning consent being granted as the separation and demolition and construction phases of this proposal are particularly critical to the continued occupation of Victoria Court as a residential building. It needs to be broadly agreed in advance of any planning consent (if the planning panel are so minded)	6.43
19	The residential building (Victoria Court) which matches Thames Court– will now look wholly out of place and 'uncomfortable' in this proposed new setting. If Thames Court is to be demolished and rebuilt then so should Victoria Court. This as the immediate area is characterised by most buildings not being above 3 storeys in height rather than the five storey building offered.	6.3-6.17
20	There is likely to be structural damage to Victoria Court flats if Thames Court is demolished.	6.45
21	There would be security issues if the car park was made available to the public.	6.46

22	If permission is granted a condition should be applied to ensure that there will be two-way vehicle traffic in and out of the new building with separate barriers or security gates for entrance and egress as the present drawings are unclear on this aspect.	6.30-6.35
23	An overriding concern is the almost certain breach of security plus people parking in residents parking slots and other inconsiderate behaviour patterns that are endemic in public car parks. This part of the proposal should be formally discarded at the earliest opportunity.	6.46
24	The scheme will still completely block the outlook from flat 2 Victoria Court.	6.24-6.26
25	Light and air will be restricted to flats 2, 4, 7, 8 and 9.	6..24-6.26
26	Any deviation from the existing building line would have an unacceptable impact on number 2 Victoria Court.	6..24-6.26
27	When Thames Court was originally built, the Council insisted upon the residential element being included. Will the same Council allow the office to be removed, while the flats in Victoria Court are lived in? This is morally wrong and impacts on Human Rights.	6.24-6.26
28	The content of the Statement of Community Involvement (SCI) gives an intentionally misleading impression in respect of public consultation which was close to non-existent.	6.41
29	Concerns over construction workers on site looking into the windows of flats of Victoria Court.	6.43
30	The development will devalue the prices of properties In Victoria Court.	6.47
31	Planning policy is said to favour a maximum of 3 storeys and Saxon House opposite Thames has just 3 storeys so if this application is granted it should be on the basis of it comprising 3 storeys and so being no higher (or fractionally so)	6.48
32	When Thames Court was constructed in 1983 they had a client (Price Waterhouse now PriceWaterhouse Coopers (PwC)) a multinational professional services firm with revenues of US\$ 34 billion who had agreed, in advance, to lease the entire building. Unless the current freeholder has a similar settled arrangement the likelihood of their leasing this building to anywhere near capacity is little beyond mere unsubstantiated hope and expectation.	Noted.
33	Reports from economists and their like have a long and disreputable record of unreliability as they are barely capable of accurately forecasting that night will follow day let alone anything less certain.	Noted.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	<p><u>Original Comments</u></p> <p>The application site is in a sensitive location in the Windsor Conservation Area, in the setting of a Grade II* Listed Building and also featuring views of Windsor Castle from Sheet Street. It is currently occupied by a 1970s office block, which respects its context but which otherwise has a neutral impact on the character and appearance of the Conservation Area. The proposal is to replace this with a much larger office building. This would impact on key views in and around the</p>	6.3-6.17

Conservation Area as well as changing its character and appearance. The heritage significance of the site has not been adequately analysed, contrary to para 128 of the NPPF, and consequently the degree of harm to the heritage assets cannot be fully assessed. There would be some harm. No mitigation or public benefits to outweigh this harm have been submitted. We advise that a better assessment of the impact of the proposal is sought and that the local authority satisfy itself that mitigation or public benefits outweigh this harm.

If the application is determined its current form, please treat the letter from HE as a letter of objection.

Comments on Additional Information

Historic England has previously expressed concerns about the harmful impact that the proposed development may have on the character and appearance of the conservation area, the setting of the Grade II* listed Hadleigh House and on views in and around the conservation area. We advised that additional information should be submitted to allow the impact of the proposals to be properly assessed. We welcome the further assessment of significance and additional views analysis to take in Windsor Castle but do not agree with all the conclusions. We consider that there will be a limited degree of harm to the character and appearance of the conservation area, the setting of the Grade II* Hadleigh House and we remain uncertain about the impact on views of Windsor Castle. Whilst this harm is less than substantial, the local authority should be mindful of the need to demonstrate that other material considerations are sufficient to outweigh this harm.

Part of the north side of Victoria St has been redeveloped right up to the pavement edge with a three-storey block having a fourth storey in the mansard roof. The corner building, the Grade II listed pub, is also three storey. The existing office block on the site is only 2 storeys for much of the pavement edge and steps back at the corner giving more sense of openness. The proposed, much larger, block right on the pavement edge will substantially alter the appearance of the street. Despite the set-back of the fifth floor, the building could be experienced as overbearing, creating a canyon-like space along this section of Victoria St. Also, it would be particularly dominant when approaching the site southwards along Sheet St. The massiveness of the block, which would be fully read from this position, would stand out amongst the surrounding buildings and appear out of character. This would have an adverse impact on the

character and appearance of the conservation area here.

In terms of views, it is of the greatest importance that views of Windsor Castle are retained and significance is not diminished. As the dominant element in the town since its construction, the Castle should remain the principal feature in views where it is visible on the approach up Sheet St. The key views study is based on photomontages to give artist's impressions: the views including Windsor Castle are not part of the verified views assessment. Although a viewing point has been selected where the Castle features most clearly, this is a point where the proposed development is not so prominent. As views of the Castle become less prominent, the proposed development becomes more so. It is the kinetic nature of the view up Sheet St which causes some concern and, although the photomontages suggest there would be no harm to significance, it is critical that these views are preserved. The exact impact of the proposed development here remains unknown. Although the Heritage Statement argues that it would frame views of the Castle, this is not a structure which lends itself to such aesthetic contrivance.

It is the scale of the proposed building that poses the main problem, despite the assertion that this 5-storey block would respect the scale of the surrounding built form. A greater reduction in the scale of the proposed development would reduce the harm, or possibly avoid harm. Also, there is the potential for some enhancement to the conservation area at the junction of Sheet St and Victoria St which could mitigate harm to a degree. However, the information submitted to date in the Entrance Study does not demonstrate how this would enhance the public realm here. We conclude that there will be some, less than substantial, harm.

Para 128 of the NPPF requires an applicant to describe the significance of heritage assets affected, thereby allowing for a proper assessment of the impact of the proposals. Paragraph 132 of the Framework requires a clear and convincing justification for any harm to the significance of designated heritage assets whilst paragraph 134 requires less than substantial harm to be weighed against the public benefits of the proposal. The harm entailed by this proposals constitutes a strong presumption against granting planning permission. Historic England suggests that the local authority requests proper verified views of the locations in the Views Study which include Windsor Castle to determine the impact on its setting and seek amendments to the design to reduce its scale and thus reduce the harm to the character of the conservation area and improve the architectural quality of the entrance. Furthermore we recommend that your Council do

	<p>not grant planning permission unless they are satisfied that the development would bring public benefits that outweigh the harm to the significance of the surrounding heritage assets and that the scale and form of development is necessary to deliver these benefits.</p> <p>Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.</p>	
Highways	<p>The development proposes the demolishing of Thames Court and 5 Victoria Street and the erection of a 5 storey building providing 5,029m² of B1 office accommodation. With reference to the Borough's Parking Strategy (2004) the development attracts a demand for 50 parking spaces, but provides 33.</p> <p>Whilst we accept that the sites parking provision is some way below the above standard, it should be noted that the Borough's parking strategy is based on maxima provisions and as mentioned in the parking strategy, reduced parking provision for commercial developments in town centres with good transport links is considered acceptable when supported by a Work Place Travel Plan.</p> <p>The application is accompanied by a Work Place Travel Plan that has been approved subject to various minor amendments. Therefore, with reference to the guidelines set out in the Borough's Parking Strategy, the Windsor Parking Strategy and the recommendations in the NPPF the Highway Authority raises no objections to the parking levels proposed. From paragraph 3.18 through to paragraph 3.21 of the Planning Statement the applicant proposes allow the public to use the car park during the weekends and bank holidays. Although the applicant suggest securing this via a formal planning condition, the applicant also remarks that this will be subject to the requirement, and we suspect the approval of the end operator(s). Whilst the offer is welcomed by the Parking Manager, the Highway Authority suggests that this is afforded limited weight.</p> <p>The applicant predicts that during the <i>am</i> and <i>pm</i> peak periods the development is likely to result in a net increase of 29 and 27 vehicular trips respectively, based purely on the additional 2,367m² of B1 floor space. However, the development as a whole (5,029m²) is predicted to generate between 61 two way movements during the <i>am</i> peak period</p>	6.30-6.35

	<p>and 54 two way movements in the <i>pm</i> peak.</p> <p>The above prediction should be tempered by the fact that the development provides 33 car parking spaces bays, the surrounding highway network is subject to various restrictions; resident/business permits holders and pay and display parking</p> <p>Included in the Transport Statement is a list of the areas to be covered in the Construction Management Plan. As the access is also shared with the neighbouring residential building, the applicant is required to demonstrate how they intend to maintain vehicular access to those residing in the building.</p>	
Local Lead Flood Authority	If the Local Planning Authority was minded to approve this application, I would have no objection subject to the inclusion of suitably worded Planning Conditions ensuring the provision of further details of the proposed surface water drainage system and its future maintenance.	6.39

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Windsor and Eton Society	<p>Objects.</p> <p>The proposal does not improve or enhance the area.</p> <p>The scale, form and proximity of the building to the footway will make the building appear overbearing and out of sympathy with Corner House, Hadleigh House and Regus House.</p> <p>The view from Bachelors Acre and Victoria Street shows the massive scale of the proposed building.</p> <p>Questions the need for this size of office building in the town centre.</p> <p>Concerns over the lack of parking provision. There are already severe parking problems in Windsor Town Centre and this would add to it.</p>	6.3-6.17
Tree Officer	<p>There are no trees on site and no opportunity for tree planting either under the existing scheme or proposed. I therefore have no objections to the proposal, as the site is already heavily developed. However, it should be noted the current extent of low level planting in raised borders will be reduced in scale should the proposal be implemented. This will give the development a harder appearance compared with existing.</p> <p>If you are minded to grant planning permission then a landscaping condition should be applied.</p>	Noted.

Council's Ecologist	During the preliminary ecological appraisal, the applicant's ecologist concluded that the buildings on site may have the potential to support roosting bats. Further bat survey of these buildings was recommended by the applicant's ecologist within the report. Both buildings on site were subject to a detailed inspection, in particular the aspects of the building that were originally identified to be suitable to support roosting bats. Following detailed examination of potential roosting sites, the buildings were recorded as having negligible potential to support roosting bats. The applicant's ecologist has recommended that a precautionary approach to works at the site is adopted, including soft demolition of the buildings and should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice is incorporated in a suitably worded condition or informative note.	6.38
Council's Conservation Officer	New developments in historic contexts do not have to (indeed should not) copy wholesale the design of existing buildings, but should respect and interpret the characteristics of the area (built and natural) that have lead to the designation of the area or of elements within it as a heritage asset. In this case the proposed replacement building would cause harm to the significance of the heritage assets in the locality of the site. The special architectural and historic interest of the Windsor Town Centre Conservation Area would be neither preserved nor enhanced by the proposed development. The scheme would compete in, and disturb, longer-range views of the Grade I Listed Windsor Castle, adversely affecting its setting. The proposed development would have a poor or at best neutral impact on the significance of other heritage structures (Listed Buildings and their settings) and would not use the opportunity to enhance or better reveal their significance.	6.3-6.17

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Elevations
- Appendix C- Proposed Floor Plans
- Appendix D- Approved floor plan under 15/02665/FULL
- Appendix E- Plans from Daylight and Sunlight Review

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

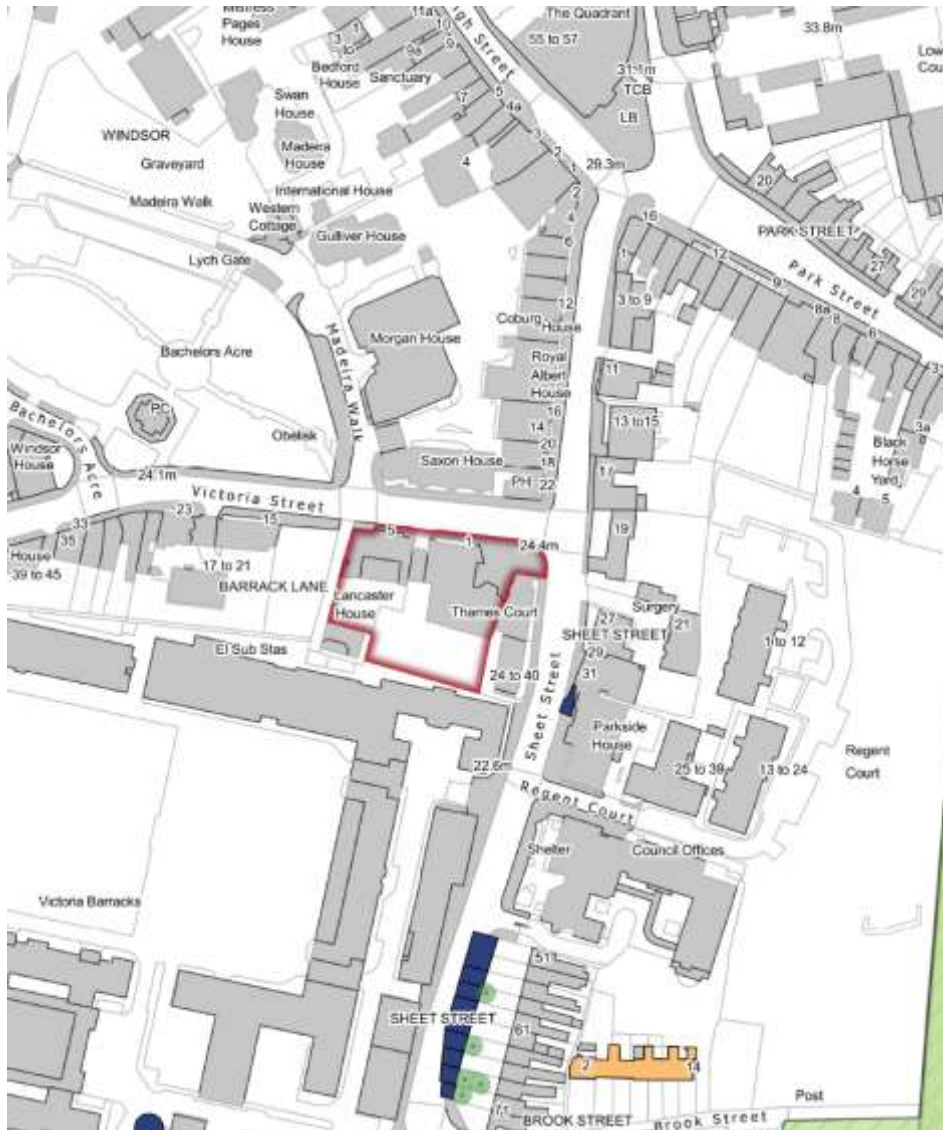
In this case the issues have not been successfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal owing to its combined scale and shape creates a building of a large mass that would be out of keeping with the size of surrounding buildings and as such the building would appear overdominant and incongruous. The entrance to the proposed building, owing to its design would look at odds with the design of the rest of the building and at odds with the

surrounding area. The proposal would result in less than substantial harm to the character and appearance of the Conservation Area, and the public benefits, including securing the building's optimum viable use are not considered to outweigh this harm. The proposal conflicts with Paragraph 134 of the National Planning Policy Framework and with Policies DG1(3) and Policy CA2 (1, 2 and 3) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

Appendix A- Site location



Appendix B- Elevations

Proposed North Elevation



Proposed West Elevation



Proposed South elevation



Proposed east elevation



Appendix C- Floor plans

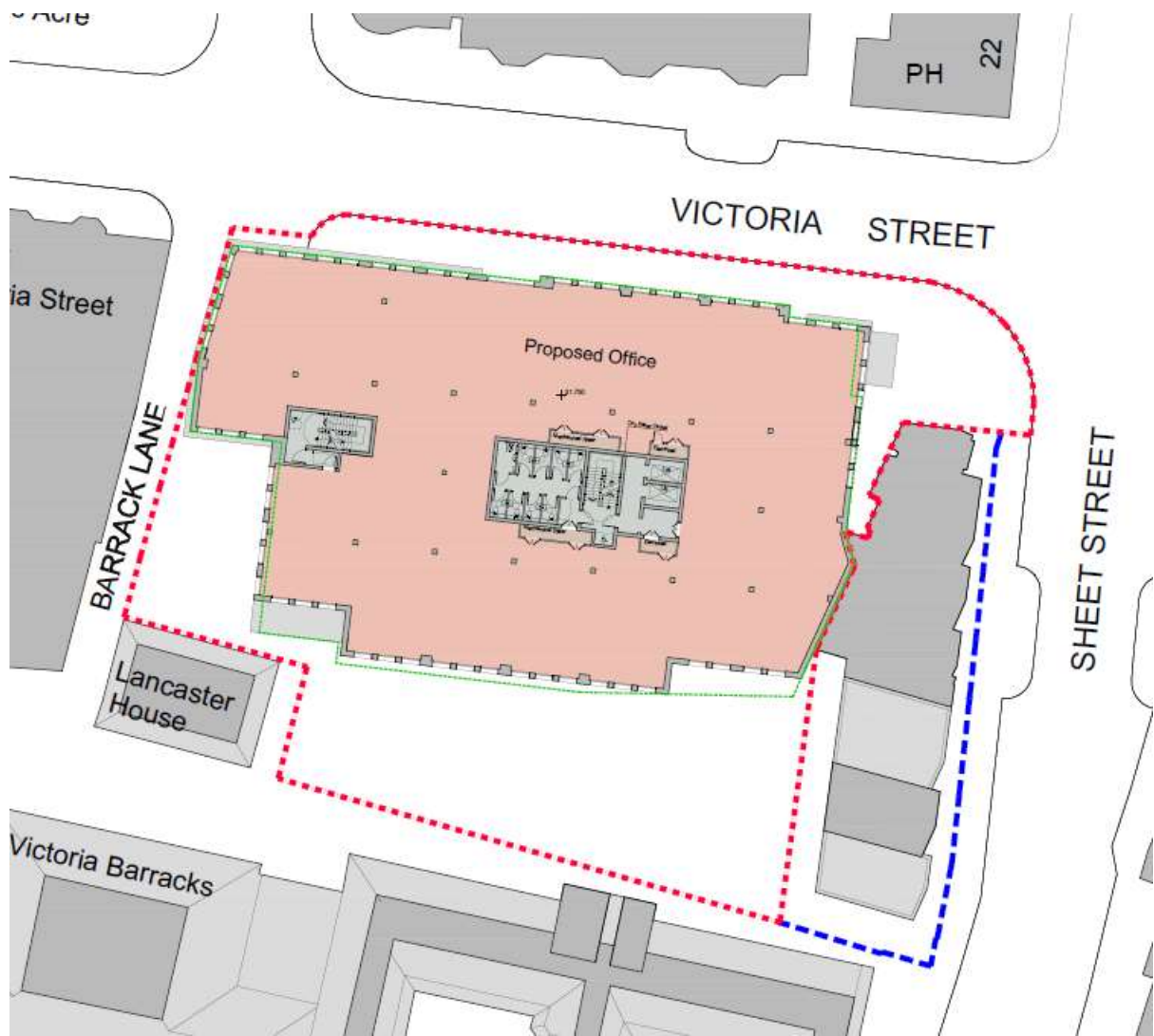
Proposed floor plans



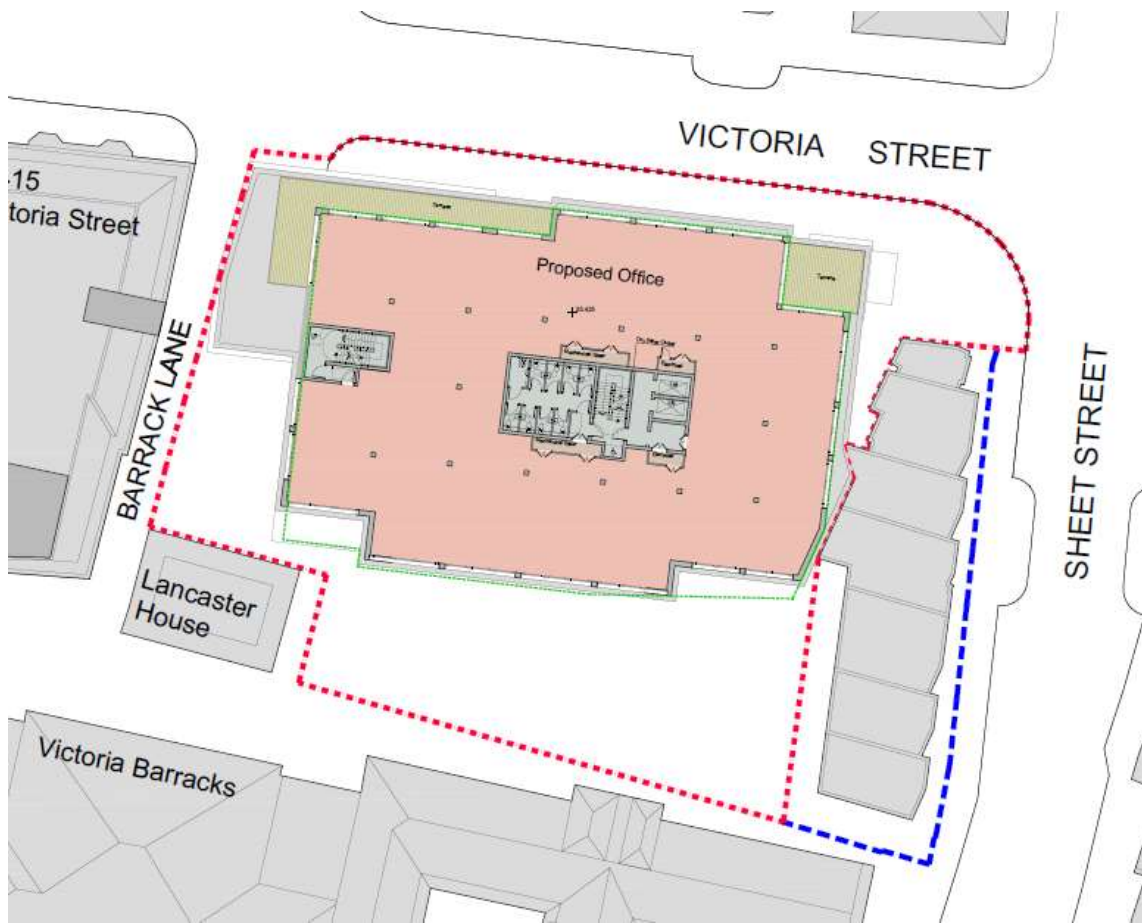
Proposed first floor



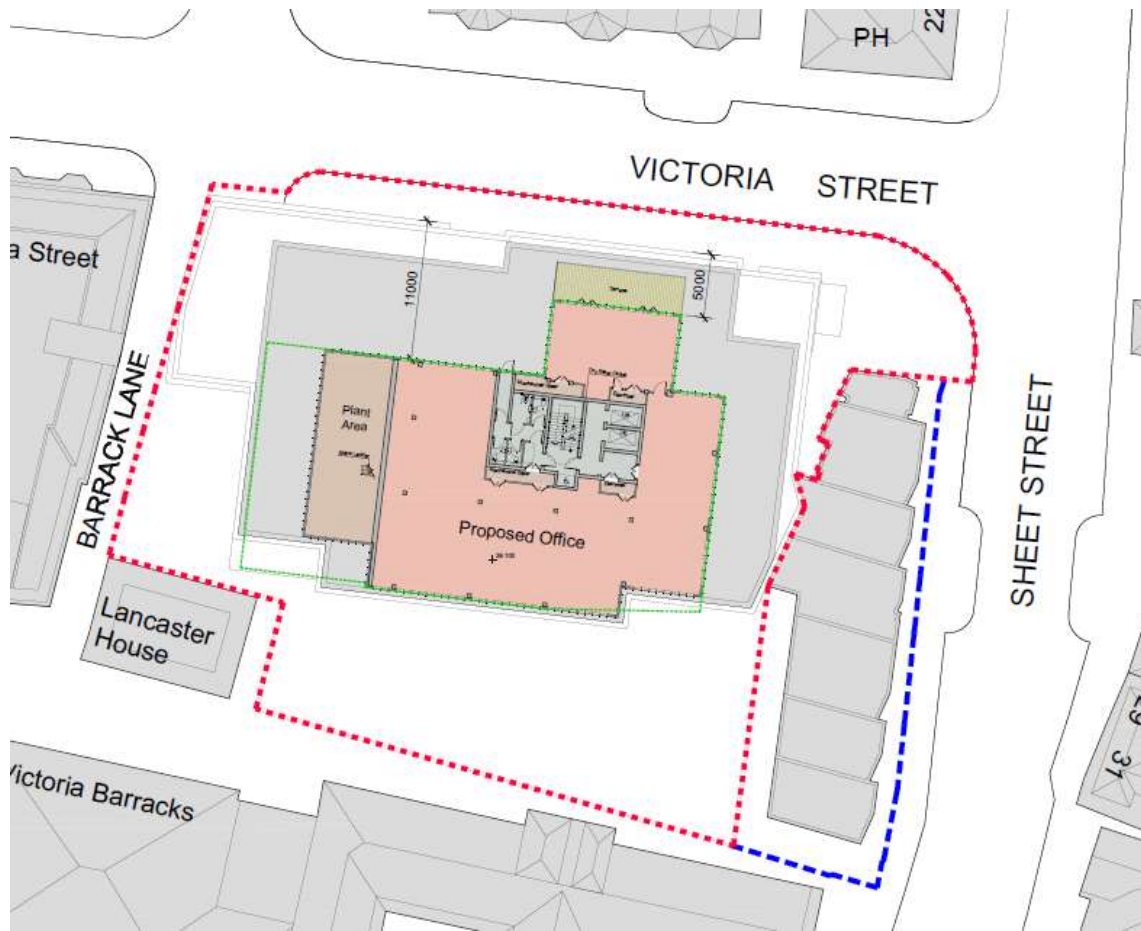
Proposed second floor



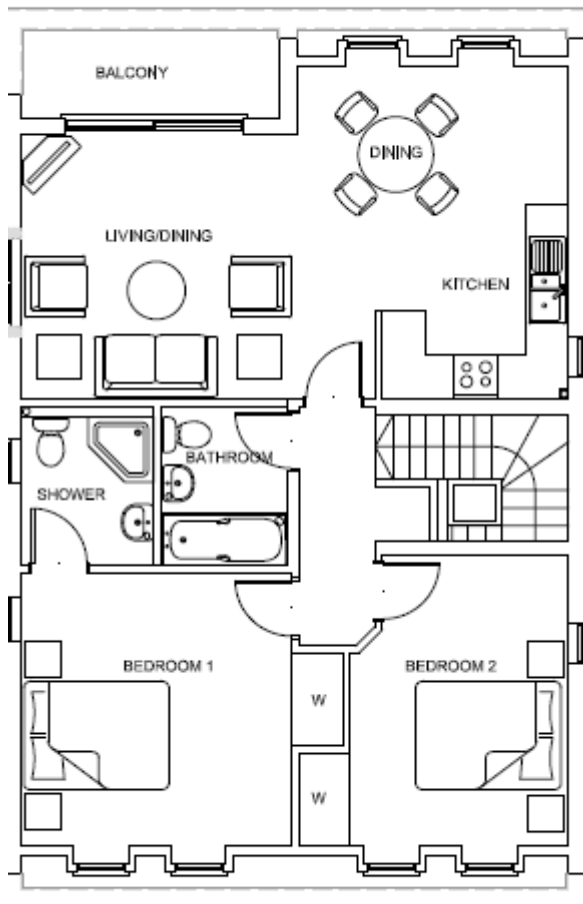
Proposed third floor



Proposed fourth floor



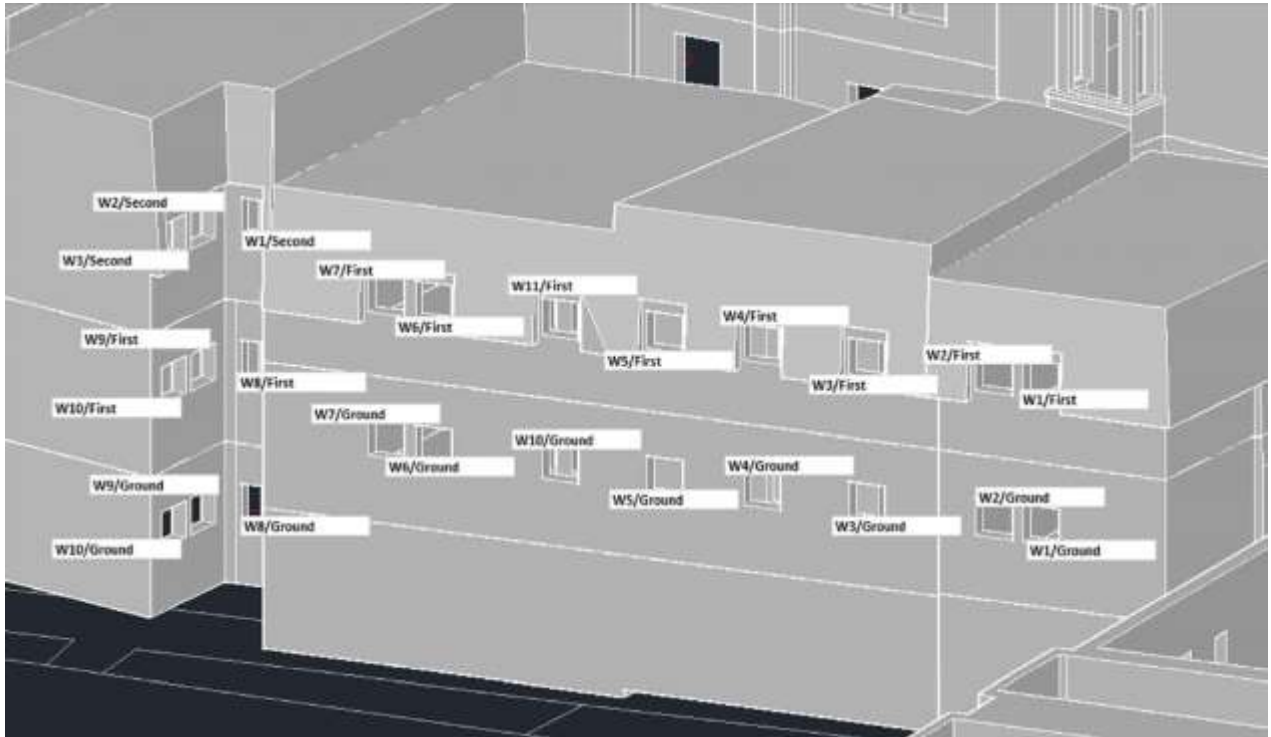
Appendix D- Approved floor plan under 15/02665/FULL



Internal layout covered by Certificate of
Lawfulness of Proposed Development No:
5/01938

Second floor level

Appendix E- Plan from Daylight/Sunlight review



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 3

Application No.:	17/00425/FULL
Location:	Land To Rear of 250 To 284 Horton Road Datchet Slough
Proposal:	Erection of two new commercial units (Use class B2 - general industrial) within the existing commercial site.
Applicant:	Mr Loveridge
Agent:	Fiona Jones
Parish/Ward:	Datchet Parish/Datchet Ward

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 While National Planning Policy is supportive of development that helps economic growth, this scheme for two new commercial units would be within the Functional Floodplain (Flood Zone 3b) where this type of development would be unacceptable because of high flood risk.
- 1.2 Further, insufficient information has been provided in order for an assessment to be made as to whether the scheme would retain adequate parking for other operators on site, and whether sufficient space could be provided for service vehicles to the new B2 'General industrial' units. Without this information, it is not possible to assess whether the development would have an acceptable impact on highway safety.
- 1.3 The development is considered to be of an acceptable appearance within the context of this site, and given the authorised use of the site it is not considered the new units would result in a significant adverse impact upon neighbouring residential amenity. However, given the issues surrounding flood risk and transport the application is recommended for refusal.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

- | | |
|----|--|
| 1. | The units are situated within Flood Zone 3b. The units are inappropriate within this flood zone, as set out in the National Planning Practice Guidance and Council's SFRA. The scheme fails to pass the Sequential Test. The scheme conflicts with Paragraphs 100 and 103 of the NPPF, and Local Plan Policy F1. |
| 2. | The application contains inadequate information on existing operators and levels of parking provision on site, and whether the proposed development would impact upon this. The application also fails to demonstrate that adequate parking would be provided for the two new units. Insufficient parking could lead to an overspill onto surrounding roads which would be harmful to highway safety and convenience. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir, irrespective of the recommendation of the Head of Planning because of the Local Resident's interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to land that has planning permission for storage and general industrial use, car wash, sale and fitting of tyres and the repair and maintenance of vehicles. These uses were permitted on appeal in 2011. There are several buildings and structures on the site which are occupied by various businesses. During the course of the application an amended site location plan (depicting the application site boundary) was received which removed an area of land from the application site boundary, as the application site originally included Green Belt land that did not benefit from planning permission for commercial uses.

- 3.2 It was apparent from the site visit that cars are parked on the land where the new units are proposed, although it is not known which operator these cars are in connection with.
- 3.3 The new units would be sited on land that is not within the Green Belt. The land on which the new units would be sited are within Flood Zone 3b (developed) according to the RBWM Strategic Flood Risk Assessment, however, as the land where the new units would go does not have buildings on, the site for the new units is classed as flood zone 3b- functional flood plain.
- 3.4 Close to the application site are residential properties situated on Horton Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site is set out below.

Application Reference	Description	Decision
12/03165/CONDIT	Details required by condition 1 (details of filtration and extraction system) and 2 (management plan to control fugitive emissions) of planning permission 12/00832 for the retention of a spraybake unit (retrospective)	Approved 20 th December 2012.
12/02312/CONDIT	Details required by conditions 1 (filtration, extraction and stack height), 2 (management plan for dust and VOCs), 3 (noise assessment) and 4 (opening hours) of planning permission 12/00832 Retention of a spraybake unit (retrospective).	Partial approval/refusal 5 th October 2012.
12/00832/FULL	Retention of a spraybake unit (retrospective)	Permitted 22 nd June 2012
12/01340/CONDIT	Details required by conditions 1 b (control of fumes) of Enforcement Appeal Decision 10/00635/ENF Unauthorised c/u of land to various storage and general industrial uses, and formation of areas of hardstanding	Approved 28 th May 2012
12/00829/CONDIT	Details required by conditions 1 b (control of fumes) of the Enforcement Appeal Decision 10/00635/ENF Unauthorised c/u of land to various storage and general industrial uses, and formation of areas of hardstanding	Refused 11 th April 2012.
11/02693/CONDIT	Details required by conditions of the Enforcement Appeal Decision 10/00635/ENF 1 (details to be submitted and approved), 2 (development shall not be carried out, other than in areas delineated on the plan), 3 (hours of business), 4 (noise levels), 5 (site to be used in accordance with the appeal decision and no other purpose, without the prior approval in writing of the Local Planning Authority), 6 (material stored shall not be stacked or deposited to a height exceeding 2.0 metres), 7 (no additional plant or machinery shall be installed on the site under or in	Partial approval/refusal 1 st November 2011

	accordance with Part 8 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended))	
11/03496/CONDIT	Details required by conditions 1i a (site drainage) b (control of fumes) d (one way system) and iv (timetable for implementation) of the Enforcement Appeal Decision 10/00635/ENF Unauthorised c/u of land to various storage and general industrial uses, and formation of areas of hardstanding	Partial approval/refusal on the 31 st January 2012.
10/00635/ENF	Unauthorised c/u of land to various storage and general industrial uses, and formation of areas of hardstanding	Appeal allowed on the 29 July 2011

- 4.2 The application proposes 2 new commercial units for B2 'General industrial' use. The units would be situated between existing units on the site (marked as unit 3 and 6 on the submitted layout plan). Units 3 and 6 are used as a tyre business and car repair and body shop.
- 4.3 The new units would each have a height of around 4.8 metres to the ridge, and 3.4 metres to the eaves. They would each have a width of around 12 metres and a depth of 8.2 metres. There would be a gap of around 1 metre between the new units.
- 4.4 The site layout plan shows new parking areas to be provided for the new units directly in front of these units and also in front of units 3 and 6. A line of tree planting is also shown along the boundary with the rear garden areas on Horton Road that abut the site.
- 4.5 Access into the site is off a one way access that comes off Horton Road, the access out of the site is onto Mill Place.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

Supporting the Economy- Paragraph 19
 Flood Risk- Paragraphs 100-103
 Transport- Paragraph 32
 Design- Paragraphs 58, 60, 61, 64
 Securing a good standard of amenity for all- core principle

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	Flood Risk	Polluting development
DG1, E6, E10	P4, T5	F1	NAP3

These policies can be found at

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

Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of development;
- ii Flood risk;
- iii Neighbouring amenity;
- iv Parking and Highway Safety

Principle of development

6.2 Planning permission was granted for the change of use of land to various storage and general industrial uses, and formation of areas of hardstanding on the area of land shown as the application site in this current application. The area of land where the 2 new commercial units would be sited benefits from planning permission for mixed use for storage and general industrial use. In principle, the siting of these 2 new commercial units in a B2 general industrial use are considered to be acceptable in principle (when looking at policies E1 and E6 of the Local Plan which are considered to be broadly consistent with the aims of the National Planning Policy Framework). However, under policy E6 of the Local Plan the main considerations will be whether the scheme would have an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties. These issues amongst other planning considerations will be considered later within this report.

Flood risk

6.3 The Flood Risk Assessment submitted by the applicant identifies that site lies partially within flood zone 2 (medium probability) and flood zone 3a (high risk flooding). However, the site for the two new units and parking areas falls within Flood Zone 3b 'developed' according to the Royal Borough of Windsor and Maidenhead's Strategic Flood Risk Assessment (SFRA) map published in January 2014.

6.4 The Royal Borough of Windsor and Maidenheads SFRA defines Flood Zone 3b as areas subject to flooding in events up to the 1 in 20 design event. The SFRA distinguishes between Flood Zone 3b 'Functional Floodplain' and Flood Zone 3b 'Developed'.

6.5 Within the SFRA, Flood Zone 3b 'Developed' is defined as existing buildings that are considered impermeable to floodwater. Flood Zone 3b 'Developed' relates solely to the footprint of existing solid buildings. The SFRA explains that the land surrounding these existing buildings are important flood flow paths/and or flood storage, and these must be retained. In accordance with the SFRA, the site is therefore considered to lie within Flood Zone 3b- functional floodplain (as there are no solid buildings on the land where the 2 new units would be situated).

6.6 The commercial units are classified as 'Less Vulnerable' in accordance with the National Planning Practice Guidance (NPPG). On this basis, the 2 new commercial units as 'less vulnerable development' on land surrounding existing buildings in flood zone 3b should not be permitted, as per the advice in the National Planning Practice Guidance.

- 6.7 In accordance with the advice contained within the NPPF and NPPG, the Sequential Test should be applied. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The applicant has submitted a Sequential Test which has assessed sites within a 5 mile radius of the application site. The area of search includes sites within other Boroughs, as well as the Royal Borough of Windsor and Maidenhead. The Sequential Test includes Windsor within the area of search, but does not assess sites within this area. For example Shirley Avenue and the Vansittart Estate are both allocated employment sites within the adopted Local Plan where B2 uses can be situated, however, neither of these sites were assessed in the Sequential Test. It is known that there are vacant premises on Shirley Avenue, and it is not been demonstrated by the applicant why this site or its premises are not suitable. Shirley Avenue is situated in the flood zone, but is at a lower risk of flooding than the application site and so would be sequentially preferable in respect of flood risk. It is for the applicant to demonstrate that there are not any other reasonably available sites at a lower risk of flooding. The Sequential Test submitted does not adequately demonstrate that there are no other suitable sites at a lower risk of flooding that could be developed/used and so the scheme fails to pass the Sequential Test. As the Sequential Test has not been passed, no further assessment of the acceptability of the development in the flood zone is required.
- 6.8 Notwithstanding the above, the submitted FRA also fails to assess the impact of climate change (which is a requirement of National Planning Policy), and it fails to demonstrate that the loss of the flood plain storage within the 1 in 100 flood extent with an appropriate allowance for climate change can be mitigated for.

Character of the area

- 6.9 In terms of the siting and design of the proposed units, they would sit in between two existing commercial units on site, and would have a similar appearance to unit 3 ('A and T tyres'). It is considered that the appearance and scale of the proposed units is in keeping with the commercial character of this site.
- 6.10 The plans also show new parking areas to the front of the new units, with 12 parking spaces marked out for both of the new units. There are a number of cars stored on this part of site, although it is not known which existing business on site this is in association with. It is considered that the laying down of the proposed parking areas in a formal arrangement would have an acceptable appearance within this site.
- 6.11 The site layout plan shows the planting of new trees along the boundaries with the rear gardens of properties on Horton Road. There is approximately a 3 metre gap between the new units and the boundary with the gardens on Horton Road. It is not considered that this size gap would allow for trees to grow to maturity to allow for an effecting screening to the units. The scheme is acceptable in terms of character, even if the landscaping is not likely to become established.

Impact on residential amenity

- 6.12 Consideration must be given to the fact that this part of this site has planning permission for mixed use and general industrial, and as such activities in the B2- general industrial use class can take place on this part of the land which would generate a certain level of noise and activity that would have an impact on the amenity of neighbouring residential properties. There is an argument that placing 2 new units in the B2-general industrial use class could result in an intensification of activity on the site, as the units provide cover, and so B2 activities could take place in all weather conditions, whereas such activities on outdoor space could be limited by the weather. Also having the units may allow for equipment/machinery associated with B2 activities to be used that may not be used in outdoor space. However, there is the counter argument that having units to house the B2- general industrial activities may be preferable than having the activity in an area outside, as measures could be applied to the building to reduce noise levels, whereas such measures could not be implemented onto an outdoor area. Ordinarily there would likely be an objection over having units in the B2- general industrial use class in such close proximity to residential properties, however, given the authorised uses on the site and the current level of noise and activity that neighbouring residential properties can experience, it is not

considered that this proposal would make conditions significantly worse to warrant refusal of the application on this ground

- 6.13 The two new units would be sited close to the boundaries with the rear gardens of numbers 264, 270 and 272 Horton Road. Given that these rear garden areas are in excess of 15 metres in depth, taken with the height of the units, and the fact that new units are not situated next to the more private outdoor space of these gardens, it is not considered the units would be unduly overbearing to these gardens.

Parking and Highway Safety

- 6.14 On the application forms it is stated the floorspace of the new buildings would be 214 square metres (combination of 2 units). The current parking strategy has a parking requirement of 1 space per 35m² which gives a requirement of 6.1 spaces to be provided. The site layout plan shows 12 parking spaces, however, it does not show where service vehicles would park on site for these units. Service vehicles would be expected for a 'B2-general industrial use', and this is acknowledged at paragraph 9.8.3 of the Council's Parking Strategy.
- 6.15 There are a number of operators on the site, and the application does not provide information on the floorspace of existing buildings on site, neither does it provide information on the number of car parking spaces each operator on site has. Without this information it is not possible to make an assessment on whether the 2 additional units would be acceptable on transport grounds, as it is not known if they would displace vehicle parking for existing operators, and if so whether sufficient parking would be retained for the other operators on the site as a result of this proposed development.
- 6.16 Insufficient information has been submitted in order to make an assessment of whether the development would have adequate parking provision and whether other operators on the site would have sufficient parking. In addition, the site layout plan does not show that service vehicles can be accommodated to serve the units. It has not been demonstrated that the development would have an acceptable level of parking, and in turn an acceptable impact on the highway network.

Response to interested parties comments

- 6.17 Given the permitted uses on the site, which includes 'B2-general industrial and storage', it is not considered that units within the 'B2- general industrial use class' would result in a level of disturbance and activity from traffic above the permitted uses on site. Conditions could be imposed to restrict times for hours of operation and timing of service vehicles.
- 6.18 All neighbouring properties to the site were sent letters to notify them of the application.
- 6.19 The LPA must consider the proposals put forward under the application.
- 6.20 If the current operators are failing to abide by opening hours, this matter should be reported to planning enforcement, it cannot be considered under the determination of this application.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

25 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15th February 2017.

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

Comment		Where in the report this is considered
1.	Concerns over noise from B2 industrial units	6.12-6.13
2.	Concerns over noise and disturbance from traffic	6.17
3.	Concerns over the impact on flooding.	6.3-6.8
4.	Unable to find neighbour notification list- have all neighbours been notified?	6.18
5.	What will the units be used for?	4.1
6	Parking on the site is already inadequate for the existing operators, with businesses using the opposite side of Horton Road for parking.	6.14-6.16
7	Is there a way to comprehensively redevelop area, rather than adding on in this way.	6.19
8	Site is a mess to look out onto.	Noted.
9	Concerned when tyre fitting business and spray bake move to bottom of number 276 Horton Road and the impact this will have on their garden.	6.13
10	Current operators fail to abide to operating hours.	6.20
11	The area is struggling with severe traffic congestion, and the 2 new units will exacerbate this.	6.14-6.16
12	Development will contribute to downgrading of the area.	Noted.
13	Current site is a massive eyesore- this development will worsen this.	Noted.
14	Planting of line of trees would be helpful for screening the development, but never before have trees been planted when required.	6.11

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:</p> <p>We have reviewed the Flood Risk Assessment (FRA) ref 407.05598.00002 (SLR, November 2016, Issue 1).</p> <p>Technical Guidance to the National Planning Policy Framework (NPPF) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls within Flood Zone 3b as defined by Royal Borough of Windsor and Maidenhead's Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding.</p> <p>The development type in the proposed application is classified as Less Vulnerable in accordance with table 2 of the Technical Guide to the NPPF. Tables 1 and 3 of the Technical Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.</p> <p>The Royal Borough of Windsor and Maidenheads SFRA defines Flood Zone 3b as areas subject to flooding in events up to the 1 in 20 design event. The SFRA distinguishes between Flood Zone 3b Functional Floodplain and Flood Zone 3b Developed. Flood Zone 3b Developed is defined as existing buildings that are considered impermeable to floodwater. Flood Zone 3b Developed relates solely to the</p>	6.3-6.8

	<p>footprint of existing solid buildings. The land surrounding these existing buildings are important flood flow paths/and or flood storage, and these must be retained. In accordance with the SFRA we therefore consider the site to lie within Flood Zone 3b, the functional floodplain.</p> <p>Only upon successfully overcoming our policy objection should the following objections be addressed.</p> <p>The FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the NPPF. The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.</p> <p>In particular, the submitted FRA fails to</p> <ol style="list-style-type: none"> 1. Demonstrate the sequential test has been applied. 2. Meet the requirements of the second part of the flood risk Exception Test. 3. There is no assessment of the impact of climate change using appropriate climate change allowances. 4. Demonstrate the loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for. 	
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Other consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	<p>To enable the highway authority to make a meaningful assessment of the total parking requirement for the entire site details of each operator together with square meterage needs to be submitted.</p> <p>The application form states the proposal is for 2 new B2 use units. It gives a figure of 214m²; it is assumed this is for both units and not each. The current parking strategy has a parking requirement of 1 space per 35m² this gives a requirement of 6.1 spaces; this appears wholly inadequate as there are to be 7 staff. In addition for light industrial uses we would expect 1 van or lorry space per unit.</p> <p>Vehicle Movements / per day:</p> <p>Exact numbers unknown – However as a general rule B2 attracts vehicle movements at the rate of 10 per 100m² which equates to around 22 per day. Again as there are to be 7 staff this figure appears to be on the low side. A more accurate figure can be derived once all site usage details have been supplied for the parking assessment</p>	6.14-6.16

	<p>Additional Comments:</p> <p>The principle of the proposals is acceptable to the highway authority. However given the levels of curtilage parking and unknown end use the proposals as presented are unacceptable to the highway authority.</p>	
Environmental Protection	<p>No objection, subject to conditions for-</p> <ul style="list-style-type: none"> -Industrial noise -hours of operation -lighting control -Odour control and ventilation - noise containment 	Noted.
Parish Council	No objection.	Noted.
Council's Ecologist	<p>No ecological information was submitted with this application. However, following a site visit, the site was found to be of very low ecological value and comprised bare ground, hard standing and a structure. The structure comprised a metal frame and a flat, corrugated iron roof, which did not contain features that were suitable to support roosting bats. There was no other habitat on site suitable to support other protected species.</p> <p><i>Biodiversity Enhancements</i></p> <p>Paragraph 109 of the NPPF states that: <i>“The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”</i>. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that <i>“Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”</i>.</p> <p>In order to increase the biodiversity on site, bird and bat boxes could be installed onto the new buildings, if appropriate. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice is incorporated into a suitably worded planning condition.</p>	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C – Elevations

9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

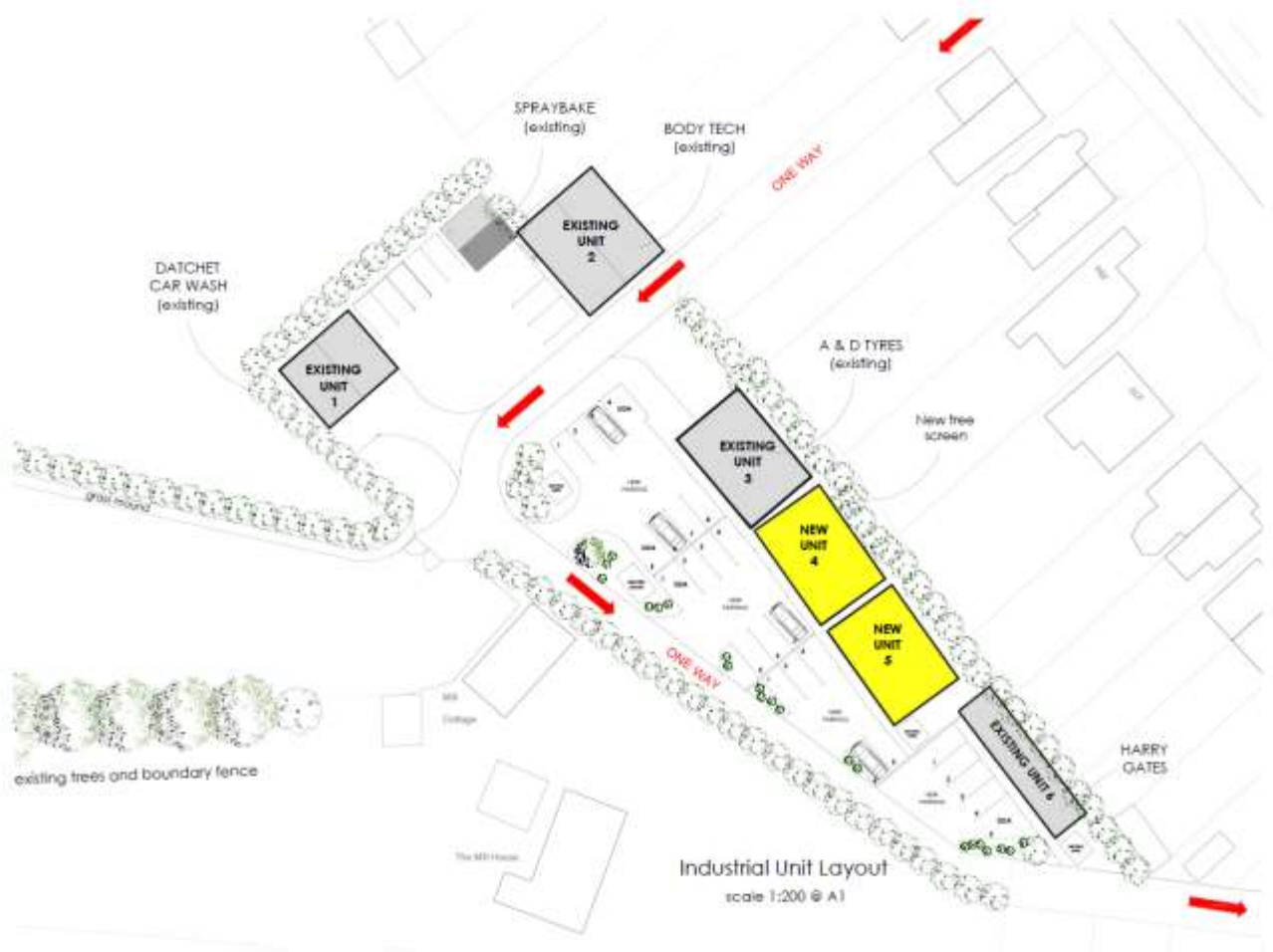
- 1 The new units are situated within flood zone 3b functional floodplain according to the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The units are classed as a less vulnerable use, and such a use is identified as inappropriate development within the functional flood plain, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The scheme fails to pass the Sequential Test. The scheme conflicts with Paragraph 100 and 103 of the National Planning Policy Framework, and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003).

- 2 The application contains inadequate information on existing operators and their levels of parking provision on site, and whether the proposed development would impact upon this. The application also fails to demonstrate that adequate parking would be provided for the two new units taking into account service vehicles. It has not been demonstrated that the scheme would provide acceptable levels of parking and would have an acceptable impact upon highway safety. The scheme conflicts with Policies DG1,P4 and T5 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003).

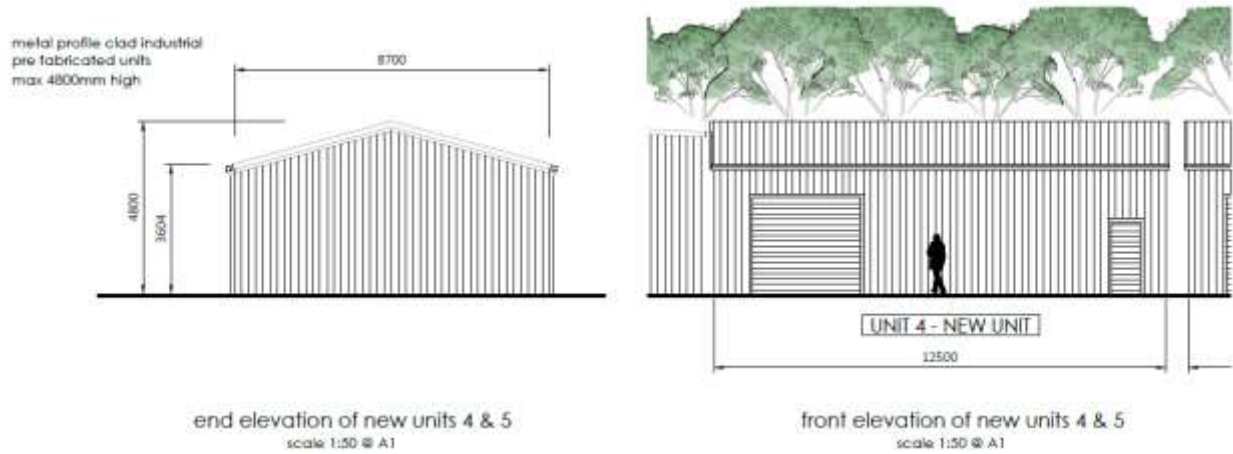
Appendix A- Site location plan



Appendix B- Proposed layout



Appendix C- Elevations



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 4

Application No.:	17/01019/FULL
Location:	Windsor Girls School Imperial Road Windsor SL4 3RT
Proposal:	Erection of 9 x 8m high external lighting columns.
Applicant:	Mrs Longworth-Krafft
Agent:	Mr Simon McNabb
Parish/Ward:	Windsor Unparished/Clewer East Ward

If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is for 9 x 8m tall external lighting columns within the car parking areas of Windsor Girls School. The columns will be metal and finished in light grey. It is not considered that there would be any harm caused to the character and appearance of the area.
- 1.2 The lights are positioned around the outside edges of the car park and overflow car park that were approved under 16/01031. The lighting columns are set well away from residential properties with the exception of the Caretaker's cottage the nearest residential property is over 50 metres away. It is also proposed for the lights to be switched off between 20:00 and 6:30 to Monday to Friday and 17:00 and 09:00 on weekends. This can be controlled by condition. (See condition 3)
- 1.3 The lighting columns would not harm any on site trees; however, details of the electricity runs will be necessary to demonstrate that trees will not be adversely impacted. (See condition 5)
- 1.4 The nearest lighting column is 30m from the adopted highway (Imperial Road) and there is an element of tree screening between the columns and the highway. Given the equipment being used, the distance from the highway and the existing lighting levels in the area it is considered that there would not be any highway safety implications.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council own land at the application site and as such 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 site is located on the corner of Imperial Road and Longbourn. The school consists of a cluster of buildings dating back to the 1970's and is surrounded by green space and deciduous trees. The site is located close to two tree preservation areas (one to the south and one to the north of the site) and there are a number of mature trees along the Imperial Road frontage. The school has recently been granted permission for extensions to the front of the site and as part of this the car parking areas will be re-configured.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
02/82901/FULL	Erection of single storey and two storey side extensions and single storey front and rear	Permitted 06.02.2003

	extensions.	
04/85500/FULL	Erection of a 2 store infill extension.	Permitted 07.03.2005
12/00152/FULL	Construction of a sports hall with attached single storey facilities building and plant equipment.	Permitted 30.03.2012
16/01031/FULL	Single storey infill extension, two storey front extension, demolition and relocation of bin store and cycle shelter, amendments to fenestration, cladding of reception block reconfiguration of parking and associated landscaping.	Permitted 05.10.2016

- 4.1 The proposal is for 9 x 8m tall lighting columns which are to be located around the outside edge of the car parks approved as part of application 16/01031. Each column will be metal and will be finished in light grey. It is conditioned that the lighting shall not operate between the hours of 20:00 and 6:30.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 7 (requiring good design)

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	Trees	Amenity
DG1	P4, T5	N6	NAP3

These policies can be found at

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 Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- Character and appearance
- Highway safety
- Trees/landscaping
- Residential amenity

Character and appearance

- 6.2 The proposed lighting columns are proposed around the existing and re-configured car parking areas which are to the front of the school site adjacent to the Imperial Road Frontage. This frontage is lined by mature trees which partially screen the school from the road; however, some views of the lighting columns would still be possible. The lighting columns would be viewed

against the backdrop of the existing school buildings and would not therefore have a significant visual impact on the character and appearance of the area or the street scene in general. The scale and design (light grey metal) of the lighting columns is also considered appropriate. The illumination would not be significant in the context of the area in which there are a number of residential and commercial properties as well as street lighting which all produce light. It was suggested by the Environmental Protection Officer for lights to be switched off between 22:00 and 07:00 in order to prevent light pollution, however, the proposed hours within the application forms are shorter (20:00 and 06:30) and as such it has been conditioned for the lights to be operated in accordance with these proposed hours. (See condition 3).

Highway Safety

- 6.3 The closest lighting column is 30m from the adopted highway (Imperial Road – B3173), however, there is an element of tree screening separating the lighting columns from the highway and the area already benefits from street lighting. Given this separation and given the levels of illumination (proposed and existing) it is not considered that there would be any distraction caused to motorists or any highway safety implications. The proposed lighting columns would not impact on the number of parking spaces within the car park.

Trees/landscaping

- 6.4 The proposed lighting columns would not impact on any soft landscaping within the re-configured car park. There are 2 Tree Preservation Order Areas near the site. However, the lighting columns would be set well away from these areas so would have no impact. No other on site trees would be harmed as a result of the lighting columns. However, details of the electricity cables will be necessary to demonstrate that trees will not be adversely impacted by any of the works in connection with the lighting columns (see condition 6) – this matter can be left to condition as there would be sufficient space within the car parks to ensure the electricity cables will not have a detrimental impact on the trees but there is a requirement to agree the precise locations.

Residential Amenity

- 6.5 With the exception of the Caretaker’s cottage the closest lighting column is over 50m from residential properties. Given the low levels of illuminance proposed this distance is more than sufficient to prevent any significant light nuisance being caused to neighbouring properties. The lighting will also be switched off between 20:00 and 06:30 hours to further ensure that the proposals will be neighbourly. While the Environmental Protection Officer had requested that the lights be turned off until 07:00 hours, the lighting is considered acceptable irrespective of the hours being proposed.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

97 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 20.04.2017

No letters were received in response to the consultation carried out.

Other consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No comments to make regarding the application	This is not a 'major' development so there is no requirement to

		minimise flood risk from drainage.
Trees	No objections in principle to the position of the lighting columns, however, further details must be submitted to show the electricity runs, so it can be demonstrated other trees won't be adversely impacted	Paragraph 6.4
Environment Protection	No objections subject to conditions restricting hours of use.	Paragraphs 6.2 and 6.5

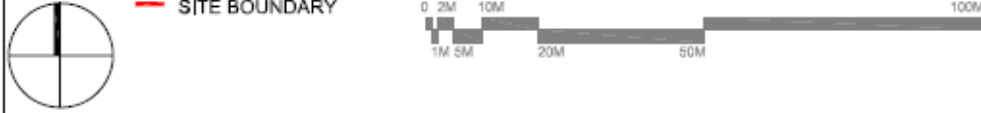
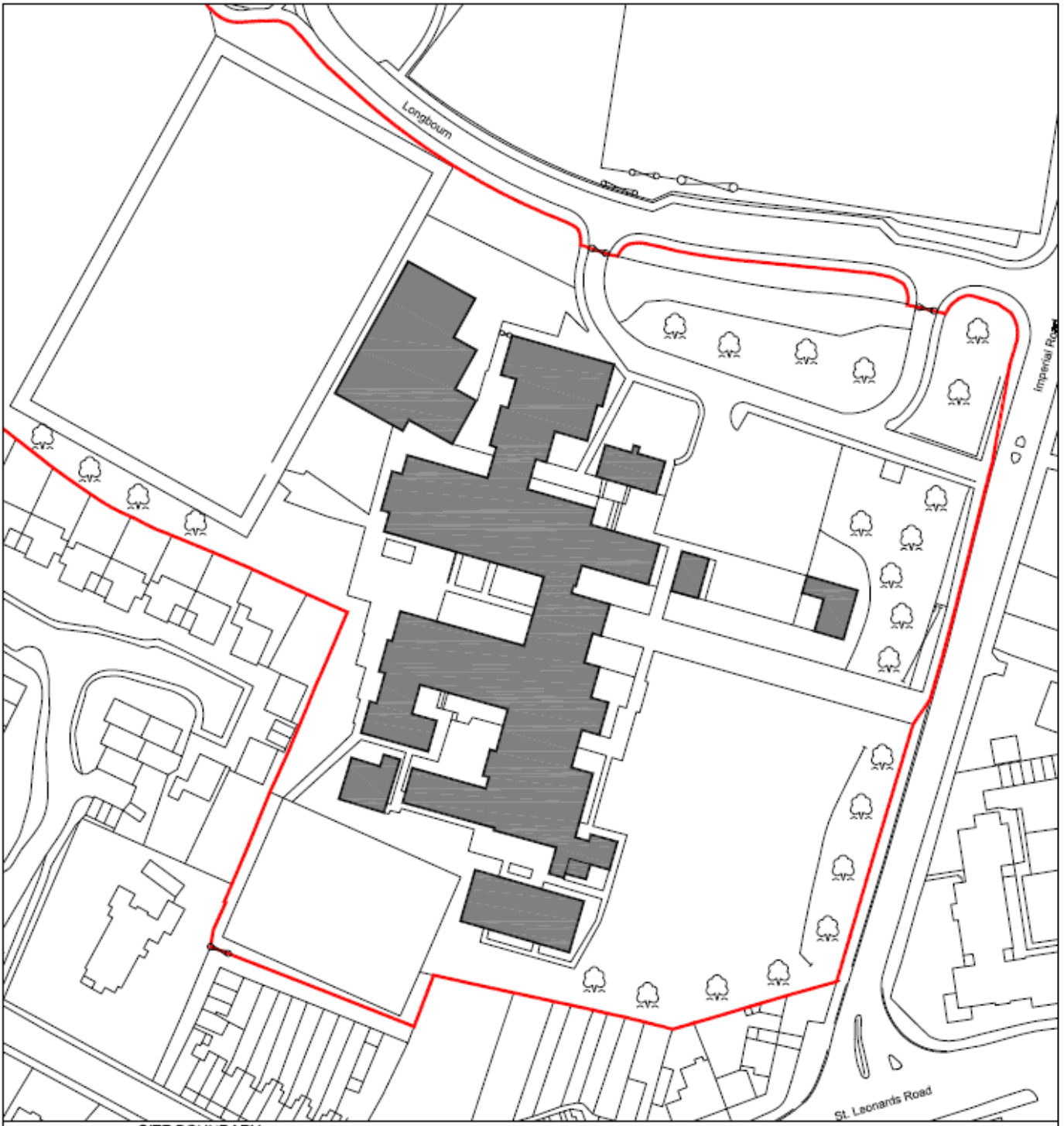
9. APPENDICES TO THIS REPORT


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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 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 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.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The lighting shall not be operated between the hours of 20:00 and 06:30.
Reason: To prevent light pollution. Relevant Policies - Local Plan DG1
- 4 Prior to the installation of the lights full details of the electricity runs for the lighting columns shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the works will not be harmful to the viability of on site trees. Relevant Policies - Local Plan N6
- 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.

Appendix A—Site location plan



		CLIENT ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD		 MCBAINS COOPER CONSULTING LTD, 125 OLD BROAD STREET LONDON EC2M 5AR TELEPHONE: 020 7795 7900 FACSIMILE: 020 7795 7969	
		PROJECT WINDSOR GIRLS' SCHOOL IMPERIAL ROAD, WINDSOR BERKSHIRE SL4 3RT			
		DRAWING TITLE SITE LOCATION PLAN		ARCHITECTURE DATE ISSUED: FEB 16 DRAWN BY: SMN CHECKED BY: MB SCALE: 1:1250 @ A1 SHEET NO:	
P4 ANNOTATION OMITTED P3 ANNOTATION ADDED P2 ISSUED FOR PLANNING P1 ISSUED FOR PLANNING		02/25/17 SMN 03/24/17 SMN 07/22/17 SMN 15/05/16 SMN			
REV AMENDMENT DATE CHKD		CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK ON SHOP DRAWINGS. DO NOT SCALE FROM THESE DRAWINGS. MCBAINS COOPER CONSULTING LTD COPYRIGHT		NOTES MCBAINS COOPER CONSULTING LTD MAKES NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE CHARACTER, FUNCTION, OR CAPABILITIES OF THE DATA (INCLUDING OF 3RD PARTY DATA INCORPORATED WITHIN), OR THE SUITABILITY OF THE DATA FOR ANY PARTICULAR PURPOSE BEYOND THOSE ORIGINALLY INTENDED BY MCBAINS COOPER CONSULTING LTD. PLEASE REFER TO OUR STANDARD TERMS AND CONDITIONS FOR FURTHER DETAILS.	



Appeal Decision Report

14 April 2017 - 12 May 2017

WINDSOR URBAN

Appeal Ref.: 16/60068/ENF **Enforcement Ref.:** 15/50554/ENF **Plns Ref.:** APP/T0355/C/16/3150896

Appellant: Maninder Singh Virdi And Sukhpreet Kaur Virdi **c/o Agent:** Mr Anil Kakaria 18 Fairfield Avenue Datchet Slough SL3 9NQ

Decision Type: Enforcement Notice **Officer Recommendation:** Enforcement Notice

Description: Appeal against the enforcement notice: Without planning permission the material change of use of the Land from residential to a mixed use of residential and business.

Location: **32 Montrose Way Datchet Slough SL3 9ND**

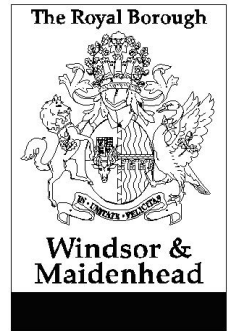
Appeal Decision: Dismissed **Decision Date:** 4 May 2017

Main Issue: Enforcement Decision: The Inspector concluded that whilst the vehicle repair and maintenance activities may have been operating for some years at a level that might have been within the ambit of a use incidental to the use of the property as a dwellinghouse, it seems clear to him on the evidence that the vehicle repair and maintenance activity more recently, probably after the 2012-2014 period when Mr Virdi could not work, increased to a level where it became a significant separate use of the land, and one that materially affected the character and amenity of the neighbourhood. The Inspector considers therefore, as a matter of fact and degree, that the breach of planning control alleged in the notice occurred, and it follows that the appeal cannot succeed. Costs Decision: The Inspector concluded; he was not persuaded that the failure of the appellant in this case to fully comply with the requirements and deadlines of the appeal process has been such that it has caused the Council unnecessary or wasted expense in the appeal process. Accordingly he concluded that an award of costs is not justified.

Planning Appeals Received

14 April 2017 - 12 May 2017

WINDSOR URBAN



The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://app.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Ward:
Parish: Eton Town Council
Appeal Ref.: 17/60041/REF **Planning Ref.:** 16/02869/LBC **PIns Ref.:** APP/T0355/Y/16/3167508
Date Received: 21 April 2017 **Comments Due:** 26 May 2017
Type: Refusal **Appeal Type:** Written Representation
Description: Consent to replace four Georgian windows to the front elevation.
Location: **20 High Street Eton Windsor SL4 6AX**
Appellant: Mr Simon Kelsall 20 High Street Eton Windsor SL4 6AX

Ward:
Parish: Windsor Unparished
Appeal Ref.: 17/60049/REF **Planning Ref.:** 16/02839/FULL **PIns Ref.:** APP/T0355/D/17/3170900
Date Received: 4 May 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: First floor side extension.
Location: **41 Westmead Windsor SL4 3NN**
Appellant: Ms Demi Erdogan 41 Westmead Windsor SL4 3NN

Agenda Item 7

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 8

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 9

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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