

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2017

Item: 1

Application No.:	16/02052/FULL
Location:	Stone Court London Road Sunningdale Ascot SL5 9RY
Proposal:	Erection of assisted living development with associated works
Applicant:	Mr Tobutt
Agent:	Mr Andy Frost
Parish/Ward:	Sunningdale Parish/Sunningdale 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 This application was reported to Panel on the 5th April 2017, where the Panel resolved to defer the application for a site visit to consider the impact on the character of the area, and to assess the impact on neighbouring amenity. The Panel also requested further explanation regarding the methodology used by Natural England on the impacts of the Thames Basin Heaths Special Protection Area. Section 6.21 of this report sets out further detail regarding the methodology used by Natural England.
- 1.2 Panel also requested confirmation that a Wellingtonia on site had not been felled. The agent advises that the Wellingtonia is still on site as far as they are aware, however, this will be checked on the site visit, and confirmation will be provided in the Panel update.

Original Summary

- 1.3 The application seeks planning permission for an assisted living development (C2 use), with 28 apartments. The building would be large, but is considered to be acceptable within the context of this area. The proposal is considered to have an acceptable impact on off-site protected trees and trees within the site, and the scheme is considered to provide a sufficient level of parking, and would have an acceptable impact on highway safety.
- 1.4 Part of the building would be sited in flood zone 2, and an updated Sequential Test, taking into account sites within the latest Strategic Housing Land Availability Assessment has been provided. It is considered that there are no other sequentially preferable sites for this proposal. The site is also situated within 5km of the Special Protection Area (SPA). Following a reduction in the number of car parking spaces on site, a condition restricting the age of occupants, and subject to securing financial contributions towards the Allen's field SANG, Natural England is now satisfied that with the impacts on the Thames Basin Heath SPA can be appropriately mitigated.

It is recommended the Panel defers and delegates the application to the Head of Planning for approval with the conditions listed in Section 10, and subject to a S111 agreement to be completed by the 11th May 2017 (for the payment of monies towards SANG and SAMM) so that mitigation for the Thames Basin Heath Special Protection can be secured.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the north side of London road in Sunningdale. To the north east of the site is Fairfield house which contains flats. To the south west of the site is a large detached dwelling (Chadlington House). Opposite to the site is a flatted development know as Villiers. To the rear of the site are residential properties; however these are sited a considerable distance away.
- 3.2 The site measures 0.6 hectares. The front of the site has a walled and rail frontage, with a vehicular access.
- 3.3 The site is sloping, with the grassed area to the rear of the site falling in level. Trees along the front boundary (on and off-site) of the site contribute to the character of the area along this part of London road, although the site is not covered by a Tree Preservation Order (TPO). A number of off-site trees are covered by TPO.
- 3.4 The flood maps held by the EA show that around half of the rear part of the site is situated in flood zone 2 (medium risk flooding).
- 3.5 The site is within 5km of the Thames Basin Heaths Special Protection Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
10/02850/FULL	Construction of a three storey care home with basement and associated works, following demolition of existing.	Permitted on 7 th March 2011.
13/01834/FULL	Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Permitted on the 1 st October 2013.
14/00546/CONDIT	Details required by conditions 2 (materials), 4 (slab levels), 5 (BREEAM rating), 7 (sustainability measures), 9 (site waste management), 10 (demolition and construction management), 14 (tree protection), 15 (tree planting), 16 (non dig car parking), 18 (hard and soft landscaping), 20 (bin store) and 22 (drainage) of planning permission 13/01834 for Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Approved 17 th April 2014.

- 4.1 The application seeks planning permission for a new building to provide assisted living. The 'Extra Care' scheme provides 28 self contained assisted living apartments and ancillary accommodation. The extra care model allows residents to buy into a care package, and they can increase the hours of care as required. The applicant has confirmed that the residents will have a minimum age of 65 years old, and will have to buy into at least 2 hours of care a week. The facility would have 21 x 2 bedroom apartments, and 7 x 1 bedroom apartments. The facility also has a café/bistro and residents lounge, hairdressing facility, spa, and office space for staff.
- 4.2 The new building would be 3 stories in height, measuring circa 11.3 metres to the ridge (at the front elevation); the site is sloping and so the height of the building does vary further into the site. The building would have a crown roof. The footprint of the building is circa 1,463 square metres. Part of the building would be set back from the front boundary by 13 metres, and the other part of the building would be set back by 30 metres.
- 4.3 The existing access to the site would be utilised, with a parking area proposed in front of the proposed building in the south eastern part of the site. To the rear of the building, a formal

landscaped garden area would be provided. An amended plan was received during the course of the application to reduce the number of parking spaces from 26 to 20 car parking spaces.

- 4.4 The building would have projecting front gables and balconies, and would be finished in a mix of multi coloured brick, render, and tile hanging.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Section 32-Transport

Section 50- plan for a mix of housing based on current and future demographic trends

Section 118- Special Protection Area

South East Plan

NRM6 – Thames Basin Heaths SPA

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
DG1, H10, H11	P4, T5	N6

Neighbourhood Plan Policies

NP/DG1 - Respecting townscape

NP/DG2 - Density, footprint, separation, scale, bulk

NP/DG3 - Good quality

NP/T1 - Parking and Access

NP-EN2 - Trees

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Highways and parking;
- iii Impact on trees;
- iv Ecology;
- v Flood zone; and
- vi Impact on neighbouring residential amenity;
- vii Thames Basin Heaths Special Protection Area.

Impact on the character and appearance of the area

- 6.2 The set back of the proposed building means that it would not appear overly prominent within the street scene. The scale of the proposed building is large, however, this is considered to be acceptable, as the local area is characterised by large buildings set in substantial plots.
- 6.3 The proposed design of the building is considered to be in keeping with the character of the area, and the use of projecting gables and balconies is considered to add architectural interest to the

building. It is considered that the layout and form of the building will break up the scale and massing of the building. The materials to be used on the building are considered to respect the palette of materials in the local area, and a condition is recommended to secure samples of the materials (condition 2).

- 6.4 The retention of trees along the front boundary and the planting of new trees will help screen views of the building. This can be secured by condition. (Conditions 8 and 23).

Highways and parking

- 6.5 The previously approved scheme for a care home would generate at least 118 trips per day, which equates to 12 to 14 trips during the *am* and *pm* peak periods. This proposal is for fewer units and so has the potential to lead to a reduction in vehicular activity into the surrounding area when compared to the previous approved scheme. The impact on the highway network and safety is considered to be acceptable. The plans demonstrate that the access can achieve the commensurate visibility standard set at 2.4 x 120m in both directions. Although the double yellow lines do not extend past Fairfield House, vehicles parked in this area will partially obstruct site lines to the left (east). However, the impact is not considered to be so severe to introduce harm to road safety.
- 6.6 With reference to the Borough's Parking Strategy, for a C2 use, based on the maximum parking standard (as this is an area of good accessibility), a C2 use attracts a demand for 1 space per 8 resident and 0.5 spaces per full-time staff. If it was assumed that the 2 bedroom units had 2 occupants, and the 1 bedroom units had one occupant, it would result in 49 residents, and as such 6 parking spaces would be required to be provided in accordance with the Council's Parking standards. In addition, there would be 8 full time members of staff, which would require a further 4 parking spaces, and so the scheme would require 10 parking spaces to be provided. If it was assumed that each full time member of staff drove to the site, this would result in the 14 parking spaces being required. The standard is a **maximum** parking standard as it is an area of good accessibility, therefore this scheme in providing 20 parking spaces exceeds the maximum standard in the Council's Parking Strategy.

Impact on trees

- 6.7 The site is not covered by a Tree Preservation Order; however, there are off-site trees which are covered by Tree Preservation Order.
- 6.8 In considering the impact and relationship on trees, regard should be had to the scheme that benefits from the extant permission which is a significant material consideration.
- 6.9 The off-site tree T004 is a Wellingtonia situated close to the application site. The proposed parking bays do make a slight incursion into the Root Protection Area of this tree and, these bays are shown to be laid down using no-dig construction. This current scheme does not increase the impact on this tree beyond the previously consented scheme.
- 6.10 The proposed parking bays will make small incursions into the Root Protection Areas of T002 (Oak) and T0034 (Douglas Fir). These bays are shown to be laid down using a no-dig construction. It is not considered the parking bays would cause harm to these trees, but in any case the proposed scheme does not have a greater impact than the previous scheme approved.
- 6.11 The proposed building has been sited closer (by circa 5 metres on part of the building) to London Road than in the consented scheme, however, it would not make incursions into the RPA of trees on this road. The trees will cast some shading to rooms within the care building, but residents buying into this would see the relationship, and trees are a feature of this townscape. The relationship of the proposed building with these trees is not considered to be unacceptable, to result in a pressure to remove these trees, or carry out significant works to them.
- 6.12 In respect of Wellingtonia T009 (which is not covered by Tree Preservation Order), the new building would make a slight incursion into the Root Protection Area of this tree, however, it would

less of an incursion than the scheme previously approved. Although the Council's tree officer had concerns over the loss of this tree, because there would be less of an incursion into the RPA than in the previously consented scheme (which is extant), this relationship is considered to be acceptable.

Ecology

- 6.13 The buildings that were on site have been demolished. A European Protected Species Licence (EPSL) was granted from Natural England in 2014 for the works. The developer has and will be required to adhere to the mitigation and compensation as detailed within the EPSL during development.
- 6.14 A reptile survey was undertaken in 2013, which concluded that reptiles were likely absent from the site. During the walkover surveys in 2016, the site condition had not changed significantly and there were still small areas of grassland that could support small number of reptiles. As none were recorded during the previous survey and the condition of the grassland has not changed, it is recommended that a precautionary methodology to site clearance as set out in the 2013 reptile report and 2016 Ecological Impact Assessment are followed (see condition 17).

Flood zone

- 6.15 The rear part of the application site is situated within flood zone 2 (medium risk flooding). Part of the building would be sited in flood zone 2. A Flood Risk Assessment (FRA) has been submitted with the application. In respect of the Sequential Test, the agent has assessed sites that were included within 2014 SHLAA, and no sites were considered to be sequentially preferable. It is considered that the Sequential Test has been passed.
- 6.16 The FRA makes an assessment of the proposed development, taking into account climate change. The FRA sets out that the lowest ground level near to the proposed building is approx. 51.5mAOD, with a proposed finished floor level of 53.57mAOD. The maximum flood level for the 1 in 100 yr. + 20% climate change event is 49.34mAOD and so the interior of the building is likely to remain unaffected by fluvial flooding during this event. Whilst the above flood levels do not include for the 30% climate change allowance, there is a 4.23m level difference between the proposed finished floor level and the estimated flood level (with the 20% climate change allowance), as such the estimated flood level renders this climate change difference (10%) not significant.
- 6.17 Along the banks of the watercourse (which is to the north-west of the application site) there are few structures (other than a garden shed) which would be permanently damaged in the event of a flood. The amenity areas would therefore not be adversely affected or present a risk to the inhabitants of the development during a flood. There are routes from the proposed building which provide access to London Road that are not at risk of flooding (taking into account climate change), therefore ensuring there is safe access and egress from the building during a flood event.

Impact on neighbouring residential amenity

- 6.18 The residential property known as 'Chadlington' is situated to the west of the application site. The proposed building is sited far enough away from this property for it not to be overbearing (the proposed building is in excess of 20 metres away from the main dwelling at Chadlington, and 5 metres away from the garage at Chadlington). There are some balconies proposed on the elevation facing Chadlington, however, these are located in excess of 14 metres from the neighbouring boundary and would not directly face any private amenity outdoor space to this dwelling to result in unacceptable levels of overlooking.
- 6.19 Fairfield House is situated east of the application site, however, the proposed building is considered to be sited far enough away from this boundary for it not to be unduly overbearing (the two storey element of the proposed building is sited over 5 metres off the boundary with Fairfield House). A balcony is shown on the rear elevation however, this balcony would be circa 14 metres away from the outdoor amenity space to the apartments at Fairfield House (it is a shared outdoor space). Given the distance from the boundary, and the type of outdoor space it

would face, it is not considered that there would be an unacceptable level of overlooking to this amenity area.

Thames Basin Heaths Special Protection Area

- 6.20 The site is situated within 5km of the SPA, and as such the development is likely to have an impact on the SPA. The scheme is for a C2 extra care facility, but owing to way the model of care works it means that some residents will be mobile and have the potential to recreate on the Special Protection Area.
- 6.21 Natural England have taken into account the offset of dwellings that used to exist on site, a reduction in the number of parking spaces, a condition requiring a minibus for the care facility not to take residents to the SPA, and financial contributions towards the Allens field SANG, and are satisfied that this mitigation would avoid adverse impacts on the Special Protection Area. The methodology that Natural England has used can be found in the consultee comments table. In terms of the reduction in number parking spaces in the most recent amended plans, Natural England explain that this approach is used because when the base line surveys were conducted it was found that 75% of people going to the SPA travelled by car rather than walking or by bicycle. There is also the argument with care homes that if a resident is mobile and fit enough to drive a car, than there is the potential of them driving to the SPA (using the precautionary principle of the Habitat Regulations). As such, reducing the number of car parking spaces potentially reduces the number of people travelling to the SPA.
- 6.22 As such, it is recommended that a condition be imposed specifying inter alia the minimum age for occupants and the need for the care package to ensure the building is used for assisted living within Class C2. Additionally, a S111 agreement is required to secure financial contributions towards the Allens Field SANG in order to ensure the development has an acceptable impact upon the SPA. The advice from Natural England is awaited as to whether a clause in a S106 legal agreement is necessary to prevent the care facility providing a mini-bus for residents to take them to the Thames Basin Heaths Special Protection Area. This advice will be reported in an update to Panel.

Sustainable Drainage

- 6.23 The application contains a draft surface water drainage strategy, which sets out below ground cellular storage tanks with flow control provided in the form of hydrobrakes. The storage will be split between two attenuation tanks; one located beneath the car parking area in the upper part of the site, the other located in the lower part of the site adjacent to the watercourse. This is considered to be acceptable, and a condition is recommended (see conditions 9 and 10) to secure further detail on the strategy.

Other material considerations

- 6.24 The neighbour notification letter contained the correct details to view the application; however, it is possible that there was a technical error with the website. The planning officer did not send a letter out summarising the changes.
- 6.25 How the site is secured whilst unoccupied/undeveloped is not relevant to the planning consideration. However, details of boundary treatment for when the development is complete can be secured by planning condition (see condition 21). The plans show no gates to be provided; there are no planning concerns over this.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application for a C2 use would be liable for a Community Infrastructure Levy contribution (CIL). Based on the submitted information, the tariff payable for this development would be in region of £966,720.00, however, the owner/developer could make an application for exemption/relief to CIL.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

39 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 1st July 2016.

The application was publicised in the Windsor and Maidenhead Advertiser on the 7th July 2016.

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

Comment	Where in the report this is considered
1. Concerns over the level of traffic generation on this busy road, and concerns over the impact on highway safety.	6.5-6.6.
2. Concerns over construction traffic.	6.5-6.6.
3. Raise concerns that the link to the public access module on the neighbour notification was sent out. A corrected letter to residents should be sent out.	6.21.
4. Comment that the amended plans were not scanned.	6.21.
5. Council should explain the changes to residents.	6.21.
6. Concerns over scale of building.	6.2-6.3.
7. Concerns over building line.	6.2-6.3.
8. Concerns over impact on trees.	6.7-6.12.
9. Concerns over parking and access.	6.5-6.6.
10. Concerns over the security of the site; how will the boundary treatment be secured to prevent burglaries at Fairfield House.	6.22.
11. Concerns that gates to the access will not be provided.	6.22.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	The proposal has the potential to lead to a reduction in vehicular activity into the surrounding area when compared to the previous approved scheme. With regard to the servicing arrangement for refuse vehicles the applicant is required to increase the distance between the two piers and adjust the position of two parking bays to allow the refuse vehicle to manoeuvre without obstruction to and from the site.	An amended site plan has since been received. (This plan is included in the Appendix B).
Environment Agency	Offers no objection to the application subject to a condition for the development being undertaken in accordance with the Flood Risk Assessment.	See recommended condition.
Lead Local Flood Authority	Offers no objection, subject to conditions.	See recommended conditions.
Natural England	Following our meeting on 26/01/2017 to discuss the proposal and receipt of further information on 15/09/2017, Natural	See 6.18.

	<p>England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved and that the applicant is now complying with the above strategy.</p> <p>We therefore consider that the identified impacts on the Thames Basin Heath SPA can be appropriately mitigated with measures such as contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)) and withdraw our previous objection.</p> <p>Methodology from Natural England to work out mitigation on Special Protection Area:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>When you break down the number of bedrooms of x1 and x2 bed dwellings, you get a number of 49 new people in total. We accept that as they are nursing facilities they won't have the normal 2.4 people per dwelling, so under Precautionary Principle, we will assume all 49 beds are occupied.</i> <input type="checkbox"/> <i>To convert it into numbers of dwellings to make it easier for you to work out a TBH contribution, divide 49 by 2.4. Gets you down to 20.</i> <input type="checkbox"/> <i>Minus 3, because they were extra care units, without car parking provision originally, likely to house the type of people we would normally expect to see in a facility like this of limited mobility = 17.</i> <input type="checkbox"/> <i>Minus 2, for the current use of the house, and home of the band Five Star when the SPA was designated = 15.</i> <input type="checkbox"/> <i>Minus 6, for the removal of car parking facilities. Older people, that won't be able to park cars (won't have cars), are less likely to get to the SPA from Sunningdale. It is unlikely they will walk there, they won't have a car, and the agent promised that the facility minibus won't take anyone to the SPA (I think he promised a condition), so we are happy to see that reduced to 9.</i> <input type="checkbox"/> <i>As it is then equivalent to less than 9 dwellings of traditional C3 housing, a contribution can be taken, and doesn't need to be in the catchment for Allen's Field.</i> 	
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Other Consultees

Consultee	Comment	Where in the report this is considered
SPAEC	Given parking is currently permitted on this part of London Road, and given the volume of traffic using the road, they request that the application is referred to Highways to consider the implications for visibility from parked cars.	See 6.5-6.6.
Council's ecologist	Offers no objection if the licence from Natural England on bats is adhered to. Recommends a condition on a precautionary approach to site clearance (to safeguard reptiles). Recommends a condition for developer to follow measures	See 6.13-6.14.

	ecology report is followed.	
Council's tree officer	<p>The approved layout, under 13/01834, impacts on trees. By comparison, the current proposal does not improve conditions for trees or new landscaping.</p> <p>Some of the concerns are similar, with an additional concern of the building being moved closer to the front southern boundary.</p> <p>There are few trees on site; the scheme relies mainly on off-site trees for softening. However, the root protection area (RPA) of T004 a Wellingtonia, an 'A' category tree (not a 'B' as shown on the tree survey), a Douglas Fir T0034 and Oak T002 are compromised by the proposed car parking spaces. The parking bays must be relocated outside the RPA's.</p> <p>Details of all underground utilities must be submitted, including whether there is a need for a sub-station. These can have a significant adverse impact on trees and provide a constraint to any new planting.</p> <p>The building is moved closer to the frontage southern boundary. The group of trees along the southern boundary, including nos. T036, T035 and T034 will cause some shading and this may affect the living conditions for residents in the ground floor rooms closest to them. A shading diagram has not been submitted to demonstrate otherwise.</p> <p>There is an insufficient gap between the row of 6 parking bays and the southern boundary, only 2m. BS5837 recommends a minimum distance of 3m between a large growing tree (over 600mm mature stem diameter) and paths/drives with flexible surfaces or paving slabs. An appropriate gap would also need to be given between the stems of any new trees and the boundary fence, to allow for future tree growth and sway in the wind. Shrubs or trees grown very close to bays may get damaged by vehicles bumpers and need to be trimmed back to give clearance to vehicles to avoid scratching the paintwork. The scheme cannot be adequately softened from the London Road should the proposal be implemented.</p> <p>The Wellingtonia T009 in the rear garden has its RPA breached by the new building. Whilst this tree has a reduced crown it is still worthy of retention, but would be lost as a consequence of this development.</p> <p>The scheme fails to comply with policies H10, H11 and N6. If you are minded to approve the application, then conditions will need to be applied to cover tree protection, utilities, tree retention and landscaping. We can advise accordingly.</p>	6.7-6.12.
Parish Council	<p>The site is situated within the townscape of 'Villas in a Woodland Setting'.</p> <p>The bringing forward of the building will impact on the openness of the site, and does not accord with this townscape.</p> <p>There is not adequate parking for the C2 use class housing there should be sufficient parking to meet the needs of</p>	See main report.

	residents, visitors, staff and emergency services.	
	Raise concerns over impact on trees.	

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed layout
- Appendix C - Elevations
- Appendix D - Floor plans
- Appendix E - Previously approved layout
- Appendix F - Comparison of root protection areas

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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 NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS 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. Prior to the construction of the building hereby approved, samples of the materials to be used on the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, Neighbourhood Plan Policy NP/DG3
3. Prior to the construction of the building hereby approved, detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside the application site, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
4.
 - a) No development shall take place until evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a standard BREEAM or a bespoke BREEAM) has been submitted to and approved in writing by the Local Planning Authority.
 - b) No superstructure works shall commence until a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of Very Good, has been submitted to and approved in writing by the Local Planning Authority, and
 - c) No superstructure works shall commence until a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of Very Good has been submitted to and approved in writing by the Local Planning Authority.

Reason: The Code Assessor can only submit the Design Stage Assessment Report when the design is complete. The Assessor then needs to write a report and submit it to the BRE. The BRE can only then verify the submission and issue Design Stage Certificate. This could realistically take 2 months to achieve.

5. Within 3 months of completion of the final commercial unit a Building Research Establishment (BRE) issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of Very Good shall be submitted to the Local Planning Authority.

Reason: The Code Assessor can only confirm that the site wide works are satisfactory when the whole of the development is complete. The Assessor then needs to write a report and submit it to the BRE. The BRE can only then verify the submission and issue Final Code Certificate. This could realistically take 3 months to achieve.

6. Prior to the construction of the building hereby approved, a management plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be 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. Relevant Policies - Local Plan T5.

7. Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. No development shall take place until details of the location of utilities and drainage runs are submitted to and approved in writing by the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

8. Prior to the construction of the building hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

9. No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include:

Drawings indicating full details of all components of the proposed drainage system including dimensions, locations, gradients, formation levels, invert levels and cover levels.

Full calculations demonstrating that the 1 in 100 years plus climate change design standard can be achieved by the proposed surface water drainage system whilst limiting discharge to the adjacent watercourse to 5.0 l/s.

Full details of the proposed maintenance arrangements for the development covering every aspect of the proposed drainage system.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development and that the risk of flooding is not increased.

10. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.
Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development.
11. The hard surface of the access and parking bays shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
12. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
13. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
14. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
15. Prior to any equipment, machinery or materials being brought onto the site details showing the areas of car parking to be constructed using "non dig" methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: To protect trees which contribute to the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
16. The details of any gates to be provided at the site entrance shall first be submitted to and approved in writing by the Local Planning Authority prior to their instalment. Such gates shall be automatically operated, and shall open on the approach and exit of vehicles of the site.
Reason: In the interests of highway safety. Local Plan Policy T5.
17. The mitigation measures set out in the Ecological Impact Assessment, Stone Court, Sunningdale (Atkins, May 2016) shall be fully adhered to.
Reason: To ensure that any protected species present on site are adequately protected during the construction period, in accordance with the requirements of the National Planning Policy Framework.
18. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning

Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority gives its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

19. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) (C12069 FRA 1st Issue, dated 12 May 2016 and the following mitigation measures detailed within the FRA:

1. Finished flood levels are set no lower than 53.57metres above Ordnance Datum
2. There shall be no raising of existing ground levels on the site.
3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage

20. The development shall be used as assisted living units providing care services and facilities for people in need of personal care in accordance with and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt, none of the individual units of residential accommodation shall be used other than as a private residence for a person or persons of who at least one must be a 'qualified person' at the date of his or her first occupation of the unit in question. For the purposes of this condition a 'qualified person' means a person who is or has attained the age of 65 years or over and is in need of personal care by reason of old age or by reason of disablement (whether or not such a person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). Each 'qualified person' shall receive a minimum care package of: a) personal care of not less than two hours each week which shall be managed by a Care Quality Commission Registered Provider; b) the availability of 24 hour emergency response; c) general security; and d) periodic review of personal care needs". Any occupier of the individual units of residential accommodation who is not the 'qualified person' but who shares the accommodation with a 'qualified person' must be the spouse or partner, civil partner, common law partner or dependant.

Reason: In the interests of nature conservation; SPD on the Thames Basin Heath Special Protection Area, and in accordance with the NPPF.

21. Prior to first occupation of the development hereby approved, the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

22. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority gives its prior written consent to any variation.

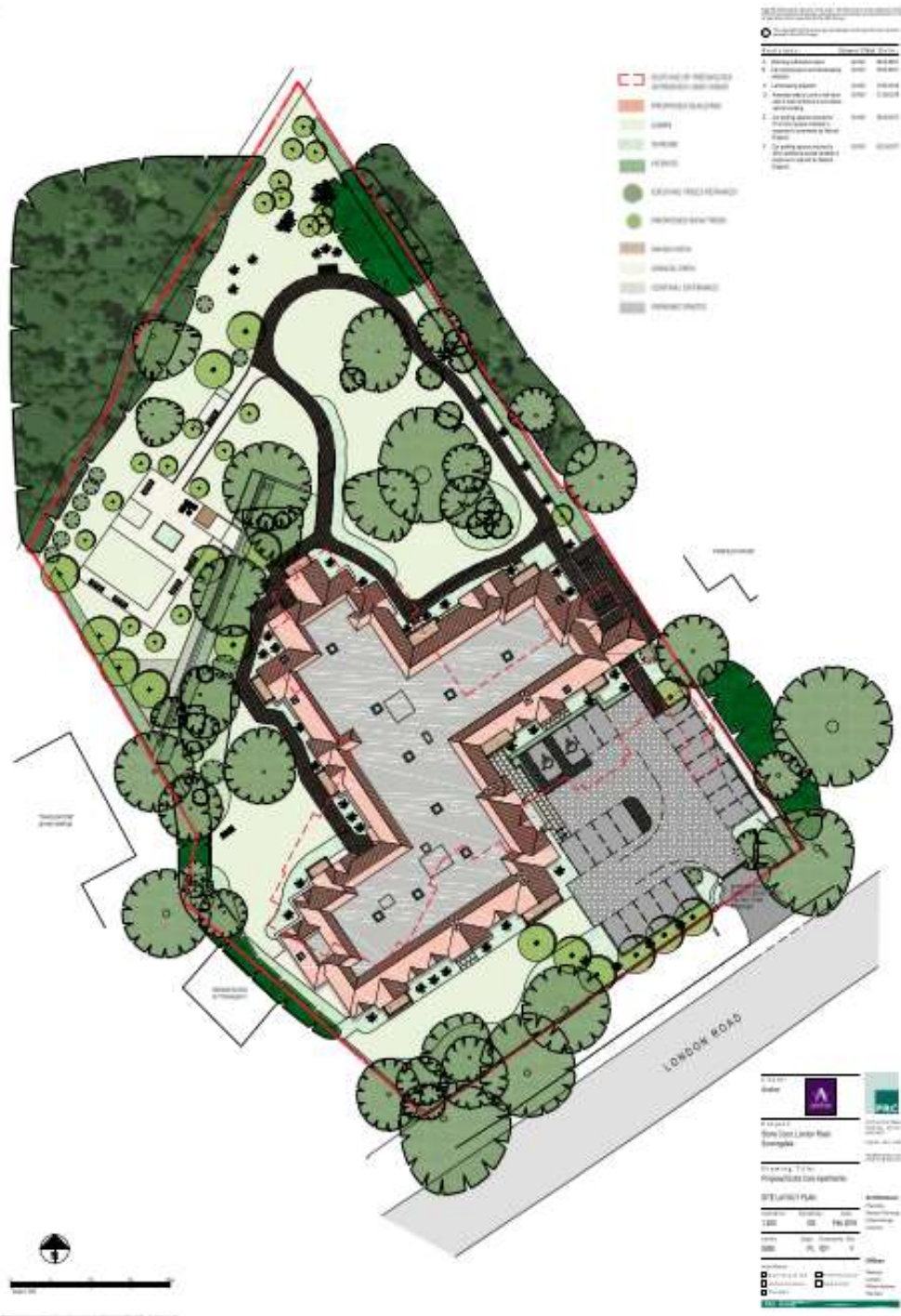
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6. Neighbourhood Plan Policies NP/EN2 of the Neighbourhood Plan.

23. 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





Appendix B- Proposed site layout

Appendix C- Elevations



South-East Elevation 1-1



North-East Sectional Elevation 2-2



North-East Elevation 3-3



North-West Elevation 4-4



North-West Elevation Elevation 1-1



South-West Elevation Elevation 2-2



South-West Elevation 3-3



Ground Floor Plan 0-0

Appendix D- Floor plans







- ① Escalator
- ② Staircase
- ③ Elevator
- ④ Reception
- ⑤ Conference Room
- ⑥ Office
- ⑦ Storage
- ⑧ Restroom

- ① Escalator
- ② Staircase
- ③ Elevator
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- ⑥ Office
- ⑦ Storage
- ⑧ Restroom

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2017

Item: 2

Application No.:	16/03275/FULL
Location:	Concord Garage 31 Windsor Road Wraysbury Staines TW19 5DE
Proposal:	Change of use from car sales showroom and repair and servicing workshop (sui generis/B2) to shop (A1). Including extension and alterations together with associated access, parking and refuse storage, following demolition of one of the existing buildings and canopy.
Applicant:	FPC (Wraybury) Ltd
Agent:	Mr Jeremy Heppell
Parish/Ward:	Wraysbury Parish/Horton & Wraysbury 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 This application has been deferred from the previous Windsor Rural Development Management Panel on the 5th April 2017 for a members site visit. Councillors also requested that more information is provided on the following issues;

- Parking/highway safety
- Flooding
- Proposed/potential use of the site

These issues will be addressed within an update report.

1.2 The proposal is for the extension of the existing car show room building. This will follow the demolition of the existing canopy and other buildings on site previously used in conjunction with the servicing/MOT and petrol filling station uses. The main showroom once extended will be converted for use as a convenience store. The store has a footprint of 336sqm and a gross internal area of 299sqm. The net sales area of the store is shown to be 200sqm, however, the agent has advised that this could rise to 232sqm. There is no objection in principle to the change of use of the main activity at the site. The submitted plans indicate there is a residential flat above the existing car showroom which historically was used as a manager's flat when the site was in use as a petrol/MOT station. However, from looking at plans submitted with previous applications it appears that the use of this area has varied over the years and been used for purposes ancillary to the car related use of the site. Moreover this first floor part of the building cannot be accessed independently from the car showroom and as such it functions as a whole, with the first floor space ancillary to the principal use.

1.3 The site is located partially within flood zone 3a and flood zone 3b (functional flood plain). The new store would result in an increase in built footprint on the site and consequently a loss in flood plain storage capacity. The Environment Agency has advised that level for level flood compensation is not possible on site, however, have agreed that the necessary flood compensation can be provided using a volumetric approach. This additional volume is to be provided by lowering the flank car park area by 70mm which provides compensation storage of 39m³ and by providing an attenuation tank of 32m³ below the parking area. The proposal also results in the loss of built footprint (55sqm) within flood zone 3b due to the loss of the service building on the west of the site. Conditions have been suggested by the Environment

Agency to ensure that this compensation is secured and that flood risk is appropriately managed. (See conditions 14 – 17 in section 9 of this report).

- 1.4 With regards to the Borough's Parking standards the proposal attracts a demand for 17 car parking spaces. The applicant proposes 17 spaces, including 1 disabled space and as such the proposal complies with the Borough's parking standards. The supporting information contained within the Transport Statement also concludes that the car park provision can accommodate the level of vehicular activity the store is likely to generate; this has been calculated using the TRICS database. An independent Highways Consultant on behalf of the Highways Authority has assessed and accepted the findings of the TRICS analysis and the Highways Authority therefore do not raise an objection to the proposed level of parking. Deliveries will be made to the front of the site and a swept path analysis demonstrates that there is sufficient space for a heavy goods vehicle to enter and exit the site without encroaching/parking on the public footpath. Hatching will also be used to prevent customers from parking in this area.
- 1.5 It is proposed for the store to open between 7am and 10am Monday to Sunday. Environmental Protection has raised no objections to these opening hours and has suggested that these hours are conditioned. It is considered that residential amenity can be sufficiently protected through the use of planning conditions that restrict noise, light, and deliveries to the store.
- 1.6 The proposed store would result in a building of fairly utilitarian appearance, however, with appropriate materials the proposed design is considered to be acceptable. Small levels of soft landscaping have also been proposed to the front of the site which will improve its overall appearance. It is considered necessary to attach a condition to secure full details of materials and landscaping prior to commencement of the works on site, to ensure that an acceptable appearance is secured. (See conditions 19 and 11 in section 9 of this report).
- 1.7 The ecology report submitted with the application provides a number of recommendations for ecological enhancements. It is suggested that the enhancements are secured via a planning condition. (See condition 10 in section 9 of this report).

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

2. REASON FOR PANEL DETERMINATION

The application was originally called in at the request of Councillor Lenton as:

- The development would generate significant additional vehicle traffic very close to a dangerous junction
- Flood risk is understated, especially statement that "ground water flooding is not believed to be a major issue in the Royal Borough", which is incorrect in respect of Wraysbury; and
- Residential accommodation with a safe route to adjacent higher ground is a more important priority for Wraysbury than additional retail units.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on the northern side of Windsor Road, close to the junction with High Street. It is considered to be within the commercial centre of Wraysbury. There are a number of buildings within the site, including the former petrol filling station canopy towards the street frontage, a part single storey, part two storey building behind that and a smaller single storey serve building alongside it to the west of the site.
- 3.2 The B386 Windsor Road is a district distributor road that links Wraysbury to Datchet and Staines/Egham. Adjacent to the application site Windsor Road is subject to a 20mph speed limit, which is further reinforced by speed cushions. There are no parking restrictions in the vicinity. The site currently has a single vehicular access located to the western side of the frontage.
- 3.3 The west boundary of the site has the Horton Brook running alongside, and the site has a high risk of flooding with part of the site being within Flood Zone 3b.
- 3.4 There is a Village Green to the west of the Horton Brook, with an area of mature trees between these two features.
- 3.5 A residential dwelling lies opposite the application site on the south side of Windsor Road, and there is a bus stop on this opposite side of the road. Other residential properties lie to the rear, and three of these are understood to have a right-of way access through the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a change of use of the site from a car showroom and repair and servicing workshop (Sui generis/B2) to retail (A1). To facilitate this change of use it is proposed to demolish the existing on site buildings and replace these with a new convenience store.

4.2

Ref.	Description	Decision and Date
03/83290/FULL	Erection of 4 3-bed terraced houses and 4 3-bed flats following demolition of existing garage.	Withdrawn.
03/83743/FULL	Erection of four 3-bed terraced houses and four 3-bed flats following demolition of existing garage (resubmission of 03/83290).	Withdrawn.
03/84289/FULL	Erection of one three storey and one two storey apartment block comprising of 9 x 2 bedroom and 5 x 1 bedroom flats with associated landscaping and car parking following demolition of the existing car showroom.	Refused 17.01.2004 – subsequent appeal dismissed.
04/85168/FULL	Erection of two apartment blocks comprising (Block A) 7 x 2 bedroom flats and 4 x 1 bedroom flats and (Block B) 2 x 2 bedroom flats with associated landscaping and car parking following demolition of existing car showroom (Revision of 03/84289).	Refused 12.07.2004, subsequent appeal dismissed.
0702272/OUT	Outline application for redevelopment of existing garage to provide a health centre with 4 x 3 bedroom flats with ancillary parking and access.	Withdrawn.
07/03086/OUT	Outline application for the redevelopment of the	Withdrawn.

	existing garage to provide a health centre and 4 x 2-bedroom flats with ancillary parking and access.	
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5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- Section 1 – Building a strong, competitive economy
- Section 2 – Ensuring the vitality of town centres
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change

Royal Borough Local Plan

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

Design	Highways and Parking	Trees	Flooding	Residential Amenity	Employment Uses	Retail
DG1	P4, T5	N6	F1	NAP3	E6 & E7	S5

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

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

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- 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 The principle of the change of use;
 - ii The impact on flooding;
 - iii Car parking and impacts on highway safety;
 - iv Impacts on neighbouring occupiers;
 - v Scale and appearance;
 - vi Site contamination;
 - vii Ecology.

The principle of the change of use

- 6.2 Local Plan Policy E6 sets out that proposals for the change of use of a property (outside of an employment area) currently with a business or industrial use to other uses will be supported in appropriate circumstances. The application site is not designated as an employment area and as such there is not objection in principle to the proposed change of use. Policy E7 also sets out that where industrial firms are considered to be inappropriately located the Borough Council will favour the redevelopment of these sites for alternatively uses. Currently the site benefits from B2 use which is general industrial. Light industrial is classed as B1 and in order to be considered B1 an industrial use must operate in a way which is considered appropriate in a residential area. It is considered that a move away from a B2 use will therefore be of benefit for nearby residents and reduce the potential to cause significant noise and disturbance.
- 6.3 The submitted plans indicate there is a residential flat above the existing car showroom which historically was used as a manager's flat when the site was in use as a petrol/MOT station. However, from looking at plans submitted with previous applications it appears that the use of this area has varied over the years and been used for purposes ancillary to the car related use of the site. Moreover this first floor part of the building cannot be accessed independently from the car showroom and as such it functions as a whole, with the first floor space ancillary to the principal use
- 6.4 Policy S5 states that new major retail development should be located in the centres of Windsor, Maidenhead, Sunningdale and Ascot, however, this application is below the 500sqm threshold for major developments and as such it is considered suitable to locate the shop in Wraysbury. An impact on the trade of existing businesses is not a material planning consideration.

The impact on flooding

- 6.5 The site is subject to a high risk of flooding, with flooding likely to occur at least once every 100 years (Flood Zone 3). Retail development is defined as a 'less vulnerable' within Planning Practice Guidance (PPG), and as such development is considered appropriate in flood risk terms within Flood Zone 3 subject to satisfying other flood related criteria. Other parts of the site are within the functional floodplain, where flooding is a more frequent occurrence (Likely to occur at least once in a 20 year period), and PPG advises that no new development is acceptable.

- 6.6 The proposals would result in an increase in the building area at the site of approximately 58sqm which is in excess of the 30sqm permitted under policy F1 of the RBWM Local Plan. A Flood Risk Assessment has been submitted with the application and this is further supported by technical notes from Opus International Consultants. Despite the increase in built footprint on site there would be a net loss of 61sqm in the functional flood plain which provides betterment in the case of a severe flood event. The increase elsewhere is to be compensated for by lowering the flank car park by approximately 70mm which providing 39m³ of additional flood plain storage and the Environment Agency has advised that they are satisfied with this proposed flood compensation scheme. In addition to this a 32m³ attenuation tank is proposed underneath the car park which will store excess run off water and allow surface water in the car parking area to drain more slowly into the stream than would otherwise be the case. It was considered removing permitted development rights for extensions and new trolley buildings as these could increase built footprint on site and increase flood risk. It is not possible for the shop to extend using permitted development rights due to the proximity of the shop to residential properties, however, it is possible for a new trolley building to be built and as such it is considered necessary to remove permitted development rights in relation to this (see condition 21 in section 9 below).
- 6.7 A Sustainable Urban Drainage Systems Operation and maintenance document has been submitted with the application and the Councils' Flood Risk Engineer has confirmed they are happy with the strategy set out in this document. It is suggested that a condition is included to ensure that the development is built and maintained in accordance with this strategy. (See condition 3 in section 9 of this report).

Car Parking and impacts on highway safety

- 6.8 The proposed retail unit has a gross floor area of 299sqm and a net sales area of 200sqm, although the agent has advised that this could rise to 232sqm. The Borough's Transport Policy Officer concludes in his assessment that the site is not in a particularly accessible location and as such parking standards of 1 space per 14sqm should apply. The Highways Officer in his comments states that there is a requirement for 23 parking spaces. This was calculated using the original floor plans and the proposed gross internal area of the building, which at the time was 320sqm. The floor space of the building has since been reduced and following discussions with the Highways Officer it has been agreed that the parking requirement should be calculated using the net sales area of the shop; this is consistent with how the parking standards have been applied for similar applications in the past. With reference to these standards and the maximum possible sales area of 232sqm the application generates a requirement for 17 parking spaces. The applicant has proposed 17 spaces, including 1 disabled space. The proposal therefore complies with the Borough's parking standards. It is suggested that a condition is imposed restricting the sales area to 232sqm as a larger store would generate a need for additional parking which cannot be provided. (See condition 2 in section 9 of this report).
- 6.9 The supporting information within the Transport Statement also demonstrates that the sites car parking provision can accommodate the level of vehicular interest the store is likely to generate. It is noted that an objection letter has been submitted by a group of local residents, within which they have set out the result of their own transport surveys. One of these surveys shows that the number of trips to and from a similar nearby store (Tesco Express in Datchet) is well in excess of the predicted trip rates for the proposed Wraysbury store. The trip rate data within the applicant's survey, however, has been calculated using TRICS (Trip Rate Information Computer

System) which is an interactive database. This is a nationally accepted tool and is afforded significant weight when determining the traffic generation for a particular use. The Council had the TRICS analysis accompanying the submission assessed by an independent Highway Consultant who found that the results of this survey were sound. It is considered therefore that parking proposed is sufficient for the use and the proposed store would not place unacceptable pressure on the road network or materially impact on highway safety.

- 6.10 With regards to the car parking layout, the transport statement submitted with the application includes a swept path analysis of a car manoeuvring to and from a number of the parking bays. In certain instances it appears that the vehicle would collide with the double door/gates serving the plant area. The applicant is required to provide an alternative option i.e. sliding gates. This can be secured by condition. (See condition 13 in section 9 of this report). It has also been demonstrated through the use of a swept path analysis that there is sufficient space for delivery vehicles to safely enter, unload and then exit the site without causing disturbance to other motorists or pedestrians.
- 6.11 Concerns have been raised by residents about the proximity of the eastern access to the Windsor Road and Staines Road junction. However, the distance between the centre lines of the eastern access to the junction is 29.8m. Current guidelines recommend a minimum separation of 15 metres between opposing junctions and as such there are no highway safety concerns in this regard. It has been demonstrated that the likely number of trips would not put an undue burden on this junction or the local highway network in general.
- 6.12 Details of cycle and trolley storage will need to be submitted to an approved in writing by the Local Planning Authority. See conditions 21 and 22 in section 9.

Impacts on neighbouring occupiers

- 6.13 Many of the objection letters received raise an issue with noise from the shop disturbing residential amenity. Opening hours applied for are 7am to 10pm, seven days a week, including bank holidays. The Councils Environmental Protection Officer has not raised any objections to these opening hours and subject to the conditions suggested by the Environmental Protection Officer it is considered that the impact on residential amenity can be adequately managed. The current use on site (B2 – General industrial/sui generis) also has the potential to cause a greater level of noise and disturbance when compared to what would typically be expected from a retail unit. These conditions amongst other things will allow noise and light pollution for the site to be adequately managed. (See condition 4 to 9 in section 9 below). The refuse storage area is proposed in the North West corner of the site away from residential properties and as such unacceptable levels of smells being emitted from the site will not be an issue.
- 6.14 It is also noted that there is an existing right-of-way access through the site to the rear of the adjacent residential properties. This is a legal matter that would need to be provided for by the applicant aside from any planning permission, however, the submitted site plan shows that this right-of-way will be maintained and as such any impact on this right-of-way would not warrant refusal of the application. It is suggested that a construction management plan is secured via condition and this plan should set out how access to the properties at the rear of the site will be managed during the construction phase. (See condition 12 in section 9 of this report).

- 6.15 Concerns have been raised that the development will attract anti-social behaviour and crime to the area and whilst these are not issues that planning can directly control it is considered that by opening up the site and increasing natural surveillance crime and anti-social behaviour will be less likely to occur. CCTV has also been proposed and will be secured via condition. (See condition 23 in section 9 of this report)

Scale and appearance

- 6.16 The site currently has two main buildings and in addition a canopy near the front of the site which results from its former petrol filling station use. The canopy and the smaller of the existing buildings would be demolished and the remaining larger building extended across the frontage part of the site, approximately coinciding with the area currently occupied by the canopy. The existing garage on site is not of high quality design and does not benefit from high levels of landscaping. The proposal represents an opportunity therefore to improve the character and appearance of the site and the surrounding area. While the submitted elevation drawings show that the extended building would be rather utilitarian in appearance it is considered that with the use of appropriate materials the proposed design is an improvement on the existing building. The design has also been amended/simplified from the initial proposal. A greater level of influence has also been taken from properties within the High Street; for example a parapet wall has been included which helps the building integrate better into the surrounding area. Small levels of soft landscaping have also been proposed to the front of the site which will improve its overall appearance; full details of this should be secured via condition. (See condition 11 in section 9 of this report)
- 6.17 Whilst there are a number of listed buildings in the village, none are in close proximity to the site and their setting would not be adversely affected by the proposals.

Site contamination

- 6.18 The site is within an area with historic contaminative land use. The applicant has submitted a Ge-Environmental Assessment which recommends further monitoring and the completion of a remediation report. It is considered that any potential contamination on site can be managed using suitable conditions. (See condition 4 in section 9 of this report).

Ecology

- 6.19 The submitted ecology report for the site sets out a number of enhancements at the site and it is recommended that these are secured via planning condition, to ensure compliance with policy. (See condition 10 in section 9 at the end of this report).

7. CONSULTATIONS CARRIED OUT

7.1 Comments from interested parties

14 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Residents expressed support for a store which will provide for the needs of family's and other people within the village without having to drive elsewhere.	N/A.

2.	Residents have expressed support for a shop that will be open later for those who work long hours.	N/A.
3.	Many residents stated they would be a supporter of the application provided that existing stores can be protected and traffic safely managed.	Paragraphs 6.8 - 6.12.
4.	A resident considered the existing garage to be an 'eyesore'.	Paragraph 6.16.
5.	Support was given as the change of use and the introduction of a new business will benefit local people by creating job opportunities.	N/A.

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

Comment		Where in the report this is considered/Officer response
1.	Concerns have been raised regarding the impact the development will have on traffic in an area which already suffers with congestion near a busy junction and the impact this will have on the safety of motorists, pedestrians and school children.	Paragraphs 6.8 – 6.12.
2.	Residents have expressed concerns that the proposed 17 parking spaces are insufficient, leading to vehicles parking on the road and that the size of the site is insufficient for delivery vehicles to be accommodated and for vehicles to manoeuvre in and out of the site should there be no parking spaces.	Paragraphs 6.8 – 6.9.
3.	Concerns have been raised that the development will restrict the right of way to the properties and garages to the rear of the site.	Paragraph 6.14.
4.	Concerns have been raised with the proposed opening hours (07:00 – 22:00 seven days a week) and the impact that noise from customers and delivery vehicles will have on the amenity of local residents.	Paragraph 6.13.
5.	Concerns have been raised that the development will increase light pollution in the area.	Paragraph 6.13.
6.	Concerns have been raised that the store will lead to an increase in litter in the area and that the refuse storage area will result in air pollution.	Paragraph 6.13.
7.	Residents expressed a desire for more housing or a Doctors Surgery instead of a convenience store and have expressed concerns over the loss of the existing flat above the car showroom.	Paragraphs 6.2 – 6.4.
8.	Residents expressed concerns that a new convenience store will affect the trade of existing stores in the village and that a new convenience store isn't needed.	Paragraph 6.4.
9.	Concerns have been raised that the development will lead to an increase in anti-social behaviour in the area.	Paragraph 6.15.

10.	Concerns were raised that a large convenience store would not be in keeping with the character of the village or the quiet and tranquil feel of the village.	Paragraphs 6.16 and 6.17.
11.	Residents raised concerns that this proposal would not comply with the objectives of the proposed Wraysbury and Horton Neighbourhood Plan.	The Wraysbury and Horton Neighbourhood plan is not an adopted plan and is therefore afforded very limited weight in the determination of planning applications.

7.2 A petition objecting to the application was also submitted with 230 signatures the main reasons for objecting related to;

- The safety of children and the elderly will be affected by the traffic in and out of the proposed shop.
- The proposed shop will worsen traffic congestion in the area.
- Accessibility to the flats in high street will be affected.
- The shop will create a need for traffic lights and yellow lines which would affect other parking areas and the 'feel' of the village.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	The applicant has demonstrated through discussions and submission of additional information, summarised in their email dated 09/03/2017 and their email dated 10/03/2017 that provision of volumetric floodplain storage can be achieved to mitigate against the loss of floodplain from the additional built footprint of the building.	Paragraphs 6.5 and 6.6.
Natural England	No comments.	N/A.
Lead Local Flood Authority	No objections subject to conditions.	Paragraph 6.7.

Other consultees

Consultee	Comment	Where in the report this is considered/Officer response
Environmental Protection Officer	Recommends conditions should the application be approved.	Paragraph 6.13.
Ecologist	Suggested conditions should the application be approved.	Paragraph 6.19.
Tree Officer	No objections subject to conditions.	Paragraph 6.16.
Highways Officer	Recommends approval subject to conditions.	Paragraphs 6.8 – 6.12.
Parish Council	1. The increase in traffic will worsen existing congestion and	1. Paragraphs 6.8 – 6.12. 2. The Wraysbury and Horton

	<p>traffic issues in the area and will negatively impact highway safety.</p> <ol style="list-style-type: none"> 2. The application is not compliant with the Wraysbury & Horton Neighbourhood Plan. 3. The application states that there are no alterations to rights of way which are incorrect. 4. The application incorrectly identifies existing building materials. 5. There are 30 existing car parking spaces referred to when these do not exist. Cycle and Trolley storage is also insufficient. 6. The applicant has not included as areas shown blue on any plan those areas they rely on for landscaping which they do not own not have they served notice that these owners. 7. The opening hours are from 7:00am but deliveries are from 6:30am. 8. Net loss of 1 residential unit. 9. Increase in floor area of 62sqm in a flood zone 3 area. 10. A number of inaccuracies with the plans were also raised. 11. Questions have been raised over the validity of the TRICS analysis undertaken by the applicant and concerns were raised regarding the delivery area. 12. The proposed shop will negatively impact on the surrounding area and alcohol sales encourage teenagers to drink and will pose a security risk to nearby properties as the site will not be secured at night. 	<p>Neighbourhood plan is not an adopted plan and is therefore afforded very limited weight in the determination of planning applications.</p> <ol style="list-style-type: none"> 3. Paragraph 6.14. 4. The existing materials listed in the application forms are correct. 5. This refers to the spaces currently on the forecourt. Parking has been assessed in Paragraphs 6.8 and 6.9. Conditions 21 and 22. 6. Landscaping has not been proposed outside of the applicants land. Any trees/landscaping shown is indicative. 7. Condition 7. 8. Paragraph 6.3. 9. Paragraphs 6.5 – 6.7. 10. The plans have been checked and have found to be accurate. 11. Paragraphs 6.8 – 6.12. 12. Paragraph 6.15 and condition 23.
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8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Existing and proposed plans and elevation drawings

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

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. Notwithstanding the provision of Section 55 of the Town and Country Planning Act 1990 (or any Act revoking and re-enacting that Act with or without modification) the net sales area i.e. the area for the sale of convenience goods shall not exceed 232sqm.

Reason: To ensure that the site does not generate a level of traffic and parking demand that cannot be safely accommodated on the site and in the surrounding highway network. Relevant Policies - Local Plan T5, P4.

3. The approved surface water drainage system shall be implemented in accordance with the approved detailed design as well as the details contained within the SUDS operation and Maintenance document and the Geo-Environmental assessment produced by WDE Consulting and dated January 2016 prior to the use of the building commencing. The development shall be maintained in accordance with these approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development.

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation an investigation and risk assessment, in addition to any assessment provided with the planning application must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local

Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

5. No parts of the development shall be occupied until a full detailed Noise Assessment is submitted to the Local Planning Authority. The assessment is to demonstrate that the rating level of the noise emitted from fixed plant and stationary equipment will not exceed the background level of 38 dB(A) 1 hour day time and 34 dB(A) 15min night time as a target value identified in the 'Acoustic Testing Report'. The noise levels shall be determined 1m from the nearest noise-sensitive premises. The

measurement and assessment shall be made in accordance with BS 4142: 2014.

Reason: To protect the residential amenities of the area. Relevant Policy - Local Plan NAP3.

6. The premises shall only remain open for the serving of customers between 07:00am and 10:00pm Monday to Sunday.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

7. Service deliveries by any vehicle used for commercial purposes shall only be made between the hours of 07:00am and 09:00pm Monday to Saturday, and at no time on Sundays or Bank or Public Holidays.

Reason: To protect the residential amenity of the area and to accord with the Local Plan Policy NAP3

8. No lighting including security lighting, shall be installed until details of location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall be sufficient to demonstrate that the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways and will be in accordance with the Zone E2 (Rural) light levels at Table 2 in the ILP publication 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. The lighting shall thereafter be installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Local Plan Policy NAP3

9. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) including dust and noise management measures shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved CEMP.

Reason: To protect the residential amenities of the area. Relevant Policy - Local Plan NAP3.

10. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Ecological Assessment Report prepared by EcoSupport and dated June 2016.

Reason: To ensure that the impact on bio diversity is adequately mitigated for and to ensure that the development complies with paragraph 118 of the National Planning Policy Framework.

11. No development shall take place until full details of soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation. Within the proposed landscape scheme at least one tree will need to be planted of a suitable species for the soil conditions and character of the area. It should be planted in the soft landscaping buffer zone on the south western corner designated on the plan provided on the Eco urban tree report ref: 16766 - Let 3.

Reason: To ensure a form of development that maintains, and contributes positively

to, the character and appearance of the area. Relevant Policies Local Plan DG1.

12. Prior to the commencement of any works of demolition or construction 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 be 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 to ensure that access to the properties at the rear of the site can be adequately managed during the construction period. Relevant Policies - Local Plan T5.

13. No part of the development shall be occupied until the applicant submits a plan demonstrating that there is sufficient room to allow a car to enter and leave the parking bays without obstruction. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

14. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) issue 3, by Opus dated 12/01/2017 and subsequent information received via email dated 06/03/2017 including drawings number FA E-F1836.00 REV. P3, 802-F10 REV. K. and email information dated 09/03/2017; and the following mitigation measures detailed within the FRA:

1. Compensatory flood plain storage as shown in the documents submitted via email dated 06/03/2017

2. Finished flood levels are set no lower than 17.04 metres above Ordnance Datum

3. There shall be no raising of existing ground levels on the site.

4. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water, as shown in drawing number 802-F10 Rev. K dated June 2016 and drawing number 802- 210 Rev.A dated March 2017.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: Top ensure that the development complies with paragraph 103 of the NPPF

15. Prior to commencement of the development final details of proposed ground levels changes and floodplain compensation measures, based on the principles established in Flood Risk Assessment issue 3, by Opus dated 12/01/2017 to be submitted and approved by the Local Planning Authority.

Reason: Top ensure that the development complies with paragraph 103 of the NPPF

16. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. Relevant Policies - National Planning Policy Framework, Paragraph 109.

17. No infiltration of surface water drainage into the ground at 31 Windsor Road, Wraysbury, Staines TW19 5DE is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To enhance the natural and local environment by preventing the development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Relevant Policies - National Planning Policy Framework, Paragraph 109.
18. No development shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the setting of the adjacent listed building. Relevant Policy - Local Plan DG1 and LB2.
19. No part of the development shall be occupied until vehicle parking spaces and any turning and loading/unloading areas for heavy good vehicles have been provided in accordance with the approved drawings (802-F10 rev K and SP02 A). These areas shall be retained for use as shown on the approved plans in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
20. Irrespective of the provisions of Part 7, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no new buildings for the storing of trolleys shall be erected without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is in Flood Zone 3 and any additional built footprint on site is likely to have an unacceptable impact on the capacity of the flood plain to store flood water and increase flood risk elsewhere. Relevant Policies - Local Plan F1.
21. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
22. No part of the development shall be occupied until a trolley parking plan has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent trollies migrating onto the service/pedestrianised areas. Relevant Policies - Local Plan T5

23. Prior to first occupation of the shop details of the CCTV security system shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the area is kept safe and to prevent anti-social behaviour that would negatively impact on residential amenity. Relevant policies - Local Plan NAP3
24. 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.

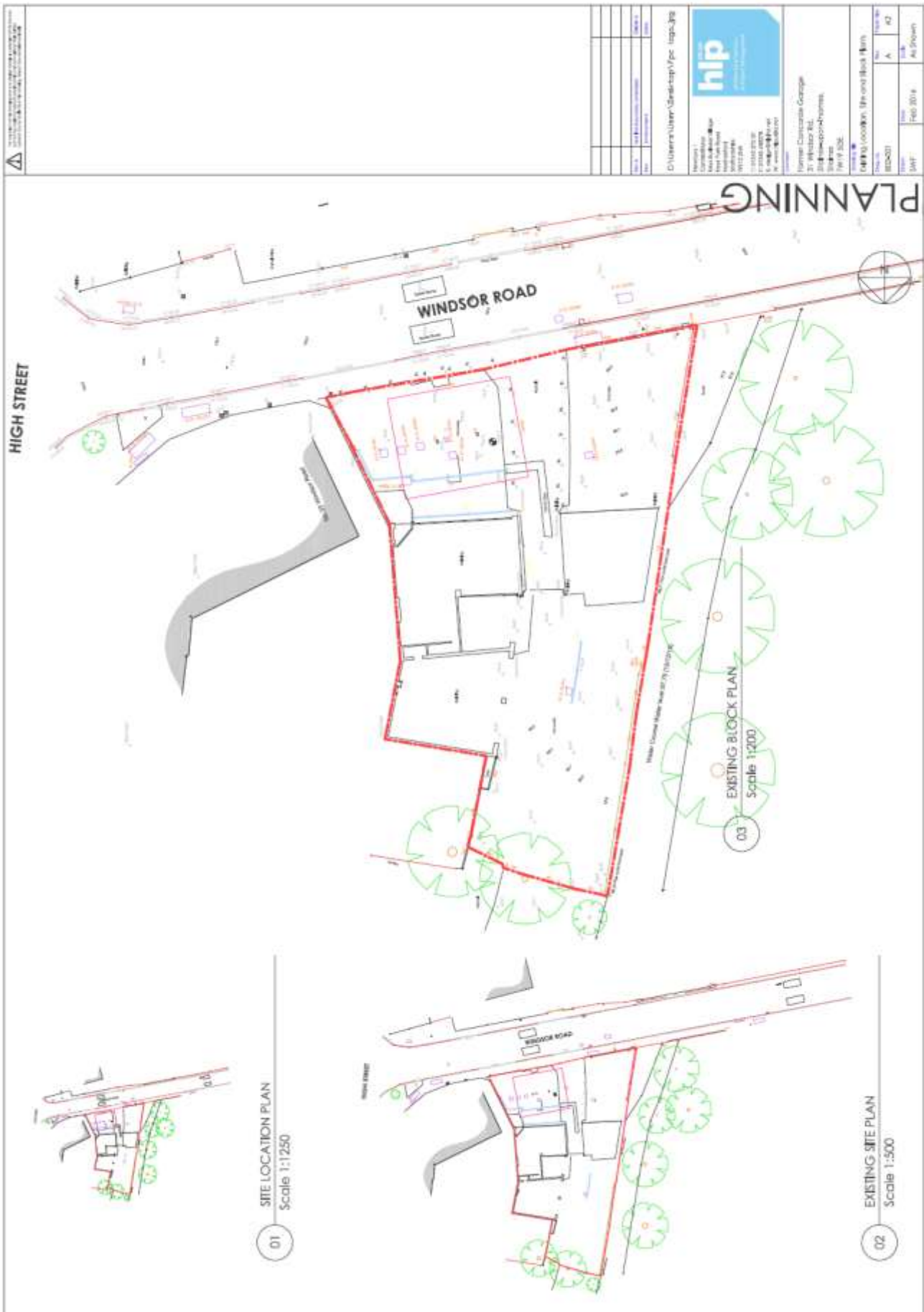
Appendix A – Site Location Plan



Client	hlp
Project	Former Concordia Garage
Address	31 Windsor Road Staines Upon Thames TW19 5DE
Contractor	Staines Urban Regeneration
Contract No.	802-205
Issue No.	A
Issue Date	Jul 2016
Scale	1:1250

Appendix B - Existing and proposed plans and elevations

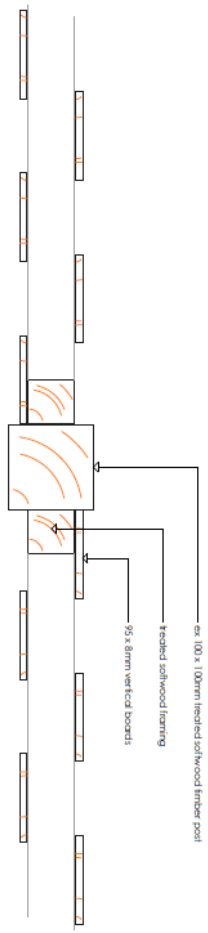
Existing site plan



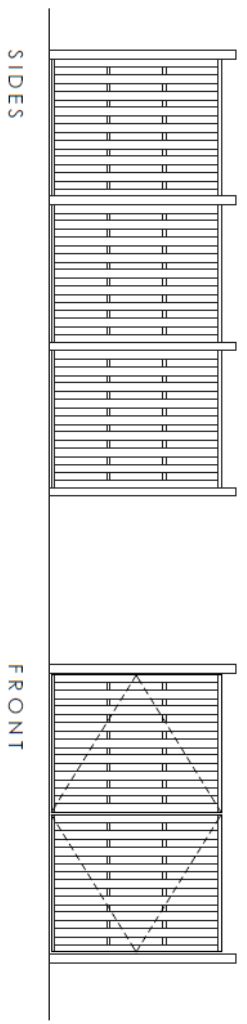
Proposed site plan



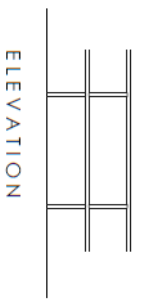
Bin store details



01 TYPICAL BIN STORE DETAIL (PLAN)



02 TYPICAL BIN STORE ELEVATIONS



03 TYPICAL WESTERN BOUNDARY FENCE DETAIL

Not a contract document. For information only. This drawing is the property of the author and is not to be used for any other purpose without the author's written consent.

Author	hlp
Client	hlp
Project	hlp
Drawn	hlp
Checked	hlp
Approved	hlp
Date	10/03/17
Scale	1:100
Sheet	1 of 1
Project Name	hlp
Project Address	hlp
Project Contact	hlp
Project Phone	hlp
Project Email	hlp
Project Website	hlp
Project Social Media	hlp
Project Logo	hlp

Former Concorda Garage
 31 Windsor Road
 Sharncliffe
 Sharncliffe
 TW19 5DE

Client	hlp
Project	hlp
Drawn	hlp
Checked	hlp
Approved	hlp
Date	10/03/17
Scale	1:100
Sheet	1 of 1
Project Name	hlp
Project Address	hlp
Project Contact	hlp
Project Phone	hlp
Project Email	hlp
Project Website	hlp
Project Logo	hlp