

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 1

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

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

1. SUMMARY

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

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

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; decisions for the approval of more than two dwelling units can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning history is set out below:

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

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

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

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

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

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

Royal Borough Local Plan

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

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

These policies can be found at

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

Supplementary planning documents

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

- Planning for an Ageing Population 2010

More information on these documents can be found at:

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

Other Local Strategies or Publications

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

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

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

Principle of residential development

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

Flooding

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

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

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

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

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

Design and impact on amenity

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

Trees and landscaping

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

Parking and highways

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

Air quality and noise

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

Other Material Considerations

Housing Land Supply

- 6.27 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.28 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional units, for residents with particular needs, would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

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

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

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

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

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

Statutory consultees

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

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

Other consultees

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

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

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development hereby permitted shall be commenced until a management plan, showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic, and of the protection of the amenity of residents in the vicinity of the site. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 3 The units of residential accommodation hereby approved shall be used only for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification) or any equivalent classification of use which is defined by the level of care associated with the occupation of the accommodation. No part of the development shall be first occupied until details of the scope and duration of care facilities and services to be provided to occupiers of the close care suites have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and services shall be kept available for use by residents of the development at all times.
Reason: To ensure that the residential accommodation provided is appropriately used and retained to meet the identified housing needs of the area. Relevant Policies - Local Plan H3, H8 and H9 and guidance contained within the NPPF 2012.
- 4 The Leylandii hedge along the western boundary of the site shall be retained and maintained and, if in part or whole it is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, it or that part of it shall be replaced within the first planting season following such event, in accordance with a scheme of replacement tree planting that shall have first been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and protects the amenities of the neighbouring residents. Relevant Policies - Local Plan DG1, N6 and guidance contained within the NPPF 2012.
- 5 No part of the development shall be first occupied until measures to ensure appropriate levels of sound insulation have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.

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

- 6 No part of the development shall be first occupied until measures to ensure that occupiers are adequately protected from air pollution have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.
- 7 No part of the development shall be first occupied until the vehicular access to the site has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the duration of the occupation of the units.
Reason: To secure a safe and convenient means of vehicular access to the site in the interests of road safety. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 8 No part of the development shall be occupied until vehicle parking and turning space for one vehicle has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall at all times be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking and turning facilities in the interest of the safety and convenience of all users of the highway network. Relevant Policies - Local Plan P4, DG1 and guidance contained within the NPPF 2012.
- 9 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 10 No development hereby permitted shall be commenced until full specifications and samples (if requested) of the materials to be used in the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - DG1 and H10 of the Local Plan and guidance contained within the NPPF 2012.
- 11 No construction operations for the development hereby approved shall be commenced until details of the hard and soft landscaping of the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall show the escape route for all users of the building in the event of flooding. The details required shall comprise the design, appearance, construction details, materials, levels and finish for all free-standing or retaining structures and means of enclosure, and all roads, paths, external parking spaces and other hard surfaced areas, and the location, species, size and planting density of all trees, hedges, shrubs herbaceous plants and areas to be grassed, together with programmes of implementation and after care (of a minimum of 5 years). The landscaping scheme shall be completed in accordance with the implementation programme, and any trees or other plants which die, are damaged or destroyed or become no longer viable within 5 years of the completion of the implementation programme shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity, the provision of safe escape from the building in the event of flooding, and the protection of the water environment, in accordance with national and local planning policy as set out in policies DG1, H10, F1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan and guidance contained within the National Planning Policy Framework 2012.

12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

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