

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

24 May 2017

Item: 2

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

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

### 1. SUMMARY

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

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

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

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

## 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections:

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

### Royal Borough Local Plan

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

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

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at: [http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

### **Principle of providing office space**

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

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

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

#### Loss of Existing building

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

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

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

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

#### *Junction of Sheet Street and Victoria Street*

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

#### *The junction of Frances Road and Kings Road and Sheet Street*

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

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

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

#### Setting of the Listed Building

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

#### **Impact on neighbouring residential amenity**

##### *Victoria Court*

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

##### *Daylight/Sunlight*

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

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

*Privacy*

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

*Outlook*

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

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

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



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

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

### *13-15 Victoria Street*

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

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

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

### Parking and Highways

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

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

<sup>1</sup>Including staff parking at the site and those parking within the vicinity

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

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

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

### **Economic Impacts**

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

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

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

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

### **Ecology**

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

### **Surface water and drainage**

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

### **Archaeology**

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

### **Other Material Considerations**

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

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

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

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

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

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

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

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

### **Developer Contributions**

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

### **Planning Balance**

#### Benefits

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

#### Adverse Impacts

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

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

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

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

39 occupiers were notified directly of the application.

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

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

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

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

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

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

### Statutory consultees

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



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

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

#### Comments on Additional Information

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

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

character and appearance of the conservation area here.

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

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

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

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

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

### Other consultees and organisations

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

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

## 8. APPENDICES TO THIS REPORT

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

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

In this case the issues have not been successfully resolved.

## 9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

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

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