

# WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 4TH MARCH, 2020

At 7.00 pm

in the

CONFERENCE ROOM - YORK HOUSE, WINDSOR

## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>19/01657/FULL - ALL UNITS OFFICES AND BUILDINGS AT SHIRLEY AVENUE WINDSOR</u></p> <p><i>Proposal: Construction of x87 dwellings (Use Class C3), new community centre (Use Class D1) and associated access, servicing, parking and landscaping.</i></p> <p><b>Recommendation:</b> DLA</p> <p><b>Applicant:</b> Medina Property Development Ltd</p> <p><b>Call-In:</b> N/A</p> <p><b>Expiry Date:</b> 30 September 2019</p>	1 - 4

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## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

<b>Application No.:</b>	19/01657/FULL
<b>Location:</b>	All Units Offices And Buildings At Shirley Avenue Windsor
<b>Proposal:</b>	Construction of x87 dwellings (Use Class C3), new community centre (Use Class D1) and associated access, servicing, parking and landscaping.
<b>Applicant:</b>	Medina Property Development Ltd
<b>Agent:</b>	Lichfields
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 A viability review undertaken by independent consultants confirms that it is not viable for the scheme to provide affordable housing. This position is accepted by officers. However, it is recommended that a late-stage review mechanism is included in the legal agreement to review the position on viability. The applicant has agreed to such a clause.
- 1.2 The agent has confirmed that the new 2019 flood model does not affect the proposed flood mitigation measures proposed as part of the scheme.
- 1.3 Several of the recommended conditions have been amended as follows:
  - Condition 9 (CMP) and 10 (CEMP) have been combined into one condition
  - Condition 13 has been amended, so that the development is undertaken in accordance with the measures specified in the Bat licence (which will be issued by Natural England), as opposed to the LPA requesting a copy of the licence, as this would duplicate what is required by other legislation.
  - Condition 14 relates to biodiversity enhancements and this condition has been amended so that it is more precise.
  - Condition 27 (fencing) has been amended slightly to be more precise.
- 1.4 An additional condition is recommended which would restrict the use of any tannoy, public address system or any form of amplification, so as to protect the amenities of nearby and future occupiers of residential properties.
- 1.4 The applicant has requested that conditions 3, 4 and 5 (which relate to contaminated land) are combined. This is considered to be acceptable.
- 1.5 The applicant has sent a letter to members of the Development Management Panel which sets out the merits of the scheme and the position on the provision of affordable housing.

**1. It is recommended the Panel authorises the Head of Planning to grant planning permission subject to the conditions listed in section 13 and the amended and additional conditions in section 3 of this Update report. It is also recommended that conditions 3, 4 and 5 are combined, and with a legal agreement to secure:**

**-The provision of the replacement community facility on the site  
-Public open space**

**- The late stage review mechanism to review the affordable housing position.**

**2. Or to refuse permission if the issues listed above are not secured.**

## **2. ADDITIONAL INFORMATION**

2.1 Independent consultants that have reviewed the viability assessment have advised that it is not viable for the scheme to provide affordable housing, even when reducing the profit margin of the development from 20% to 17.5%. However, the consultants do advise that the rental value for the proposed community facility is uncertain, and as such officers recommend that a late-stage review mechanism which takes into account of any and all tenancies achieved at the proposed community facility should be secured via the legal agreement. The applicant has confirmed that they would agree to include a review provision within the s106 agreement. Officer's accept the advice from the independent consultant regarding the viability position and agree that a late-stage review mechanism should be included within the legal agreement.

2.2 It is noted that, paragraph 64 of the NPPF sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. However, given the results of the viability review, it is accepted that this paragraph of the NPPF cannot be met. In addition, the scheme would make a significant contribution to the Council's 5-year housing land supply, and it would provide a replacement community facility within the local area. The conflict with paragraph 64 of the NPPF is considered to be significantly and demonstrably outweighed by the benefits of the scheme.

2.3 The applicant's agent has advised that the recently published Thames 2019 flood model does not affect the proposed flood resilience measures proposed (raising the finished floor level of the buildings 300mm above the average ground level of the site). This is considered acceptable. They advise that in order to address residual risk it is recommended that extra flood resilience measures are incorporated, such as incorporating materials that retain their structural integrity and have good drying and cleaning and raising the electrical sockets higher up (on ground floor level flats). It is recommended that condition 28 (finished floor levels) is amended, to secure details of flood resilience measures).

## **3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

**(Conditions 9 and 10 combined) - Construction Management Plan and CEMP**

3.1 No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

-Procedures for maintaining good public relations including complaint management, public consultation and liaison

-Arrangements for liaison with the Environmental Protection Team

-All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours.
  - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
  - 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
- Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, and in the interested of highway safety and the free flow of traffic. Local Plan Policy T5. This condition needs to be pre-commencement, so that details of how construction traffic will be managed is agreed before the development commences.

**Condition 13- Bat Mitigation (amended)**

A copy of the European Protected Species License for bats, issued by Natural England must be obtained before demolition of the existing building(s) or any works which may cause disturbance to roosts on the site. The development shall be carried out in accordance with the agreed license.

Reason:} To ensure that the development will not harm the protected species and its habitat.

Relevant Policies - Paragraph 170 and 175 of the National Planning Policy Framework.

**Condition 14 (Biodiversity Enhancements) (amended)**

Prior to the construction of the buildings hereby approved, details of the locations and specifications of biodiversity enhancements shall be submitted and approved in writing by the council. Prior to the erection of the new fencing on the northern and southern boundary, details of how this new fencing will be designed to be sensitive to hedgehogs shall be submitted to and approved in writing by the LPA. The fencing shall be constructed in accordance with the approved details. The biodiversity enhancements shall be installed as agreed.

Reason:} To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.

**Condition 22- Finished floor levels (amended)**

The ground floor finished floor level of the buildings hereby approved shall be set 300mm above the average external ground level of the site. Prior to the construction of the buildings hereby approved, details of the flood mitigation measure to be used in the design of the buildings shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the approved details.

Reason:} So that the buildings are designed to be flood resilient.

**Condition 27- Fencing (amended)**

With the exception of the 2 metre high fencing proposed on the northern and southern boundary of the application site, and the proposed gate into the across the vehicular access to the community centre, irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.

Reason:} To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.

**Additional condition**

The use of tannoy, public address system, any form of amplification of any acts of worship or any other activity, which is audible at the boundary of the site, shall be prohibited.

Reason: To protect residential amenities of nearby and future occupiers.