

NOTICE
OF
MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 15TH JUNE, 2016

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

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

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, JESSE GREY, NICOLA PRYER, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: Monday 6 June 2016

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

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

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	11 - 100
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	101 - 104

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

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

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Agenda Item 3

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

WEDNESDAY, 25 MAY 2016

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), Michael Airey, John Bowden, John Collins, Jesse Grey, Eileen Quick, Samantha Rayner and Shamsul Shelim.

Also in attendance: Derek Wilson

Officers: Wendy Binmore, Neil Allen, Melvin Andrews, Alistair Barnes, Rachel Fletcher, Daniel Gigg, Jenifer Jackson and Claire Pugh

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

Cllr Bowden – Declared a personal interest in item 16/00163 as the item was brought to his attention by a number of his constituents; and his co-ward Councillor lived opposite the application site. He stated he attended Panel with an open mind

Cllr Quick – Declared a Disclosable Pecuniary Interest in item 16/00163 as she lived directly opposite the application site. Cllr Quick left the room during the discussion and the vote.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 27 April 2016 be approved.

PLANNING APPLICATIONS (DECISION)

<u>Application</u>	<u>Applicant and Proposed Development</u>
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15/02248*	BMW (UK) Trustees Limited: Construction of 5 storey office building with associated car parking, access and landscaping works following demolition of existing office building at Thames Court, 1 Victoria Street, Windsor SL4 1YB – THE PANEL VOTED UNANIMOUSLY to DEFER the application till July’s Development Control Panel for the following reasons:
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- To as the applicant if they wish to formally request the public car park be included as part of the development.
- Member site visit to look at the impact on the Conservation Area and the neighbours, and to view a sample panel of the materials

(the Panel was addressed by Edward Gray in objection and Will Kelly and Time price in support of the application. A statement was also read out by the Legal Officer from Cllr Jack Rankin in support of the application).

15/03135* Howarth Homes Plc: construction of 9 dwellings; 2 x two beds, 2 x three beds and 5 x four beds following demolition of existing dwelling. Associated landscaping and parking at Datchet Mead Cottage, 145A Slough Road, Datchet, Slough SL3 9AE – **THE PANEL VOTED UNANIMOUSLY to DEFER the application and return to July’s Development Control panel for the following reasons:**

- Deferred to allow a legal view to be sought over whether affordable housing should be provided on this site. If it is required by reason of Local Plan Policy H3 then request the affordable housing from the applicant. If the applicant advises that it would be unviable to provide affordable housing then invite an open book viability appraisal.

(The Panel was addressed by Sam Tiffin, the agent in favour of the application)

16/00163 Mr Allen: Single storey side and rear extensions, front infill extension and alterations to roof to facilitate conversion of loft into habitable accommodation and rooflights following demolition of existing garage at 54 York Road, Windsor SL4 3NY – **THE PANEL VOTED to APPROVE the application in accordance with the Borough Planning Managers recommendations and with the conditions listed in Section 9 of the Main report and with the additional condition that the car park lay out is amended. Seven Councillors voted in favour of the motion (Cllrs Airey, Alexander, Bicknell, Collins, Grey, Rayner and Shelim), one Councillor voted against the motion (Cllr Bowden). Councillor Quick left the room and did not take part in the debate.**

(The Panel was addressed by Stephen Lowe in objection, and Clive Allen the applicant in favour of the application)

16/00695* Ms Spiero-Fieldside Associates Ltd: Construction of two storey development comprising 4 x 1 bedroom flats and 1 x 2 bed flat with associated refuse and cycle storage facilities at Former Windsor Ex Services Club, 107 St Leonards Road, Windsor SL4 3BZ – **THE PANEL VOTED to DEFER the application for it to return to the July Development Control Panel for the rental rate and freehold valuation to be considered and professional property advice given as to whether the rate and freehold value is reasonable plus advice on freehold/leasehold rates based on equivalent facilities in the area with no parking.**

Seven Councillors voted in favour of the motion (Bicknell, Bowden, Collins, Grey, Quick, Rayner and Shelim), and two Councillors voted against the motion (Cllrs Airey and Alexander).

16/00907 Construction of synthetic turf pitch, floodlighting, fencing, drainage and ancillary works at Dedworth Middle School, Smiths Lane, Windsor, SL4 5PE – **THIS ITEM WAS WITHDRAWN and deferred to July’s Development Control Panel due to the objection from Sport**

England. The applicant is to be given the opportunity to respond to Sport England's objection.

TREE PRESERVATION ORDER 002/2016 CLEWER Y & C CENTRE, 39a PARSONAGE LANE, WINDSOR

THE PANEL VOTED to DEFER the confirmation of the TPO in order to arrange a site visit. The TPO will return to June's Development Control Panel.

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of Planning Appeals Received and the Appeal Decision Report were noted.

The meeting, which began at 7.00 pm, finished at 9.30 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

15th June 2016

INDEX

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

Item No. 1 **Application No.** 16/00083/FULL **Recommendation** REF **Page No.** 13

Location: Brymays Rays Avenue Windsor SL4 5HG

Proposal: Replacement and raising of roof to provide habitable accommodation at first floor.

Applicant: Mr Muir **Member Call-in:** Cllr Collins **Expiry Date:** 6 April 2016

Item No. 2 **Application No.** 16/00851/FULL **Recommendation** DD **Page No.** 22

Location: Ninjago Legoland Winkfield Road Windsor

Proposal: Development of a new ride to replace the existing Loki's Labyrinth attraction, including erection of new building, entrance portal, courtyard, temple and associated queue line, infrastructure and landscaping

Applicant: Legoland Windsor Park Ltd **Member Call-in:** Not applicable **Expiry Date:** 17 June 2016

Item No. 3 **Application No.** 16/00907/FULL **Recommendation** PERM **Page No.** 46

Location: Dedworth Middle School Smiths Lane Windsor SL4 5PE

Proposal: Construction of synthetic turf pitch, floodlighting, fencing, drainage and ancillary works

Applicant: Graeme Aldous **Member Call-in:** Cllr Wilson **Expiry Date:** 13 June 2016

Item No. 4 **Application No.** 16/01114/VAR **Recommendation** DLA **Page No.** 63

Location: Royal Berkshire Fire And Rescue Service Windsor Fire Station St Marks Road Windsor SL4 3BE

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

15 June 2016

Item: 1

Application No.:	16/00083/FULL
Location:	Brymays Rays Avenue Windsor SL4 5HG
Proposal:	Replacement and raising of roof to provide habitable accommodation at first floor.
Applicant:	Mr Muir
Agent:	Stephen Geldsetzer - DME Designs
Parish/Ward:	Clewer North Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The principle of the extension is acceptable and it is not considered that the alterations would have a significantly negative impact on the character and appearance of the host dwelling or the street scene. The site can also provide the necessary parking spaces and subject to conditions it is considered that the impact on protected trees would be acceptable.
- 1.2 The proposal would, however, have an unacceptable impact on the amenity of the rear gardens along Rays Avenue, especially numbers 3, 5, 7 and 9 which are directly adjacent to the application site. It is considered that the height/bulk of the proposal and its proximity to these gardens would make it appear overbearing to their outlook.

It is recommended the Panel refuses planning permission for the reasons listed in section 9 of this report below.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor John Collins irrespective of the recommendation as the application is a significant development and he has been asked to call it in by residents

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application comprises a plot with a bungalow on it that is located in the middle of Rays Avenue, Maidenhead Road, Vale Road and Buckland Crescent and is surrounded by residential properties on all four sides. There are 2 accesses to the site, a pedestrian access of Rays Avenue to the west and a vehicular access from a track leading from Vale Road. Approximately 7.5 metres to the east of the bungalow there is a protected tree along the north boundary of the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/02326/FULL	Single storey side extension	Permitted 02.10.2013

- 4.1 The application is for the replacement and raising of the existing roof of the bungalow to provide enlarged habitable accommodation at first floor level. The existing property is a bungalow with a hipped roof, a ridge height of 5.8 metres and an eaves height of 3 metres. It has some first floor accommodation in the roof.
- 4.2 The increase in the roof will convert this to a gable ended roof with a ridge height of 8.1 metres and an eaves height of 5.1 metres.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 56 to 68 (Requiring good design).

Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H14	N6	T5, P4

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Public Rights of Way Improvement Plan - view at: http://www.rbwm.gov.uk/web/prow_improvement_plan.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Character and design
- ii Residential amenity
- iii Parking and highway safety
- iv Important trees
- v Other considerations

Character and design

6.2 The National Planning Policy Framework (NPPF) attaches great importance to the design of the built environment and paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.3 Royal Borough of Windsor and Maidenhead (RBWM) Local Plan Policy DG1 also sets out the design guidelines for new development which includes the compatibility of the development within the street facade, as well as the acceptability of the materials employed. Local Plan Policy H14 deals specifically with residential extensions and this policy states that extensions should not have any adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general.

- 6.4 The existing dwelling is of little architectural merit and as such it is not considered that the proposed alterations would have a significant negative impact on the character of the original property. Furthermore the existing property is not in keeping with the prevailing character of the neighbouring properties or the street scene which are characterised by two storey terraced properties, the alteration of the dwelling from a bungalow to a two storey property is not therefore considered to have a significant negative impact on the character and appearance of the surrounding area.

Residential Amenity

- 6.5 One of the core principals of the NPPF requires that planning ensures a high standard of amenity is provided for all current and future occupiers of land and buildings and policy H14 of the RBWM local Plan states that extensions should not cause an unacceptable loss of light or privacy to the adjacent properties, or significantly affect their amenities.
- 6.6 A number of concerns have been raised by occupiers of neighbouring, residential properties that the resultant dwelling will result in a loss of privacy and light and will also appear overbearing. It is not considered that the properties along Maidenhead Road will be materially affected. Brymays is set close to the rear boundary of these properties 2.5m, however, the rear gardens of the Maidenhead Road properties are approximately 20 metres deep. The impact therefore will mostly only be to the rear-most part of these gardens which is considered to be the part of the garden that is least used for amenity. It will not be to the area immediately at the back of the houses themselves which is usually the most used and important part of a garden for occupiers of houses. There will not be an unacceptable level of overshadowing or an overbearing impact on outlook. There also are no first floor windows proposed on the elevation facing towards these properties and as such there would be no loss of privacy. There are windows at first floor level in the east and west facing elevations, however, these will be oblique so will not lead to any unacceptable level of overlooking to the neighbouring properties on Maidenhead Road. Similarly there are no windows facing towards the properties along Buckland Crescent and the windows in the east elevations will be a sufficient distance from Vale Road so as not to cause any unacceptable level of overlooking.
- 6.7 To the side (west) of the property there are residential gardens which serve the properties along Rays Avenue. There will be a gap of approximately 4 metres between the rear boundaries of these gardens and the proposed first floor rear elevation (west facing) of the dwelling. Furthermore the rear gardens of the Rays Avenue properties are only approximately 12 to 13m in length and are roughly 4 metres wide. The house would have an eaves height of 5.1m and a ridge height of 8.1m. The property is set at a higher level than these neighbours because of ground levels. At this height combined with the 12m long blank wall and pitched roof, the result will be a bulk and mass that would be too close and dominating for the outlook from the gardens of the neighbouring properties at numbers 3, 5, 7 and 9 which are directly adjacent to Brymays. Concerns were also raised by neighbours along Rays Avenue that the proposal will result in a loss of privacy. There are 2 windows proposed at first floor level facing towards Rays Avenue, however, one serves a bathroom and the other is to the staircase/landing, both windows could therefore be obscurely glazed to prevent direct overlooking. Also, at this distance it is considered that there would not be an unacceptable perception of overlooking. The windows in the South elevation will be oblique so they would not result in any loss of privacy.

Parking and highway safety

- 6.8 Policies DG1 and P4 of the RBWM Local Plan requires that all new development provides car parking in accordance with the parking standards as set out in appendix 7 of the Local Plan. These standards require that dwellings with 4 or more bedrooms provide 3 parking spaces and each space should be a minimum of 4.8 x 2.4 metres when on a driveway. In order to show compliance with the borough parking standards a plan was submitted which shows 3 parking spaces will be provided within the site. There is also an existing garage on site. However, this garage falls just short of the required internal measurements of 3 x 6 metres to be considered as an official parking space. From the site visit it is clear that there is sufficient space on site to provide the car parking spaces and that vehicular access to the site could be comfortably achieved from the existing Vale Road access, however, should the application be approved it is

considered necessary that details of hard surfacing be provided showing a dedicated parking area which would encourage parking on-site rather than on the street where it could cause highway safety issues. These details could be secured by way of a suitably worded condition.

Important trees

- 6.9 There is a protected tree approximately 7.5 metres away. All the proposed alterations are at first floor and as such there will be no incursion into the root protection area of this tree. The proposal complies with Policies N6 and DG1 of the Local Plan.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

33 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 02.02.2016

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

Comment		Where in the report this is considered/Officer response
1.	<p>Concerns with loss of residential amenity;</p> <ul style="list-style-type: none"> <input type="checkbox"/> The plan to convert the existing bungalow into a 2-storey house will result in a severe invasion of my privacy due to the proximity of the windows on the second floor. The owner will be able to see directly into my garden, and into my house. The proposal to have 3 sets of double windows on my aspect of the building is completely unacceptable. <input type="checkbox"/> The raised level of the proposed dwelling will limit the sun from entering my garden from approximately midday through to 4pm, will affect the growth of plants, and also affect the amount of light entering my house. <input type="checkbox"/> The proposed building will impose on our privacy, and cause a loss of light. This in turn will have a detrimental effect on the property prices of 1, 3, 5 & 7 Rays Avenue <input type="checkbox"/> On viewing the plans of the proposed build, we feel the physical size and the additional storey would impose on our privacy as we would feel very overlooked from the six windows facing us. The ground floor extension that has already been built already overlooks us. <input type="checkbox"/> We would undoubtedly feel a greater sense of enclosure from this structure as our outlook would lessen. Light levels in the ground floor of our house and in our garden would decrease. <input type="checkbox"/> The application shows two windows on the first floor, with what we understand to be obscure glass. However, we are concerned that this may differ when constructed. Furthermore, we believe that these windows would still have a perceived impact on our privacy, even with obscure glass and when the windows are open it would have the same impact as if they were not obscured. <input type="checkbox"/> The planned building will cause a great amount of noise and disturbance to the surrounding residents. <input type="checkbox"/> The size of the new building will impact on the amount of 	Sections 6.5 – 6.7.

	daylight and privacy of the surrounding residents.	
2.	The original house was subject to an extension last year. I am assuming this was built under permitted development as no planning application was submitted.	Planning permission was granted for an extension under planning application 13/02326/full. The application before panel is for the raising of the main roof of the dwelling to provide first floor accommodation.
3.	Brymays was built on a landfill site so I question whether the existing foundation will support the extra load.	This is not a material planning consideration.
4.	The building has already had a side extension added in a different colour brick.	The application is just for the first floor extension.
5.	Brymays has habitable rooms already in the roof with windows.	Noted – amenity and parking issues have been considered against the proposed habitable accommodation in sections 6.5 – 6.7 and 6.8 respectively.
6.	The height of the building will overpower the Victorian cottages surrounding the house & also 1930 houses in Buckland Crescent	Sections 6.5 – 6.7
7.	The builders & lorries would have to use a lane at the back of the Victorian houses in Maidenhead Road where they own the land & garages for their cars also at the back of Buckland Crescent.	Noted - construction vehicles/materials should not be stored on a public highway so as to cause an obstruction at anytime.
8.	The proposed build would be out of character with the original build intention on this plot.	Section 6.2 – 6.4
9.	The proposed plans for this build also suggest an increased occupancy with six bedrooms being proposed. If this is so, there would be potential noise issues and an increase in traffic and parking in Rays Avenue.	Section 6.8
10.	At present the property in question is undergoing a smaller extension which I believe, differs from the original plans.	This is not part of the proposed development that is under consideration.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing and proposed plans

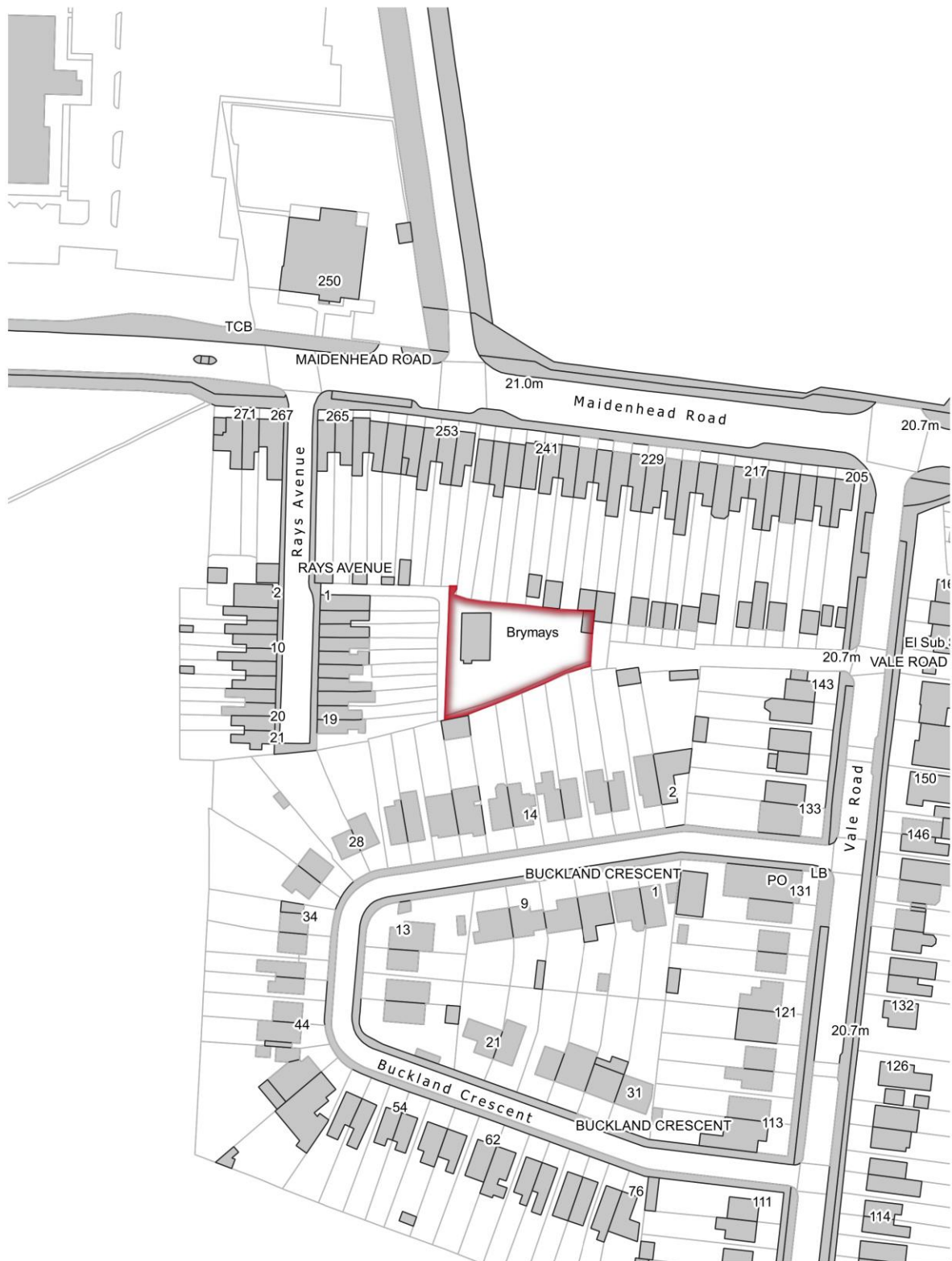
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have not been unsuccessfully resolved.

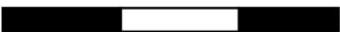
9. RECOMMENDED REASON FOR REFUSAL

- 1 The proposed first floor extension would appear overbearing and dominating when viewed from the rear gardens of the properties along Rays Avenue, especially 3, 5, 7 and 9 which are directly adjacent to the application site. The proposal therefore fails to comply with Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003) and Core Planning Principle Bullet Point 4 (paragraph 17) of the National Planning Policy Framework.

APPENDIX A – 16/00083/FULL Brymays Rays Avenue

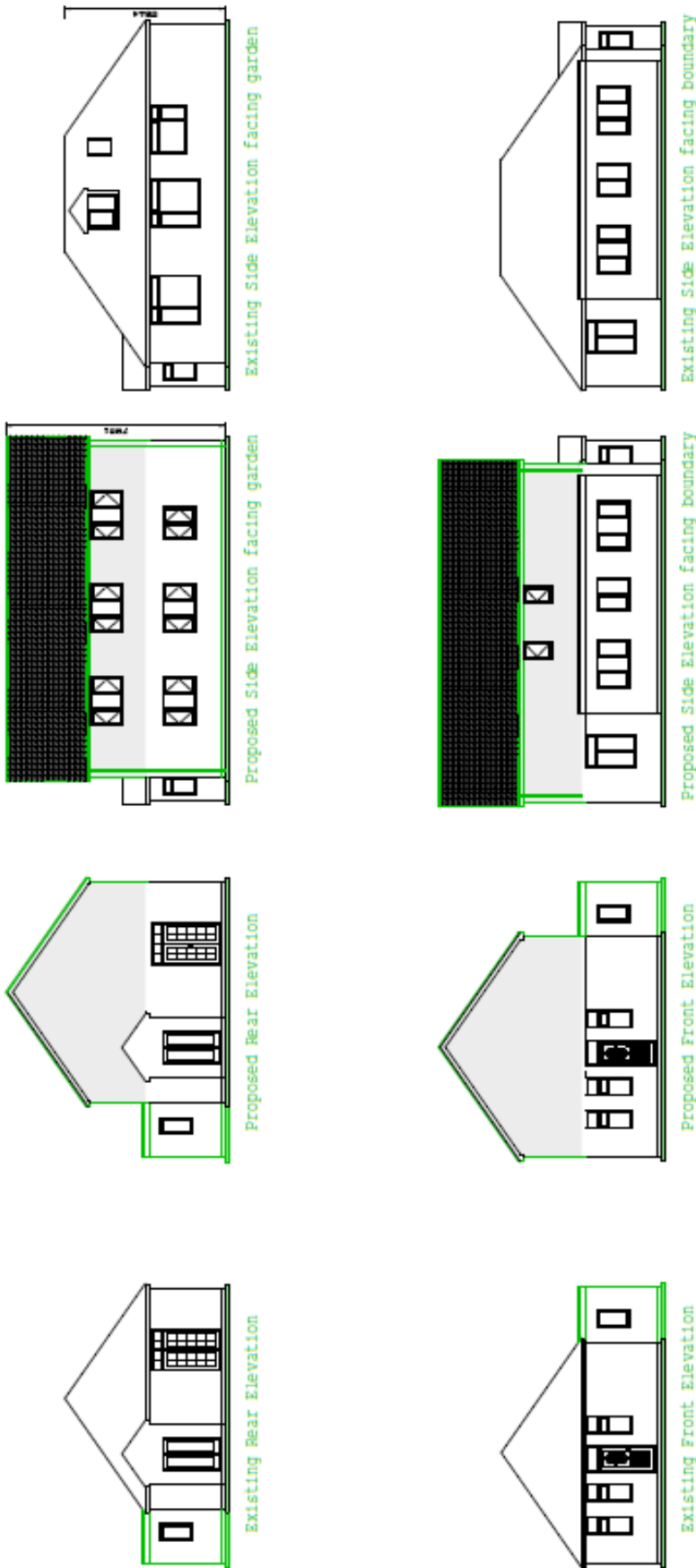


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Scale @ A4 1:1,250





NOTES

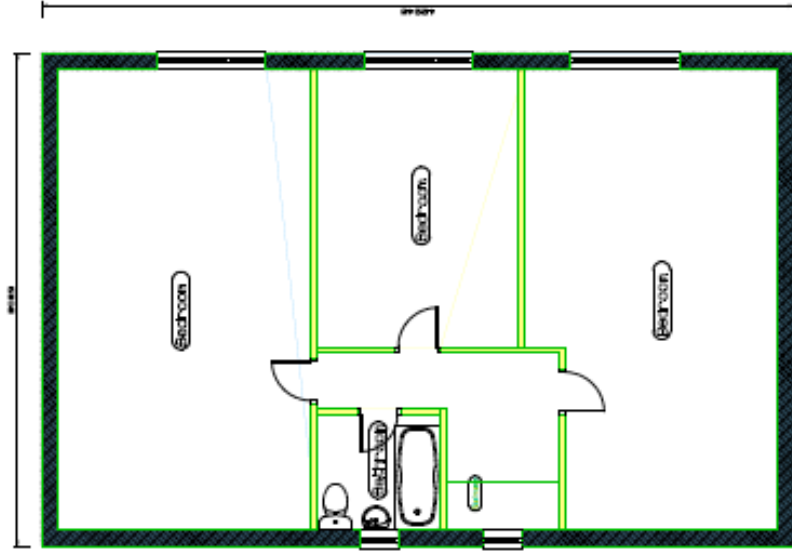
POOL DRAINAGE
To connect to the existing foul sewer.

RAILING
To new Sockways.

WALLS
White - White painted render to match the existing and to LA Planning Officer Approval.
Roof - Brown concrete interlocking tiles to LA Planning Officer Approval.

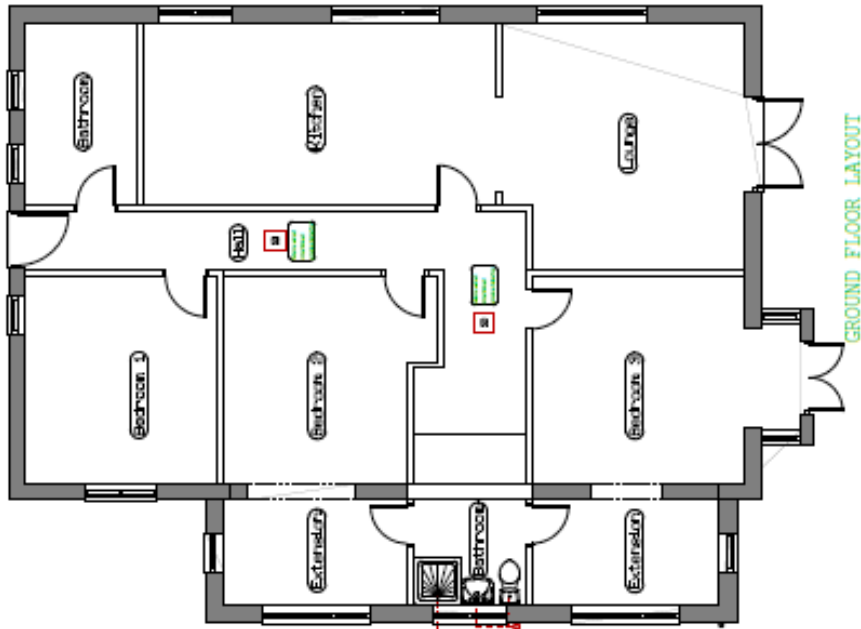
JOINTERY
White PVC double glazed units.

'Elevations'
Proposed First Floor Extension
At 'Brymays' Rays Avenue Windsor Berkshire SL4 5HG
For Mr Andy Muir
Scale 1:100@A2 Date January 2016 DMED 1-16 (2)



FIRST FLOOR LAYOUT

'Proposed Floor Layouts'
 Proposed First Floor Extension
 At 'Brymays' Rays Avenue Windsor Berkshire SL4 5HG
 For Mr Andy Muir
 Scale 1:50@A2 Date January 2016 DMED 1-16(1)



GROUND FLOOR LAYOUT

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

15 June 2016

Item: 2

Application No.:	16/00851/FULL
Location:	Ninjago Legoland Winkfield Road Windsor
Proposal:	Development of a new ride to replace the existing Loki's Labyrinth attraction, including erection of new building, entrance portal, courtyard, temple and associated queue line, infrastructure and landscaping
Applicant:	Legoland Windsor Park Ltd
Agent:	Miss Rachel Hill - Nathaniel Lichfield And Partners
Parish/Ward:	Park Ward

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

1. SUMMARY

- 1.1 The application is to replace an existing attraction at Legoland with a new building (to accommodate a new ride), an entrance portal, courtyard, temple, queue line, a climbing wall, paving, boardwalks and soft landscaping. The proposal is considered to constitute limited infilling within a developed site within the Green Belt and it would not have a greater impact on the openness of the Green Belt than the existing development, as the building would be situated within existing development, and when looking at the developed site as a whole, this proposal would not have a greater impact on the openness of the Green Belt than the existing development. Legoland is identified as Major Developed Site within the Green Belt in the Local Plan; limited infilling is appropriate in accordance with Policy GB9, where the development meets the relevant criteria set out by the Policy, and it is considered that this development would meet the relevant criteria of Policy GB9. The proposal is considered to be an appropriate form of development within the Green Belt, and complies with National and relevant local plan policies in respect of Green Belt.
- 1.2 The proposal is considered to have an acceptable visual impact on views from outside of Legoland, and from within it. The building will only be partially visible when viewed from Windsor Great Park, however, the building will be seen in the context of numerous other buildings and attractions in Legoland when viewed from this location, and for that reason this proposal is not considered to have an adverse impact on the registered historic park and garden. The submitted Transport Statement explains that using a robust worst case sensitivity test scenario, the additional vehicular movements would represent an immaterial increase in traffic on Winkfield Road and on the surrounding highway network, within the daily variation of the local highway network. A site wide travel plan was secured by legal agreement under the hotel extension approved under planning permission 15/02004/FULL, and the agent advises the development of the hotel has commenced. There is a clause in the travel plan and legal agreement which requires the plan to be reviewed and updated on an annual basis, and as such it will allow the travel plan to reflect changes within the Park, including the provision of this new attraction.
- 1.3 The proposed development is part of the ongoing refreshment and investment in attractions at Legoland, and Legoland is an important tourism facility within the Borough.
- 1.4 The disadvantages of the scheme are the loss of trees and soft landscaping in the existing maze. Whilst there would be an erosion of soft landscaping on this part of the site, the scheme proposes new tree planting and soft landscaping, and when looking at the entire Legoland site, a good level of tree cover would still remain. As such, the loss of the trees is only considered to result in limited harm.

It is recommended the Panel authorises the Borough Planning Manager:

To grant planning permission with the conditions listed in section 9 of this report, provided that Historic England, the Garden History Society and Bracknell Forest Borough Council do not raise substantive new planning matters which have not been considered in this report.

To refuse planning permission if new substantive planning matters are raised through the consultation responses from Historic England, the Garden History Society and Bracknell Forest Borough Council.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Legoland occupies a sloping site of approximately 60 hectares located around two miles to the southwest of Windsor town centre. Access to the site is from the Winkfield Road. It is divided into the inner and outer 'parks'. The inner park contains the main theme park, incorporating water and land based entertainment and leisure facilities, and is developed with a number of buildings and hard landscaped features.
- 3.2 Within the inner park there is an extensive range of built structures including rides, marquees, storage facilities, WC facilities, retail outlets and cafes. There are also several large buildings in addition to the rides within the park. For example, St Leonard's Mansion, a three storey building located to the north of the park contains offices and conference facilities; an Operations Building, located in the south east of the park; and The Creation Centre, located at the visitor entrance.
- 3.3 The boundary of the inner park is delineated by a service road. The outer park comprises the car parks/coach parks, the access road and a "landscape buffer" between the access road and the residential properties on St Leonard's Hill. The guest car parks are located to the west of the inner park. The overflow car parking areas are located in the outer park.
- 3.4 The majority of the inner site comprising the buildings and rides are within the area designated as a "Major Development Site" (MDS) in the Green Belt under saved Policy GB9 of the Local Plan. The site is extensively covered with trees and there are three Area Tree Preservation Orders on the site.
- 3.5 Legoland is located on the edge of the built-up area of Windsor. It lies within, and is surrounded to the north (in part), the south, the east and the west, by Green Belt land. Windsor Forest and the Great Park lie to the south, and to the northeast the site abuts residential properties in St Leonard's Hill. The site is also designated in the Local Plan as an Area of Special Landscape Importance and there are SSSI's to the east and south of the site.
- 3.6 The site is served by public transport, including bus services to Reading, Bracknell, Slough and London. The site already provides a Park & Ride service in an informally arranged parking area accommodating around 300 cars. The site also has access to the strategic road network including the M3, M4, M25, M40, A404 (M) and A308 (M). 200 spaces are nominally allocated to the park and ride of the 300 spaces available (these spaces are not marked accordingly).

Description of application site

- 3.7 The application site is located in the south-west part of the resort. The majority of the northern, eastern and western edges of the application site are encompassed by the 'Viking River Splash' trough and retaining walls. The site is currently occupied by 'Loki's Labyrinth' and 'Longboat Invader' attractions. 'Loki's Labyrinth' comprises an outdoor maze with a central viewing platform which is enclosed by the walls of the 'Viking River Splash' ride. The 'Longboat Invader' features a "Rocking Viking Tugboat" ride which was installed under permitted development rights in January 2007. The levels on this part of the site vary. To the south of the site is a small copse of trees and

beyond this the 'Spinning Spider' ride. The copse located between the 'Longboat Invader' and the 'Spinning Spider', adjoining the southern border of the application site, forms part of a woodland Tree Protection Order (TPO) designation.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

There is a significant planning history for the site, the history since the granting of the hotel in 2009 is set out below.

Ref.	Description	Decision and Date
10/000064	Erection of a covered terraced area to the west of pirate falls ride.	Approved 22.2.10
10/00106	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved 1.3.10
10/00565	Certificate of lawfulness to determine whether a proposed extension to an existing photo stall is lawful	Approved 7.5.10
10/01122	Erection of an indoor sealife attraction building, including canopy, terrace and associated landscaping	Approved 8.7.10
10/01492	Certificate of lawfulness to determine whether a proposed games booth is lawful	Approved 16.8.10
10/02813	Extension to the Adventure land toilets and boardwalk	Approved 4.1.11
11/00536	Installation of a timber canopy of the Dino Dipper ride.	Approved 4.4.11
11/00542	Certificate of Lawfulness to determine whether a proposed Dino Dipper ride with ride platform, cars and control hut are lawful.	Approved 16.3.11
12/02314	Demolition of existing buildings and the creation of Duploland through retheming of an existing area of the park including the installation of 'rainforest'; 'duploville' and 'splash zoo' with changing / toilets and plant/chemical store, lifeguard/first aid kiosk and enlargement of the existing 'Duplo theatre' seating area along with associated landscaping.	Approved 24.9.12
12/03329	Construction of a new traffic games kiosk style fairground unit	Approved 7.1.13
13/00043	Construction of a new plant enclosure within the Duploland area of the park	Approved 11.2.13
13/00190	Construction of a new traffic games style fairground unit	Approved 11.3.13
13/01168	Erection of a timber food and beverage kiosk	Approved 10.7.13
13/02393	Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging', '	Approved 06.12.2013
14/00284/ CONDIT	Details required by conditions 3 (tree protection), 4 (foundations), 5 (landscaping), 6 (tree replacement) and 7 (ground protection) of planning permission 13/02393 for a Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging', '	Approved 28.02.2014
14/01251/	Installation of a new attraction including a haunted house building, queue line area, landscaping and	Refused on 20.08.14 and allowed on appeal on the

FULL	alterations to an existing pathway within the resort	27.11.2015
15/02004/ FULL	Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block	Approved 15.02.2016
15/02105/ FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort.	Decline to determine on the 10.07.15
15/03405/ FULL	Single storey extension and external alterations to the entrance canopy of existing Duplo family restaurant following removal of existing permanent marquee.	Permitted 09.12.2015
16/00570/ CONDIT	Details required by condition 6 (protection/translocation of amphibians) and condition 9 (management plan) of planning permission 15/02004. Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block.	Approved 08.04.2016
16/00602/ CONDIT	Details required by condition 2 (external material samples) 3 (finishing material samples) 7 (ecological proposals) 14 (drainage systems) of planning permission 15/02004 for the erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block	Approved 21.04.2016
16/01164/ CPD	Certificate of lawfulness to determine whether the replacement and re-siting of existing 'Longboat Invader' with 'Ninjago' themed long boat, and control hut, ride platform and queue line is lawful.	Permitted 09.05.2016

- 4.1 The proposed development would result in the removal of 'Loki's Labyrinth' and the 'Longboat Invader' rides (the longboat invader ride would be relocated under permitted development rights).
- 4.2 The indoor ride is housed in a single storey building which comprises 1,450 sqm (Gross External Area) and has a height of 10.5 metres to the ridge. As the application site has changing levels, alterations to the ground levels would need to be made in order to provide a level surface for the building, this involves excavating and raising up the ground levels by 1-2 metres in places. The building will be finished in profiled coated steel sheeting (Kingspan KS1000) in dark brown (RAL 8014). The 'Ninjago' ride comprises an interactive, indoor attraction. There will be various features or scenes within the building which fits in with the Ninjago Lego them. This will comprise a number of "cars" which will move visitors internally, around the proposed building via a track. Given the indoor nature of the attraction, it is referred to as a 'dark ride' and therefore provides the opportunity for internal lighting effects to enhance its impact on the visitor. In addition, there will be relevantly themed features and/or scenes within the building to reflect the 'ninjago' brand. Around the new building, a climbing wall, new paving, boardwalks and landscaping is proposed.
- 4.3 The proposal would result in the loss of a number of 'C' category trees which are located in the central part of the application site and on the boundaries. The trees shown for removal are shown on the Tree Protection Plan and tree works schedule which can be found at Appendix D, these trees include a group of crab and a group of hazel trees, and fastigiata oaks. 9 new trees (suggested to be hornbeam) are proposed; some of the new trees would be within the new areas of soft landscaping, and some trees within the new areas of paving. The arboriculturist for the

applicant explains that for new trees to be planted in the area of paving, each tree planting pit will be created to the full width of the available soft landscape bed in which the tree is located. This will enable ready establishment of roots in the surrounding soil. Once established the tree is then well placed to adapt to its surrounds. In this case the proposed adjoining pavements are only of shallow construction - perhaps 250mm deep at most - and the roots of trees can readily pass below them to exploit the wider rooting environment beyond the planting pit and below the pathways.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections:

Paragraph 19- Support economic growth

Paragraph 20- Supporting the needs of businesses

Paragraph 32- Transport

Paragraph 89- Appropriate Development in Green Belt

Paragraphs 132, 133 and 134- Heritage Assets

Royal Borough Local Plan

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

	Green Belt	Trees	Highways /Parking issues	Area Special Landscape Importance	of Historic Parks and Gardens
Local Plan	GB1, GB2, GB9	N6	T5, P4	N1	HG1

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Visitor Management Strategy - view at: http://rbwm.gov.uk/web/meetings_080522_agenda_cabinet.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Development within the Green Belt;
- ii Visual Impact of the development;
- iii Impact on Trees;
- iv Parking and Highways;
- v Economy
- vi Ecology;

Development within the Green Belt

- 6.2 The application site is situated within the development envelope of this identified Major Developed Site in the Green Belt, as defined on the map in the Local Plan in Appendix 13. The proposed building is of a substantial size, however, the size of the proposed development in proportion to the overall size of the Legoland Park relates to only 1.5% of the developed area of it. The new building would be located next to the Viking River Splash Ride, which is higher than the proposed building. The new building is located within existing development within the developed area of the Park.
- 6.3 The proposed development would not increase the defined development envelope of the site, and the building would not exceed the height of existing buildings in Legoland; the Jolly Rocker is extends to 17.5m above ground level, and the proposed building would be lower than the neighbouring River Viking Splash Ride. The associated climbing wall, paving and board walks associated with the new building which are relatively low level in height are not considered to have a greater impact on the openness of the Green Belt.
- 6.4 The location of the attraction is well within the park boundaries. The application site is located within the walls of the River Viking Splash Ride. While the building is fairly large, it is considered that the proposed development does meet all of the relevant criteria of Policy GB9 (Major Developed Sites in the Green Belt), it comprises limited infilling of the site which does not increase the defined development envelope and does not exceed the height of existing buildings. It is considered that the development would have no more of an impact upon the openness of the Green Belt than the existing development in the development envelope at Legoland, which does contain a number of large buildings and rides. The proposed development is considered to comprise limited infilling of previously developed land, and given the siting of the building within the existing built up part of the site, and when viewed in the context of the wider developed site, it is not considered it would result in a greater impact on the openness, and the purpose of including land within it than the existing development, and this accords with Paragraph 89 of the NPPF.
- 6.5 The proposed development is considered to comply with Paragraph 89 of the NPPF, and with Policies GB1, GB2 (part A) and GB9 of the Local Plan, which are considered to be consistent with the aims of the NPPF.

Visual Impact of the development.

- 6.6 The proposed building is of a substantial scale, however, it would not be the tallest ride/building within the park. A key consideration under policy N1 (Area of Special Landscape Importance) is whether development would adversely affect long distance and local views.
- 6.7 The building would be partially visible from Windsor Great Park, but it is not considered that the new building would prominent in this view, and it would be viewed in the context of other buildings that are visible within Legoland from these points. The views from the Great Park and St Leonards Hill can be found in Appendix E. The new building will be partially visible when looking from Windsor Great Park which is a registered historic park and garden, however, views of the new building will be very limited. The building will be viewed in the context of other buildings and attractions in Legoland that can be seen from the historic park and garden. The new building will blend in with the other buildings and structures that can be seen from this area. For this reason, it is not considered that the development would cause harm to this heritage asset, and the proposal is considered be in accordance with Paragraphs 132, 133 and 134 of the NPPF, and Policy HG1 (Historic Parks and Gardens) of the Local Plan.
- 6.8 Legoland is a well established theme park that contains a number of large building and rides that have been designed to fit with the various themes at the park. The proposed building is considered to be in keeping with the character of buildings at Legoland. It is therefore not considered that the proposal will have any adverse impact on this Area of Special Landscape Importance.

Impact on Trees

- 6.9 A copse of trees to the south of the existing Longboat Invader Ride which are covered by Tree Protection Order are to be retained. A number of trees which are not covered by Tree Protection Order are shown for removal in order to accommodate the proposed development and also to allow for the re-siting of the Longboat Invader ride next to the new Ninjago Ride (which will be done under permitted development rights). The development will also result in the loss of the maze, which forms part of the soft landscaping in this part of the site. The trees shown for removal are C - category trees, and whilst they do make a contribution to the leafy setting of Legoland, the proposed plans show new soft landscaping in the form of shrubs and trees, 9 of which are indicated to be hornbeam. The new tree planting can be secured by condition (see recommended condition 2). The loss of the trees will be considered in the planning balancing exercise.

Parking and Highways

- 6.10 The Transport Statement (TS) includes details of a robust sensitivity test to assess the possible traffic impact of the proposal.
- 6.11 From the testing and based on the worst case scenario across the peak period in August, the analysis suggest that the proposal would lead to less than 2% increase in vehicular activity. The increase should be seen in context to the daily fluctuations in traffic flow in Winkfield Road, which range between 5.8% and 26.1%, and is a seasonal variant depending on the day and month. The Highway Authority concludes that based on the worst case scenario the additional trips generated by the proposal are not significant or perceptible in the context of the daily and seasonable fluctuations in traffic flow.
- 6.12 The Transport Statement indicates that there are currently 4,543 visitor parking spaces located within the Legoland Windsor Resort. This comprises 3,143 marked out spaces (including 54 spaces for vehicles used by people with disabilities). Overflow parking areas (which can accommodate up to 1900 spaces at peak times) are available in 2 grassed overflow parking areas. The park is reasonably well served by bus services. A site wide travel plan was secured by legal agreement under the hotel extension approved under planning permission 15/02004/FULL, and the agent advises this development has commenced. There is a clause in the travel plan and legal agreement which requires the plan to be reviewed and updated on an annual basis, and as such it will allow the travel plan to reflect changes within the theme park, including the provision of this new attraction. The Travel Plan is a strategy for the indefinite future and as such will evolve over time. Although the objectives of the Plan will not change, it may be possible to refine the targets and amend the measures on an annual basis. The Travel Plan will be updated in consultation with Legoland management and the Council.
- 6.13 It is not considered that the proposed development would result in severe traffic issues and as such there is no objection to this scheme on highways grounds. The proposal is considered to accord with Paragraph 32 of the NPPF, which sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Economy

- 6.14 The Design and Access Statement explains that it is important that theme parks adapt the 'product' which they offer to respond to changing demands and trends in the tourism/leisure market. This application is proposing to refresh an area of the Park with a LEGO product that will be new to the Park, 'Ninjago'. Legoland is important to the tourism economy of the Borough.
- 6.15 The need for this proposal and the continued investment in Legoland are:
- Maintaining visitor numbers.
 - Improving the visitor experience - The introduction of the new 'Ninjago' theme, which is based on a current LEGO product (the existing 'Land of the Vikings' theme is no longer available in the LEGO product market), ensures that visitor expectations are maintained by refreshing and keeping the Park's LEGO branding up to date.

- Smooth visitor numbers of over the season, by providing indoor attractions. Currently, July/August accounts for 38% of total annual visitation and this highlights the need for more undercover attractions to spread visitor numbers across the visitor season.

Ecology

- 6.16 This application is in close proximity to the Windsor Forest & Great Park Site of Special Scientific Interest (SSSI). This SSSI forms part of the Windsor Forest & Great Park Special Area of Conservation (SAC). It is also within 1km of Hemwood Dell Local Wildlife Site (LWS). However, given the nature of the proposed development and as long as the works are undertaken in accordance with the details submitted, the proposed development is unlikely to have a significant effect on the interest features of the designated sites. The proposed development includes the loss of a number of young trees, hedges and scrub. In order to compensate for this loss and provide a net gain in biodiversity at the site, a condition is recommended for details of ecological enhancement proposals to be submitted to the local planning authority for approval. The ecology survey submitted show the proposal would not cause harm to bats. The development is considered to be acceptable in this respect.

Surface water runoff

- 6.17 The development should be designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. A Drainage Strategy was submitted with the planning application, and is considered to be acceptable.

The Planning Balance

- 6.18 Legoland is an important tourist facility within the Borough which is beneficial to the economy. The proposed development would enhance the visitor experience of Legoland for the reasons set out in the report. The proposed building is not of high architectural merit, however, it does fit with the character of Legoland as a theme park. In addition, the building would not have adverse impacts on views into the Park from viewpoints outside.
- 6.19 Whilst the loss of the trees is regrettable, they are C category trees, and new trees and shrubs are proposed as part of the redevelopment scheme. Looking at Legoland at a whole, there is good tree cover across the site, and the loss of these trees in the wider context would only result in limited harm. The proposal is considered to be in compliance with Policies N6 and N1 of the Local Plan.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

22 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 7th April 2016

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

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	The further information received from the agent has resolved my previous comments and therefore I have no objections to the application on surface water drainage grounds. However, I ask that if the application is approved can the planning officer please place upon the approval the following condition: <i>The approved surface water drainage system shall be</i>	6.17 and recommended condition.

	<i>implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained in accordance with the drainage strategy thereafter</i>	
Highway Authority	<p>The Transport Statement (TS) includes details of a robust sensitivity test to assess the possible traffic impact of the proposal. This methodology was used to assess the impact of the Haunted House proposal was agreed by the Council. In the Appeal Decision Report the Inspector stated: At the Inquiry the Council accepted the methodology used and made no attempt to challenge the trip generation figures being put forward by the appellant. In the absence of any alternative figures, I find no reason to disagree.</p> <p>Based on the methodology used, the worst case scenario across the peak period in August the analysis suggest that the proposal would lead to less than 2% increase in vehicular activity. The increase should be seen in context to the daily fluctuations in traffic flow in Winkfield Road, which range between 5.8% and 26.1%, and is a seasonal variant depending on the day and month</p> <p>The Highway Authority concludes that based on the worst case scenario the additional trips generated by the proposal are not significant or perceptible in the context of the daily and seasonable fluctuations in traffic flow.</p> <p>Based on the information submitted with the planning application in respect of the replacement of an existing ride, no objection is raised from the highways aspect.</p>	6.10-6.13

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer	<p>I have no objections to the direct loss of trees shown. They have tried to retain 3 of the fastigate Oak. Unfortunately, permanent hard standing occupies more than 20% of the rooting area for the northern most two of these and as such they will be lost as a consequence. The third tree, at the southern most ends, can be retained subject to confirmation that no level changes or excavations will take place within its root protection area.</p> <p>Some of the proposed new trees are surrounded by hard standing which may restrict their ability to grow to maturity, dependent upon materials used. The site usage in these areas will also act as a constraint and the trees may require pruning to contain size or reduce the amount of debris fall onto the hard surfaces. These are likely to be small growing trees and would not themselves mitigate for the loss of the significant line of fastigate oaks and associated wide shrub border.</p> <p>I am uncertain whether the light green area within the Longboat ride is to be soft landscaping such as lawn, or</p>	4.3, 6.9

	<p>whether it's a coloured hard surface. If the latter, then it will compound further the impact of the scheme on the parkland character.</p> <p>Whilst I appreciate the attempts made, the scheme fails to do enough to mitigate the impact of the development and as such recommend refusal under N6 and DG1.</p>	
Ecologist	<p>This application is in close proximity to the Windsor Forest & Great Park Site of Special Scientific Interest (SSSI). This SSSI forms part of the Windsor Forest & Great Park Special Area of Conservation (SAC). It is also within 1km of Hemwood Dell Local Wildlife Site (LWS). However, given the nature of the proposed development and as long as the works are undertaken in accordance with the details submitted, the proposed development is unlikely to have a significant effect on the interest features of the designated sites.</p> <p>No objections, subject to conditions for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Vegetation removal should be undertaken outside the breeding bird season (which spans from March to August inclusive) <input type="checkbox"/> works to be undertaken in accordance with recommendations in ecology report <input type="checkbox"/> details of biodiversity enhancements 	6.16
Environmental Protection	<p>The conclusion of the noise assessment is that the noise generated from the new ride is sufficiently below the permitted levels and that it would not cause adverse noise impacts on sensitive receptors is accepted and I have no further comments.</p>	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C- Proposed Elevations and Floor Plans
- Appendix D- Arboricultural Information
- Appendix E- Views provided by agent

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 NPF6.

In this case the issues have been successfully resolved.

9. 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 Prior to the construction of the building hereby approved, full details of both hard and soft landscape works, including the method of planting new trees within the proposed paved areas,

shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved within the first planting season following the substantial completion of the development. If, within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the local planning authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, N1, N6

- 3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars (drawing 9133/02 Rev A and arboricultural method statement revision A) before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered.

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

- 4 The materials to be used on the external surfaces of the building shall be in accordance with those specified in the application.. Development shall be carried out in accordance with the approved details.

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

- 5 The recommendations set out in the ecology report titled LEGOLAND 2017: Ninjago: Preliminary Ecological Appraisal shall be fully adhered to.

Reason: In order to minimise the risks of harming wildlife, including amphibians, in line with the requirements of the National Planning Policy Framework.

- 6 Prior to the construction of the building hereby approved, full details of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. Biodiversity enhancements shall include but not limited to: schedule of plants and trees details of bird nesting and bat roosting opportunities on and around new buildings and retained trees and provision of log piles. The biodiversity enhancements shall be retained thereafter in accordance with the approved details.

Reason: To accord with the NPPF.

- 7 The approved surface water drainage system shall be implemented in accordance with the approved detailed design (Drainage Strategy for Project Site Revision 3) prior to the use of the building commencing, and maintained in accordance with the drainage strategy thereafter.

Reason: so that surface water run off is adequately managed.

- 8 The non-residential elements of the development shall achieve a minimum post construction Building Research Establishment Environmental Assessment Method (BREEAM) (2014) rating of at least 'Very Good' (or any such similar scheme and rating as may supersede BREEAM), including a 10% reduction in energy demand through the use of renewable and/or low carbon technology. Within 3 months of completion of the final commercial unit in each relevant part of the development a BRE issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of at least Very Good shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

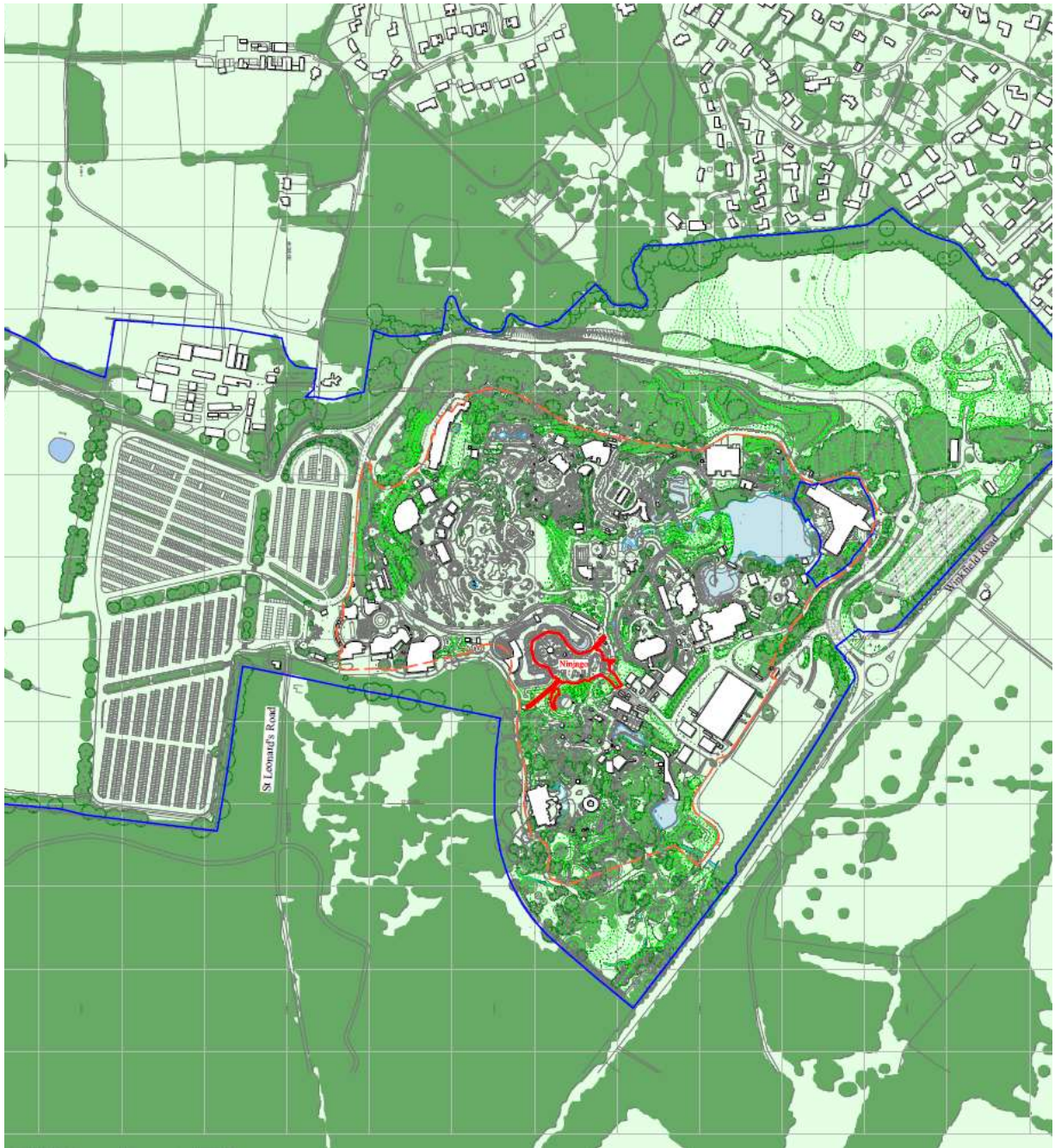
- 9 Prior to the construction of the building hereby approved, details of all finished slab levels in relation to ground level (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance

with the approved details.

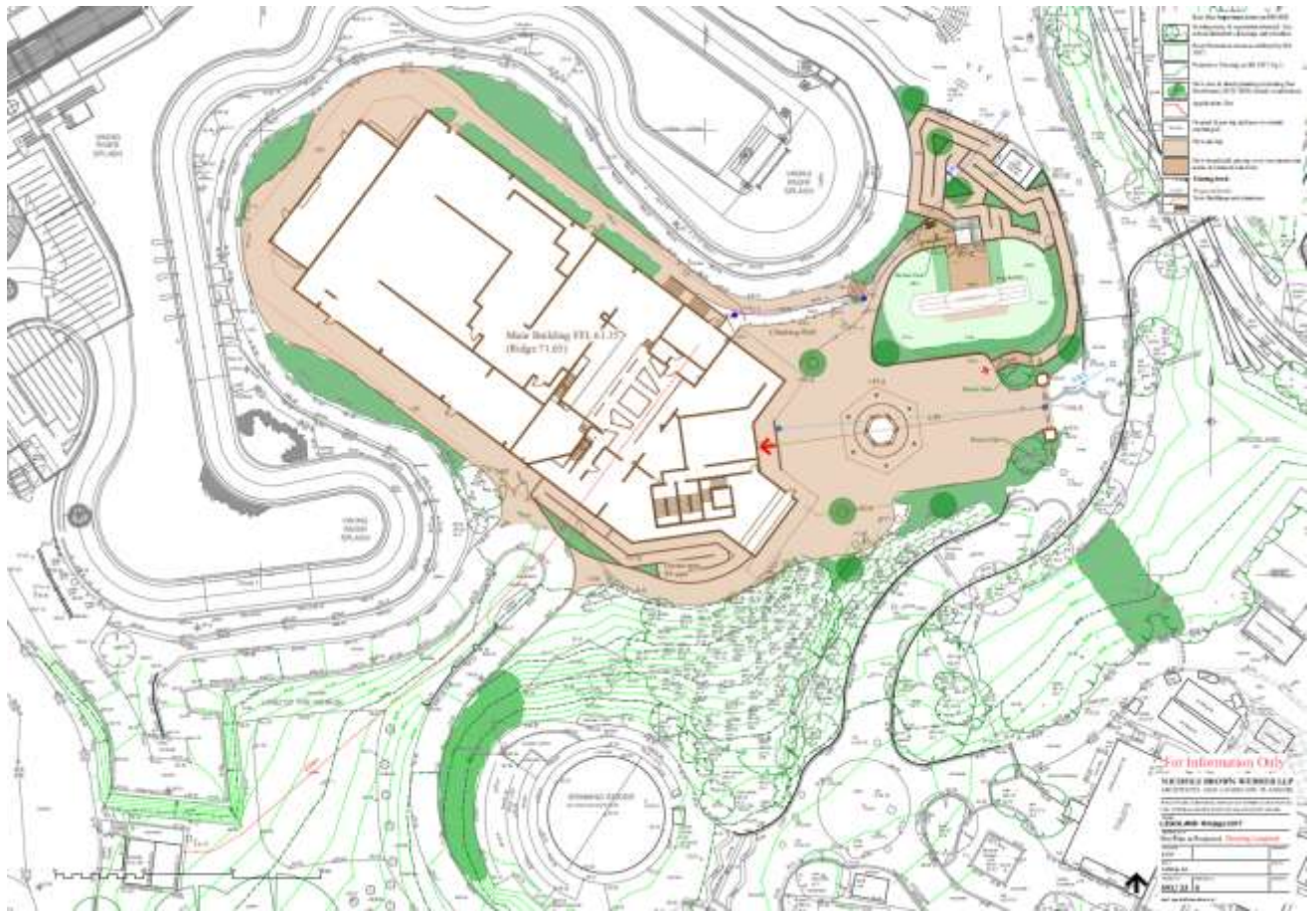
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

10 Approved Plans.

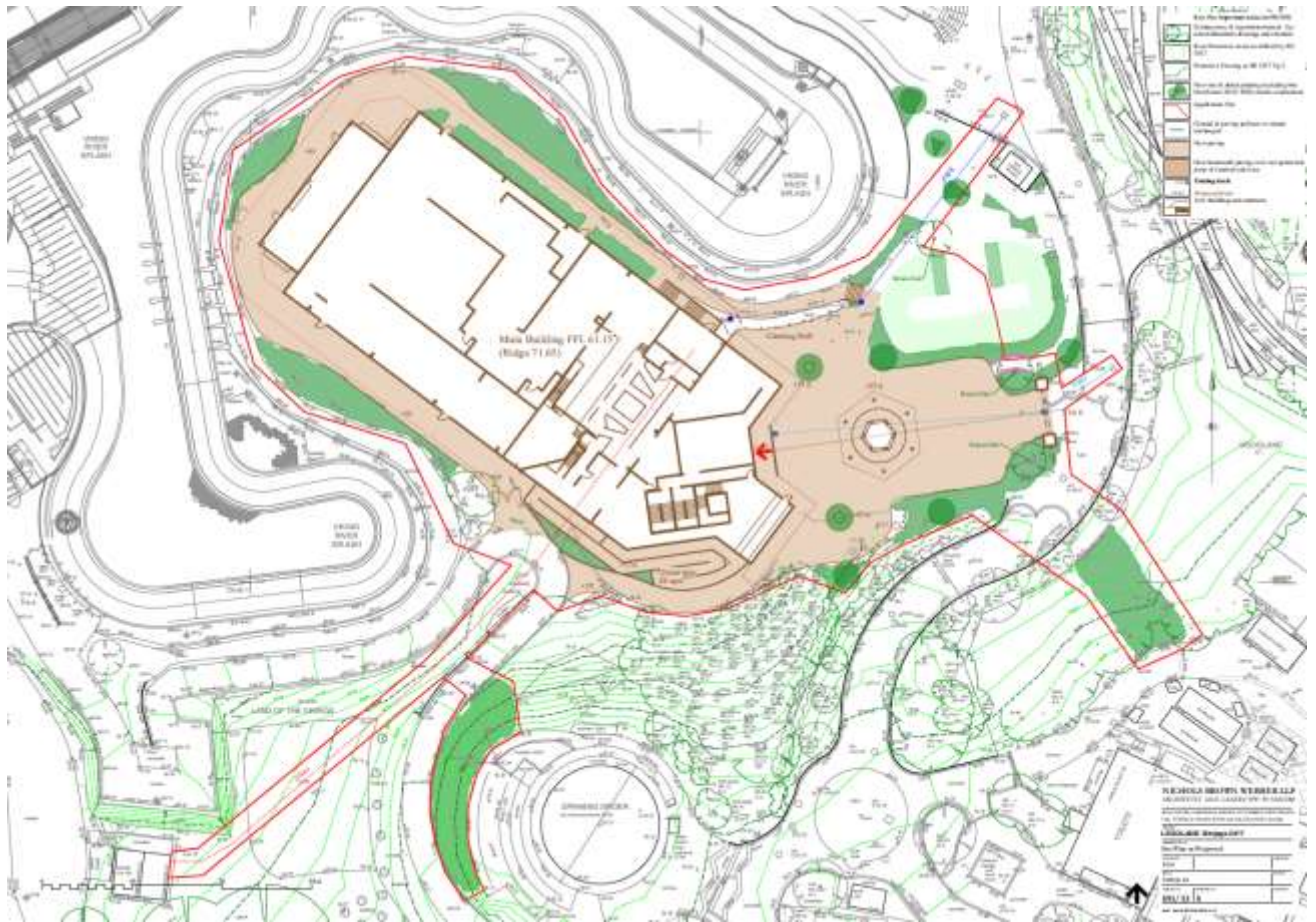
Appendix A- Site location

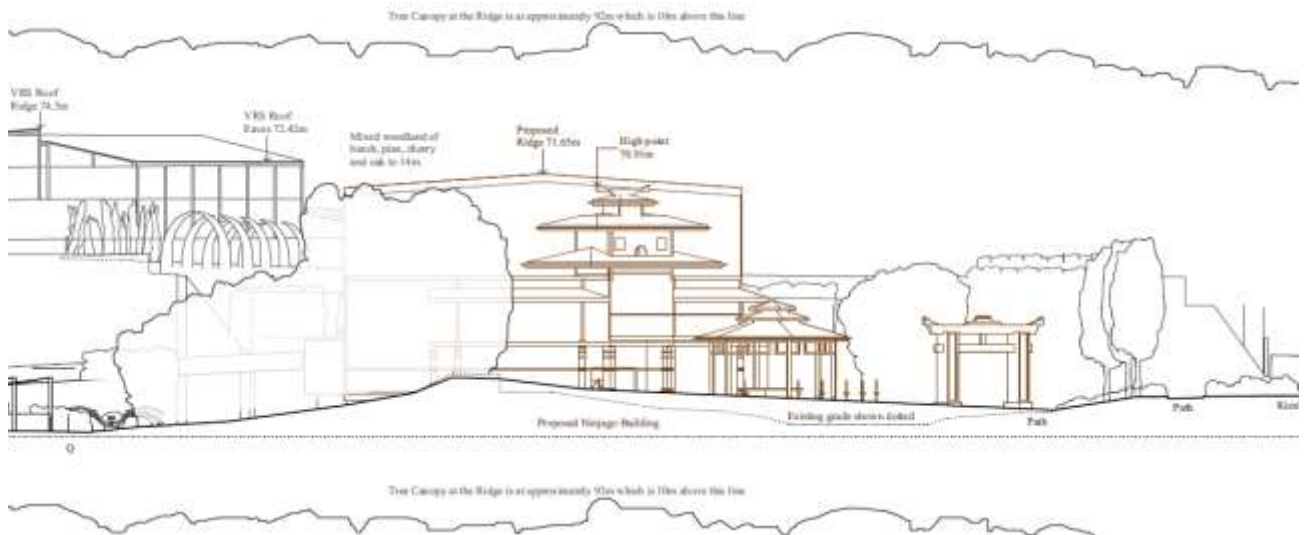


Appendix B- Proposed Site Plan with Longboat Ride

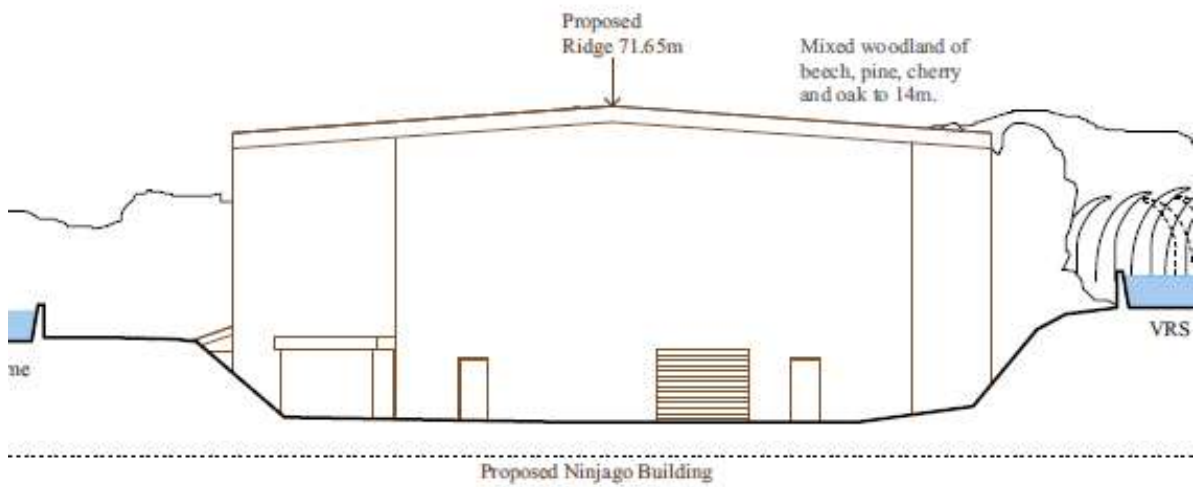


Proposed Site Plan- without Longboat Invader Ride



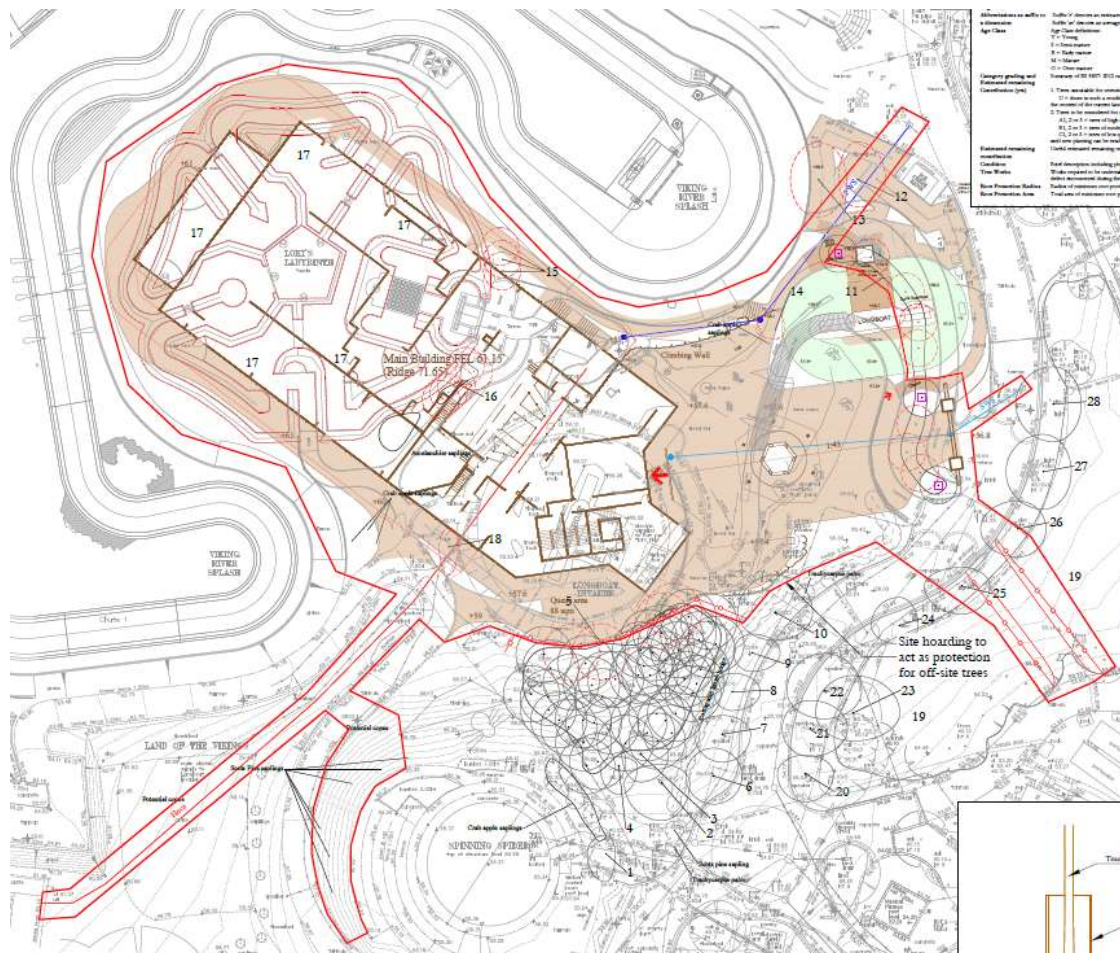


South east elevation



North west elevation

Appendix D- Arboricultural Information



Tree number	Species	Action
5	Mixed species	Remove selected stems as marked on the Tree Protection Plan
11	Row of fastigate oak	Remove selected stems as marked on the Tree Protection Plan
12	Paper-bark birch	Remove
13	Paper bark birch	Remove
14	Field maple	Remove
15	Group of crab apple	Remove
16	Group of hazel	Remove
17	Leyland cypress maze	Remove
18	Scots pine	Remove
19	Mixed species	Remove selected stems to enable the temporary access to be constructed.

Appendix E- Views provided by agent



Site as seen through slightly overcast lens (as SLE 7/2015) in a single frame, cropped.



The same view with a wireframe overlay of 3dsmax along with key shot location points used to calibrate the overlay.



3/2/23 Enlargement of highlighted area shown separately in a 2250x1125 SLE lens showing what would be seen. The new building will be just visible through the trees in Winter from this viewpoint as a dark shadow below the VRS roof

Photography 26.2.16

Viewpoint 1 : Range: 250m; Elevation 33m From Windsor Great Park; Existing & Proposed Views

NBW Architects & Landscape Planners 22.2.16

591-33-21



Site as seen through slightly telephoto lens (in SLR, 50mm) in a single frame, cropped.



The same view with a wireframe overlay of Siteage along with key identification points used to calibrate the overlay.



41.25 Enlargement of highlighted area above equivalent to a 25mm SLR lens showing what would be seen. Siteage would be hidden by a hedgerow and dense vegetation from this viewpoint and would not be seen at all.

Photography 26.2.14

Viewpoint 2 : Range: 2315m, Elevation: 14.94m From Windsor Great Park: Existing & Proposed Views

NHW Architects & Landscape Planners 22.2.16

591-33-22



Site as seen through a wide angle lens (at S&R Street) in a single frame, cropped.



The same view with a wireframe overlay of Nojage along with key identification points used to calibrate the overlay.



Closeup of highlighted area above showing what would be seen. Nojage would be obscured from this viewpoint by the landscape and by dense vegetation in Summer & Winter.

Photography 26.2.14

Viewpoint 3 : Range: 648m Elevation 43.4m From the Boundary with St Leonards Hill. Existing & Proposed Views

NBW Architects & Landscape Planners 22.2.16

591-33-23



Site as seen through a wide angle lens (as 35.8° 15mm) in a single frame, cropped.



The same view with a wireframe overlay of NiMap along with key identification points used to calibrate the overlay.



x2 Enlargement of highlighted area above showing what would be seen. NiMap would be completely obscured from this viewpoint by the tall trees, by the Adams building and by dense vegetation in Summer & Winter.

Photography 26.2.14

Viewpoint 4 : Range: 595m Elevation 50.7m From the Boundary with St Leonard's Hill. Existing & Proposed Views

NIW Architects & Landscape Planners 22.2.16

591-33-24



Site as seen through a wide angle lens (as S.L.R. 33mm) in a single frame, cropped.



The same view with a wireframe overlay of 'Snags' along with key identification points used to collect the overlay.



32 Enlargement of highlighted areas above showing what would be seen. 'Snags' would be obscured from this viewpoint by the landform and by dense vegetation at bottom & within.

Photography 26.2.14

Viewpoint 5 : Range 580m Elevation 600m From the Boundary with St Leonard's Hill: Existing & Proposed Views

NBW Architects & Landscape Planners 22.2.16

591-33-25

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

15 June 2016

Item: 3

Application No.:	16/00907/FULL
Location:	Dedworth Middle School Smiths Lane Windsor SL4 5PE
Proposal:	Construction of synthetic turf pitch, floodlighting, fencing, drainage and ancillary works
Applicant:	Graeme Aldous
Agent:	Mr Joe Ayoubkhani - Geraint John Planning Ltd
Parish/Ward:	Clewer North Ward

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 The new synthetic pitch would be sited on part of the existing school playing field, alongside the existing enclosed tennis courts. The new pitch would be used in connection with the school and would also be made available to other youth and adult sports clubs and community groups. The availability of the pitch to the community is secured through a Facilities Agreement between the Council and the Windsor Learning Partnership.
- 1.2 The proposed synthetic turf pitch, floodlighting, fencing, drainage and ancillary works are considered to be acceptable subject to a restriction on the hours of operation for the floodlighting.
- 1.3 This application was withdrawn from the agenda of 25th May 2016 Windsor Urban Development Control Panel by the Borough Planning Manager to give the applicant an opportunity to respond to the objection raised by Sport England. A site meeting took place between the applicant and Sport England on 27th May and following this Sport England has withdrawn their objection on the basis that it was clear on site – and not evident from the plans – that with the siting of the new synthetic pitch there would still be sufficient space left on the playing so as not to sterilise the remainder of it.
- 1.4 The previous report that was published for 25th May Windsor Urban Development Control Panel is reproduced below but updated to take into account the further consultee and community comments that have been received.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the Facilities Agreement which provides for community use of the synthetic turf pitch and with the conditions listed in Section 9 of this report.
2.	To refuse planning permission if an undertaking to secure the Facilities Agreement on the grounds that the proposal would not provide for better provision for sports use and as such there would be detriment caused to the loss of the playing field.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor E Wilson irrespective of the recommendation, for the reason that it is in the public interest.
- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises part of a school playing field. The new pitch would be adjacent to existing tennis courts which are surrounded by fencing. There are residential properties surrounding the school playing fields.
- 3.2 The site is not in the Green Belt and not within an area liable to flooding. The agent has advised that there are no drainage issues on this site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no recent relevant planning history relating to the provision of a new synthetic pitch or flood lighting on this school site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 7 (Requiring good design); Section 8 (Promoting healthy communities); Section 11 (Conserving and enhancing the natural environment).

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues
Local Plan	DG1, R8, CF2.	T5, P4

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- Interpretation of Policy R2 to R6 - Public Open Space provision
 - Sustainable Design and Construction

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
 - RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:
- i The principle of the development
 - ii The impact of the proposal on local residents
 - iii Impact on highways and parking

The principle of the development

- 6.2 The proposals is for a synthetic turf pitch, floodlighting, fencing, drainage and ancillary works. The pitch would be marked up for football use and will be 55m x 37m excluding run off (61m x 43m with run off). The applicants advise that the pitch would be FIFA (International Federation of Association Football) and FA (Football Association) compliant. The applicant's agent has advised that in terms of usage of the pitch, Windsor and Eton FC as well as Windsor Youth have been involved in the project as they are the major providers of youth football in the area. The intention is to open up bookings to as wide a selection of local clubs but focussing on youth football training with matches only at the weekend.
- 6.3 The fencing would comprise mesh powder coated green fencing to a height of 4.5m. The floodlighting would consist of 6 no. 10 metre high floodlights. The applicants are proposing clocks which will be installed to ensure that lights cannot be operated outside of permitted times. The applicants are now proposing hours of operation to be 8am until 9pm each day of the week (including weekends and bank holidays). The originally proposed times as stated on the application form were 8am until 10pm. The reduction in hours is welcome. However, it is considered that in the interests of the amenity of local residents, the hours of illumination on Sundays, Public and Bank Holidays should be restricted to the hours of 9pm until 6pm. (See condition 2, Section 9 below).
- 6.4 As well as increasing the quantity of sport able to be played within the school itself, the applicants advise that the facility will also be made available to other youth and adult sports clubs and community groups. It is understood that Windsor Youth Football Club, in particular, has a need for all-weather floodlit playing facilities to enable midweek coaching and training for school children and for intensive all-weather weekend activities. (The applicant advises that this club provides for over 400 players aged from 6-18 years in over 35 teams).
- 6.5 The NPPF (at paragraphs 69 and 73) is supportive of delivering recreational facilities, and providing community facilities which make an important contribution to the health and well-being of communities. A Facilities Agreement between the Council and the Windsor Learning Partnerships provides for access to the new pitch by the community and it is recommended that this Agreement be tied to this permission through a Unilateral Undertaking. Sport England have seen the Agreement. This Agreement is dated 28th April 2016 and Appendix A states that the land (Pitch) can be used by RBWM or a Leisure Operator on its behalf, and has the right to exclusive use during term times as follows: from 5pm on a Monday and Friday; from 5.30pm on the other week days; and at weekends from 9am to 9pm. Outside of term time the times are as follows: from 7am to 11.59pm Monday to Friday; and, from 7am to 9pm at weekends.
- 6.6 A site meeting took place between the applicant and Sport England on 27th May and following this Sport England withdrew their objection on the basis that it was clear on site – and not evident from the plans – that with the siting of the new synthetic pitch there would still be sufficient space left on the playing so as not to sterilise the remainder of it. Sport England state that an exception can be made of the loss of part of the playing field would be outweighed by the benefit of this pitch and the Facilities Agreement to the benefit of the development of sport. In addition, given this it is considered that the proposals would result in better provision of sports land to comply with Paragraph 74 of the NPPF.
- 6.7 As this proposal would allow better use of an existing part of the school playing field throughout the year, it is considered that the principle of the development is acceptable.

The impact of the proposal on local residents

- 6.8 The nearest house to the proposed pitch would be at no 9 Knights Close. The separation distance between the house at No 9 and the new pitch would be approximately 60 metres. Other houses in Knights Close (10-17 inclusive) would range from approximately 77 – 80 metres away from the edge of the pitch.
- 6.9 Running between the boundaries of houses in Knights Close and the school playing field is Roses Lane which is lined with a hedgerow and tall trees (Poplars).

- 6.10 Houses in Longmead and Smiths Lane which border the school playing fields would be in excess of 150 metres from the proposed pitch.
- 6.11 Paragraph 123 of the NPPF advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of a new development , and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 17, bullet point 4 also requires a good standard of amenity for all existing and future occupants of land and buildings.
- 6.12 Policy R8 of the Local Plan advises that the Borough Council will permit development for public or private recreation use except where such development would result in significant environmental or highway problems or where it would conflict with any other policies of the plan. In the explanatory text at paragraph 3.2.21 the Local Plan advises that consideration will be given to any possible harm to the amenities of neighbouring properties when assessing proposals which are likely to result in excessive noise or traffic generation or which require floodlighting.
- 6.13 The existing school playing field has no current restrictions on the hours of use and subject to the school's agreement, could potentially be used at any time during daylight hours.
- 6.14 The applicants have agreed to reduce the hours for the proposed lighting from 8am until 9pm - rather than until 10pm as originally proposed. The reduction in hours is welcomed. Nevertheless, it is considered that in the interests of the amenity of local residents, the hours of illumination on Sundays, Public and Bank Holidays should be restricted (by condition) to the hours of 9pm until 6pm. It is considered that the impact of the proposed lighting and any resultant additional noise from the use of the illuminated pitch would not be so great as to warrant refusal on those grounds. A condition is to be imposed to restrict the hours of illumination from 8am until 9pm on Mon-Sat; and 9am until 6pm on Sundays, Public and Bank Holidays. (See Condition 2, Section 9.)
- 6.15 It is understood that from the lighting report that the proposed lighting system has been designed to minimise light spillage and there is a switch down level (which turns 4 no. floodlights off) for slower moving sports such as small sided football.
- 6.16 It is noted that in terms of community comments there has been only one objection received in respect of the impact on amenity. Additionally, Environmental Protection has not raised an objection, suggesting a condition about the hours of operation and the use of a timer clock. (See Condition 2, Section 9).

Highways and parking

- 6.17 No objection has been raised by the Highways Officer and with the restriction on the use of the pitch after 5pm it is not considered that the highway network would be significantly affected. It is considered that there would be sufficient parking both on and off site for this facility.

Other considerations

- 6.18 The new pitch would incorporate drainage which connects to the existing drainage system. The construction of the new pitch would involve providing a lower base of 180mm depth of clean aggregate and upper base of 20mm (stone to dust). It is understood that there would be no increase in ground levels.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

78 occupiers were notified directly of the application.

1 letter was received commenting on the application from the West Windsor Arches (WWA), summarised as:

Comment	Where in the report this is considered
<p>No objection to the application per se. However the new pitch will impinge on the current shooting site used by the club.</p> <p>It is requested that WWA is relocated to another part of the school grounds. It would be a shame if local residents were denied the opportunity of participating in this sport.</p>	<p>The applicant's agent has advised that the concerns of WWA have been addressed by the school and the school has arranged for WWA to access a different part of the field for their future sessions.</p>

1 letters was received supporting the application, summarised as:

Comment	Where in the report this is considered
<p>1. Support. The facility will be available for all community and schools alike. Much needed sport facility for young and old with added advantage of floodlights. Hope football won't be the only sport played and it may allow other types of sports to be played.</p>	<p>Noted</p>

1 letter of no objection was received, set out below:

Comment	Where in the report this is considered
<p>No objection.</p>	<p>Noted</p>

1 letter of comment/ objection to the application, summarised as:

Comment	Where in the report this is considered
<p>1. Sports facility welcomed. However, concern about hours of operation 08:00 -22:00 and additional noise and disturbance to neighbours. There is already significant aircraft noise in this area. The hours need to be reduced and number of operational days reduced. Hours of illumination would be better if 9am until 9 pm.</p>	<p>See paragraph 6.14</p>
<p>2. Concern about nuisance to neighbours from Floodlights. Need to be fitted to avoid spillage.</p>	<p>See paragraphs 6.13-6.14</p>

Statutory consultees

Consultee	Comment	Where in the report this is considered
<p>Environmental Protection</p>	<p>No objections: Suggested conditions and informatives.</p> <p>IEH11 - Light Pollution For the preservation of dark skies, for the prevention of 'light nuisance' and for the conservation of energy the lighting system</p>	<p>Paragraph 6.16</p>

	<p>hereby permitted shall be turned off by an automatic time clock when the area is not in use, say, between 07:00 and 22:00 and by light sensitive switch when natural light is available.</p> <p>Informatives suggested:</p> <p>Dust Control Informative (Non-Standard)</p> <p>Smoke Control Informative (Non-Standard)</p> <p>Construction Hours</p>	
Highways	<p>This area has on-street parking restrictions in the area of the school. No waiting Mon-Friday 8am-9.30am and 2.30pm-4pm.</p> <p>There needs to be a degree of separation between the school activities and the evening activities to avoid overlapping which would force traffic to park on the adopted highway to the detriment of local residents and the flow of traffic.</p> <p>Therefore, outside activities should not be permitted to use the school parking/facilities before 5 pm Mon- Friday.</p> <p>The school's cycle facilities will need to be made available to users of the pitch.</p> <p>There will be considerably more vehicular traffic activity along Smiths Lane and within the surrounding highway network during weekends and evenings. Although, usage is difficult to quantify.</p> <p>The Borough's street lighting section consider the design to be acceptable but have asked for confirmation as to whether the lighting class is 1,2, or 3.</p>	<p>Noted</p> <p>See the new recommended condition relating to use of the pitch only after 5pm.</p> <p>See the new recommended condition relating to cycle parking being made available.</p> <p>No objection has been raised by the Highways Officer and with the restriction on the use of the pitch after 5pm it is not considered that the highway network would be significantly affected. It is considered that there would be sufficient parking both on and off site for this facility.</p> <p>Environmental Protection has raised no objection to the proposed lighting.</p> <p>A lighting report has been submitted with the application to demonstrate that the lighting system has been designed to minimise light spillage.</p> <p>The proposed floodlights are at a considerable distance from the</p>

		site boundaries.
Sport England	<p>Withdrawn its objection, advising as follows:</p> <p>“I had a very helpful meeting onsite this morning...</p> <p>...Having done so, I am satisfied that the proposed location for the 3G pitch is sound, and whilst it is not obvious from the submitted plans, there would be sufficient space to accommodate a pitch and training grids to the south of the proposed AGP. In that regard, I am assured that the proposed location would not in fact sterilise the remainder of the playing field, as was initial concern.</p> <p>I have also (today) seen the community access agreement which sets out the schools commitment to make the new AGP available for wider community use and I have also received clarification from the applicant that the pitch will be 55m x 37m excluding run off (61m x 43m with run off) as requested below. ..</p> <p>... given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5:</p> <ul style="list-style-type: none"> • E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.” 	Paragraph 6.2 – 6.7

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Layout, elevation and section drawings

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

In this case the issues have been successfully resolved.

9. 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 Unless otherwise agreed in writing by the Local Planning Authority, the approved artificial lighting shall only be operated in accordance with the following details:
(i) The flood lights shall be illuminated only between the hours of 08:00 until 21:00 on Monday to Saturday and shall not be illuminated at any time after the hours of 21:00 and before 08:00 on Monday to Saturday. On Sundays, Public Holidays and Bank Holidays the flood lights shall be illuminated only between the hours of 09:00 until 18:00 and shall not be illuminated at any time after the hours of 18:00 and before 09:00.
(ii) For the preservation of dark skies, for the prevention of 'light nuisance' and for the conservation of energy the lighting system hereby permitted shall be turned off by an automatic time clock after the hours of 21:00 and before 08:00 on Monday to Saturday and after the hours of 18:00 and before 09:00 on Sundays, Public or Bank Holidays.
Reason: To limit the hours of illumination to protect the amenities of local residents and for the prevention of light nuisance and in the interests of energy conservation. Relevant Policies - Local Plan - Policy R8, The Council's SPD for Sustainable Design and Construction, NPPF Paragraph 17 bullet point 4.
- 3 The root protection areas of mature trees shall be protected with fencing prior to any plant, machinery or materials are brought onto the site and such protective fencing shall be retained until the completion of all construction work and until all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any tree root protection areas and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 On school days the proposed pitch shall be used by outside organisations only after the hours of 5pm.
Reason: To ensure that there is adequate separation between the use of the school and the evening use in order to minimise traffic and to prevent on-street parking issues which could lead to an unsafe highway situation in the vicinity of the school. Relevant Policies - Local Plan DG1, T5, P4.
- 5 The school's cycle parking facilities shall be made available to all users of the proposed pitch.
Reason: To ensure that there is adequate cycle parking provision at the site. Relevant Policies - Sustainable Design and Construction SPD.
- 6 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.

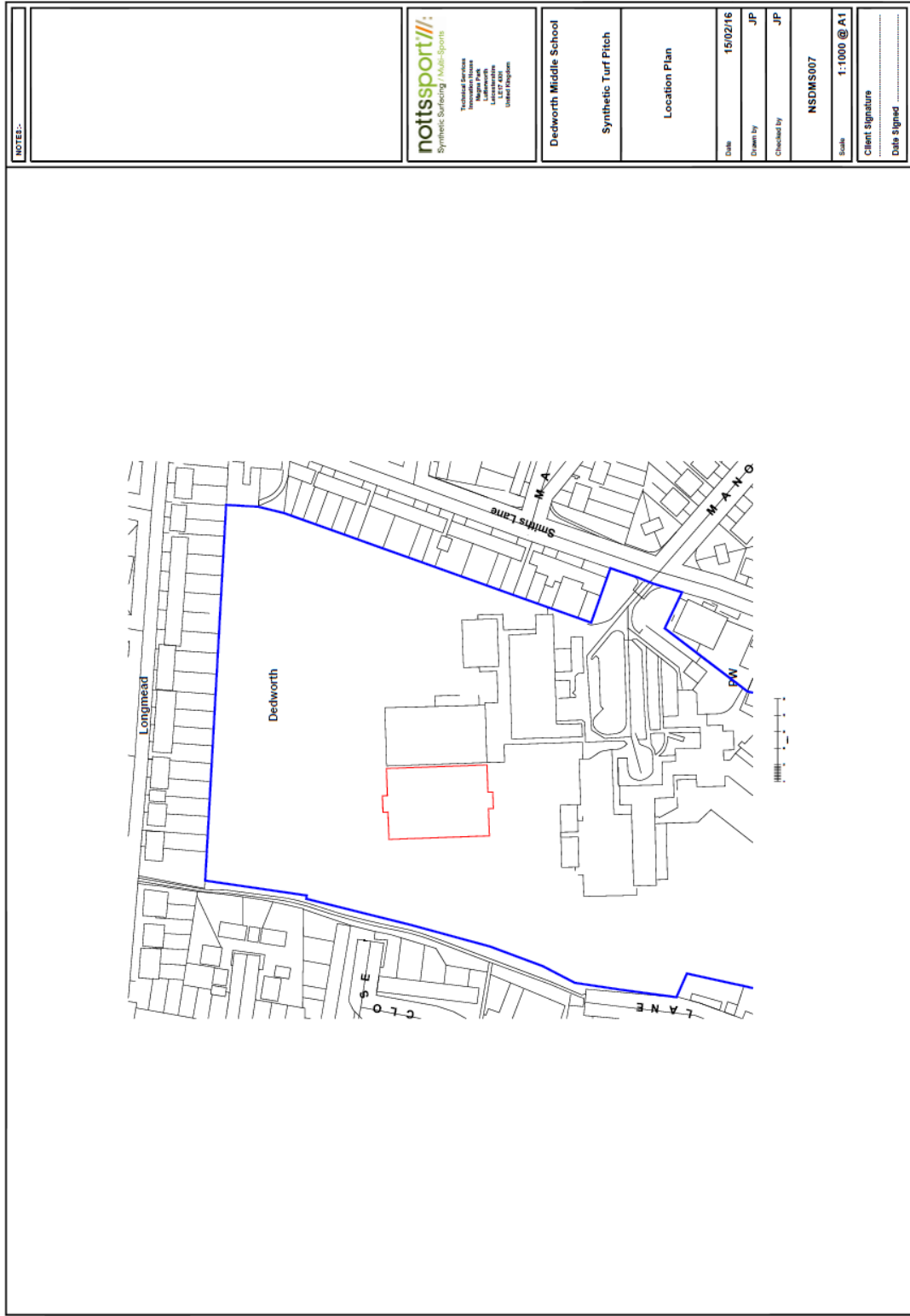
Informatives

- 1 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment

(APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

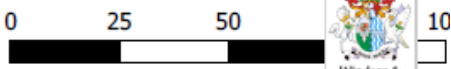
- 2 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00 until 18.00; Saturday 08.00 until 13.00. No working on Sundays or Bank Holidays.
- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

APPENDIX A – 16/00907 Dedworth Middle School





Site of the proposed synthetic turf pitch

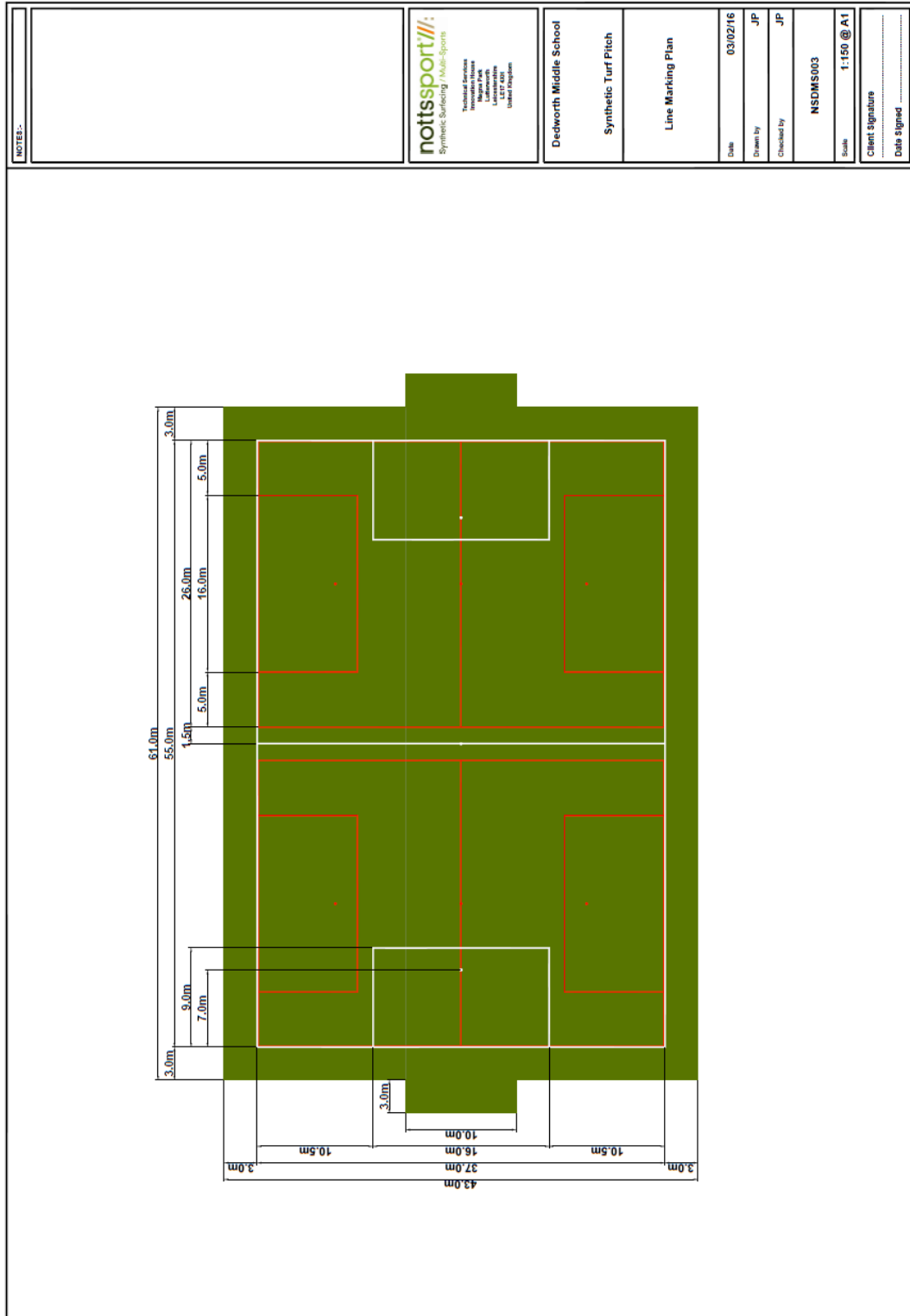


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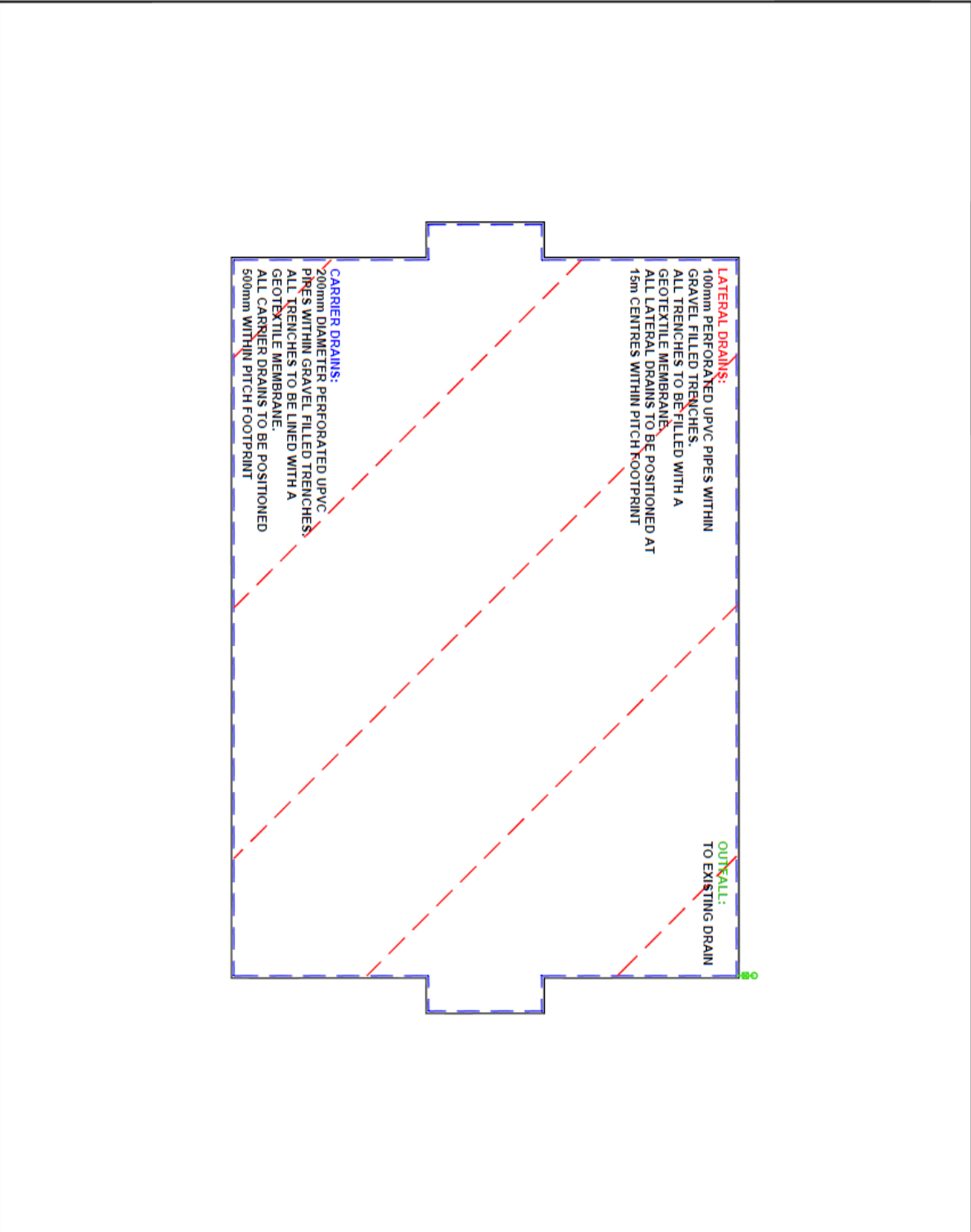
© Crown copyright and database right 2016. Ordnance Survey 100018817

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APPENDIX B – 16/00907 Dedworth Middle School



NOTES:-	<p>nottssport Synthetic Surfacing Multi-Sports Technical Services Barnet Park Luton LU1 3JY UK 01582 544444</p>	Dedworth Middle School
		Synthetic Turf Pitch
		Line Marking Plan
Date	03/02/16	
Drawn by	JP	
Checked by	JP	
	NSDMS003	
Scale	1:150 @ A1	
Client Signature		
Date signed		



NOTES:-

.....

notissport///:
 Synthetic Surfacing / Multi-Sports
 Technical Services
 Notissport Park
 Lutterworth
 LE17 6JH
 United Kingdom

Dedworth Middle School

Synthetic Turf Pitch

Drainage Plan

Date 03/02/16

Drawn by JP

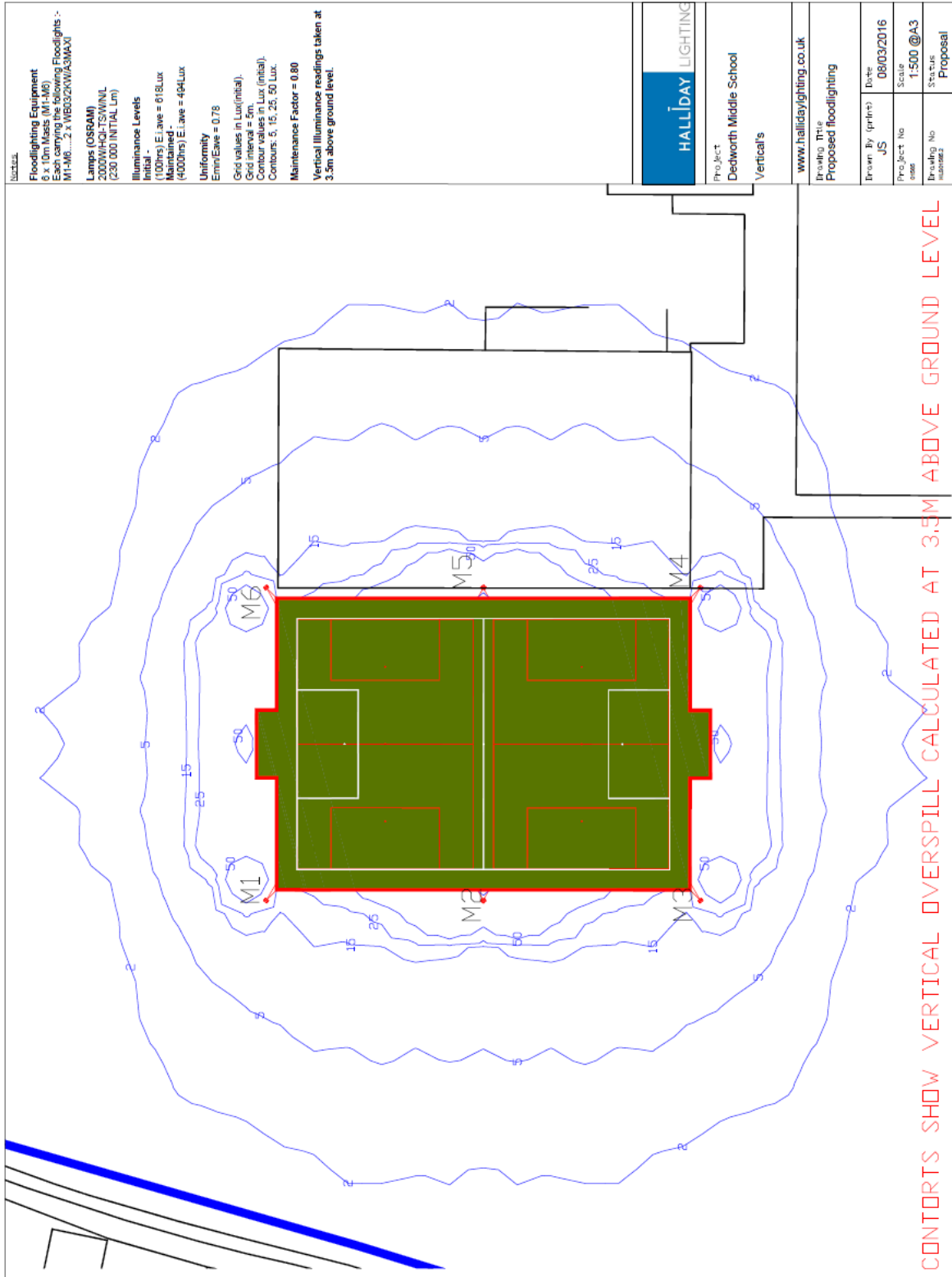
Checked by JP

NSDMS006

Scale 1:150 @ A1

Client Signature

Date Signed



Notes:
Floodlighting Equipment
 6 x 10m Masts (M1-M6)
 Each carrying the following Floodlights :-
 M1-M6... 2 x MB032KW/3MA-J1

Lamps (OSRAM)
 2000WHQ-TS/MNL
 (230 000 INITIAL Lm)

Illuminance Levels
 Initial -
 (100hrs) E.Lave = 618Lux
 Maintained -
 (4000hrs) E.Lave = 494Lux

Uniformity
 Emission = 0.78

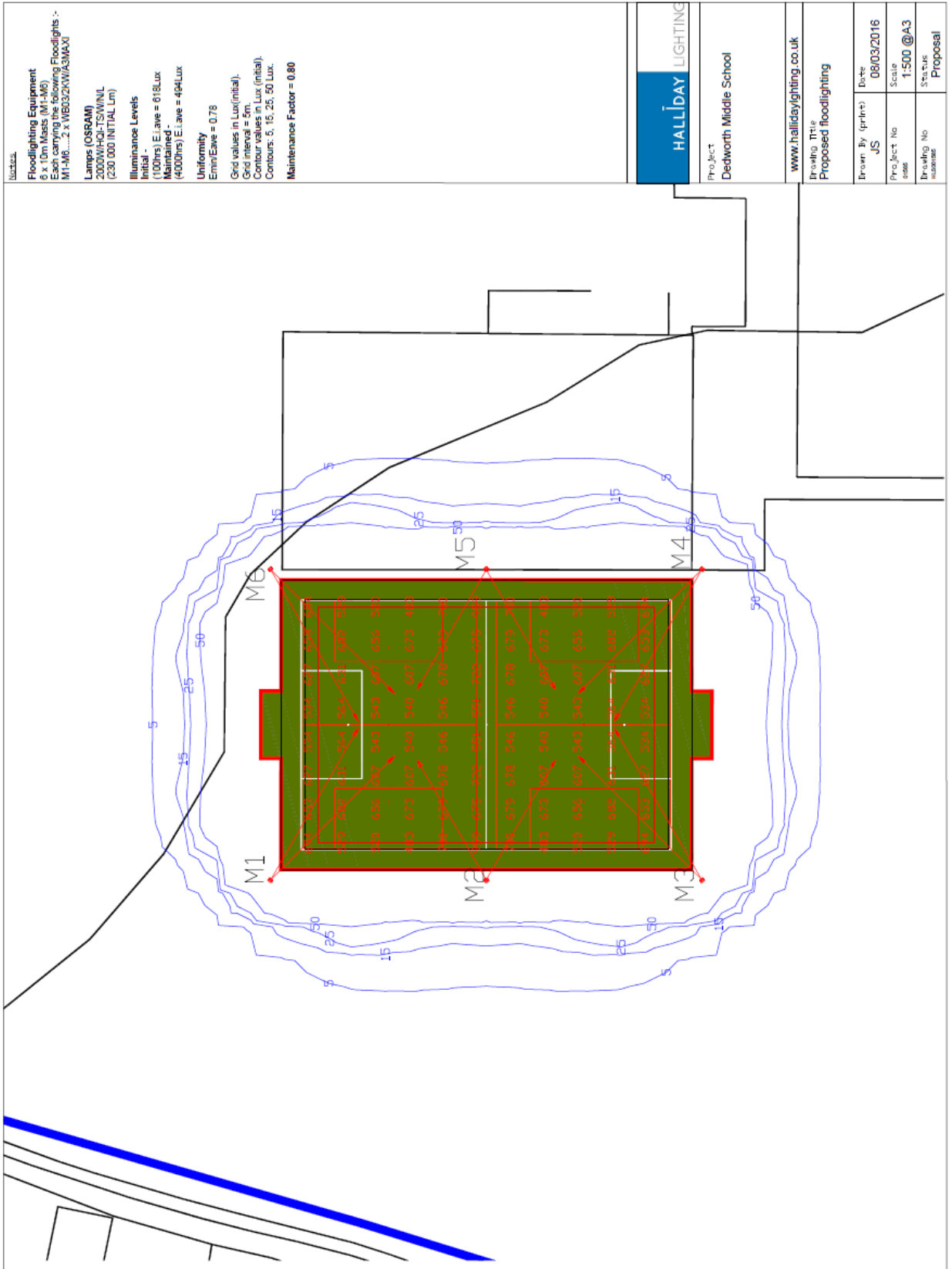
Grid values in Lux (initial).
 Grid interval = 5m.
 Contour values in Lux (initial).
 Contours: 5, 15, 25, 30 Lux.

Maintenance Factor = 0.80

Vertical Illuminance readings taken at
 3.5m above ground level.

HALLIDAY LIGHTING	
Project	Dedworth Middle School
	Vertical's
www.holidaylighting.co.uk	
Drawing Title	Proposed floodlighting
Drawn By (prints)	JS
Date	06/03/2016
Project No	1:500 @A3
Issue	Scale
Drawing No	1:500 @A3
Sheet No	Proposal

CONTOURS SHOW VERTICAL OVERSPILL CALCULATED AT 3.5M ABOVE GROUND LEVEL



Notes:

Floodlighting Equipment
 6 x 1.0m Masts (M1-M6)
 Each carrying the following Floodlights -
 M1-M6: 2 x WBO32KWASMAVU

Lamps (OSRAM)
 200W HQI-TS/MINIL
 (230 000 INITIAL lm)

Illuminance Levels
 Initial -
 (100hrs) E.L.ave = 618Lux
 Maintained -
 (4000hrs) E.L.ave = 494Lux

Uniformity
 Entry/Eave = 0.78

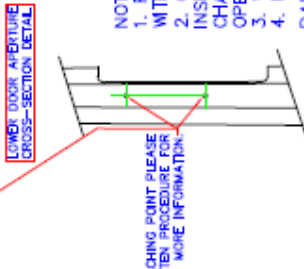
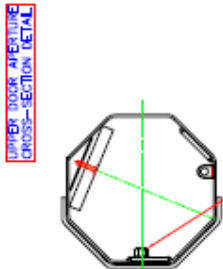
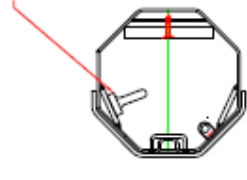
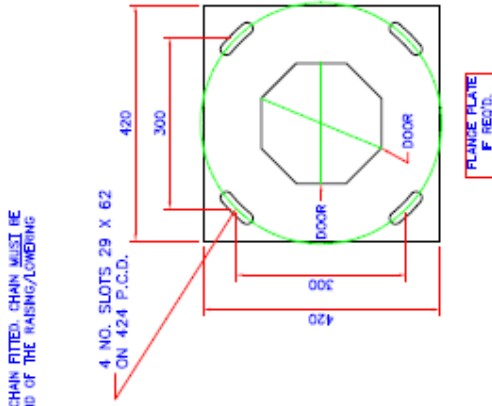
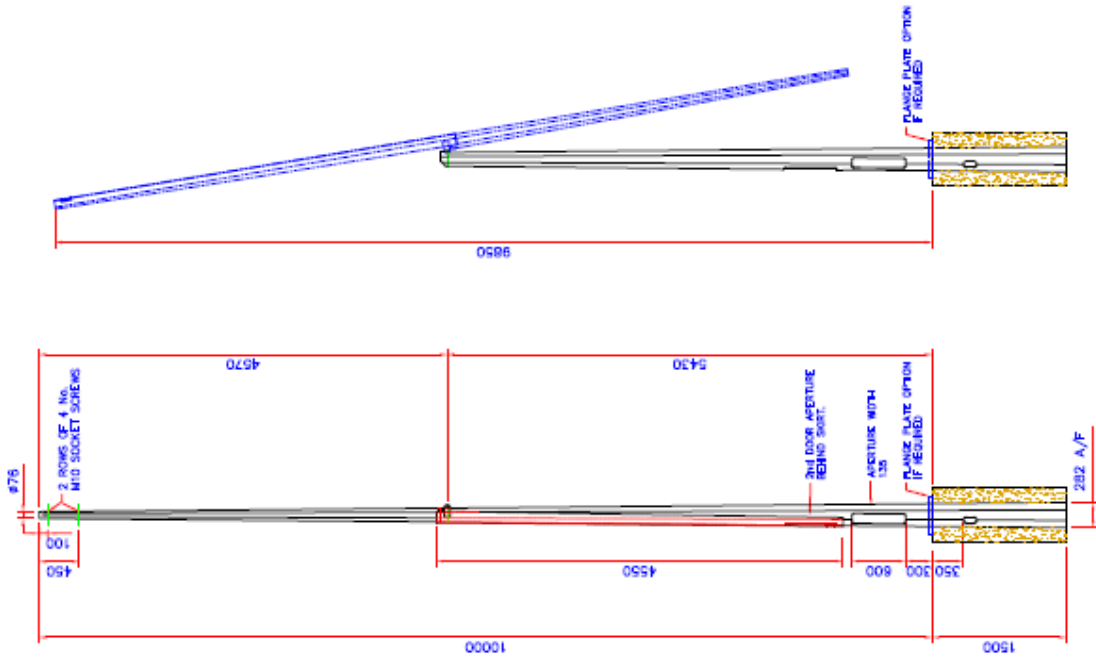
Grid values in Lux(initial).
 Grid interval = 5m.
 Contour values in Lux (initial).
 Contours: 5, 15, 25, 50 Lux.

Maintenance Factor = 0.80

HALLIDAY LIGHTING	
Project	Dedworth Middle School
www.hallidaylighting.co.uk	
Irradiance Title Proposed floodlighting	
Drawn By (prints)	Date
JS	08/03/2016
Project No	Scale
0001	1:500 @A3
Irradiance No	Status
0001	Proposal


NOTE: A MINIMUM HEAD WEIGHT OF 10kg. IS REQUIRED TO ALLOW THE HINGING OPERATION TO COMMENCE.

DO NOT SCALE ALL DIMENSIONS IN MILLI UNLESS STATED OTHER F IN DOUBT ASK

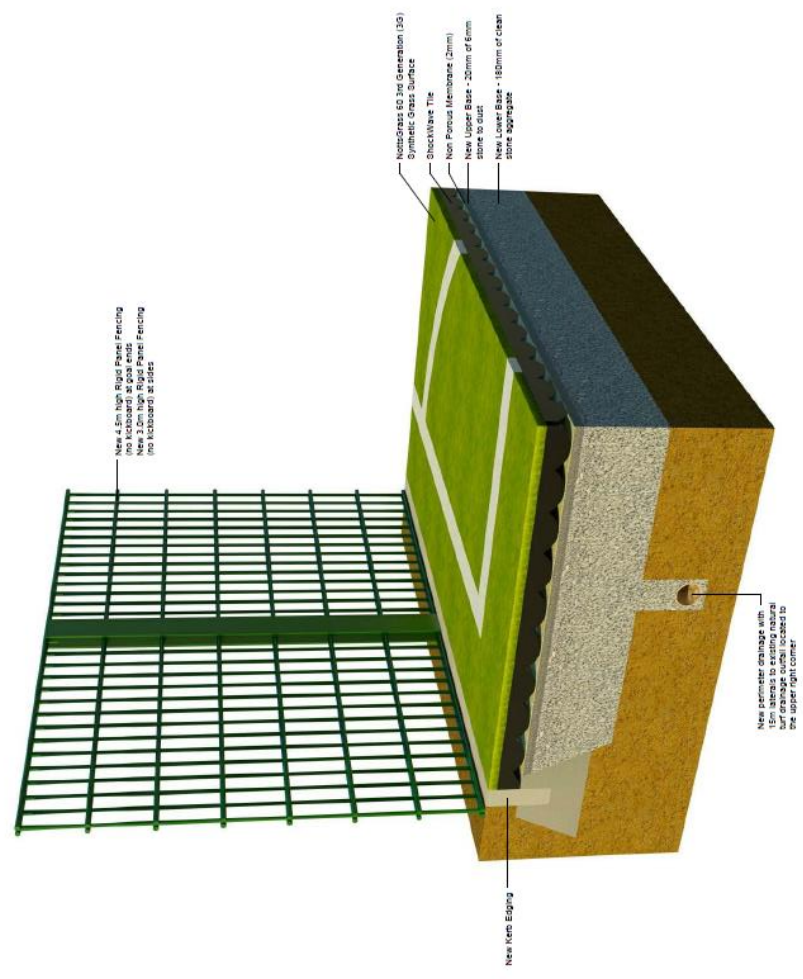


- NOTES:--
1. RAISING & LOWERING OPERATION MUST NOT BE PERFORMED WITHOUT READING THE RAISING & LOWERING PROCEDURE.
 2. COUNTER BALANCE SECTION "SKIRT" IS ATTACHED TO THE INSIDE OF THE UPPER BASE COMPARTMENT VIA A CHAIN. THE CHAIN MUST BE RE-ATTACHED AT THE END OF THE RAISING OPERATION - SEE RAISING & LOWERING PROCEDURE FOR DETAILS.
 3. WHITE LINE REQUIRED TO INDICATE GROUND LEVEL.
 4. FINISH: GALV TO BS EN 1461 + ADDITIONAL FINISH TO ORDER.
- PART CODE: 111002SMHH1000 - PLANTED
PART CODE: 111002SMHH2000 - FLANGE PLATED

ISSUED FOR INFORMATION/APPROVAL	HM	BY	CHK	D
DESCRIPTION	FINISH: AS ABOVE			
MATERIAL	S275JR			
TITLE:				
10M OCT MID-HINGED HEAVY DUTY - UK MADE COLUMN SH.				
SCALE	SH.			
DRAWN	BS308	TOL	BS5649	NAME
DATE	09/3/06			
DRAWN	HM	DRAWN		
COPYRIGHT				
THIS DRAWING IS THE PROPERTY OF STANTON METAL COMPANY LIMITED & IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF STANTON METAL COMPANY LIMITED				
CHK'D	APPR'D			
DRG. No.	CC4328			
TEL. No.	STANTON			
FAX No.	metal company limited			
DWG No.	01642			

NOTES:	
 <p>Technical Services Innovation House Luton Luton MK17 9JQ United Kingdom</p>	
Dedworth Middle School	
Synthetic Turf Pitch	
Proposed 3D Cross Section	
Date	26/04/16
Drawn by	JP
Checked by	JP
NSDMS004c	
Scale	As Indicated @ A1
Client Signature
Date Signed

Proposed 3D Cross Section
Scale N/A



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

15 June 2016

Item: 4

Application No.:	16/01114/VAR
Location:	Royal Berkshire Fire And Rescue Service Windsor Fire Station St Marks Road Windsor SL4 3BE
Proposal:	Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station as approved under planning permission 15/01889 without complying with condition 11 (vehicle parking and turning space) to amend wording, 26 (approved plans) to substitute some approved plans under planning permission 15/03742/VAR.
Applicant:	Mr Craker
Agent:	Not Applicable
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks approval to amend Condition 11 of the original planning permission 15/01889/FULL and Condition 11 of the subsequent application 15/03742/VAR (which included a basement). Condition 11 on both these applications relates to the provision of parking spaces prior to occupation of any part of the 5 town houses and the 9 x 2 bedroom apartments approved under these applications. The applicant requires these conditions to be re-worded to enable the occupation of the 5 town houses in advance of the occupation of 9 apartments and their associated parking and turning areas. The 5 houses fronting onto St Marks Road would have 2 parking spaces at the front of each house. The Highway Officer has raised no objection to the re-wording of the condition.
- 1.2 The application also proposes amendments to plans approved under 15/03742/VAR to enable alterations to the roof form of the terrace of 5 town houses. The plans submitted with this application relate to this roof alteration (i.e. drawing numbers 0025/001, 0025/002, 0025/003). The roof alteration involves increasing the higher ridge further across by 5 metres, so that it abuts the central front gable (on the front elevation) and abuts the central two storey rear bay. There is no objection to this alteration. All the other plans approved under 15/01889/FULL and 15/03742/VAR are still applicable.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of Deed of Variation (S106 Agreement) to secure the infrastructure in Section 7 of this report and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission on the satisfactory completion of Deed of Variation to secure the infrastructure Section 7 of this report has not been satisfactorily completed by 10th July 2016 for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises the former Windsor Fire Station. The site is now closed, boarded up and non operational as a fire station. The site is in St Mark's Road and falls outside of, but adjacent to two

Conservation Areas, these being the Inner Windsor Conservation Area and Trinity Place Conservation Area.

- 3.2 St Marks Road is characterised by semi-detached Edwardian / Victorian houses with hipped roofs, these comprise a mix of two storey houses and some with a third floor provided by dormer windows in the roof. Immediately adjacent to the site to the east is a more modern row of terraced houses. To the west of the site is a three storey modern mansard roof apartment building, Lawrence Court. To the south west is Warwick court a three storey apartment building. To the rear of the site is Hawtrey Road. To the north of Hawtrey Road is a relatively new development comprising three and four storey town houses and apartment buildings. To the south of Hawtrey Road are 20 x 2 storey terraced and semi-detached houses dating from around the 1960s.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks to vary Condition 11 on the original application 15/0889/FULL and Condition 11 on the subsequent application 15/03742/VAR (which included a basement). The approved schemes are to demolish the existing fire station building and tower and to redevelop the site to provide a row of five terraces houses, with basements, fronting onto St Marks Road, each with off street parking access from St Marks Road. To the rear of the site would be an apartment building comprising nine two bedroom apartments. The parking for this building would be in a courtyard arrangement between the rear of the proposed houses on St Marks Road and the proposed apartment building.

Ref.	Description	Decision and Date
15/01889/FULL	Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station.	Approved 20.10.15
15/03742/VAR	Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station approved under 15/01889/FULL without complying with condition 26 (Approved Plans) to substitute approved plan 5236-103C with 5236-103D. <u>(This application proposed a basement to provide family room and kitchen) for the 5 town houses).</u>	Approved 25.11.15
16/00871/CONDIT	Non-material amendment to planning permission 15/03742/VAR to amend the roof design.	Refused 5.4.2016 This non-material amendment application was for the following reason: 1)The proposed changes would, when taken with previously approved non-material amendments, amount to a material change to the original permission. 2)The proposed changes would significantly change the external appearance of the permitted proposal.
16/00871/CONDIT	Details required by condition 4, 10, 16, 25 on 15/03742/VAR	Pending consideration

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections 6, 7 and 12.

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	Highways /Parking issues
Local Plan	DG1, H10, H11	CA2	T5, P4

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

- Planning Obligations and Developer Contributions
- Interpretation of Policy R2 to R6 - Public Open Space provision
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at: http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 Planning permission has been granted for this development under 15/01889/FULL and the subsequent application 15/3742/VAR, the latter application included a basement to provide family room and kitchen. This current application proposes an amendment to the roof profile for the 5 houses as shown on the submitted drawings 0025/001(front elevation), 0025/002 (rear elevation) and 0025/003 (roof plan) submitted with this current application.

6.2 The other element of the current application is the re-wording of Condition 11 to allow the occupation of the 5 town houses (with their associated frontage parking) in advance of the apartments and their associated parking. All other issue remain unchanged.

The key issue for consideration is:

- i The acceptability of the roof alteration.
- ii The acceptability of re-worded Condition 11.

The acceptability of the roof alteration

- 6.3 The roof alteration involves continuing the higher roof ridge across by a further 5 metres past the second gable so that it abuts the central gable in the front elevation and abuts the 2-storey bay on the rear elevation. No additional windows are proposed. It is understood that there would be no increase in the internal floorspace or number of second floor rooms. Further plans have been requested to show the side elevation of the roof and the second floor layout plan. These will be provided in the update report.
- 6.4 The roof amendments were not accepted as a non-material amendment – under application Ref 16/00833/NMA, on the basis that: 1)The proposed changes would, when taken with previously approved non-material amendments, amount to a material change to the original permission; and 2)The proposed changes would significantly change the external appearance of the permitted proposal. The amendments did not amount to non-material amendments and hence the need for this current planning application.
- 6.5 However, it is considered that the proposed roof alterations are acceptable and would not have any significant impact on the street scene and would preserve the adjacent Conservation Area. In arriving at this, regard has been paid to S72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states the duty to pay “special attention...to the desirability of preserving or enhancing the character or appearance” of conservation areas. Furthermore, it is considered that there would be no additional significant impact on the amenities of neighbouring properties. Condition 26 (approved plans) on the previous applications will therefore need to be amended to refer to the amended plans submitted with this application (i.e. drawings 0025/001 ,0025/002, 0025/003). These drawings will therefore substitute previously the approved plans 5236-106 Rev A, 5236-107 Rev B, 5236-108 Rev A. All the other plans approved under 15/01889/FULL and 15/03742/VAR are all still applicable. See Condition 26 in Section 10 of this report.
- 6.6 Other conditions may need to be updated on this current application, depending on the outcome of the pending current approval of details application 16/00871/CONDIT. This matter will be addressed in the panel update.

The acceptability of re-worded parking condition 11

- 6.7 Condition 11 on 15/01889 and 15/03742 states:
- No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development. Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 6.8 The applicant requires the condition to be re-worded to enable the proposed 5 houses fronting onto St Marks Road to be occupied prior to the apartments and the associated car park at the rear being built/occupied. The 5 houses would have parking spaces on the site frontage.
- 6.9 The Highway Officer has raised no objection to the rewording of the condition as follows:
- The five townhouses at the front of the site shall not be occupied until the associated parking spaces in front of the houses have been provided, surfaced and marked out in accordance with the approved drawing. The nine apartments at the rear of the site shall not be occupied until the associated vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The spaces approved shall be kept available for the parking and turning in association with the development. (See Condition 11 section 10).

- 6.10 There are no changes proposed to the overall level of on-site parking for the town houses and flats from the approved schemes. The car parking layout plans were approved under the previous applications 15/01889 and 15/03742. Each of the 5 town houses benefits from 2 curtilage parking spaces which comply with the current maximum parking standard. It is noted that the description on this application and the previous applications refers to 5 x 4-bedroom town houses; however, the approved floor plans show only 3 bedrooms to these houses. The 9 rear parking spaces for the 9 flats meet the current requirements in respect of their size and manoeuvrability. The proposed changes to the roof do not necessitate any additional parking requirements. (The applicant has been requested to confirm the description on the current application and confirm the number of bedrooms in the town houses).

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 Under permission 15/01889 the following contribution was sought.

Education	Remodelling of internal space to create new teaching space at Windsor Boys' School. This would be pooled with no more than 4 other projects to fund this work which increases the capacity of this school and is considered to be a CIL compliant project.	£73,718.00
Total		£73,718.00

- 7.2 The applicant submitted a Deed of Variation to secure these contributions towards 15/03742/VAR. The applicants have been requested to submit another Deed of Variation to secure the contribution towards this current application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 letters were received commenting/objectioning to the application, summarised as:

Comment	Where in the report this is considered
1. No plans of the site layout. Objection to the lack of car parking. Flats need 2 spaces each and visitor spaces. There is not enough parking for residents, there is a shortage of parking in the area.	6.5, 6.8 -6.10

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	No objections to the re-worded Condition 11.	6.6,6.7
Local Lead Flood Authority.	No objection.	N/A
Environmental Protection Team	No objection.	N/A

9. **APPENDICES TO THIS REPORT**

Appendix A - Site location plan

Appendix B – plans relating to the amended roof

Appendix C –approved plans relating to roof

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

In this case the issues have been successfully resolved.

10. **CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within 3 years of the 20th October 2015.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No construction shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1, CA2, H10, H11
- 3 No construction shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, H10, H11, CA2
- 4 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 5 The Sustainable Design and Construction measures set out in the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority. The approved measures shall be retained thereafter.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Sustainable Design and Construction SPD.
- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Requirements 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Requirement 4 has been complied with in relation to that contamination.

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

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

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

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

- 7 No construction shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained thereafter.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 8 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 9 Prior to first occupation of the development, details of a balcony screen for the southern elevation of the roof top terrace and balcony screens for the sides of the balconies serving flats 4 , 7 , 1 and 9 at first and second floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these screens shall be erected prior to first occupation and retained in accordance with the approved details.
Reason: In the interests of the amenities of the occupiers of 20 Hawtrey Road to accord with core planning principle 4 of the National Planning Policy Framework.
- 10 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 11 The five townhouses at the front of the site shall not be occupied until the associated parking spaces in front of the houses have been provided, surfaced and marked out in accordance with the approved drawing. The nine apartments at the rear of the site shall not be occupied until the associated vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The spaces approved shall be kept available for the parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1
- 12 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 13 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the main vehicular access road and each driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above

carriageway level.

Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5

- 14 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 15 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 and to protect the character of the area and the amenities of local residents. Relevant Policies - Local Plan T5, DG1.
- 16 Prior to any construction works taking place full details of soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 17 The development shall be carried out in accordance with the details set out in the Design and Access Statement in relation to how the development complies with the Planning for an Ageing Population SPD. The development shall be subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that the development complies with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document.
- 18 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 other than those approved under condition 19.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 19 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 20 Prior to the occupation of the apartment building, a refuse management strategy for the apartments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter refuse management shall be carried out in accordance with the approved details.
Reason: In the interests of highway safety. Local Plan policy T5
- 21 No further window(s) shall be inserted at first floor level or above in any flank elevation without

the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

- 22 The first floor window(s) in the flank elevation of the town houses shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window and shall be permanently retained in that condition thereafter.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 23 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
- 24 Prior to the occupation of the houses details of a privacy screen for the eastern elevation of the raised terrace to the rear of the houses shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the privacy screen shall be erected and maintained in accordance with these details.
Reason: In the interests of the amenities of the occupiers of 44 St Marks Road
- 25 No development shall take place until full details of the Drainage System have been submitted to and approved in writing by the Local Planning Authority. These shall include:(i) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, and drawings as appropriate; and(ii) Results of intrusive ground investigations demonstrating the depth of any seasonally high groundwater table and infiltration rates determined in accordance with the BRE Digest 365;(iii) Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed soakaway based on accurate infiltration rates for the site;(iv) Demonstration that the proposed development will not increase the volumes and rates of surface water runoff flowing off the site; and(v) Full details of the maintenance arrangements for the development, covering every aspect of the proposed drainage system.
Reason: To ensure that an adequate Drainage system is provided. Policy - To comply with the NPPF.
- 26 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

APPENDIX A – SITE PLAN 16/01114 - Windsor Fire Station, St Marks Road, Windsor



St. Mark's Road - Windsor - Proposed Houses & Apartments
 Site Location Plan - 1:1000@A3 - May '15

5236-100

EDGINGTON SPINK HYNE
 MERIDIAN HOUSE, 2 RUSSELL STREET
 WINDSOR, BERKSHIRE, SL 110
 TEL: 01753 857082
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APPENDIX B – 16/01114/VAR - Windsor Fire Station, St Marks Road.

Proposed front elevation (5 town houses)



O.G. = Obscured Glass



REV	DATE	DESCRIPTION
DEVELOPMENT		
St Marks Road, St. Marks		
DRAWING TITLE		
Proposed House Proposed Front Elevation		
 VANDERE <i>homes</i> <small>JANISLA HOUSE, 400 GLEN PARK, 2000 ST. MARKS ROAD, ST. MARKS, ONT. T. 905.889.1111</small>		
DRAWN - SE		CHECKED - OF
DATE - 10/10/18		SCALE - 1/8" = 1'-0"
CADD - 10/10/18		REV - #

APPENDIX B – proposed rear elevation (5 town houses) 16/01114/VAR



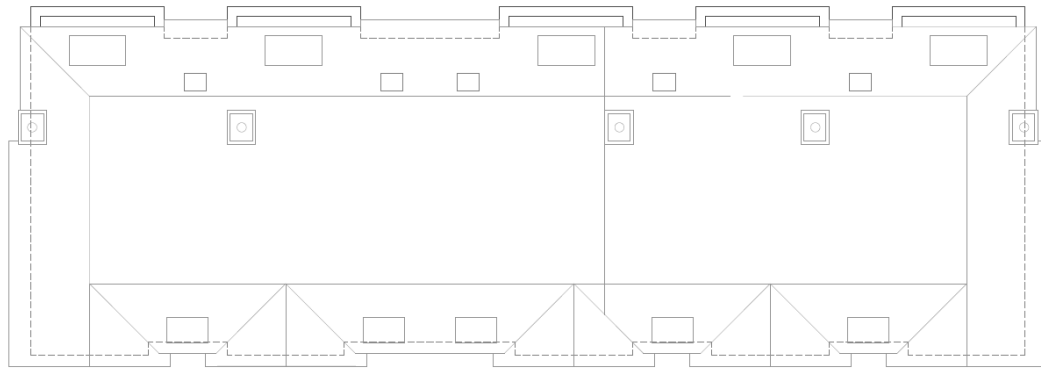
0m 5 10m SCALE (1:100@A3)

O.G. = Obscured Glass

REV	DATE	DESCRIPTION
DEVELOPMENT		
St. Mark's Road, Riviera		
DRAWING TITLE		
Proposed Name Proposed Rear Elevation		
 VANDER <i>homes</i>		
<small>ARCHITECTURAL SERVICES & BUILDING CONSULTANTS</small>		
DESIGNER: DC	CHECKED:	
DATE: 16-03-16	SCALE: 1:100	
DWG No. 1601114-VAR	REV. #	

APPENDIX B – 16/01114 – proposed roof plan (5 town houses)

Site: Windsor Fire Station, St Marks Road.



0m 5 10m SCALE (1:100@A3)

NO	DATE	DESCRIPTION
		DEVELOPER St. Marks Road, St. Marks, St. John's
		CLIENT TITLE Project Name Project Location
 <p>VANDERBILT homes</p> <p>ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CONSTRUCTION</p>		
Drawn by		CHECKED BY
DATE		SCALE
DATE		REV.

APPENDIX C – Approved plans (5 town houses)

Site: Windsor Fire Station, St Marks Road



O.G. = Obscured Glass



St. Mark's Road - Windsor - Proposed Houses & Apartments

Proposed Front Elevation - Houses - 1:100@A3 - June '15

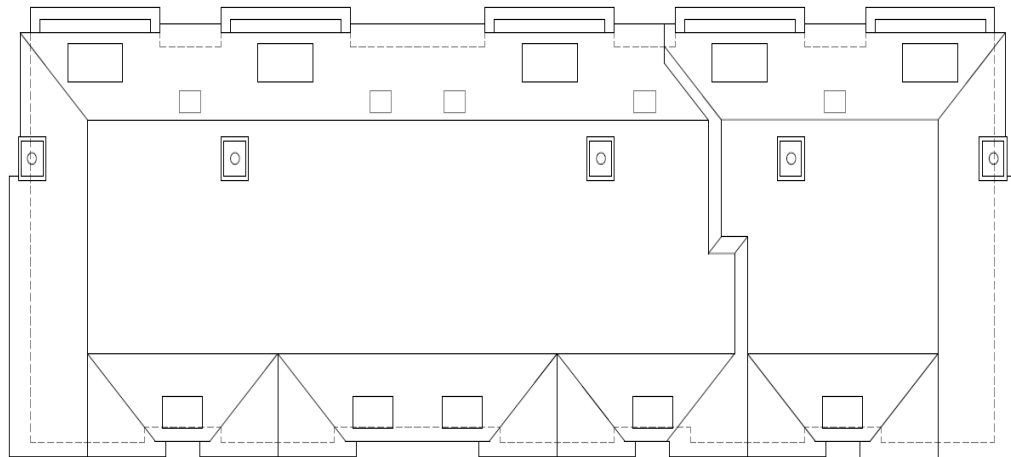
5236-107 B

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APPENDIX C - approved roof plan (5 town houses)

Site: Windsor Fire Station, St Marks Road



0m 5 10m SCALE (1:100@A3)

St. Mark's Road - Windsor - Proposed Housing & Apartments

Proposed Roof Plan - Housing - 1:100@A3 - June '15

5236-106A

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APPENDIX C – approved plans

Site: Windsor Fire Station



St. Mark's Road - Windsor - Proposed Houses & Apartments
Proposed Rear Elevation - Houses - 1:100@A3 - May '15

5236-108A

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

15 June 2016

Item: 5

Application No.: 16/01440/FULL

Location: 23 And Land Rear of 17 To 21 Clewer Hill Road Windsor

Proposal: Erection of 9 dwellings and new access following demolition of No 23

Applicant: Quantum Estates

Agent: Mr Paul Dickinson - Paul Dickinson Associates

Parish/Ward: Park Ward

If you have a question about this report, please contact: Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk

1. SUMMARY

- 1.1 This proposal for one detached house and eight terraced townhouses would result in a pronounced change to the suburban grain of the property and to the surrounding area. While there is a large flatted development immediately to the south-west of the site, the rest of the immediately surrounding properties are all detached dwellings with relatively large gardens. The buildings and access road would result in an uncomfortable relationship both with the Clewer Hill Road streetscene, and the relationships with properties at the rear and both sides of the site. The development would be uncomfortably cramped. Impacts on privacy particularly from overlooking second floor windows in the proposed townhouses (Plots 2 - 9) and from rear balconies at Plots 6 - 9 would also be unacceptable. The outlook from the neighbouring properties at the rear of the site would also be harmed as a result of the proposals.
- 1.2 No tree survey was submitted with the application and as such the application has not demonstrated that trees that contribute to the character of the area would not be unacceptably harmed by the proposals. Additionally, biodiversity impacts are still being assessed by the Councillors ecologist and will be reported in the panel update. Lastly, there are also objections raised regarding the proposed site drainage and the prevention of future surface water flooding, as well as the access and car parking layout as proposed.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The layout and design of the proposed buildings would result in cramped relationships with the surrounding residential development that would be harmful to the character of the surrounding area, and would introduce a scale of built form that would be harmful to the character and amenity of its surroundings. This harm would arise from the width of the two terraces across the site and in addition, to the roofscape of the Clewer Hill Road frontage, as a result of the larger scale of the Plot 1 dwelling in relation to its neighbours along this road frontage that in combination with the lack of road frontage landscaping and the new access road would add to this harm. In addition, the proximity of the two buildings comprising Plots 2 - 9 and of the ends of the access road to the side boundaries would result in there being little space available for significant planting along these boundaries that could assist in mitigating the impacts of the development on the properties to either side, and the amount of hardstanding in front of the Plots 2 - 9 houses would result in a blurring of the clearly defined plots at this site.
2.	The proposed would be detrimental to the privacy of surrounding properties at Clewer Hill Road and Kimber Close, particularly from overlooking second floor windows in the proposed townhouses (Plots 2 - 9) and from the rear balconies at Plots 6 - 9. The buildings at the rear of the site would also be overbearing to the outlook of the occupiers of Kimber Close.
3.	The lack of a BS5837 compliant tree survey in the application means that the application has not demonstrated that trees that contribute to the character of the area would not be unacceptably harmed by the proposals.
4.	The drainage strategy submitted with the application does not demonstrate that satisfactory surface water drainage of the site would be achieved, due to the limited

	permeability of the underlying geology.
5.	The introduction of the access for Plot 1 in close proximity to the access road junction is likely to adversely affect the safety and flow of traffic, and while the level of car parking would be sufficient for nine 3-bedroom dwellings some of the dwellings could be utilised as four-bedroom houses, and the development does not provide sufficient car parking to meet the likely level of future demand for car parking.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended because at the time of writing this report the call-in period has not passed such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site consists of a detached bungalow set in a long garden, 23 Clewer Hill Road, and rear garden land at 17, 19 and 21 Clewer Hill Road which are also detached dwellings - a bungalow at number 17 and two-storey houses at 19 and 21. The site entrance would be formed over the existing number 23.
- 3.2 The surrounding sites are:
- to the south-east side, a flatted development at Byron Court;
 - on the north-western side, 25 Clewer Hill Road, another smaller detached property;
 - to the rear; 11, 12 and 13 Kimber Close, which are late 20th century dwellings.
- 3.3 The rear gardens at 14 Kimber Close and 15 Clewer Hill Road are also close to two of the corners of the application site, on its south-eastern side. 15 Clewer Hill Road is another bungalow, and to the north-west of 25 Clewer Hill Road there are a number of semi-detached properties.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
02/82563/FULL	Erection of 18 three bedroom dwellings following demolition of existing properties	Would have refused; appeal on grounds of non-determination was dismissed
02/82564/FULL	Erection of 18 three bedroom dwellings following demolition of existing properties	Refused, 01.11.2002.

- 4.1 The proposal is to demolish the detached bungalow at 23 Clewer Hill Road and build two three-storey terraces each accommodating four townhouses on the rear garden land at the four properties that make up the bulk of the site, and to build a single detached house on the balance of the land in the front part of number 23. This would largely coincide with the site of the existing dwelling, although it would extend about 2m closer to the road frontage.
- 4.2 The area in front of the houses, including the detached Plot 1 and the Plots 2 - 9 townhouses, would be largely paved to provide car parking and vehicle manoeuvring space, with some planting provided in this area as well. Landscaping is also shown along the access road adjacent to the Plot 1 boundary, although not on the boundary with 21 Clewer Hill Road. Although not in the application description, a small area of land at the front and side of this property (as well as land to the rear) would be included in the application site.
- 4.3 The scheme referred to above in the history relates to a development of two and a half storey 18 x 3 bed houses that would be arranged in 5 blocks. Three of the blocks would have been on the

building line facing Clewer Hill Road. There would have been an access road between two of the blocks that would have led to a further two blocks of apartments at the rear of the site. The key points raised by the Inspector were:

- The massing and close space of the 3 storey elevations to the street would not be characteristic of the immediate surrounds, so would be dominating and discordant and would relate poorly to the existing frontage development, particularly the semi-detached houses to the west and the single storey houses to the east.
- The relationship between the blocks would be regimented and would not indicated ingenuity or innovation in design. The Inspector considered that a higher density development could be acceptable provided it paid sufficient regard to the character of the surroundings and taking full advantage of the site's characteristics.
- Given the three storey nature of the proposals and the direct facing relationship of windows in the new and existing buildings the Inspector considered that the proposals would result in an unacceptable level of overlooking to the properties on Kimber Close.
- Given that the blocks would be closely spaced and with a height of 10.5 to the ridge, these blocks would appear dominant and obtrusive further harming the living conditions.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Core Principles, Sections 6, 7, 8, 9, 10, 11 and Decision-taking.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Aircraft noise
DG1, H10, H11	P4, T5	N6	NAP2

Supplementary planning documents

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i the impact upon the character and appearance of the area including design of the buildings;
- ii the impact on the living conditions of occupiers of neighbouring properties;
- iii the living conditions of future occupiers at the development;
- iv impacts on biodiversity within the site;
- v impacts on trees; and
- vi highway safety and convenience.

Impact on the character and appearance of the area

- 6.2 The site consists largely or rear garden land, which is no longer considered brownfield but may be developed within urban and suburban areas, provided that the key policy requirements at both local and national level are properly addressed. At the local level, Local Plan policies H10, H11 and DG1 are all relevant in considering the layout, character and appearance of new residential development. Policy N6 (trees) is also important in the consideration of the impact of development on an area's character and appearance. While these policies have been in place for many years, they remain consistent with design guidance in the NPPF, and this consistency has been confirmed by numerous recent appeal decisions. Local Plan policy H10 states that, amongst other concerns, new residential development schemes should where possible enhance the existing environment. This requirement is given added weight by the NPPF which requires all new development to take the opportunities available to enhance the existing environment. Policy DG1 is a more general design guidance policy that requires development to have regard to scale, height, building lines and roofscape, provide appropriate landscaping and to avoid harm to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy H11 also requires that residential development proposals should not introduce a scale which would be incompatible with or cause damage to the character and amenity of the area; Policy N6 seeks to protect trees that contribute to the character of the surrounding area and also to provide for appropriate new plantings.
- 6.3 The Council's Townscape Assessment (TA) is of assistance in interpreting local character, classifying the Borough's urban areas into 17 townscape types and, within each townscape type, identifying character areas.
- 6.4 The application site is set within an 'interwar suburb' townscape, specifically character area 8P. On the northern side of Clewer Hill Road is the Victorian Village character area 5D, and the 'late twentieth century suburb', character area 10AC abuts the site on its southern side. All three of these character areas are typical townscapes of their type, although directly to the east of the site, Byron Close is an atypical large flatted development that is mainly three stories in height. This Close was formed across the site of the former 13 Clewer Hill Road and former rear garden land at 7, 9, 11 and 15 Clewer Hill Road, and provides 29 flats in a three storey building.
- 6.5 The Plot 1 house at the front of the site would be a two storey house with accommodation in the roof space and gables on all four sides. Roof height is shown on a street elevation drawing (refer Appendix C), but due to its bulkier roof form when compared to the neighbouring dwellings including those retained at the application addresses and its enlarged footprint, the house would be considerably bulkier than those adjacent to it, due to the inclusion of accommodation in the roofspace and the larger roof form that this would require, as compared to its neighbours along the southern side of Clewer Hill Road. In combination with the reduced site width that would result from the access road taking a strip of this the garden at the existing number 23 and the opening up of the street frontage from both the access road and the car parking at the front of the new house, the Plot 1 property would appear cramped and much more urbanised than the other

houses on this part of the road. The existing pattern of enclosed frontages would be lost. The access road would also take a narrow strip from the side garden at 21 Clewer Hill Road, although this is not included in the applicant's description of the site, and this also contributes to the combined impact of all of the above points in making the Plot 1 dwelling somewhat cramped and over-dominant in terms of its street frontage appearance.

- 6.6 The two terraces at the rear, comprising Plots 2 - 9, would also result in an unacceptably cramped appearance. The two buildings here are of similar form, each with a rear projection at ground floor level and first floor levels which would be set a little over 2m in from the rear line of the ground floor accommodation, and both buildings would also have second floor accommodation within the mansard roofs. The design of the two buildings while identical or very nearly so on their front elevations, differs however in that Plots 6 - 9 have rear balconies at first floor level and rear facing dormer windows, whereas both of these features are absent at Plots 2 - 5. The sides of the balconies, including the end-of-terrace houses at Plots 6 and 9, have side screens that appear to be of a material other than brick; these could be either obscure glazed, or another more opaque material. Both terraces also have side facing dormers at roof level, serving the four end terrace houses (Plots 2, 5, 6 and 9), these are shown on the plans as obscure glazed.
- 6.7 All of the houses in the development including Plot 1 would have three bedrooms and be provided with two external car parking spaces each. Rear access paths at Plots 2 -9 would serve refuse bin areas at the rear of each of these properties, so helping to minimise the impact of servicing on the appearance of the internal 'street', while at Plot 1 a location for bins would also be provided at the rear, adjacent to the boundary with 25 Clewer Hill Road. The appearance of these areas could be improved by requiring details to be submitted and approved of enclosed stores, if the development was otherwise considered to be acceptable.
- 6.8 The two terraces comprising Plots 2 - 9 would be considerably smaller buildings, even in combination, than the large building at Byron Court. However, unlike Byron Court, the steep roof pitch of the proposed mansard roofs together with the featureless flank walls and proximity to the side boundaries would offer a less sympathetic relationship to the properties to either side, which include 25 Clewer Hill Road as well as Byron Court. The two buildings would also be cramped in their relationship with each other, being only a metre apart; they would be set a similar distance in from the side boundaries on either side. Views of the sides of the building would be in relatively close proximity to the front windows of the closest flats at Byron Court and from the rear gardens at 25 Clewer Hill Road and, at progressively greater distances, from the rear gardens of other properties from 27 Clewer Hill Road westwards. Front and rear elevations would be clearly visible from the rear of the adjacent Clewer Hill Road properties, and from the rear of 11, 12 and 13 Kimber Close. There is a high brick wall along the site's common boundary with these properties, so this would limit the impacts of views on the character and appearance of the area in views from the ground floors and gardens of these properties to a large extent, but from the first floor windows the change in urban grain in this area would be very apparent. As viewed from Clewer Hill Road, the access road would add to this harm in respect to its cramped relationship to number 21 and the to new dwelling proposed as Plot 1 in this development. In addition the proximity of both the buildings and of the ends of the access road to the side boundaries would result in there being little space available for planting along these boundaries that could help to mitigate the impacts of the development on the properties to either side.
- 6.9 It is understood that a number of trees have been removed here in the last six months, but these were not subject to any tree protection order and the area is not within a Conservation Area, so there was nothing to prevent the landowner from removing the trees in question. The impact the proposed development would have on trees is discussed further at 6.16 below.
- 6.10 In concluding this assessment of the impacts on the character of the site and its surroundings, whilst the relationship to Byron Court is not a comfortable one, it is the impact on the otherwise lower density townscape areas on the southern side of Clewer Hill Road and at Kimber Close that is the most harmful and uncharacteristic. Furthermore, the development proposal would not enhance the existing environment and its design and layout has no regard to the scale of any of the surrounding buildings other than at Byron Court, and even in that case the roof design of the

buildings does not result in a sympathetic relationship with this bulkiest neighbour. The proposal introduces a scale which would be harmful to the character and amenity of its surroundings, not only in regard to the width of the two terraces across the site but also to the roofscape of the Clewer Hill Road frontage as a result of the large roof form at Plot 1. As a result of these objections, the proposal would be contrary to Local Plan possible policies H10, H11 and DG1.

The living conditions of occupiers of neighbouring properties

- 6.11 A number of neighbours have written with concerns about overlooking and loss of privacy. Separation distances from the fronts of Plots 2 - 9 to the rear of properties at 17, 19 and 21 Clewer Hill Road are a minimum of approximately 24m, while distances from the rear of the development to 11 - 13 Kimber Close would be a minimum of 29m from rear facing first floor window (between Plot 1 and 11 Kimber Close) and, specific to Plots 6 - 9, 32m from first floor balconies and 35m from rear facing windows at both first and second floor levels (between Plot 6 and 12 Kimber Close). The Borough does not have any adopted standards in regard to accepted separation distances between habitable room windows, and while the separation distances between the proposed townhouses at Plots 2 – 9 and their neighbours would generally be considered acceptable, the impacts of overlooking from second floor windows at the front of Plots 2 - 9 and from the rear at Plots 6 - 9, along with impacts from future occupiers use of their balconies, where these would be provided, would however be very much higher than in views between first floor windows. In addition, given the close proximity of the buildings for plots 2 to 5 and plots 6 to 9 at a height of just over 8.5m this would present an unacceptable mass that would harm the outlook for the occupiers in Kimbers Close. Some neighbours have also expressed concerns about noise and light, and while it not considered that these issues can be given substantial weight, potential noise from use of the balconies would contribute to the overall perception of loss of residential amenity that would result from the development.
- 6.12 For properties to the side, the sides of balconies would be screened as noted in 6.6 above. This would prevent direct overlooking to Byron Court and gardens to the rear of 25 Clewer Hill Road and further to the west. However, oblique views from the front dormers would also result in an unacceptable degree of overlooking between Plot 2 and the rear of 25 and 27 Clewer Hill Road.
- 6.13 As also noted in 6.6 above, side facing dormers adjacent to the site boundaries would be obscure glazed. While this would not result in direct overlooking of the neighbouring properties, this would give rise to a perception of overlooking, adding to the uncomfortable relationship of the building to Byron Court and 25 Clewer Hill Road.

The living conditions of future occupiers at the development

- 6.14 Residents at the property would be provided with a generally high standard of amenity, although it is noted that the impacts for the rear of Plot 1 from the second floor windows noted at 6.11 would be similar to that for the existing houses at 17, 19 and 21 Clewer Hill Road.

Impacts on biodiversity within the site

- 6.15 A wildlife survey was submitted with the application, and is currently being assessed by the Council's ecologist. Further comments will be included in an update.

Impacts on trees

- 6.16 A tree survey was not submitted with the application. As noted at 6.9 it is understood that a number of trees have been removed here in the last six months, although none of these were subject to a tree protection order. Two retained trees are indicated on the site boundaries, one at each end of the access road adjacent to the site boundaries. These would be largely surrounded by paved areas over a larger proportion of their root protection areas. Policy N6 requires a BS5837 tree survey to be submitted where significant trees may be harmed by a proposal. While further comments will be included in an update if any further information on trees is received from the applicant, the lack of a survey of the trees remaining at the site means that a further objection must be raised on the basis of not complying with the survey requirements of Policy N6.

Highway safety and convenience

- 6.17 The car parking provision of two spaces per dwelling complies with the maximum requirement for three-bedroom dwellings in the Council's *Parking Strategy*. However, the floor plans for Plots 2 - 9 show two lounges (one a 'family room' at first floor level), so it appears entirely possible that some of these properties could be utilised as four-bedroom dwellings. The Council's standard for houses of this size in this location is generally for three car parking spaces, so it appears that the development would be under-provided with car parking. Provision of the requisite number of spaces for eight 4-bedroom houses at this site may however lead to other undesirable impacts, such as an imbalance between the hard paved area at the property and the area available for soft landscaping, so this shortfall is not something that can easily be amended.
- 6.18 The Highways Officer has commented that the two car parking spaces and the new access proposed for the replacement dwelling at 23 Clewer Hill Road is too close to the new access road junction serving the remainder of the development, and has recommended that parking for Plot 1 be provided to the rear or to the side of the property of the new access road. This is the only objection made on highways safety grounds. While this would provide an acceptable solution if the development was acceptable in other respects, additional parking at the side of the access road would result in a more urbanised appearance, and it would be preferable for this to be located at the rear of the property.
- 6.19 Construction impacts could be addressed through a condition requiring the submission and approval of a construction management plan. However, this would not overcome the other unacceptable impacts of the proposal.

Other Material Considerations

Surface water drainage

- 6.19 The application includes a drainage strategy that assesses the risks posed to the site from flooding and proposes a design for managing surface water. However, the Lead Local Flood Authority has commented that some of its assumptions are flawed, and recommends that until this is fully addressed, an objection remains on surface water drainage grounds.

Aircraft noise

- 6.20 Aircraft noise is an issue for residential development adjacent to flight paths in the Borough, and in those areas it is usual for the Council's Environmental Protection Officer to recommend a condition requiring evidence that sound levels within new dwellings will be acceptable. Local Plan Policy NAP2 states that new housing development will not be permitted in areas subject to daytime aircraft noise levels over certain thresholds (these are LAeq (16 hours) 66db and / or night time noise levels over LAeq (8 hours) 57db). New housing will be permitted in areas subject to external daytime noise levels exceeding lower thresholds only if appropriate levels of sound insulation are incorporated into the design (these lower thresholds being defined as LAeq (16 hours) 57 dB and / or night time noise levels over LAeq (8 hours) 48 dB). It would therefore be necessary for aircraft noise levels to be assessed prior to the commencement of works, and if they are within the daytime 57 - 66 dB and / or night time 48 - 57 dB range, sound insulation issues should therefore be addressed at design stage and details should then provided be in the application Design and Access Statement. Had the application been recommended for approval this matter would have been covered by a condition.

Housing Land Supply

- 6.21 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 applications for new homes should be considered in the context of the presumption in favour 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 five-year supply of deliverable housing sites.
- 6.22 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that that the socio-economic benefits of

the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Council's Community Infrastructure Levy (CIL) document was subject to examination in March of this year. However, taking into account the Developer Contributions SPD and the pooling restrictions, which is the current approach until the CIL charging is adopted, this scheme would not be required to contribute towards infrastructure.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

52 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 26 May 2016.

The neighbour notification period will close on 7th June 2016.

Two letters had been received objecting to the application at the time of writing this report, summarised as:

Comment		Where in the report this is considered
1.	Loss of privacy	6.14
2.	Scale of the development and adverse impacts on character	6.2 - 6.10
3.	Traffic congestion and hazards	6.17, 6,18
4.	Impacts of construction	6.19

One letter of support has been received, summarised as:

Comment		Where in the report this is considered
1.	The scheme is one storey lower than the adjacent Byron Court and its scale does not dominate the surrounding properties.	6.2 – 6.9
2.	The size and layout of the homes are what modern day occupants require and expect from modern new housing.	6.14
3.	The architecture is very high standard using good quality materials to be in keeping with the area. The architect has used a modern day vernacular pleasing to the eye and allowing for improved quality of living space and light. The scheme is far better than the recently completed “The Parade” in Ruddlesway, Windsor, which looks cheap and with little architectural quality.	6.2 – 6.9 Each case must be considered on its own merits.
4.	Overlooking - Two and a half storey height is normal and acceptable for this area. Less massive than Byron Court and provides longer separation distances than the 2003 scheme.	6.11- 6.13

5.	Provide much needed homes for families to a modern standard allowing for better quality of living and hopefully positively contribute to the community in the area.	6.14
6.	The existing site is overgrown and a blight. It has a negative effect on the residents overlooking the space. The proposal will enhance the landscaping an look neat and tidy. Happy that the proposal includes lots of trees and foliage where possible.	This is not a relevant material planning consideration. Noted.

Consultee responses

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	The application submitted does include a drainage strategy that assesses the risks posed to the site from flooding and proposes a design for managing surface water. However, the applicant is expecting to use soakaway techniques in London Clay, this type of geology is impermeable and therefore the water would not soakaway. There are a number of surface water sewers that are close to the site, although in third party ownership. The developer is advised to amend their designs to use the sewer network (with permission of the third party) to drain their site or provide infiltration test results showing that it is a feasible technique. Until further information is submitted, I recommend that the application is not approved on surface water drainage grounds.	6.19
Highways Officer	Car parking is sufficient for the number of 3-bedroom dwellings proposed (Planning officer's note: - but not sufficient for 4-bedroom dwellings.) The application submission states that cycle parking can be provided within individual gardens by way of gated accesses to meet the Council's cycle parking/storage requirements. A turning area of sufficient size to accommodate a large refuse vehicle can be provided, thus enabling service vehicles to enter and leave the site in a forward gear. However, the introduction of the new individual access (for Plot 1) in close proximity to the access road junction is likely to adversely affect the safety and flow of traffic. The existing street lighting column (showed to be retained) would also need to be relocated to ensure that a safe and suitable means of access is provided for all people.	6.17, 6,18

9. APPENDICES TO THIS REPORT

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

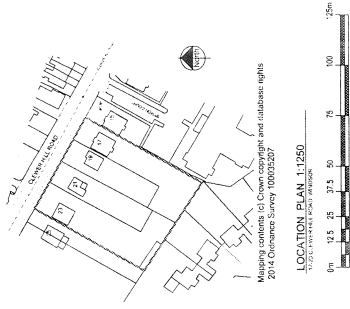
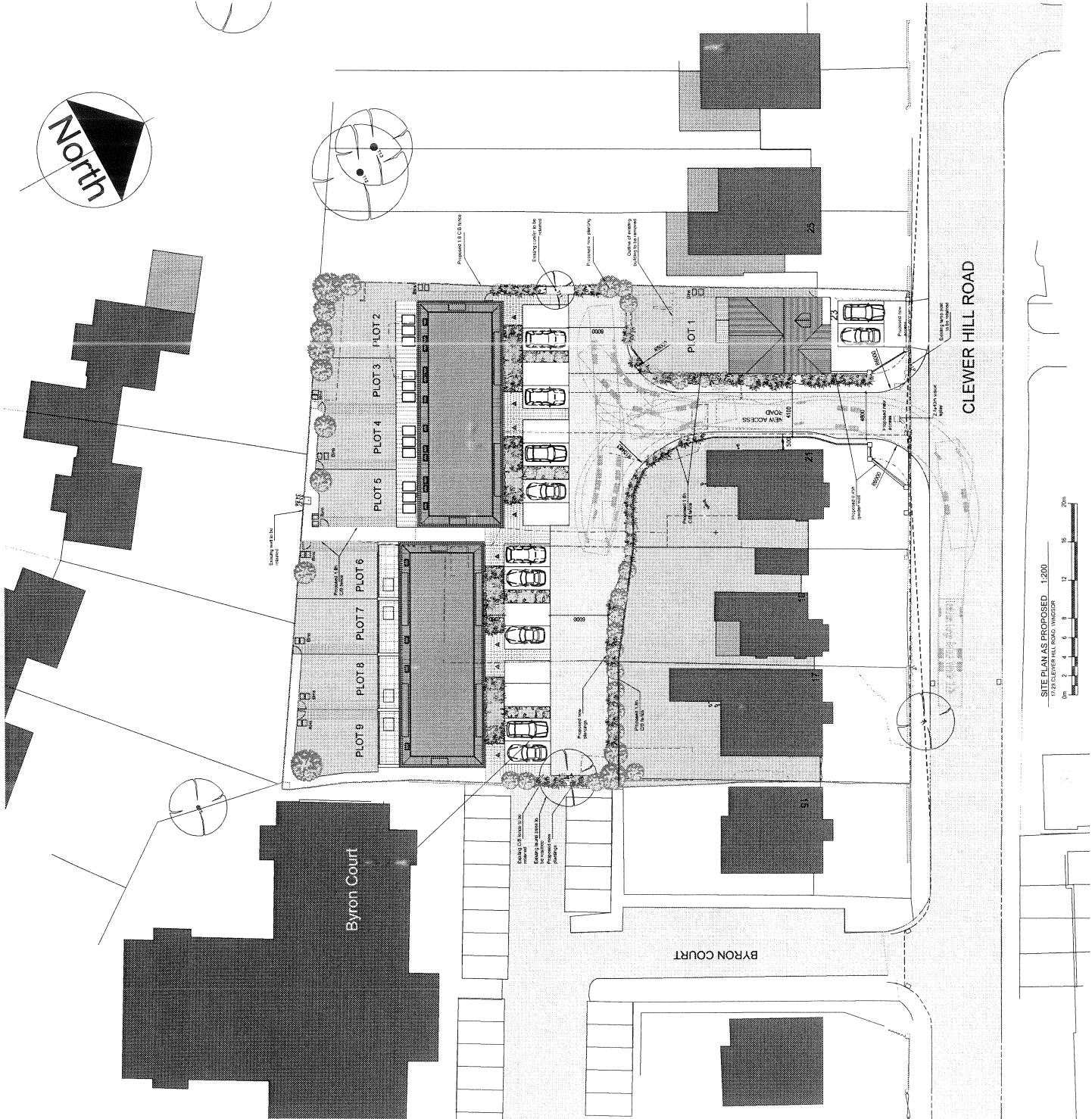
- Appendix C - street elevation and section drawings across the development site
- Appendix D - computer generated images of the development

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.

10. REASONS FOR REFUSAL

- 1 The layout and design of the proposed buildings would result in cramped relationships with the surrounding residential development that would be harmful to the character of the surrounding area, and would introduce a scale of built form that would be harmful to the character and amenity of its surroundings. This harm would arise from the width of the two terraces across the site and in addition, to the roofscape of the Clewer Hill Road frontage, as a result of the larger scale of the Plot 1 dwelling in relation to its neighbours along this road frontage that in combination with the lack of road frontage landscaping and the new access road would add to this harm. In addition, the proximity of the two buildings comprising Plots 2 - 9 and of the ends of the access road to the side boundaries would result in there being little space available for significant planting along these boundaries that could assist in mitigating the impacts of the development on the properties to either side, and the amount of hardstanding in front of the Plots 2 - 9 houses would result in a blurring of the clearly defined plots at this site. The proposal is therefore contrary to saved policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and to advice in the National Planning Policy Framework Section 7 (Requiring Good Design).
- 2 The proposed would be detrimental to the privacy of surrounding properties at Clewer Hill Road and Kimber Close, particularly from overlooking second floor windows in the proposed townhouses (Plots 2 - 9) and from the rear balconies at Plots 6 - 9. In addition the siting and width of the terraced buildings on the rear of the plot combined with their height would present a mass that would be harmful to the outlook of the occupiers of Kimber Close. The proposal would be contrary to Core Principal 4 of the National Planning Policy Framework (NPPF).
- 3 In the absence of a BS5837 compliant tree survey it has not been demonstrated that the proposal can be implemented without detriment to trees that contribute to the character of the area, and in addition the layout of the buildings means that an acceptable landscaped setting for the buildings cannot be provided, contrary to Policies N6 and DG1 of the Local Plan.
- 4 The drainage strategy submitted with the application does not demonstrate that satisfactory surface water drainage of the site would be achieved, due to the limited permeability of the underlying geology, contrary to NPPF 99 and 100.
- 5 The introduction of the access for Plot 1 in close proximity to the access road junction is likely to adversely affect the safety and flow of traffic, and while the level of car parking would be sufficient for nine 3-bedroom dwellings some of the dwellings could be utilised as four-bedroom houses, and the development does not provide sufficient car parking to meet the likely level of future demand for car parking. In addition, provision of any further car parking would be detrimental to the character of the surrounding area as it would result in an unsatisfactory balance between soft ground and hard surfaces at the site. As such, the proposal is contrary to Local Plan Policies DG1, P4 and T5.



KEY

- EXISTING TREES
- PROPOSED TREES
- PROPOSED LANDSCAPING Indicative only
- EXISTING LANDSCAPING TO BE REMOVED
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- EXISTING BUILDINGS TO BE REMOVED

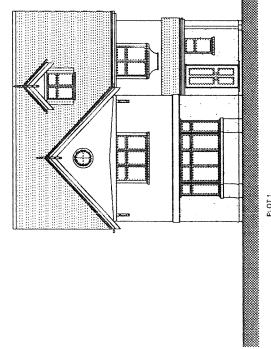
REV	DESCRIPTION	BY	DATE

jpc architects ltd
 18 Hatfield Road, Maidenhead, SL6 5PW Berkshire
 T: 01753 63386

QUANTUM ESTATES	
PROPOSED RESIDENTIAL DEVELOPMENT	
17-23 CLEWER HILL ROAD, WINDSOR, SL4 4BU	1250 @ A1 1:200 @ A1 MARCH 2016
SITE PLAN - LOCATION PLAN	3079/PLO1

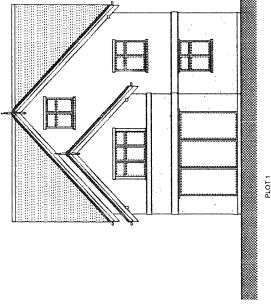
SITE PLAN AS PROPOSED 1:200





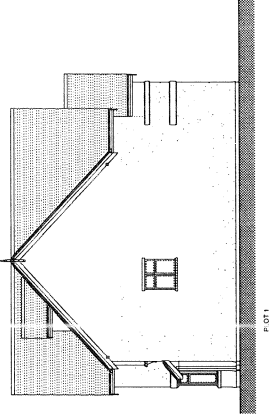
PLOT 1

FRONT ELEVATION 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



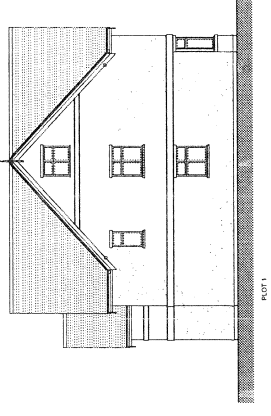
PLOT 1

REAR ELEVATION 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



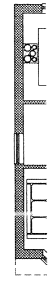
PLOT 1

SIDE ELEVATION 1:100
1:100 SCALE PER THE LOCAL AUTHORITY

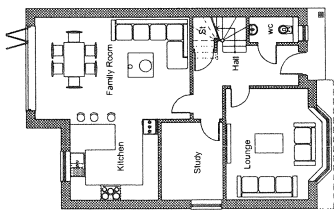


PLOT 1

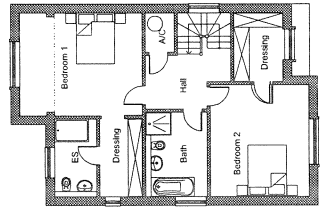
SIDE ELEVATION 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



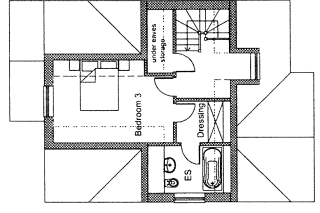
GROUND FLOOR PLAN PLOT 1



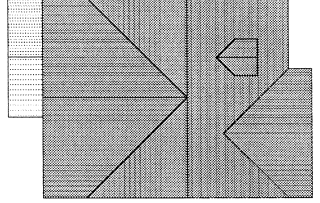
GROUND FLOOR PLAN 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



FIRST FLOOR PLAN 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



SECOND FLOOR PLAN 1:100
1:100 SCALE PER THE LOCAL AUTHORITY



ROOF PLAN 1:100
1:100 SCALE PER THE LOCAL AUTHORITY

FINISHING MATERIALS

- Light color render
- Smooth render
- Decorative stone
- Plain roof tiles

APPENDIX B.

REV	Minor amendments	BY	DATE
A		JC	9 May 2016

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18 Harefield Road, Maidenhead, SL6 9AB, UK
C: 01753 636363 F: 01753 636366

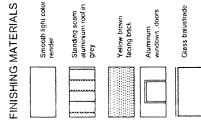
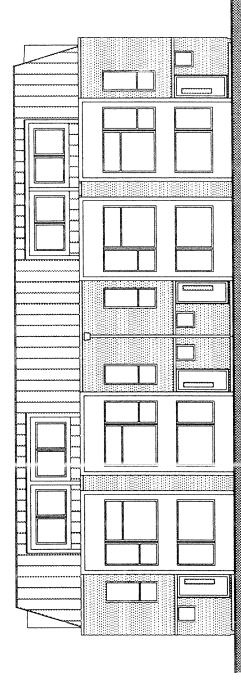
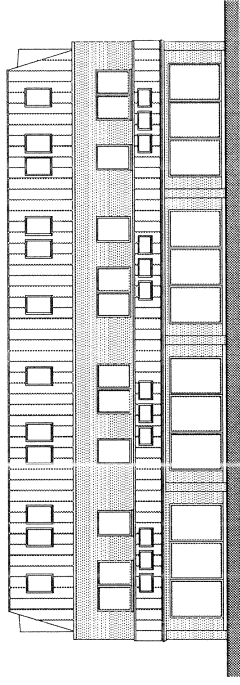
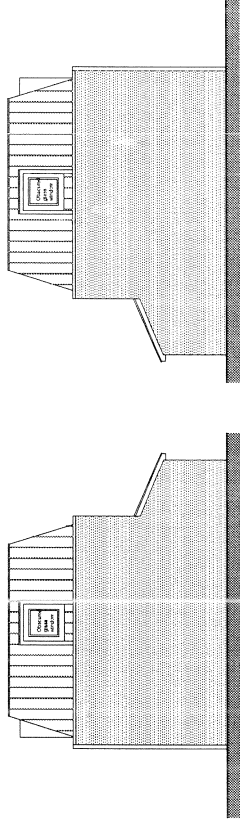
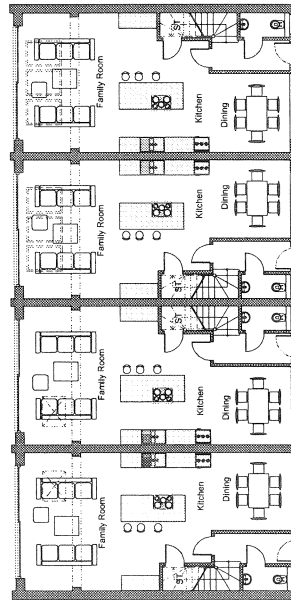
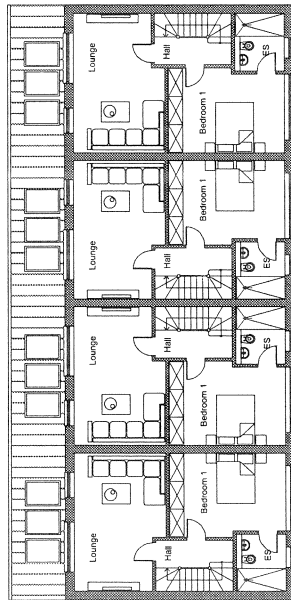
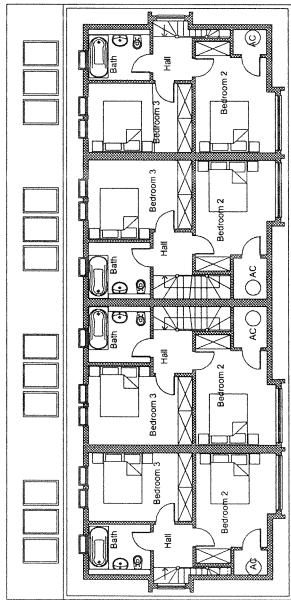
QUANTUM ESTATES

PROPOSED RESIDENTIAL DEVELOPMENT

NO.	DATE	SCALE	BY
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2		MARCH 2016	

NO.	DATE	SCALE	BY
1	PLOT 1 FLOOR PLANS AND ELEVATIONS	3079/PL02	A

2016/03/18 10:00 AM



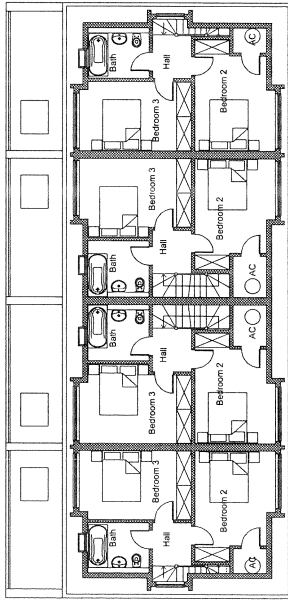
REV	DESCRIPTION	BY	DATE
A	Issue approved	JC	0 May 2016

jpc architects ltd
 18 Hereford Road, Maidenhead, SL6 5A, UK
 T: 01753 634444 F: 01753 634444
 E: info@jpcarchitects.co.uk

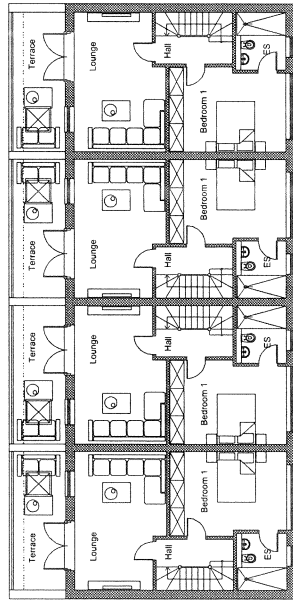
QUANTUM ESTATES
 PROPOSED RESIDENTIAL DEVELOPMENT

1725 CLEWER HILL ROAD, WINDSOR, SL4 4BU
 1:100 @ A1
 MARCH 2016

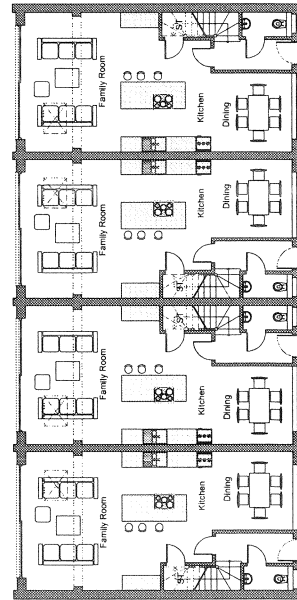
PLOT 2, 3 & 4 FLOOR PLANS AND ELEVATIONS
 3079/PL03
 A



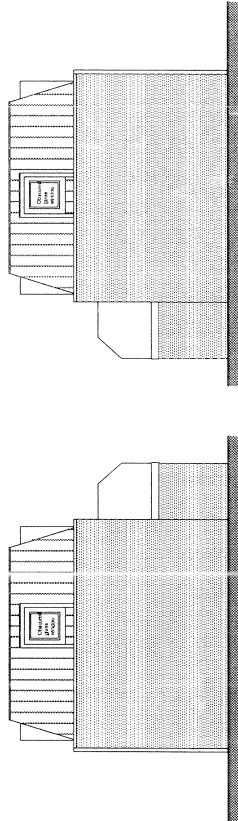
SECOND FLOOR PLAN 1:100
1725 CLEVER HILL ROAD, WINDSOR



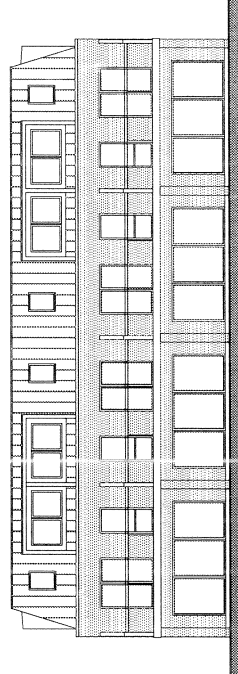
FIRST FLOOR PLAN 1:100
1725 CLEVER HILL ROAD, WINDSOR



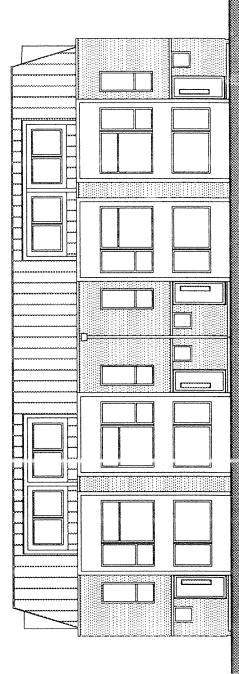
GROUND FLOOR PLAN 1:100
1725 CLEVER HILL ROAD, WINDSOR



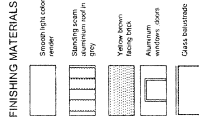
SIDE ELEVATION 1:100
1725 CLEVER HILL ROAD, WINDSOR



REAR ELEVATION 1:100
1725 CLEVER HILL ROAD, WINDSOR



FRONT ELEVATION 1:100
1725 CLEVER HILL ROAD, WINDSOR



REV	DESCRIPTION	BY	DATE
A	Main arrangement	JC	9 May 2016

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QUANTUM ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT

NO.	DATE	SCALE	BY
1	1:100 (E.A1)		JC
2	MARCH 2016		

NO.	DATE	SCALE	BY
1	30/79/PL04		A

APPENDIX

C

REV	DESCRIPTION	BY	DATE
A	Long section through plot 7 and No 13 Kimber Close	JC	27 Feb 2016

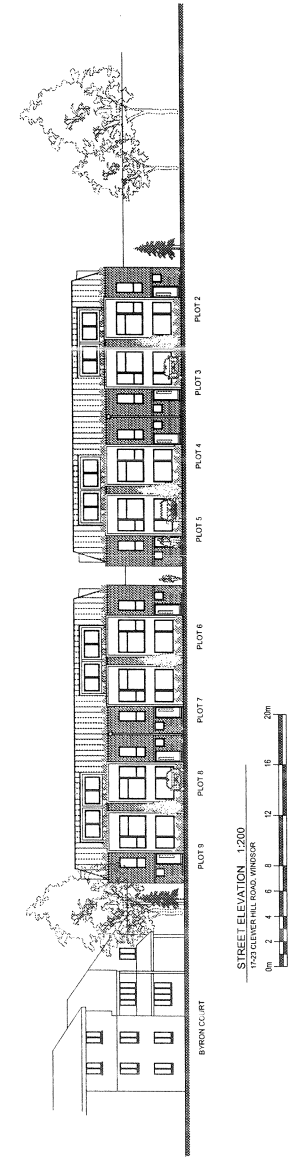
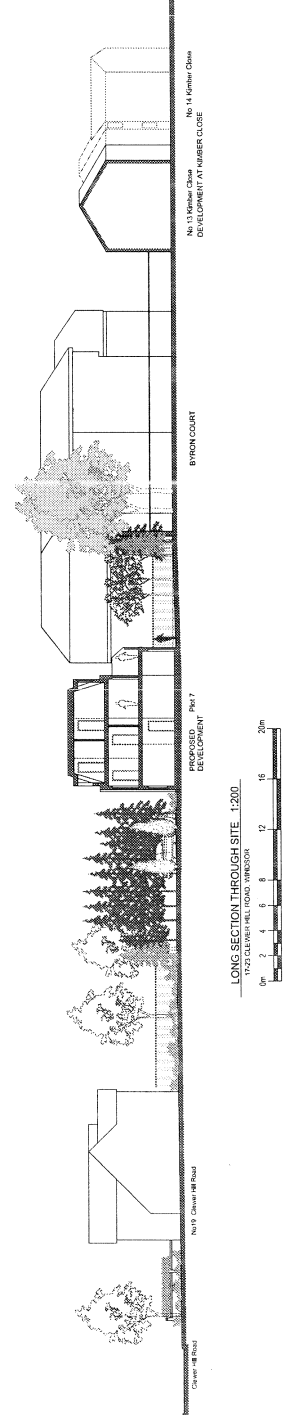
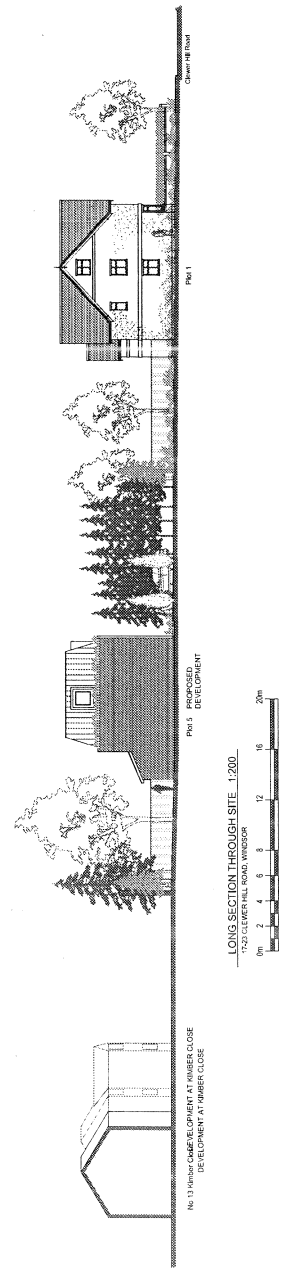
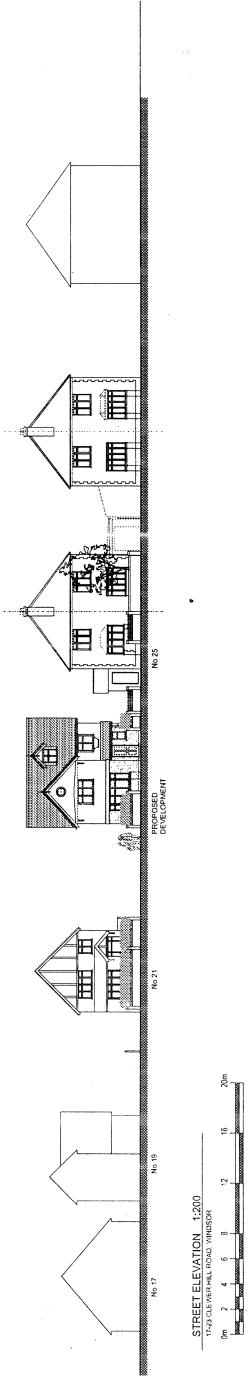
jpc architects Ltd
 18 Haverfield Road, Maidenhead, SL6 5HW Berkshire
 E: info@jpcarchitects.co.uk T: 07917033506

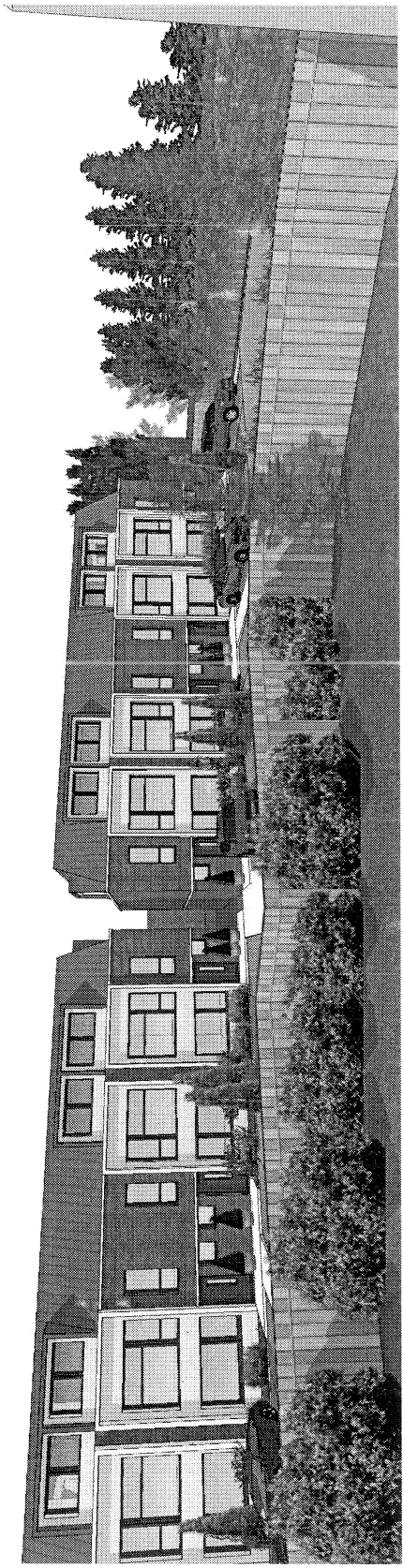
QUANTUM ESTATES

PROPOSED RESIDENTIAL DEVELOPMENT

Plot	Scale	Layout
17-23 CLEWER HILL ROAD, WINDSOR, SL4 4BU	1:200 @ A1	JC
	DATE	MARCH 2016
Plot	Scale	Layout
LONG SECTION THROUGH SITE Plot 7 and No 13 Kimber Close	1:200 @ A1	JC
	DATE	30/79/PL05

Do not scale from this drawing. Any discrepancies to be brought to the attention of jpc architects Ltd





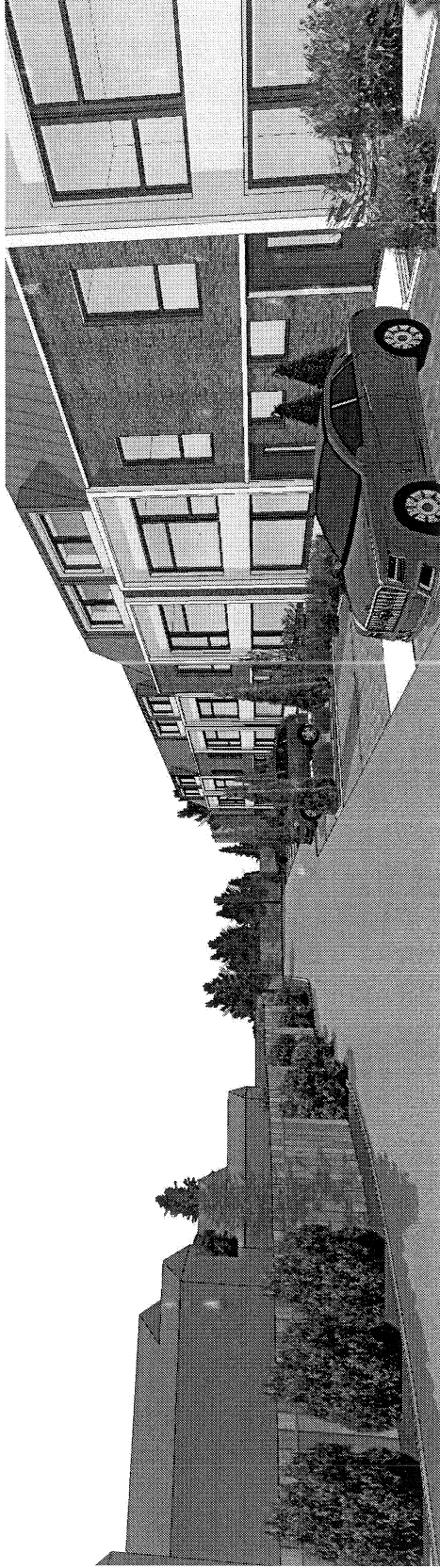
VIEW FROM NOS 17, 19 CLEWER HILL ROAD BACK GARDENS



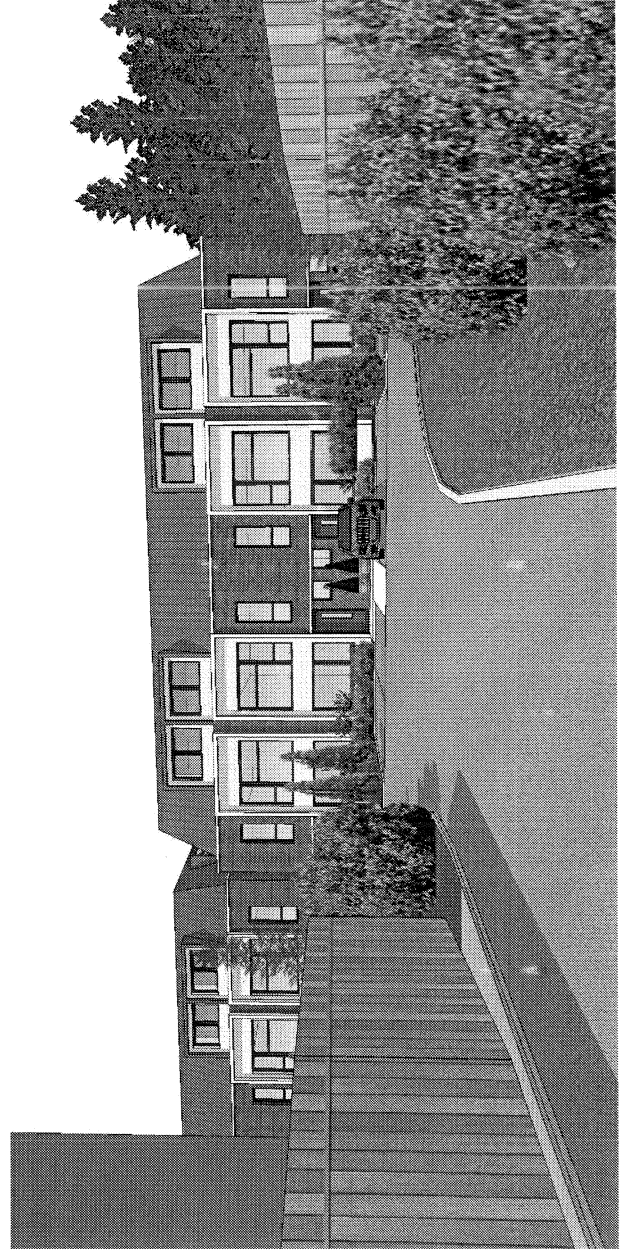
VIEW FROM NOS 25 CLEWER HILL ROAD BACK GARDENS

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PROPOSED RESIDENTIAL DEVELOPMENT
NTS 9/A1, 3C
17-23 CLEWER HILL ROAD, WINDSOR, SL4 4BU
APR 2016
ARTIST IMPRESSIONS
3079/PLO6



View along proposed development from South



View from access road

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PROPOSED RESIDENTIAL DEVELOPMENT

N/S @A1, JC
 17-23 CLEWER HILL ROAD,
 WINDSOR, SL4 4BU
 Mar 2016

ARTIST IMPRESSIONS
 3079/PLO7

Tree Preservation Order 002 of 2016 Clewer Youth And Community Centre 39A Parsonage Lane, Windsor.

T1 – Oak

1: Background.

The TPO has been made to safeguard the visually prominent Oak tree within the grounds of Clewer Youth and Community Centre, Parsonage Lane, Windsor. The Oak tree is considered a primary landscape feature and makes a significant contribution to the character and appearance of the area and is important within the local and wider landscape and softens the built environment. The Local authority deemed it expedient to serve a preservation order to ensure the retention of this prominent landscape feature and to protect it from further inappropriate pruning which could negatively affect the character of the area. The TPO is not designed to hinder the appropriate management of the trees and consent for works in line with good arboricultural practice would not be unreasonably withheld.

The tree team were made aware that the resident at The Old Stable yard adjacent to the Community centre had instructed a tree surgeon to carry out pruning work in accordance with their common law rights to the mature Oak tree growing within the Community centre. At that time the tree was not protected and over the weekend of the 17th & 18th of January the resident employed a tree surgeon to exercise those common law rights; the tree surgeon pruned a significant quantity of branch material from the stem growing over the rear garden of the Old Stable Yard. In this instance it was expedient to serve a TPO to ensure the long term protection of the tree, the TPO was served on Monday the 18th.

2: Objections.

Under the Town and Country Planning Act, The Local Authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public.

- **Damage to property/harm.**

One letter of objection was received from Mrs Gill the resident at The Old Stableyard via her barrister, the objections are summarised below:

The barrister working on behalf of the resident and a local tree surgeon have both stated that the tree was damaging the property through direct contact with leaves and branches, they also claimed that that tiles had been damaged/dislodged and that overhanging branches had caused debris to fall on the property, further to this the gutters and drains had become blocked.

In the same letter the barrister also claimed that his client has the right to prune more material from tree irrespective of the TPO as its mere presence is enough to quantify being an actionable nuisance.

- **Nuisance.**

The overhanging branches at the Old Stable Yard amounts to a nuisance by ways of both pure encroachment and as an actionable nuisance.

- **Condition of the tree.**

Mrs Gill has concerns over the trees condition and employed a tree surgeon to carry out a full inspection who's made management recommendations based on his inspection.

Response to objections

- **Damage to property/harm & Nuisance.**

Under S.14 (1)(a)(ii) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, the Council's consent is not required for carrying out the minimum of work to a tree protected by an Order that is necessary to prevent or abate a nuisance. Here 'nuisance' is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage.

The pruning of material by up to a maximum length of 30cm would be considered reasonable to abate the nuisance, in this instance the resident has gone further than this. The mere presence of branches over an adjacent property would not be reason enough to prune the tree any further under the legislation and is not considered an exemption to the legislation. Trees do not respect boundaries and grow where they please, usually for reasons of light and water.

Due to the severity of pruning, the Local Authority deemed it expedient to serve a TPO to protect this significant landscape feature. The claim made by the barrister that the resident can carry out further pruning is erroneous as the legislation is clear about what is considered a nuisance (actionable) and about abating said nuisance, the pruning carried out has exceeded what would be considered necessary for reasons of abatement.

The falling of seasonal debris onto the building is not regarded as an actionable nuisance in law; although it is appreciated it can be an inconvenience, the clearance of debris from a private residence is considered part of general household maintenance. Guards/grilles can be placed over gutters to help reduce debris falling directly into them. Moss can grow on roofs regardless of the presence of trees and we are not aware of any scientific evidence that shows moss causes any detriment to tiled roofs.

Not all work requires the consent of the Council, e.g. the removal of dead branches can be carried out under an exemption to the legislation.

- **Condition of the tree.**

Anyone who owns a tree(s) has a legal duty of care to the public at large and his neighbours to act in a prudent and responsible fashion. In furtherance of this duty an owner of trees should carry out regular inspections, at least annually, in order to detect any significant change in health or the presence of any weakness or decay, which could lead to instability. If any significant defect is found then a prudent tree owner should take corrective action to ensure that the tree remains in a practicable condition and does not pose a danger to the either themselves or anyone else.

In this instance the report received by the council from the resident highlights the need to carry out some remedial work to alleviate particular defects within the tree, A basic inspection from ground level identified that the tree has been previously reduced and it is likely that some remedial work in line with good practice will be required in the future.

The condition of trees can change over time and it is recommended they are inspected by a competent person, such as an arboriculturist, on a regular basis. The Arboricultural Association <http://www.trees.org.uk> and Institute of Chartered Foresters <http://www.charteredforesters.org> have an on-line directory of arboricultural consultants.

A TPO is not designed to hinder the appropriate management of a tree. Any application to undertake work will be judged against good arboricultural practice and the Council would not withhold consent for appropriate works and it can be applied for through the standard form for tree work applications.

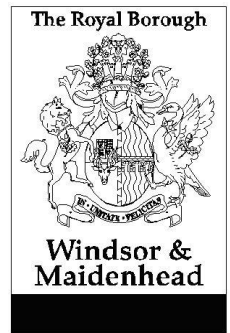
The Oak tree is a principal landscape feature and its loss through either removal or heavy pruning would have a significant effect on the character and amenity of the area.

RECOMMENDATION: That the Tree Preservation Order 002/2016 is confirmed without modification.

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Planning Appeals Received

13 May 2016 - 3 June 2016



WINDSOR URBAN

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

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

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

Parish/Ward:

Appeal Ref.: 16/60049/REF **Planning Ref.:** 15/03533/FULL **PIns Ref.:** APP/T0355/W/16/3145654

Date Received: 18 May 2016

Comments Due: 22 June 2016

Type: Refusal

Appeal Type: Written Representation

Description: Erection of single storey detached two bed dwelling with associated parking and amenity space.

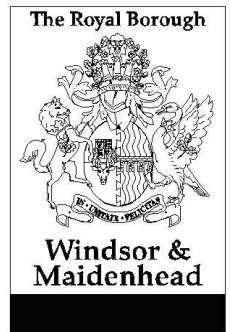
Location: Land At 24 York Avenue Windsor

Appellant: Mrs H Gregory Osborne **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd
22 Tanglewood Close Pyrford Woking Surrey GU22 8LG

Appeal Decision Report

13 May 2016 - 3 June 2016

WINDSOR URBAN



Appeal Ref.: 16/00001/REF **Planning Ref.:** 15/02313/CLAS SM **Plns Ref.:** APP/T0355/W/1 5/3141411

Appellant: Mr D Bolster c/o Agent: Mr Robert McLennan Heritage South West Ltd 26 Beauclerk Green Winchfield Hook RG27 8BF

Decision Type: Delegated **Officer Recommendation:** Prior Approval Required and Refused

Description: Change of use of ground floor from A1 retail to bedsits.

Location: 339 - 341 St Leonards Road Windsor SL4 3DL

Appeal Decision: Dismissed **Decision Date:** 24 May 2016

Main Issue: The Inspector considered that the proposed change of use could affect the adequate provision of services in this area and states that on the evidence available it is simply not possible to conclude that there is no reasonable prospect of the unit being used for a relevant use. The Inspector makes reference to paragraph W of Part 3 which allows the Council to refuse an application where, in the opinion of the Council, the developer has provided insufficient information to enable it to establish whether the proposed development complies with an applicable condition. The Inspector concludes that "On the evidence before him, the Inspector is unable to conclude that the loss of the retail unit would not have a harmful effect on the adequate provision of relevant services, and there is simply no evidence that there is not a reasonable prospect of the unit being used to provide such services. Accordingly, having considered all other matters raised, the Inspector concluded that the appeal should be dismissed" COSTS APPLICATION; "The basis of the application here is that the Council mis-directed itself regarding its responsibilities in dealing with a GPDO Schedule 2 Part 3 Class M prior approval application. It is submitted that the Council determined the application under the misapprehension that there was a requirement for the applicant to submit evidence to show that there is not a reasonable prospect of the unit being used to provide relevant services in the future. In essence, the appellant argues that the onus is on the Council to demonstrate the opposite. However, the Council can only determine an application on the evidence before it. Where little or no evidence is provided, as here, the Council is entitled to refuse the application. There is no merit whatsoever in this argument"

Appeal Ref.: 16/00021/REF **Planning Ref.:** 15/00926/FULL **Plns Ref.:** APP/T0355/W/16/3142279

Appellant: Mr Bruce Juby **c/o Agent:** Mr Marcus Sturney Ridsdale Planning 14 Manor Road Windsor SL4 5LP

Decision Type: Committee **Officer Recommendation:** Refuse

Description: 1 x 3 and 1 x 4 bedroom detached houses with associated parking following demolition of existing dwelling

Location: **Merlins St Leonards Hill Windsor SL4 4AT**

Appeal Decision: Allowed **Decision Date:** 27 May 2016

Main Issue: The development could be accommodated without harm to the character and appearance of the area or to existing trees on the site. Accordingly the development would not be in conflict with Policies DG1, H10, H11 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (as altered) 2003 (LP) or with the National Planning Policy Framework (the Framework) which seek to protect the character and appearance of the area, promote high quality design and allow for the retention of existing suitable trees. The proposed development would be sufficiently separated from other dwellings in the locality so as not to be harmful to the living conditions of residents there. The proposal would be unlikely to result in harm to any biodiversity interests on the site and that to withhold planning permission on such grounds would be unjustified.

Appeal Ref.: 16/00028/REF **Planning Ref.:** 15/04247/FULL **Plns Ref.:** APP/T0355/D/16/3145099

Appellant: Mr J Bainbridge **c/o Agent:** Mr Alex Frame ADS Property Services Taradale Little Lane Upper Bucklebury Reading RG7 6QX

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part two part single storey rear extension and raising of roof to form first floor habitable accommodation.

Location: **15 Castle Avenue Datchet Slough SL3 9BA**

Appeal Decision: Dismissed **Decision Date:** 27 May 2016

Main Issue: The proposal would result in a property that forms an incongruous and unsympathetic addition to the street scene. Due to its increased size and bulk the property would appear overly large when compared with surrounding properties; breaking the uniformity in the area's appearance and ultimately harming its character.

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