

# Public Document Pack

## NOTICE OF MEETING



# BOROUGH-WIDE DEVELOPMENT MANAGEMENT PANEL

will meet on

**TUESDAY, 18TH JULY, 2017**

**At 7.00 pm**

in the

**DESBOROUGH SUITE - TOWN HALL,**

TO: MEMBERS OF THE BOROUGH-WIDE DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS MALCOLM ALEXANDER (VICE-CHAIRMAN), CHRISTINE BATESON, MALCOLM BEER, PHILLIP BICKNELL, DAVID BURBAGE (CHAIRMAN), DAVID COPPINGER, DR LILLY EVANS, DAVID HILTON, MAUREEN HUNT, RICHARD KELLAWAY, COLIN RAYNER, ADAM SMITH AND DEREK WILSON

### SUBSTITUTE MEMBERS

COUNCILLORS MICHAEL AIREY, JOHN BOWDEN, GERRY CLARK, WISDOM DA COSTA, JUDITH DIMENT, JESSE GREY, MOHAMMED ILYAS, LYNNE JONES, PAUL LION, EILEEN QUICK, JACK RANKIN, MJ SAUNDERS, JULIAN SHARPE, SIMON WERNER AND LYNDA YONG

Karen Shepherd - Democratic Services Manager - Issued: 10 July 2017

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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Andy Carswell** 01628 796319

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## AGENDA

### PART I

| <u>ITEM</u> | <u>SUBJECT</u>   | <u>PAGE<br/>NO</u> |
|-------------|--|--------------------|
| 1.          | <u>APOLOGIES FOR ABSENCE</u><br>To receive any apologies for absence.                  |                    |
| 2.          | <u>DECLARATIONS OF INTEREST</u><br>To receive any declarations of interest.            | 5 - 6              |
| 3.          | <u>DETERMINATION OF PLANNING APPLICATION</u><br>To determine the planning application. | 7 - 36             |



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## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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# Agenda Item 3

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

18th July 2017

#### 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

|                   |  |                        |               |                       |              |                 |  |
|-------------------|--|------------------------|---------------|-----------------------|--------------|-----------------|--|
| <b>Item No.</b>   | 1  | <b>Application No.</b> | 17/00798/FULL | <b>Recommendation</b> | PERM         | <b>Page No.</b> |  |
| <b>Location:</b>  | Land South of Bray Lake And East of Court Close Windsor Road Maidenhead  |                        |               |                       |              |                 |  |
| <b>Proposal:</b>  | Construction of a 28-bedroom hospice and out-patient unit with associated works and new access from Windsor Road |                        |               |                       |              |                 |  |
| <b>Applicant:</b> | Debbie Raven   | <b>Member Call-in:</b> |               | <b>Expiry Date:</b>   | 15 June 2017 |                 |  |

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

**BOROUGH-WIDE PANEL**

18 July 2017

Item: 1

|                         |  |
|-------------------------|--|
| <b>Application No.:</b> | 17/00798/FULL  |
| <b>Location:</b>        | Land South of Bray Lake And East of Court Close Windsor Road Maidenhead  |
| <b>Proposal:</b>        | Construction of a 28-bedroom hospice and out-patient unit with associated works and new access from Windsor Road |
| <b>Applicant:</b>       | Debbie Raven   |
| <b>Agent:</b>           | Mr Lorin Arnold  |
| <b>Parish/Ward:</b>     | Bray Parish/Bray Ward  |

**If you have a question about this report, please contact:** Laura Ashton on 01628 685693 or at [laura.ashton@rbwm.gov.uk](mailto:laura.ashton@rbwm.gov.uk)

## 1. SUMMARY

- 1.1 The proposed development is defined as inappropriate by Green Belt policy and guidance and is harmful by virtue of its inappropriateness, the loss of openness and encroachment of built development into the countryside. This harm should be held in **substantial weight**. The development will only be acceptable if Very Special Circumstances can be demonstrated that outweigh the harm to the Green Belt and any other harm associated with the development. This report sets out the Applicant's case for Very Special Circumstances which are that there is a clear existing and growing demand for the proposed Hospice facility and the applicant has demonstrated that the existing sites have been outgrown and are no-longer available. The loss of Hospice provision, if the charity were to be unable to find a new home, would be to the detriment of the health and well-being of the borough. The requirement for the accommodation and services proposed have been justified and locating all services onsite represents prudent use of resources and reduces the need for staff to travel to multiple sites. The area of search has been restricted by the need to retain valuable long-serving staff and it has been demonstrated that no other alternative sites are available outside of the Green Belt. The case made by the Applicant is considered to constitute Very Special Circumstances that outweigh the Green Belt harm associated with the development. No other harm has been identified in this report that would not be outweighed by the Very Special Circumstances. It is therefore recommended that planning permission is granted with the recommended conditions.

**It is recommended the Panel grants planning permission subject to:**

- i) the conditions listed in Section 10 of this report, and**
- ii) a legal agreement under section 106 of the Act which secures the following:**
  - Travel Plan, including monitoring and review**
  - Biodiversity Management Plan**
  - Securing public access to lake-side footpath in perpetuity**
- iii) referral to the Secretary of State through the National Planning Case Work Unit, and no call in by the National Planning Case Work Unit as a result of that referral.**

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel. The application is being reported to the Borough wide Planning Panel because the Hospice currently has sites located in Windsor and Ascot and the application proposal falls within the Maidenhead area, the Head of Planning therefore considers that the proposal has significance for the Borough.

### **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises 3.2 ha of agricultural land to the South of Bray Lake. The site is bounded by a public footpath, which runs around the lake to the north, and the A308 to the south. The land to the west of the site is agricultural fields beyond which lies the houses located on Court Close/Windsor Road. 55 Windsor Road (“Southend”) and more fields are located beyond the eastern boundary. The site slopes gently towards the lake and benefits from substantial hedgerows on the southern boundary. The site is bisected from north to south by a watercourse and hedgerow.

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

- 4.1 The planning application proposes the development of a 28 bed Hospice with an out patient unit, counselling and education facilities, along with fundraising; administration; and clinical support offices. The in-patient unit will have bedrooms with all the clinical facilities required for modern Palliative and respite care and each bedroom will have its own en-suite and private terrace. The outpatients unit will include a family support centre containing a day room, physiotherapy centre with bathing facilities and a suite of consulting and counselling rooms. The proposed Education Centre will offer training to staff within the wider health and social care sector as well as the general public with the aim of equipping others to offer high quality end of life care. The building will be accessed off Windsor Road, served by a car park and set in an extensively landscaped environment.
- 4.2 The proposed building is arranged in a series of single and two storey projections that are arranged around a spherical hub. The two storey elements of the building are between a maximum of 11 and 12 metres in height and the single storey elements are a maximum of between 4 and 7 metres in height. The longest projection – which contains the In Patient Unit (IPU) Hub – and forms the central “arm” of the building, has a maximum length of 66 metres. The widest projections are the IPU wings which are a maximum of 18 metres wide.
- 4.3 There is no relevant planning history associated with the site. The site however is suggested for allocation in the emerging Borough Local Plan. Emerging Local Plan Policy HO1 provides a list of sites allocated for development. The site forms part of a larger land parcel that is suggested under allocation HA18 – Land Between Windsor Road and Bray Lake - for the development of 100 residential units and the relocation of Thames Hospice. The requirements of this policy and the weighting given to it will be explored in more detail later in this report.

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

- 5.1 The National Planning Policy Framework sets out the Government’s planning objectives for England and indicates how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans which reflect the needs and priorities of their communities.
- 5.2 At the heart of the NPPF is a presumption in favour of sustainable development and the NPPF explains that local planning authorities should approve proposals that accord with an up to date Development Plan without delay.
- 5.3 The NPPF places great importance on development being high quality in terms of design. At Section 7 the NPPF explains that, in determining planning applications, local planning authorities should ensure development:
1. Will function well and add to the overall quality of the area
  2. Establishes a strong sense of place
  3. Optimises the potential of the site to accommodate development
  4. Responds to local character
  5. Reflects the identity of local surroundings including material
  6. Is visually attractive as a result of good architecture and appropriate landscaping

- 5.4 Section 8 of the NPPF establishes the importance of promoting healthy communities through the planning process. It recognises that the planning system plays an integral role in facilitating social interaction and delivering robust, healthy and inclusive communities. Relevant to this application are those elements of section 8 that talk of accessible facilities, meeting the needs of existing and future communities, and enhancing public rights of way and access to open space.
- 5.5 Section 9 of the NPPF set out the Government’s approach to development in the Green Belt. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The NPPF apports five purposes to the Green Belt:
1. To check the unrestricted sprawl of large built-up areas;
  2. To prevent neighbouring towns merging into one another;
  3. To assist in safeguarding the countryside from encroachment;
  4. To preserve the setting and special character of historic towns; and
  5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land
- 5.6 Green Belt Boundaries can only be altered in exceptional circumstances through the preparation or review of a Local Plan.
- 5.7 Paragraph 87 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 88 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.8 The NPPF explains that the construction of new buildings should be regarded as inappropriate in the Green Belt and sets out a limited list of exceptions. The proposed development does not fall within the list of exceptions. In accordance with the NPPF, the development is therefore inappropriate and by definition harmful to the Green Belt. This application should thus be assessed by establishing if there are Very Special Circumstances that exist and if the harm associated with the development can be clearly outweighed by other considerations.

### Royal Borough Local Plan

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

|            | Green Belt | Design | Highways | Ecology & Trees |
|------------|------------|--------|----------|-----------------|
| Local Plan | GB1 & GB2  | DG1    | T5 & P4  | N6 & N7         |

The policies above have been assessed and found to be in compliance with the NPPF and are therefore given substantial weight in the determination of this planning application. These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

- 5.10 The emerging Borough Local Plan contains policies that are relevant to this planning application. They are listed below yet are held in limited weight:

| Regulation 19 Borough Local Plan |                                       |
|----------------------------------|---------------------------------------|
| Policy                           | Topic                                 |
| SP3                              | Character & Design of New Development |
| SP5                              | Development in the Green Belt         |
| NR1                              | Managing Flood Risk & Waterways       |
| NR2                              | Trees, Woodland & Hedgerows           |
| NR3                              | Nature Conservation                   |
| EP1                              | Environmental Protection              |

|      |   |
|------|---|
| EP3  | Artificial Light Pollution                |
| EP4  | Noise                                     |
| IF5  | Rights of Way & Access to the Countryside |
| IF7  | Community Facilities                      |
| HA18 | Land Between Windsor Road & Bray Lake     |

These policies can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/594/emerging\\_plans\\_and\\_policies/2](https://www3.rbwm.gov.uk/info/200414/local_development_framework/594/emerging_plans_and_policies/2)

### **Supplementary planning documents**

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

- ☐ The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

5.12 Other Strategies or publications relevant to the proposal are:

- ☐ RBWM Parking Strategy – view at:  
[www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- ☐ RBWM Strategic Flood Risk Assessment – view at:  
[www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- ☐ RBWM Highways Design Guide – view at:  
[www.rbwm.gov.uk/graphics/highways\\_design\\_guide.pdf](http://www.rbwm.gov.uk/graphics/highways_design_guide.pdf)
- ☐ RBWM Joint Health and Wellbeing Strategy – view at:  
[https://www3.rbwm.gov.uk/downloads/file/90/joint\\_health\\_and\\_wellbeing\\_strategy](https://www3.rbwm.gov.uk/downloads/file/90/joint_health_and_wellbeing_strategy)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Principle of Development – Green Belt
- ii Highways Considerations
- iii Flood Risk
- iv Trees & Landscape
- v Design
- vi Impact on Character of the Area
- vii Impact on Residential Amenity
- viii Ecology
- ix Archaeology

- x Amenity Value of the Site
- xi Community Infrastructure Levy
- xii Any other material considerations
- xiii Very Special Circumstances and the Planning Balance

## **1 – Principle of Development – Green Belt**

- 6.2 As described above in Section 5, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. With a limited list of exceptions, the construction of new buildings is identified as inappropriate and by definition harmful. Although the Local Plan pre-dates the NPPF, Policy GB1 adopts a broadly similar approach.
- 6.3 The erection of a building with a footprint of 4,208 sq m, by virtue of the introduction of significant built form, will have a significant detrimental impact upon the openness of this Green Belt site. The Hospice and associated development is therefore categorised as inappropriate development, which is harmful in principle. Furthermore the scheme causes actual harm as it is considered that it prejudices the openness of the Green Belt in the locality of the site and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. **Substantial weight** should be attached to this harm.
- 6.4 The proposals are therefore contrary to paragraphs 89 and 90 of the NPPF and Local Plan policies GB1 and GB2(a). It thus remains to be established whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm in principle, the failure to safeguard the countryside from encroachment and harm to openness of the Green Belt associated with the development and any other harm identified in this report. The applicant has made a case for VSC and this is considered in the planning balance at the end of this report.

## **2 – Highways Considerations**

### ***Road classification & Location***

- 6.5 The site is located between Maidenhead and Windsor on the northern side of the main A308 Windsor Road, which carries up to 18,000 vehicles on some days and can be extremely busy during peak periods.
- 6.6 This section of Windsor Road is subject to a local 40mph speed restriction (enforced by fixed speed camera locations) and is lit. It has a carriageway width of about 6.5m, with a shared cycle/pedestrian footway varying in width from 1.7m to 2.4m nearside. On the opposite side of the road there is a 2.0m wide footway. Bus stops are located along the adjacent Windsor Road, where Routes 16/16a provides an hourly local bus service between Maidenhead and Windsor.

### ***Access & Visibility Splays:***

- 6.7 Vehicles currently access this part of the site via a farm gate located in the south-eastern corner of the planning application site area. It is proposed to construct a new single point of access directly to Windsor Road at the south-western corner of the site in order to serve the new Hospice. The proposed means of access should be a simple priority junction, provided with 7.5m junction radii (entry & exit) and a 6.0m wide access road with a footway and verge. This access should be provided with visibility splays of at least 2.4m x 120m in each direction. The Highways Officer is satisfied that full details of the access can be agreed by way of condition (see condition 4 & 7).
- 6.9 A swept path analysis for the largest service/delivery vehicle that might use the site can also be secured by condition (see condition 9)

### ***Potential Trip Generation & Traffic Flow:***

- 6.10 Sections 4 to 7 of the Transport Statement review the potential vehicle trip generation, distribution and assignment together with an assessment of traffic flows and the likely impact on the surrounding highway network.
- 6.11 Traffic surveys were undertaken on the A308 Windsor Road in the vicinity of the site for seven full days from 18 January to 25 January 2017, in order to gather data for existing vehicle flows and speeds. In addition Travel Surveys were undertaken at the existing Hospice site at Pine Lodge, Windsor (including those staff relocated from Paul Bevan House).
- 6.12 The Transport Statement provides a robust assessment of likely traffic flows and modal split. It is evident that the development will be car dependent with 84.25% of person trips being made by private car or van. This is likely to result in a total of 584 vehicle movements being generated over a typical 12 hour day – a 3% increase in traffic on the adjoining A308 Windsor Road.
- 6.14 Development traffic peak hours have been identified as being 0700-0800 and 1800-1900 hours, whereas the peak flows on the network show the morning peak hour to be 0730-0830 and 1615-1715 for the evening peak hour. The Transport Statement assumes a 50/50 distribution split i.e. direction vehicles will travel to and from when arriving/leaving the site; which is considered to be reasonable in highway terms.
- 6.15 Also, it is demonstrated through the junction analysis (Appendix J in the TS) using 3 hour periods in the morning & evening peaks for the new access connection to Windsor Road, that the level of traffic likely to be generated by this development can be accommodated without causing undue additional delay to through traffic (this even without the provision of a right turn lane).
- 6.16 There is scope to reduce individual private car journeys to and from work in particular in the future, through measures and incentives introduced through a successful Travel Plan which is discussed below.

### ***Road Safety***

- 6.17 A review of recorded personal injuries arising from reported collisions along the section of A308 Windsor Road between its junctions with the B3028 Upper Bray Road to the west and Fifield Road to the east has been undertaken. This concluded that over the past 5 years there have been a number of incidents at roundabouts or junctions, as would be expected, with relatively few occurring on straight sections of road. Certainly there have been no reported incidents along the A308 Windsor Road in the immediate vicinity of the site and section of road where the new access is proposed.
- 6.18 Subject to a safe and satisfactory means of access being constructed in accordance with further geometric details and associated works to be submitted and approved in writing, it is considered that the additional traffic likely to be generated by the proposed development can be safely accommodated on the local highway network. This is secured by condition 7.

### ***Parking Requirements***

- 6.19 The Council's current parking standards for Further Education (use class D1), Hospital (use class C2) and Health Centre (use class D1) would require the provision of only 138 car parking spaces. However, this does not reflect the specific nature of the development which also has a requirement for 31 community staff who make a number of trips between the hospice and patient's homes by car each day. The proposed parking areas will therefore include 160 marked car parking bays. A further over-flow parking area with the capacity to accommodate 40 cars is also proposed to accommodate additional demand associated with educational courses. The overflow car parking area will be informally laid out and not hard surfaced which will minimise its

impact upon the Green Belt. The level of car parking proposed is considered to accord with the Borough's car parking standards and takes account of the location of the proposed hospice as well as the specific nature of its use. The parking provision has been demonstrated in the submitted Transport Statement to reflect current demand and will avoid the need for users to attempt to park on Windsor Road or in nearby residential streets. A condition will be applied to any consent to ensure that parking is provided in accordance with the submitted information (see condition 6)

### ***Rights of Way***

- 6.20 No Public Right of Way (PROW) affects the site. Whilst there is an unmade footpath which runs around the shore or the lake this is retained as part of the application proposals. A margin of five metres of land running along the shore line will be retained for public use. This will be secured by a condition which will be reinforced by a legal agreement (see condition 25)

### ***Travel Plan***

- 6.21 A Travel Plan will be secured by condition to ensure that opportunities are taken to promote sustainable transport choices amongst site users. (See condition 11)

### ***Transport Conclusions***

- 6.22 The development proposals will lead to no threat to highway safety and convenience; and presents an opportunity to promote Sustainable Transport Measure through a Travel Plan scheme; and provides an appropriate level of car and cycle parking. The Highways Officer raises no objection to the application subject to the imposition of appropriately worded conditions. The recommended conditions (conditions 4-11 & 25) have been included in the list presented to the panel in Section 10 of this report.

## **3 – Flood Risk & Drainage**

### Fluvial Flood Risk

- 6.23 The site is located in flood zones 1, 2 and 3. Saved Local Plan Policy F1 explains that planning permission will not be granted for development that would impede the flow of flood water; reduce the capacity of the Flood plain to store flood water; or increase the number of people or properties at risk from flooding. The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. In accordance with the NPPF the Sequential Test and Exceptions test must be passed in order for the development to be acceptable
- 6.24 The NPPF seeks to direct development away from areas that are the most at risk of flooding. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As the site is allocated for development in the emerging Borough Local Plan, the site has been subjected to Sequential Testing in the context of the Strategic Flood Risk Assessment that forms part of the evidence base for the emerging Local Plan. The applicant has however submitted their own Sequential Test that demonstrates that no alternative sites are available in areas of lower flood risk. On this basis the requirement for Sequential Testing has been passed.

- 6.25 As the Sequential Test has been passed the Exceptions Test should be considered. For the Exceptions Test to be passed it must first be demonstrated that the development provides wider benefits to the community that outweigh flood risk. In this instance the development proposals seek to provide a service that benefits the health and well being of the community. The NPPF, at paragraph 69, highlights the importance of the planning system in creating (inter alia) healthy communities and the provision of health facilities are considered to be an important element of the social facet of sustainable development. This is also reflected in the Joint Health and Wellbeing Strategy for the Borough. On this basis the wider benefits to the community are considered to outweigh the flood risk which is considered below.
- 6.26 The second part of the Exceptions Test requires development to demonstrate through a site specific flood risk assessment that the development will be safe for a lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere. The Environment Agency has confirmed that the applicant has submitted an NPPF compliant Flood Risk Assessment which demonstrates this.
- 6.27 In order to achieve the finished floor levels which meet the minimum requirement of the 1 in 100 plus 70% climate change flood event parts of the site will have to be raised and this needs to be directly compensated for. This is necessary to prevent the new development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere. Compensatory flood plain storage must be provided at the same level as the lost storage for it to be 'level for level'. An equal volume of flood plain must be created to that taken up by the proposed development. This equal volume must apply at all levels between the lowest point of the proposed development and the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change. The height between the lowest point of the proposed development and the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change level should be split into a series of horizontal slices. The Environment Agency has confirmed that they are satisfied that the flood compensation scheme detailed within the applicants Flood Risk Assessment is appropriate and have recommended a condition to see that the finished floor levels are set as an appropriate level (see condition 26).
- 6.28 Paragraph 103 of the NPPF requires development to be flood resilient and resistant and to include safe access and escape routes when required and that residual risk can be safely managed and gives priority to sustainable drainage systems. None of the building will be located in flood zone 3 and therefore will be confined to flood zones 1 and 2 where the risk of flooding is lower and the finished floor levels of the building will be set above the 1 in 100 year flood level (with allowance for climate change). Whilst a dry escape route can be provided through the area of the site that is located in flood zone 1, given the vulnerability of the building's users, it is considered prudent to secure a Flood Management Plan. This can be dealt with by an appropriately worded condition (see condition 27).

#### Surface Water Drainage

- 6.29 An appropriate surface water drainage scheme is currently being negotiated with the applicant. This and relevant condition(s) to secure the scheme will be dealt with in the Panel Update.

#### **4 – Trees & Landscape**

- 6.30 Mature trees and hedgerows are present on the southern and eastern boundaries of the site as well as bordering the drainage ditch that runs from Windsor Road to Bray Lake. The trees and hedgerows are prominent and valuable landscape features that are visible from both Windsor Road and the footpath that runs along the northern boundary of the site.
- 6.31 The majority of the trees on the site are present in groups or hedgerows that form part of prominent landscape features. This includes the line of trees growing along the frontage of Windsor Road, the line of trees on the eastern boundary of the site and the groups of trees at the edge of the lake. Many of the trees on this site therefore attract a higher collective rating than they would as individuals and should therefore be included within the A2 or B2 category.



- 6.32 The proposals require the loss of a mixed hedgerow and trees growing through the centre of the site. The loss of these trees could be mitigated through the significant mitigation planting as set out in the applicants Landscaping Proposals dated 03/03/2017. The landscaping scheme can be secured by condition (see condition 20).
- 6.33 The proposed new buildings and carparks have all been set back from the site boundaries and are located outside the minimum root protection areas of the majority of the trees on the site. This would enable the most prominent trees on the site on the southern and eastern boundaries and the groups growing adjacent to the lake to be successfully retained. No dig surfacing is proposed on the edge the root protection areas of T60 and T11. Full details for construction of this surfacing would be provided as part of a detailed Arboricultural Method Statement. This can be secured by condition (see condition 19).
- 6.34 Permeable surfacing is proposed on the edges of the car parks. There is concern regarding the impacts of the de-icing of these surfaces during the winter months and the impact this could have on the health of trees. The most effected area would be the over-flow car-parking. Given this will be used infrequently this is not considered to pose a risk. The applicant however will be made aware of this potential risk to trees through an appropriately worded informative (see informative 2).
- 6.35 The details for the construction of any approved permeant hard surfacing within the root protection areas of retained trees to ensure compliance with part 7.4 of British Standard 5837 (2012) are required. This will be secured by condition (see condition 20)

## **5 – Design**

- 6.36 The design approach to the building has been centred around a vision to create spaces that are right for patients their relatives and loved ones and staff & volunteers. The aim was to create one of the best hospice environments in the UK. The intention was to create a building that has flexibility for expansion, low maintenance and running costs and one that is environmentally sustainable. Both internal and external spaces have been designed to be tranquil with the interior spaces being designed to be light and airy and with a close and open relationship with the external landscaped spaces and views. The pivotal area of the building is the entrance and café rotunda which marks a clear entry point within the surrounding environment and allows users to directly access all the main departments that are regularly used by patients and visitors easily.
- 6.37 The development proposals include substantial areas of landscaping and seek to create a wooded character along the southern site boundary which runs along Windsor Road. The wooded areas to the south, which will also enclose the parking areas, give way to a more open character around the building's entrance. A series of courtyard landscapes are formed within the various wings and projections that form the building. The watercourse that bisects the site, from north to south, will be incorporated into the landscape scheme and will create water gardens between the projections of the building. Beyond the courtyards a landscape of swales and meadows are proposed with groups of trees and shrubs framing views out across the lake and serve to soften views back towards the building. The landscaping scheme is considered to appropriately mitigate the appearance of the built form in its setting; landscaping cannot however be used to mitigate impact on openness of the Green Belt.
- 6.38 The proposed building has been designed to ensure that every room enjoys view across the lake. This dismantling of the mass of the building into smaller elements has the benefit of avoiding overbearing impacts and makes the Hospice appear as a cluster of buildings rather than one large institution. The relatively low profile of the building, in combination with the topography and proposed enhanced woodland planting to the south will mean that the building will appear discreet in the landscape when viewed from Windsor Road.

- 6.39 The proposed materials are drawn from the site's natural surroundings and will include wood and flint (see condition 2). The central circular entrance block will be predominantly glazed. Where possible all ground floor rooms have floor to ceiling glazing and all links between the building elements will be fully glazed. This again emphasises the development as a cluster of buildings and, through reflection and interconnection with interior and exterior spaces, will create a lighter perception of the mass of the building. This will be particularly apparent when viewing the building from the lakeside footpath.
- 6.40 Whilst it is acknowledged that there is currently nothing of this scale or appearance in the site's surroundings, the design approach is considered to be appropriate. This is on the basis that the proposed building - due to the site's topography, the positioning of the building deep within the site, extensive woodland planting, and relatively low profile - will appear discreet within the site and will not bear any strong visual relationship with the existing built form in its surroundings. Overall the design of the proposed building is considered to be appropriate in its context and of sufficient design quality to be considered acceptable.

## **6- Impact on Character of the Area**

- 6.41 The development proposals will clearly represent a change in the character of the area associated with the change from an agricultural field of rural character to a modern building with car parking around. The landscaping scheme will introduce a woodland character to part of the site. At the request of Officers the landscaping on the Windsor Road boundary will be increased to further soften the development. This will be secured by the landscaping condition (see condition 20). As mentioned above, the building will not bear a strong visual relationship with any of the domestic buildings in its surroundings due to its positioning in the site. Whilst the development proposals will represent a change to the character of the area, the development is considered to be appropriate when considering its design and its appearance which will be softened from public views by the landscaping scheme. To this end the change in character is not considered to be harmful to an extent where the refusal of this planning application would be justified.

## **7 – Impact on Residential Amenity**

- 6.42 The proposed building will be set a minimum of 20 metres from the boundary with the nearest neighbouring residential property. The closest element of the building to any residential neighbour only has accommodation on ground floor level and subsequently will not give rise to any loss of privacy, overbearing impacts, harmful overshadowing or loss of daylight/sunlight. Considering these potential impacts, the proposed building would not have any adverse impact on neighbouring amenities.
- 6.43 Concern has been raised during the public consultation with regard to the potential for noise and disturbance. The building is a sufficient distance from neighbouring residential properties that the activities within it are not expected to give rise to any harmful disturbance. In any event, fundamental to the proposals are the desire to create a tranquil and calm environment. There was concern regarding the proximity of the staff car parking to number 55 Windsor Road which is positioned close to the site boundary. In response the applicant has amended the site layout and moved the overflow parking towards this boundary. The overflow car parking will be used less frequently thus protecting the amenities of the occupiers of this property.
- 6.44 Considering the potential for noise and disturbance arising from vehicle movements and car parking, again these areas are a minimum of 40 metres from any neighbours property on the opposite side of Windsor Road so as to minimise the risk for noise and disturbance. Most vehicle movements will take place during the day with staff arriving in shifts spread around the clock. Peak times for the arrival and departure of staff are between 0700 and 1000 in the morning and 1600 and 1900 at in the afternoon/evening with visitor arriving and departing at a steady trickle throughout the day. As these activities are confined to the daytime and night-time activity is expected to be low, in combination with the separation distanced involved, there is not expected

to be any harmful disturbance to neighbouring occupiers. The applicant has also advised that ambulances transporting patients to/from the site do not use lights and sirens.

## **8 - Ecology**

- 6.45 There are a number of ecologically valuable habitats on or adjacent to the site that are likely to qualify as priority habitats. These include the broadleaved woodland to the north of the site, species rich hedgerows and trees to the east, south and middle of the site and adjacent to the site to the north. The development proposals include a 5 m ecological buffer around the lake and retention of the woodland and most of the species rich hedgerows. All mature trees which are of ecological value are proposed to be retained. A condition is required to ensure these habitats are retained and protected during and after the development (see condition 12 & 18). The species rich hedgerows in the middle of the site are to be removed. As this is likely to be a priority habitat, a precautionary approach has been taken and the ecologist has recommended that these are replaced on a like for like basis with a similar native species composition in order to mitigate for the loss as required by the mitigation hierarchy set out in the NPPF. The ecologist is satisfied that this can be secured by way of condition (see condition 12, 18 & 20).
- 6.46 The applicant has provided a landscaping plan which includes details of vegetation and habitat planting, including meadow, woodland, tree and hedgerow planting, the majority of which will be of native species. The ecology report also makes recommendations for further enhancement including the installation of bat and bird boxes (including swift boxes if appropriate) on to the new buildings or retained mature trees, the inclusion of invertebrate boxes on trees and scrub, creation of green roofs and walls onto suitable structures, creation of ecological connectivity to the wider site, incorporation of balancing ponds and swales and creation of log piles. It recommended that a suitably worded planning condition is included on any consent requiring a biodiversity enhancement plan detailing all enhancements within the new development (see condition 18). The management plan should include details of the creation, management, maintenance and monitoring of all ecological enhancements over a period of 10 years.
- 6.47 Specific conditions have also been recommended to ensure the protection of bats, badgers, reptiles who might use the site (see condition 14, 15, 16 & 17). The scheme is considered to be NPPF compliant in that it seeks to minimise impacts of the development upon biodiversity and with the recommended conditions provides appropriate mitigation and enhancements.

## **9 - Archaeology**

- 6.48 Although the conclusion of the Archaeological report prepared by CGMS suggests that the site has low archaeological potential this is not accepted. This is on the basis that there is a known archaeological resource within 2km of the site and an undeveloped site of this scale, in this location, would normally be considered to have high potential. In this instance it is considered appropriate that the required further archaeological investigation to be secured by condition (see condition 24).

## **10 - Amenity value of the site**

- 6.49 It is clear from the neighbour representations that the site is considered to be of amenity value to local residents. Given that the site is currently an agricultural field and privately owned the majority of it is not available for public use. The path however which runs along the shore of the lake will be retained for public access and so will remain available for use. A condition will be applied to ensure the path remains open to the public into perpetuity. The condition will be reinforced by a legal agreement which will secure the lakeside footpath in perpetuity. (see condition 25).
- 6.50 Considering the visual impact of the proposal, it is regrettable that some views of the lake may be obscured when viewed from some of the homes located on the opposite side of Windsor Road to the application site. Private views are however not protected in planning and the any impact of the new building is considered to be appropriately mitigated by the landscaping scheme.

## 11 - Community infrastructure levy (CIL)

- 6.51 The proposal is CIL liable but would attract an exemption if the applicant claims a charitable exemption. In the absence of a charitable exemption the CIL liability, based upon the chargeable residential floor area (£240 per sq.m) would be £612,000.

## 12 - Other material planning considerations

### Housing Land Supply

- 6.52 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of 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 5 year supply of deliverable housing sites.
- 6.53 It is acknowledged that this scheme would make a contribution of 28 class C2 rooms to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

### Emerging Borough Local Plan 2013-2033

- 6.54 The application site is part of the wider allocation of land to make re-provision for the Hospice but also to provide 100 dwellings as part of the overall strategy to meet the Borough's housing need. Officers are satisfied that the proposal does not prejudice the delivery of 100 dwellings on the remainder of the site. The development proposals are considered to adhere to the requirements of the emerging policy HA18 in that as discussed in the design section of this report the building has been designed to be high quality with appropriate edge treatment to lake; the development incorporates appropriate flood risk reduction measures; the residential amenity of the residents of Windsor Road are considered to be maintained; the foot path around the lake is maintained, the building has been designed to be sensitive when considering long distance views and the scheme retains valuable trees and hedgerows where possible.

## 13 – Overall Planning Balance/ Very Special Circumstances

- 6.55 The development proposals will be harmful to the Green Belt and will clearly impact upon its openness and this needs to be given **substantial weight**. An assessment therefore remains to be made as to whether Very Special Circumstances exist that clearly and demonstrably outweigh the harm caused by the proposed "inappropriate" development within the Green Belt. The applicant has put forwards a case to this effect which is as follows:

### The Need for the Facility

- 6.56 Thames Hospicecare was founded in Windsor in 1987 in response to the need for a Hospice in East Berkshire. The Hospice remains the only adult Hospice in East Berkshire and serves a population of c.500,000 spanning East Berkshire and South Buckinghamshire. Thames Hospice currently has 17 beds for in-patients, a day centre, sanctuary space and counselling rooms spread across two facilities – Pine Lodge, Windsor and Paul Bevan House at Heatherwood Hospital, Ascot.
- 6.57 In 2014, Thames Hospice commissioned an independent review of the projected requirement for Hospice inpatient beds and services up to 2025. The review highlighted an increasing population, a growing population of people aged 65+, an increase in people living with a number of different medical conditions and changes in demographics resulting in fewer family carers. The statistics are supported by the Western Berkshire HMA (Housing Market Assessment) that indicates a 29.7% and 27.4% increase in the 60-74 and 75+ age group, respectively, between 2001 and 2013. The review concluded a need for 34 beds by 2025 which is double the 17

currently available. In recognition of this need it was agreed with NHS commissioners that the Hospice would seek to build a 28 bed Hospice and expand the provision of integrated home based care in the community. The application is supported by CCGs (Clinical Commissioning Groups), the local NHS and social care community (see consultation responses).

- 6.58 The applicant has demonstrated that there is a clear and growing need for a Hospice facility and that there would be a concerning gap in health care provision, to the detriment of the health and well being of the community, if the Hospice is unable to find a new home to meets its growing needs. This on its own is considered to contribute to the case in favour of Very Special Circumstances and is afforded **significant weight**.

#### The Need to Relocate

- 6.59 The Hospice needs to find a new site due in part to the growing demand and requirement for services that are beyond the capacity of the Hospice's main site in Windsor. Paul Bevan House has also relinquished its lease at Heatherwood Hospital due to the proposals for the re-development of the hospital site which is currently subject to a planning application (16/03115/OUT refers). A new modern Hospice will enable patients and their families to be better served and present opportunities to improve patient dignity and avoid situations that might cause them distress that are currently impossible within the constraints of the current Hospice site.
- 6.60 The need to relocate the Hospice, the constraints at the Windsor site and the decommissioning of the Paul Bevan hospice due to site redevelopment have been clearly set out by the applicant, are accepted and should be afforded **significant weight**. The justification for the co-location of functions, which explains why a smaller building/building(s) would not be an option, are set out below.

#### Benefits of Co-Locating Functions

- 6.61 The applicant has provided a rationale for the co-location of all clinical and non-clinical functions within the new building. This in itself explains the need for a building of the scale proposed and why smaller building(s) over a series of locations would not meet the operational requirements of the Hospice.
- 6.62 The patient and family services unit comprises the 28 bed in-patient unit and the Paul Bevan Centre which houses all community services. The community element provides day therapy services that include well-being groups, out-patients, counselling sessions, complementary therapies, physiotherapy and a community team who visit people in their homes. The community team are led by the Palliative Care Consultant who is responsible for both the in-patient and community element. All clinicians staff both the in-patient unit and community element. It is necessary to share resources due to financial constraints and recruitment issues. Having the whole team on one site avoids the need to duplicate clinical and support services and means that more treatments are available as part of the out-patients service avoiding the need to admit patients and take up valuable bed space. There are also benefits to patient well being by having all services delivered from one site – if patients are familiar attending the out-patients services it will be less daunting if they need to be admitted to the in-patient unit if it is housed in the same building. It also means that in-patients need not suffer the discomfort of leaving the Hospice to use the day services offered by the community element if it was housed at a different location. Psychological support also needs to be available on-site at short notice to provide appropriate support to staff members.
- 6.63 The proposals include an Education Centre. It is necessary to have this on site because much of the training is provided by the Hospice's doctors and nurses who cannot be taken off site. This is in the interests of patient care and safety in the event of a medical emergency. The Education Centre will be largely for the purposes of the on-going training and education of the Hospice's own staff and so it makes logistical sense to have this onsite – avoiding the need for staff to

travel else where and subsequently not being available onsite if the need arises. The Council's Joint Health and Wellbeing Strategy Action Plan Priority 10 supports this approach.

- 6.64 Marketing and fundraising staff need to be on site to maintain a link with the services and to have a sense of belonging. Fundraising opportunities would be missed if they weren't onsite and there is evidence from other Hospices that demonstrate that housing a fundraising team separately leads to reduction in funds raised.
- 6.65 Maintenance, Housekeeping and IT support staff need to be on site to provide immediate support to ensure continuous service provision. HR, Finance and Governance & Quality also need to be on site to be accessed quickly by personnel and to maintain strict quality standards.
- 6.66 There is clear justification for the various services and support services being located on one site. It is accepted that this is making a prudent use of resources and ensures efficient provision of valuable services. From a sustainability point of view having all services in one location reduces the need to travel.
- 6.67 The proposals have been developed in a collaborative process between the Hospice and their design team, comprising industry professionals, to ensure that suitable and adequate facilities are provided. Through the pre-application and application process there has been evidence that reductions have been applied to the area schedule to avoid overprovision and the scale of parts of the building have been reduced at the request of Council Officers. A departmental analysis has been provided in support of the planning application setting out the requirement for the floorspace proposed for each service/facility within the building. The quantum of development is therefore recognised as being both necessary and appropriate.
- 6.68 In the Green Belt assessment of Very Special Circumstances the need to co-locate functions should be afforded **moderate weight**.

#### Healthcare Improvements

- 6.69 Much of the expansion of the Hospice's services have been dictated by the need to implement the recommendations of the Government's End of Life Care Strategy and the Hospice will be expected to further develop its education strategy in line with the increased number of people dying within the community. The gradual expansion of the Hospice's services has led to the intensification of the use on its current site and the need to relocate to a larger more appropriate site and should be held in **significant weight**.

#### The Lack of Availability of Alternative Sites

- 6.70 The planning application has been accompanied by a report prepared by Savills which demonstrates that there are no other sites available outside of the Green Belt that would be reasonably available to the Hospice. It is accepted that the application site is the only site that is available to and would meet the requirements of the Hospice at this time. The lack of available alternative sites for the Hospice are considered to contribute in favour of the case for Very Special Circumstances and should be held in **significant weight**.

#### Requirement for a Private & Tranquil Location

- 6.71 A case has been made by the applicant that the setting of the Hospice is important to the health and well being of patients. As well as providing healthcare for recovery the Hospice provides palliative care for terminally ill patients, often in their final stages of their lives. The applicant argues that whilst the Hospice shouldn't be hidden away, it should not be in a busy location.
- 6.72 The applicant has acknowledged that the site is not quiet and secluded in the sense that motorway and aircraft noise is clearly audible on the site yet they believe this can be dealt with through the careful design of the building's fabric and observe that it is the garden/natural environment that is of key importance when considering patient well-being.

- 6.73 Whilst the benefits of a quiet location is recognised, in the assessment of the case for Very Special Circumstances, the need for a private and tranquil location is held in **limited weight** as it is not fundamental to the running of a hospice.

#### Biodiversity & Landscape Improvements

- 6.74 The landscape strategy for the site includes the introduction of a range of flora which will maximise the biodiversity potential of the site with the intention of encouraging a variety of species to use the site. In this respect the application represents ecological betterment compared to the current arrangement. This however should only be held in **limited weight** in the assessment of this planning application on the basis that, whilst the applicant is going beyond what is normally required, biodiversity and landscape improvements are required to make the development acceptable and subsequently cannot contribute to the case for Very Special Circumstances.

#### Staff Retention

- 6.75 It is understood that many of the staff working at Thames Hospice cycle or walk to work. A survey undertaken in connection with the Transport Statement indicates that 37.5% of staff travel by modes of transport other than by car. During staff consultation regarding the potential development site, there were numerous requests to stay in the area and no more than 5 miles from the existing site. Thames Hospice staff are experts in palliative care and many have received specialist training from the Hospice itself so to lose them would have a direct impact on service delivery. Many of the staff have worked at the Hospice for many years and have consequently become extremely experienced in caring for people at the end of their life. The applicant has explained that it is becoming exceedingly difficult to recruit new staff. There is a well publicised nationwide skills shortage in the healthcare sector which is further compounded by higher than average house prices in RBWM. Given that the Hospice is a charity and the shortage of suitable staff, whilst the location may be attractive to many potential employees the affordability of the area will deter applicants. Supporting the retention of staff, a site within 5 miles of Windsor will allow valued existing staff to continue to travel via a number of alternative means. By restricting the site search area, the Hospice is seeking to continue to support sustainable transport choices made by staff.
- 6.76 It is accepted that moving out of the borough would result in the loss of valuable staff who would be difficult to replace and would likely result in more journeys being made by less sustainable modes of transport. The need to retain staff is considered to contribute to the case for Very Special Circumstances and should be held in **significant weight**.

#### Allocation in Emerging Local Plan

- 6.77 The site is included in the emerging Borough Local Plan as part of a site that is proposed to be developed to accommodate a new Hospice and new housing. As the draft Local Plan has been agreed by Members at Extraordinary Council on the 19th June 2017 to be published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to its submission to the Secretary of State for independent examination, the policies within it should be given **limited weight**.

#### Potential for Green Belt Harm

- 6.78 In order to weigh the Very Special Circumstances that may outweigh the harm caused by the development of the Green Belt, an assessment needs to be made of the precise nature of the harm caused to the Green Belt. Harm is caused in principle in addition to actual harm. The construction of a new building with parking areas in the Green Belt will be harmful to the openness that is the key aim of the Green Belt. However the siting of the building deep within the site and the topography of the site which slopes towards the edge of the lake means that, whilst

the building will clearly be there, the proposal has been designed to minimise its impact inasmuch as it possible.

- 6.79 The level of harm should also be assessed by considering the site's performance when considering the Green Belt functions set out in paragraph 80 of the NPPF. This assessment has already been undertaken as part of the Local Plan evidence base in the form of the *Green Belt Performance Assessment*, July 2016 and the conclusions are detailed below:

***To Check the Unrestricted Sprawl of Large Built Up Areas***

- 6.80 The report concluded that the site does not contribute to preventing the unrestricted sprawl of a built-up area. The parcel is enclosed by the built-up area of Maidenhead. Notwithstanding the extensive views across the lake, the land has a sense of visual containment because of the surrounding built form and as such is not considered to have an important relationship with the wider countryside and Green Belt.
- 6.81 The boundaries of the parcel are durable consisting of a public road, well defined and regular property boundaries and a lake edge. The existing boundary of the Green Belt is durable, consisting of roads and well defined and regular property boundaries. On balance the parcel does not made a discernible contribution to this Green Belt purpose. In this respect the report found that there would be **no harm** when considering the Green Belt function to check sprawl.

***To prevent neighbouring towns from merging***

- 6.82 The parcel does not form or contribute to a gap between settlements and therefore makes no discernible contribution to separation. The report apportioned **no harm** associated with the development of the site in this respect.

***To assist in safeguarding the countryside from encroachment***

- 6.83 The parcel makes a moderate contribution to safeguarding the countryside from encroachment. The parcel displays a largely rural character comprising an agricultural field and containing no built form. Extensive views are available across the adjoining Bray Lake providing an increased sense of openness. Views into and out of the parcel are concealed by built form, however the land is highly visible from Windsor Road and from Bray Lake. The boundaries of the parcel are durable consisting of a public road, well defined and regular property boundaries and a lake edge. The existing boundary of the Green Belt is durable, consisting of roads and well defined and regular property boundaries. On balance the parcel makes a moderate contribution. Development would extend the built-up area of Maidenhead on to open land, however whilst the land is visible and has a high degree of openness, it is enclosed by the built-up area. The durable boundaries would guard against further development and encroachment. The report concluded that **moderate harm** could be apportioned to the encroachment of the countryside as a result of the development of this site.

***To preserve the setting and special qualities of historic towns***

- 6.84 The parcel does not contribute to preserving the setting or special qualities of a historic place. The parcel does not adjoin or provide direct views of an identified historic settlement. The parcel does not retain characteristics of a wider historic environment which is considered relevant to the assessment of this Green Belt purpose and as such the report found **no harm** in this respect.

***To assist in urban regeneration, by encouraging the recycling of derelict and other urban land***

- 6.85 The parcel is not in proximity to a regeneration project supported in existing development plan policy. The report concluded **no harm** in this respect.



6.86 Therefore, in summary, the Council's own evidence has identified that the site only moderately serves one of the five purposes of Green Belt, in that it is safeguarding the countryside from encroachment. However, given that the site is surrounded by built form, the site can be regarded as edge of development and rather than open countryside.

Conclusion – Weighting of Green Belt harm Against Very Special Circumstances

6.87 The main harm associated with the development would be 1) the harm by definition due to inappropriate development, 2) the loss of openness associated with the building, and 3) the moderate harm associated with the encroachment of the countryside.

6.88 Whilst the building's impact is minimised through design and layout, under Green Belt policy the scheme by definition is inappropriate development and therefore harmful and substantial weight should be apportioned to this harm. A case for Very Special Circumstances therefore needs to be assessed in order for the development to be considered to be acceptable. As discussed in issues 1 to 12 in chapter 6 of this report beyond Green Belt harm, with the conditions recommended in Section 10 of this report and the section 106 agreement no other harm can be apportioned to the development.

6.89 There is a clear existing and growing demand for the proposed Hospice facility and the applicant has demonstrated that the existing sites have been outgrown and are no-longer available. The loss of Hospice provision if the charity were to be unable to find a new home would be to the detriment of the health and well-being of the borough. The requirement for the accommodation and services proposed have been justified and locating all services onsite represents prudent use of resources and reduces the need for staff to travel to multiple sites. The area of search has been restricted by the need to retain valuable long-serving staff and it has been demonstrated that no other alternative sites are available outside of the Green Belt. These factors should be held in **substantial weight** and, in combination, are considered to constitute Very Special Circumstances. Which clearly outweighs the substantial weight given to the harm by definition, the actual physical openness of the site and the harm to one of the five purposes of the Green Belt – namely to protect the countryside from encroachment. It is therefore considered that the development proposals are acceptable when assessed against restrictive Green Belt policy.

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

22 occupiers were notified directly of the application and a total of 51 responses were received

The planning officer posted a statutory notice advertising the application at the site and the application was advertised in the Maidenhead & Windsor Advertiser on 25<sup>th</sup> May 2017 and the 30<sup>th</sup> March 2017.

No letters were received supporting the application.

51 letters were received objecting to the application of which one letter was from the Holyport Residents association and 8 letters were received from one individual. The objections are summarised as:

| Comment |  | Where in the report this is considered |
|---------|--|--|
| 1.      | Green belt objection – Loss of openness, loss of gap between settlements, Very Special Circumstances not sufficiently compelling, alternative site search poor, GB should be protected, inappropriate development. | 6.55-6.89                              |
| 2.      | Flooding concerns – loss of floodplain, increased risk of flooding, sequential test not carried out.   | 6.23-6.29                              |

|     |   |  |
|-----|---|--|
| 3.  | Loss of site which is of amenity value to the community – valued greenspace, loss of visual amenity, loss of space for outdoor activities | 6.49   |
| 4.  | Site is identified for housing but this is emerging not adopted policy  | 6.77   |
| 5.  | Applicant is using emotional blackmail any other developer would have application rejected  | Each planning application is considered on its own merits see paragraphs 5.1-5.8 for background to policy assessment                                     |
| 6.  | Impact on wildlife/ecology  | 6.45-6.47  |
| 7.  | Noise and disturbance – from traffic, from special events, from general 24 hour operation   | 6.44   |
| 8.  | Will set precedent for further Green Belt development   | Each planning application is considered on its own merits. See paragraphs 5.1-5.8  |
| 9.  | Home insurance will increase because of flood risk  | Increase in home insurance is not a planning consideration. Flood risk is considered in paragraphs 6.23-6.29   |
| 10. | Concern regarding footpath remaining open to the public   | 6.49   |
| 11. | Design out of keeping with the area   | 6.36-6.40  |
| 12. | Traffic survey was undertaken during roadworks when people would have been taking a different route                                       | The Highways Officer was satisfied with the surveys carried out in support of the application. Highways impacts are considered in paragraphs 6.5-6.22    |
| 13. | Over development of site  | See paragraphs 6.36-6.40   |
| 14. | Not all residents were invited to public consultation   | The applicant carried out public consultation and Neighbours were consulted and the application publicised in line with the relevant legislation         |
| 15. | Loss of farmland  | The land in question is not B&MV and so there is no policy presumption against the loss of this farmland. See Green Belt assessment paragraphs 6.55-6.89 |

## Statutory consultees

| Consultee                  | Comment  | Where in the report this is considered |
|----------------------------|--|--|
| Highways                   | No objection subject to conditions                           | Paragraphs 6.5-6.22                    |
| Ecology                    | No objection subject to conditions                           | Paragraphs 6.45-6.47                   |
| Tree Officer               | No objection subject to conditions                           | Paragraphs 6.30-6.35                   |
| Lead Local Flood Authority | Awaiting final Comments – will be dealt with in panel update | Paragraph 6.29                         |
| Environment Agency         | No objection subject to condition                            | Paragraphs 6.23-6.35                   |
| Archaeology                | No objection subject to conditions                           | Para 6.48                              |

## Other consultees

| Consultee           | Comment  | Where in the report this is considered |
|---------------------|--|--|
| Bray Parish Council | Objects - Overdevelopment in the Green Belt due to the scale and bulk of the development. F1 - The development sits within an area liable to flood. DG1 - The traffic generated will have an unacceptable effect not just for the residents of the Windsor Road but on the Parish as a whole. Local residents who live along the A308 have raised objections due to the already congested road and the impact the traffic generated by this development will have. | See 6.36-6.40, 6.23-6.28 & 6.5-6.22    |

## 9. APPENDICES TO THIS REPORT

- Appendix A –Proposed Site Plan
- Appendix B – Ground Floor Plan
- Appendix C – First Floor Plan
- Appendix D – 3D View

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED (delete as appropriate)

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development 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
- 3 No development 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.

- 4 No part of the development shall be occupied until the new access arrangements to Windsor Road together with associated shared footway/cycleway works has been constructed in accordance with details to be submitted to and in writing by the Local Planning Authority. The access arrangement for use by all people shall thereafter be maintained.

Reasons: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 5 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.

- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with drawing 0659/101. 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.

- 7 No part of the development shall be commenced until visibility splays of 2.4m x 120m in both directions have been provided. All dimensions are to be measured along the 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 highway safety. Relevant Policies - Local Plan T5.

- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

- 9 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 10 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

- 11 No development shall commence until details of a Travel Plan Framework has been submitted to

and approved by the Local Planning Authority. Full details of the Final Travel Plan shall be submitted for approval within 6 months of the development first being brought into use. Reason: To comply with the principles as set out in the National Planning Policy Framework relating to opportunities to encourage the use of sustainable travel modes.

- 12 A buffer zone of five meters from the shoreline of Bray Lake shall be kept free of development and retained as a natural habitat for biodiversity into perpetuity unless agreed in writing by the Local Planning Authority  
Reason: To protect ecologically valuable habitats in accordance with the Wildlife & Countryside Act 1981 as amended, the Natural Environment & Rural Communities Act (2006) Paragraphs 109 & 118 of the NPPF
- 13 Prior to the commencement of development a lighting strategy will be submitted to and approved in writing by the Local Planning Authority. The strategy should detail how the negative impacts of lighting will be minimised including type of lighting to be used, timing of lights, avoidance of light spillage and the use of directional lighting away from sensitive areas such as trees, hedgerows and the lake. The lighting strategy once approved will be implemented as such and retained unless agreed in writing by the Local Planning Authority.  
Reason: To minimise the negative impacts of light spill from the proposed development on roosting, commuting and foraging bats as well as other mammals and invertebrates in accordance with the Wildlife & Countryside Act 1981 as amended and Paragraphs 109 & 118 of the NPPF.
- 14 Prior to the commencement of development the entire site and a 30m buffer around the site will be subject to a walkover survey to check for evidence of badgers. Any signs of setts will be recorded. If a badger sett is discovered, a suitably qualified ecologist should be contacted for advice and the appropriate mitigation organised. The results of the walkover survey for badgers and appropriate mitigation/ licences, if required, should be provided to the council for approval prior to the commencement of development on site.  
Reason: to protect any badgers using the site in accordance with the Protection of Badger Act 1992 and the Wild Mammals (Protection) Act 1996 and Paragraphs 109 & 118 of the NPPF
- 15 No works which will include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals from being trapped in open excavations and/ or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include: Creation of sloping escape ramps for mammals, which may be achieved by edge profiling of trenches/ excavations or by using planks placed into them at the end of each working day; Open pipework greater than 150mm outside diameter being blanked off at the end of each working day. During construction steep sided excavations, pipes or culverts will be kept covered overnight or ramps installed to prevent mammals becoming trapped.  
Reason: to protect any mammals using the site from cruelty in accordance with the Wild Mammals (Protection) Act 1996 and Paragraphs 109 & 118 of the NPPF
- 16 Prior to the commencement of development including any site clearance, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Details shall include sensitive vegetation clearance under a watching brief, timing of works, grassland management and enhancements for reptiles following development. The reptile mitigation strategy will be carried out as approved unless agreed in writing by the Local Planning Authority.  
Reason: To prevent the killing or injury of reptiles in accordance with the Wildlife and Countryside Act 1981, as amended
- 17 No removal of scrub or trees shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before vegetation clearance and provided written confirmation that no birds will be harmed and/ or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the council. Reason: To protect breeding birds, their eggs and active nests in accordance with the Wildlife and Countryside Act 1981, as amended and Paragraphs 109 & 118 of the NPPF

- 18 Prior to the commencement of development a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP will include full details of all ecological enhancements provided as part of the development and a Management Plan including details of the creation, management, maintenance and monitoring of all ecological enhancements over a period of 10 years. The enhancements, maintenance and monitoring will be carried out as approved unless agreed in writing by the Local Planning Authority.  
Reason: To ensure that the development's impact on biodiversity is minimised and to enhance the natural environment where possible in accordance with Paragraphs 109 & 118 of the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006
- 19 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent 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
- 20 No development shall take place until full details of both hard and soft landscape works, including details of any boundary treatment, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.  
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.
- 21 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping.  
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Polices: Local Plan DG1.
- 22 The use of the buildings hereby permitted shall be carried on only by Thames Hospice and shall not endure for the benefit of the land, or any other person or body whatsoever.  
Reason: The site of the buildings is within the designated Green Belt and permission is only granted because of the very special circumstances of the case. Relevant Policies - Local Plan GB1.
- 23 Prior to the commencement of development, including site preparation works, the applicant will implement a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy shall be

implemented in accordance with the approved details.

Reason: The site is within an area of archaeological potential, as noted on the Berkshire Historic Environment Record. A programme of works is required to mitigate the impact of the development and ensure preservation by record of any surviving remains. Relevant Policies - Paragraph 114 of the NPPF and Local Plan policies ARCH2 & ARCH4.

- 24 The footpath running parallel to the lake shore shown on drawing 0659\_101(a) will be kept open to the public at all times into perpetuity unless agreed in writing by the Local Planning Authority.  
Reason: To maintain public access to the countryside .
- 25 The development permitted by this planning application shall be carried out in accordance with the FRA prepared by prepared by Price & Myers v6 dated June 2017 and the following mitigation measures detailed within the FRA:- Finished floor levels are set no lower than 23.170 metres above Ordnance Datum.- Compensatory Flood Plain Storage implemented and maintained as described in the FRA and shown in Table A on page 17.  
Reason: This is sought in accordance with paragraph 103 of the National Planning Policy Framework (NPPF) to ensure that the property is suitably protected from flooding up to the 1% AEP with an appropriate allowance for climate change flood event and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- 27 Prior to the occupation of development a Flood Management Plan setting out full details of the Hospice's flood evacuation procedure shall be first submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that users of the building are safe if a flood event occurs. Relevant Policies: Saved Local Plan policy F1 and NPPF paragraph 103

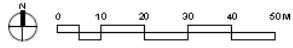
### **Informatives**

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 The applicants attention is drawn to the fact that salting permeable surfaces in icy conditions can pose a threat to the health of nearby trees.
- 4 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works .





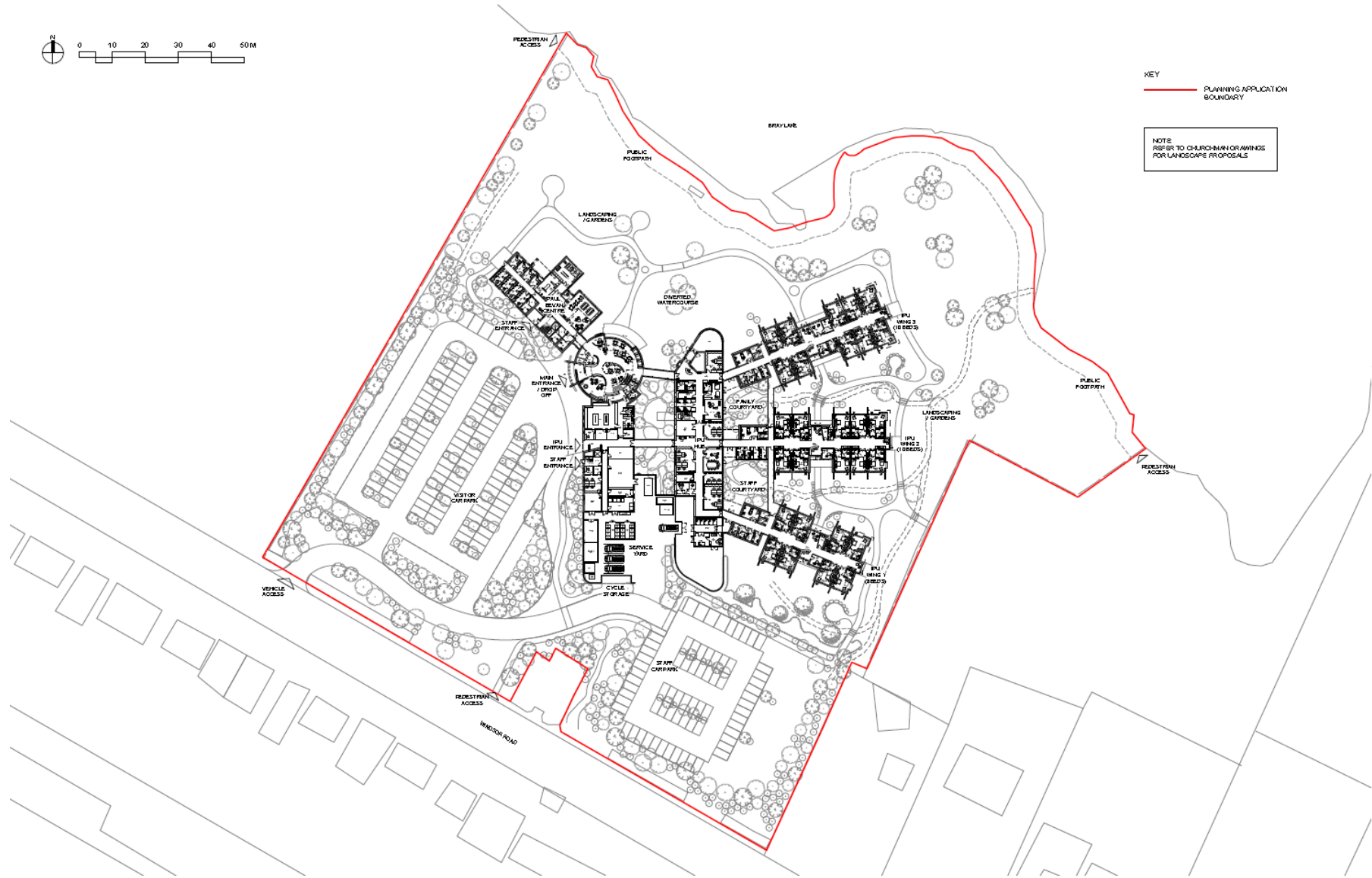
Appendix A



KEY  
— PLANNING APPLICATION BOUNDARY

NOTE  
REFER TO CHURCHMAN DRAWINGS FOR LANDSCAPE PROPOSALS

33



Appendix B



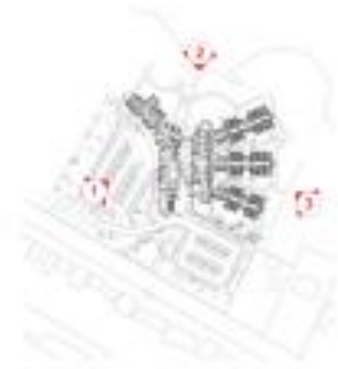
Appendix C



Appendix D



3D VIEW 1



SITE PLAN



3D VIEW 2



3D VIEW 3