

NOTICE
OF
MEETING

**WINDSOR AREA DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 4TH DECEMBER, 2019

At 7.00 pm

in the

GREY ROOM - YORK HOUSE, WINDSOR

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS CHRISTINE BATESON, JOHN BOWDEN (VICE-CHAIRMAN),
DAVID CANNON (CHAIRMAN), WISDOM DA COSTA, JON DAVEY, KAREN DAVIES,
DAVID HILTON, NEIL KNOWLES, JULIAN SHARPE, SHAMSUL SHELIM AND AMY TISI

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, MANDY BRAR, GERRY CLARK,
CAROLE DA COSTA, ANDREW JOHNSON, LYNNE JONES, SAYONARA LUXTON,
GARY MUIR, HELEN PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Head of Governance - Issued: 26 November 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628796251

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any Declarations of Interest.</p>	7 - 8
3.	<p><u>MINUTES</u></p> <p>To confirm the minutes of the previous meeting.</p> <p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, Objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp</p> <p>Key: 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</p>	9 - 12
4.	<p><u>19/01464/FULL - HENLY AND BEHARRAL HOUSES & LYNWOOD COURT, LYNWOOD VILLAGE, RISE ROAD, ASCOT</u></p> <p>Proposal: Construction of 4 two-bedroom extra care units, additional staff/resident parking and revised refuse storage/collection facilities, following the demolition of 2 residential blocks (44 residential units) and the alteration of the internal floor space of the existing care home to increase the number of care bedrooms from 93 to 102.</p> <p>Recommendation: PERM</p> <p>Applicant: BEN Motor & Allied Benev</p> <p>Member Call-in:</p> <p>Expiry Date: 7 November 2019</p>	13 - 30

5.	<u>19/01513/FULL - SG AUTOPOINT, 437 - 441 ST LEONARDS ROAD, WINDSOR SL4 3DT</u>	31 - 58
	Proposal: Construction of 50 bedroom hotel.	
	Recommendation: REF	
	Applicant: Dr Marsden-Huggins	
	Member Call-in:	
	Expiry Date: 13 September 2019	
6.	<u>19/01701/FULL - SANDRIDGE HOUSE, INCLUDING THE COTTAGE & THE BUNGALOW, LONDON ROAD, ASCOT</u>	59 - 92
	Proposal: 33 No. dwellings, with associated parking and landscaping, following demolition of existing buildings	
	Recommendation: REF	
	Applicant: Patrick Homes Limited	
	Member Call-in:	
	Expiry Date: 19 September 2019	
7.	<u>19/01714/FULL - SITE OF FORMER 61 TO 63 DEDWORTH ROAD, WINDSOR SL4 5AZ</u>	93 - 134
	Proposal: Mixed use development with retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following demolition of existing buildings (Part Retrospective).	
	Recommendation: PERM	
	Applicant: Patrick Ruddy Homes	
	Member Call In:	
	Expiry Date: 29 November 2019	
8.	<u>19/01755/FULL - SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR SL4 5UB</u>	135 - 168
	Proposal: Erection of 37 dwellings including the relocation of existing access along Maidenhead Road with associated parking, internal circulation, public open space, landscaping and related infrastructure.	
	Recommendation: REF	
	Applicant: Bewley Homes Plc And Square Bay (no5) LLP	
	Member Call In:	
	Expiry Date: 13 December 2019	

9.	<p><u>19/01924/FULL - 9-11 IMPERIAL ROAD WINDSOR</u></p> <p>Proposal: Construction of x 2 houses and x 14 apartments following demolition of the existing buildings</p> <p>Recommendation: PERM</p> <p>Applicant: Mr Collett</p> <p>Member Call In:</p> <p>Expiry Date 11 October 2019</p>	169 - 192
10.	<p><u>19/02073/FULL - THAMES VALLEY ATHLETICS CENTRE, POCOCKS LAND, ETON, WINDSOR SL4 6HN</u></p> <p>Proposal: Side extension to the existing building to provide an additional squash court</p> <p>Recommendation: REF</p> <p>Applicant: Mr Fenwick</p> <p>Member Call In:</p> <p>Expiry Date: 29 October 2019</p>	193 - 206
11.	<p><u>19/02416/FULL - WINDSOR DIALS, ARTHUR ROAD, WINDSOR SL4 1RS</u></p> <p>Proposal: Alterations to the existing roof structures to create an additional office floor, creation of new entrance lobbies and core areas and refurbishment of the elevations and public realm to buildings 1 and 2 Windsor Dials.</p> <p>Recommendation: PERM</p> <p>Applicant: British Airways Pension Trustees Limited (CRN453632)</p> <p>Member Call In: N/A</p> <p>Expiry Date: 2 December 2019</p>	207 - 238
12.	<p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>To note the Essential Monitoring reports.</p>	239 - 244

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. 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.***

Agenda Item 3

WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 6 NOVEMBER 2019

PRESENT: Councillors Christine Bateson, John Bowden (Vice-Chairman), David Cannon (Chairman), Jon Davey, Karen Davies, David Hilton, Neil Knowles, Julian Sharpe, Shamsul Shelim and Amy Tisi

Also in attendance: Councillor Ewan Larcombe

Officers: James Carpenter, Andy Carswell, Victoria Gibson, Victoria Goldberg, Jenifer Jackson, Sean O'Connor and Ashley Smith

APOLOGIES FOR ABSENCE

Apologies were received from Cllr Da Costa.

DECLARATIONS OF INTEREST

Cllr Knowles – declared a personal interest in item 8 as a member of Old Windsor Parish Council. He stated he had not been present at any meeting where the application had been discussed.

Cllr Davey – declared a personal interest in item 5 as he knew the family living at 153 Clarence Road. He confirmed that he was attending the meeting with an open mind.

Cllr Bowden – declared a personal interest in item 7 as he had been on the panel that had discussed an application at the site some years previously. He stated that he was attending the meeting with an open mind.

Cllr Hilton – declared a personal interest in item 6 as he had previously been a member of Sunninghill and Ascot Parish Council when the application came forward. In addition his wife was a member of the Parish Council's planning committee. He confirmed that he was attending the meeting with an open mind.

Cllr Sharpe – declared a personal interest in item 6 as his wife was Chairman of Sunninghill and Ascot Parish Council. He stated that he had had no part in any discussions on the application and had come to the meeting with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 2 October 2019 be approved.

18/03213/FULL - 6 FRANKLYN CRESCENT, WINDSOR SL4 4YT

18/03213/FULL	Side/rear boundary fence (retrospective)
6 Franklyn Crescent, Windsor SL4 4YT	A motion was put forward by Councillor Sharpe to approve the application, contrary to the officer recommendation, subject to the condition that the fence is permanently removed on or before March 1 st 2020. This was seconded by Councillor Knowles. The Panel voted to APPROVE the application, subject

	<p>to the condition that the fence is permanently removed on or before March 1st 2020.</p> <p>Five Councillors voted in favour of the motion and five Councillors voted against the motion. The Chairman used his casting vote to vote in favour of the motion.</p> <p>A motion was put forward by Councillor Hilton to refuse the application. This was not seconded and the motion fell.</p> <p>(The Panel was addressed by Steve Holliday, the applicant.)</p>
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18/03584/REM - 151-153 CLARENCE ROAD WINDSOR

<p>18/03584/REM</p> <p>151-153 Clarence Road, Windsor</p>	<p>Reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 17/02566/OUT (allowed on appeal) for demolition of 151-153 Clarence Road and construction of 3 storey building with accommodation in the roof and associated car parking and landscaping [10/10/19I – Amended design and scale. Floor plans, elevations and site plan have been amended]</p> <p>A motion to approve the application, subject to the conditions listed in Section 11 of the officer report, was put forward by Councillor Bateson. This was seconded by Councillor Hilton</p> <p>The Panel voted unanimously to APPROVE the application.</p>
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19/00729/FULL - BEECHGROVE AND COTTAGE AT BEECHGROVE, CHURCH LANE, ASCOT

<p>19/00729/FULL</p> <p>Beechgrove and Cottage at Beechgrove, Church Lane, Ascot</p>	<p>Erection of a building comprising 14 apartments plus basement parking, relocation of the existing Church Lane access, and new landscaping following the demolition of the existing dwelling and all associated outbuildings.</p> <p>A motion to defer and delegate the application to the Head of Planning to grant planning permission, subject to favourable comments from the LLFA relating to SuDs, the completion of a satisfactory legal agreement securing mitigation for the harm to the SPA, and the conditions listed in section 14 of the officer report, was put forward by Councillor Hilton. This was seconded by Councillor Bateson.</p> <p>The Panel voted to APPROVE the motion to authorise the Head of Planning to grant planning permission.</p> <p>Seven Councillors voted in favour of the motion; one Councillor voted against the motion; and two Councillors abstained.</p>
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	(The Panel was addressed by Douglas Bond, the agent)
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19/01555/FULL - DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH

<p>19/01555/FULL</p> <p>Datchet Common, Horton Road, Datchet, Slough</p>	<p>Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (Retrospective)</p> <p>A motion to defer the application to the next meeting in order to allow for Members to attend an officer-led site visit was put forward by Councillor Bowden. This was seconded by Councillor Hilton.</p> <p>The Panel voted to defer the application to the next meeting.</p> <p>Eight Councillors voted in favour of the motion and two Councillors voted against the motion.</p> <p>(The Panel was addressed by Mr Loveridge, the applicant, and by Councillor Larcombe)</p>
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19/01761/FULL - ST PETERS CE MIDDLE SCHOOL, CRIMP HILL, OLD WINDSOR, WINDSOR SL4 2QP

<p>19/01761/FULL</p> <p>St Peter's CE Middle School, Crimp Hill, Old Windsor, Windsor SL4 2QP</p>	<p>Proposed two storey classroom block, new cycle store and alterations to the boundary treatment including new pedestrian and vehicular entrance gates, following demolition of the existing single storey building.</p> <p>A motion to approve the application, subject to the conditions listed in section 10 of the officer report, the condition listed in section 2 of the panel update, and the new condition that new trees should be planted to replace those lost as part of the works within a reasonable timeframe, was put forward by Councillor Knowles. This was seconded by Councillor Davey.</p> <p>The Panel voted unanimously to APPROVE the application.</p> <p>(The Panel was addressed by Andy Snipp, the headteacher)</p>
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ESSENTIAL MONITORING REPORTS (MONITORING)

Members noted the contents of the reports.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That the public be excluded from the remainder of the meeting whilst discussion takes place on item 11 on the grounds that :

- (i) under Section 100 (A)(4) of the Local Government Act 1972, that it involves the likely disclosure of exempt information as defined in Paragraph 1, 2 and 6 of Part I of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information;

(ii) under Section 100 (A)(2) of the Local Government Act 1972, that it involves confidential information where disclosure would be in breach of an obligation of confidence.

PLANNING APPLICATION (DECISION) 19/01452

The discussions on this item took place in Part II, although it was agreed that the decision would be recorded in Part I of the minutes.

19/01452/FULL Land and Buildings at Romney Lock and Home Park, King Edward VII Avenue, Windsor	Water infrastructure replacement works at Home Park, Windsor Castle and Romney Lock A motion to approve the application, subject to the conditions listed in the officer report, was put forward by Councillor Hilton. This was seconded by Councillor Knowles. The Panel voted unanimously to APPROVE the application.
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The Panel gave their thanks to Jenifer Jackson, who was leaving her position as Head of Planning at the Royal Borough.

The meeting, which began at 7.00 pm, finished at 8.57 pm

CHAIRMAN.....

DATE.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 4

Application No.:	19/01464/FULL
Location:	Henly And Beharral Houses And Lynwood Court Lynwood Village Rise Road Ascot
Proposal:	Construction of 4 two-bedroom extra care units, additional staff/resident parking and revised refuse storage/collection facilities, following the demolition of 2 residential blocks (44 residential units) and the alteration of the internal floor space of the existing care home to increase the number of care bedrooms from 93 to 102.
Applicant:	BEN- Motor And Allied Trades Benev
Agent:	Mr John Sneddon
Parish/Ward:	Sunninghill And Ascot Parish/Sunningdale And Cheapside
If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development as a whole is considered appropriate development in the Green Belt and would not cause harm to the character and appearance of the area or result in the loss of important trees.
- 1.2 The proposal would provide 43 additional car parking spaces required to alleviate the acute parking problem experienced in the area by the re development of the care village. A significant number of cars 40-50 are currently using an area of land adjacent to the care village to park. This area of land was only meant to be used for parking during the construction phase of the care village and is required to be restored to open grassland. Given that the redevelopment of the care village provided significantly less car parking than the Council's maximum standards and on street parking along Rise Road is prohibited, in this instance no objection is raised to the over provision of car parking in connection with this application.
- 1.3 The proposed development has provided the necessary mitigation in order to protect bats (protected species) and the proposal would not either alone or in combination have a significant impact on the integrity of the Thames Basin Heaths.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
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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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site forms part of the Lynwood Estate which comprises 7.9 hectares of land, the majority of which is landscaped gardens and meadow land. The site lies adjacent to the Excluded Settlement of Sunningdale and is within the Green Belt. The site is also covered by an area Tree Preservation Order. There are residential properties to the north, east and west of the site. The railway line runs along the southern boundary.

3.2 The developer (BEN) have recently completed building a care village after obtaining planning permission in June 2012 for the demolition of existing buildings that consisted of an 87 bed care home, national charity headquarters, 4 sheltered housing units and ancillary service buildings and the erection of replacement buildings consisting of a 93 bed nursing and dementia care home, elderly day care centre, communal facilities, staff accommodation, 171 Extra Care Units in the C2 Use Class for the elderly, replacement national charity headquarters, ancillary service buildings, alteration of existing vehicle access points, formation of a new vehicle access and the change of use of 3 existing dwellings to 3 Extra Care Units.

4. KEY CONSTRAINTS

4.1 Green Belt
Trees protected by a Tree Preservation Order
Protected Species

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 Henly and Beharrell Houses are proposed to be demolished under this application, they are two relatively modern blocks from the 1980's located at the western end of the site opposite Heathfield Drive and immediately to the south of Rise Road/Kings Road. They contain 44 individual residential C2 units consisting of a mixture of apartments and bedsit type accommodation over three storeys. The buildings have been in a poor state of repair for a long time and the type of accommodation is not of a high quality in terms of space layout and accessibility.

5.2 Henly and Beharrell House have 19 dedicated parking spaces accessed from the internal access road within the site, these parking spaces would also be removed as part of this proposal. The proposed redevelopment as amended would then be as follows:

- i) A car park of 43 spaces to be used by staff, visitors and residents.(Previously 53 but amended plans received removing spaces that were too close to trees).
- ii) Four two-bedroom extra care units in two semi-detached blocks that are identical to the blocks located on the north side of the boulevard that consist of 10 units in five blocks. The new units will have their own dedicated parking spaces separate from the 43 cited above. They will have one space each in the same orientation and location as the five other blocks (i.e a total car parking provision of 47).
- iii) A new recycling refuse storage and collection area at the western side of the car park. Amended plans have been received re-siting these facilities so that they are further away from protected trees.
- iv) Increase the number of beds within the existing Care Home facility (Lynwood Court) from the 97 approved in 2012 to 102. These works have already been carried out and were achieved by revising the staff rest areas and revisions to the proposed day care/communal areas at the North West corner of the care home/headquarters building. There are very minimal external changes associated (window alterations) with these rooms.

Reference	Description	Decision and Date
11/03236/FULL	Erection of replacement buildings consisting of a 93 bed nursing and dementia care home, elderly day care centre, communal facilities, staff accommodation, 171 Extra Care Units in the C2 Use Class for the elderly, replacement national	Approved 21.06.2012

	charity headquarters, ancillary service buildings, alteration of existing vehicle access points, formation of a new vehicle access and the change of use of 3 existing dwellings to 3 Extra Care Units in the C2 Use Class.	
13/00091/VAR	Variation of 11/03236 to increase the number of 2 bedroom units and reduce the number of 1 bedroom units. Balconies added to Blocks C, D and E (as amended to remove balconies from East elevation of E). The position of Block F (which consists of 3 small blocks) is altered by movement to the west. Minor window, roof and footprint alterations to Block C.	Approved 23.03.2013
13/03513/FULL	Erection of maintenance/storage shed, two semi-detached blocks to form four extra care units and additional car parking	Refused 7.04.2014
13/03512/FULL	Erection of 16 replacement extra care apartments (C2)	Refused 28.07.2014
14/01559/FULL	Erection of two semi detached blocks to form four extra care units and additional car parking. Amended proposal to planning application 13/03513	Approved 09.01.2015
15/01733/VAR	Variation application 13/00091/VAR to allow alterations to Blocks C,D and E to increase the number of 2 bedroom units and reduce the number of 1 bedroom units. Balconies added to Blocks C, D and E (as amended to remove balconies from East elevation of E). The position of Block F (which consists of 3 small blocks) is altered by movement to the west. Minor window, roof and footprint alterations to Block C as approved under planning permission 13/00091/VAR without complying with condition 20 (approved plans) to substitute approved plans.	Approved 10.09.2015
17/00034/FULL	Construction of new building comprising of 32 apartments to include 30 x 2 bed and 2 x 3 bed and additional parking facilities following demolition of the existing Henly House and Beharrell House	Withdrawn 26.06.2018
17/00040/FULL	Construction of x 4 semi detached two-bedroom care units.	Withdrawn 26.06.2018
17/00047/FULL	Three storey front extension to create disabled access lift and amendments to fenestration on second floor side elevation	Approved 14.11.2017
19/02719/DEM	Prior Notification of the proposed demolition of the 2no. residential blocks (44 residential units).	Refused 25.10.2019

Purpose of this application

- 5.3 The parking requirements for the care village under application 11/03236/FULL were justified as follows:

“The proposal generates a maximum demand for 232 parking spaces. The schemes provides 162 spaces. The applicants’ justifications for a reduction in the parking provision for the development are listed below:-

-Car ownership for Sheltered Accommodation tends to be around 0.5 cars per unit;

-The care home would provide accommodation for young disabled and dementia residents, none of which are likely to own a car;

-Car ownership for extra care units tends to be between 0.2 and 0.3 cars per unit;

-One bedroom extra care apartments are occupied by one resident and two bedroom extra care apartments are occupied by between one and 1.2 residents.

- 5.4 Now that the care village is fully occupied and operational Ben Lynwood have found that the car parking spaces provided are not sufficient and this has resulted in over spill car parking (approx. 40-50 cars) taking place on a previously undeveloped part of the site which was only meant to be used as a car park temporarily while the care village was being constructed. It appears that this now unauthorised area of car parking is primarily used by staff of the care village. This application seeks to provide alternative parking provision.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1 and GB2
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Trees	EN2
Gaps between villages	EN1

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land

Borough Local Plan: Modifications Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees	NR2
Green Belt	SP5

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Trees	NR3
Green Belt	QP5

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

- 7.3 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy

More information on these documents can be found at:

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 81 occupiers were notified directly of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on 4th June 2019 and the application was advertised in the Local Press 6th June 2019.
- 8.3 1x letter of representation was received to the application, summarised as:

Comment		Officers Response
1.	No objection to the proposed development but concerns are raised to the construction phase because of the narrow entrance/exit to the development which is already very busy with everyday deliveries. There are also concerns over the increased volume of site traffic with vulnerable people walking around. Therefore is it possible to allow a temporary site entrance exit to be made until completion.	This is a management issue to be resolved between Ben Lynwood and the contractor put in place to carry out the works. Any new access would cause harm to trees and would not be supported by the Local Planning Authority.

Consultees

Consultee	Comment	Where in the report this is considered
Trees	Objections to the original plans. Amended Plans – the parking bays by the trees next to Rise Road have been removed and the bin storage and associated parking bays back a little from the woodland. However, they will need to submit a BS5837 compliant tree protection plan prior to the determination of the application. I still have some concern regarding the lack of soft ground and provision for rooting for the new trees they show in the parking areas. In particular, the trees where the kerb edge is very close to the root ball on both sides, as this will restrict the growth of these trees. Regardless, the pit details etc. will need to be revised to match the amended plan. A knee high wooden rail will need to be installed at the driveway edge to protect trees along the frontage next to rise Road and the woodland to the west – details will need to be submitted for approval.	9.7
Ecology	No objection subject to planning conditions to secure the necessary mitigation and officers being satisfied the proposal is compliance with the Habitat Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and	9.18

	(9)(b).	
LLFA	Further information is required	9.20
Highways	No objection however cycle parking should be provided. Comments awaited regarding amended plans and will be reported in the Panel Update	9.8-9.17
Ascot and Sunninghill Parish Council	The Committee were extremely concerned at the small number of additional parking spaces created for staff and visitors. Table 3.2 assesses the number of parking spaces required as 246, yet only 208 are to be provided. The committee approximate that at present up to 100 cars park on the greenbelt gap on a daily basis and additional parking to accommodate these will need to be provided within the care village site as there is no street parking capacity. The Committee considered that the scale of the original application was 'over development' of the site and contrary to Green Belt policies. As there is no construction taking place on site, the "temporary" parking in the "gap between the villages" should be closed forthwith and returned to its original condition as per the previous conditions. Comments awaited regarding amended plans and will be reported in the Panel Update	9.8-9.17
Sunningdale Parish Council	The applicants number of existing car parking spaces appears not be correct. There are currently approx. 100 cars parking on site this proposal does not seem adequate to address this problem. Objections are also raised regarding trees. A very detailed objection letter was submitted and can be viewed on the Council's web site. Comments awaited regarding the amended plans and will be reported in the Panel Update.	All of report

9. EXPLANATION OF RECOMMENDATION

9.1 The proposed changes to the existing Care Home facility (Lynwood Court) are effectively internal reconfigurations and could be argued not to fall within the definition of 'development' as contained in section 55 of the Town and Country Planning Act (1990). In any case, these are not considered to raise any material issues not already addressed as part of the previous planning permission on this site. Accordingly the below assessment is focused on the proposed redevelopment to the north western corner of the site, currently known as Henly House and Beharrell House. The key issues for consideration are:

- i Green Belt
- ii Loss of Care Units
- ii Character of the Area and Impact on trees
- iii Highways

- vi Ecology
- v Impact on Special Protection Area
- vi Drainage

Green Belt

- 9.2 Paragraph 145 of the NPPF states that “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development can be considered appropriate development in the Green Belt”. The proposal does involve the demolition of 2x substantial three storey blocks of accommodation and on the footprint of these former large blocks providing surface car parking and 4 x semi-detached modest properties. This redevelopment would result in a significant reduction in the bulk and mass of built form across this part of the site. Furthermore the proposed car parking area and new refuse facilities are predominately within the existing built up envelope of the site. For the above reasons the spatial and visual impact of the proposed development would have no greater (and arguably less) impact on the openness of the Green Belt.
- 9.3 Whilst the proposal is not strictly in accordance with Development Plan policy GB1 limited weight is afforded to this policy as it is not in conformity with paragraph 145 of the NPPF which is the most up to date government guidance.

Loss of Care Units

- 9.4 The proposal would result in the net loss of forty C2 (residential institutions) units. Local and National planning policies look to encourage a wide form of accommodation including the provision of care facilities such as C2 use. There are no planning policies which restrict the loss of such use within the adopted Development Plan. Paragraph 123 of the NPPF sets out that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. Clearly this development would make less efficient use of land than the current buildings on the site, however wider consideration needs to be given to the green belt location and the policies regarding openness. Given that there is no evidence to suggest that there is a shortage of C2 accommodation in the borough and taking into account that since the redevelopment of the site there has been a significant uplift in the quantity of C2 provision provided on the site no objection is raised on this basis.

Impact on the character of the area including the gap between settlements and trees

- 9.5 Amended plans have been submitted which remove the car parking spaces initially proposed along the frontage of the site. This ensures the landscaping and trees along this frontage remain, which is important to the character and appearance of the area.
- 9.5 The demolition of the two large blocks and their replacement with the 4x semi-detached houses is seen as visually improving the character and appearance of the area by reducing the scale and massing and overall level of built form. Furthermore, the car parking areas have been broken up by areas of soft landscaping and the refuse recycling area is well screened from the boundaries of the site. For these reasons the proposed development would not cause harm to the character and appearance of the area.
- 9.6 As the proposed redevelopment would result in less built form on this part of the site and is primarily contained within the existing built envelope of development. Therefore the proposal would not harm or erode the gap between settlements and is in compliance with Neighbourhood Plan policy NP/EN1.

9.7 Subject to a tree protection plan and some of the landscaping information being updated to take into account the amended parking layout, the tree officer raises no objection. 2 Norway Maples are proposed to be removed to make way for the care units however these trees are Category 3 trees and contribute visually very little to the visual amenities of the area. Furthermore some additional planting and landscaping will be secured under this application through recommended conditions.

Highways

9.8 The Council has adopted Parking Standards which provide are maximum standards, adopted in 2004. The NPPF resists maximum standards and encourages local authorities, where setting parking standards, for them to be based on local circumstances.

9.9 Based on the Council's current Parking Standards this proposal only generates a total requirement of 7 car parking spaces, four to serve the extra care units and a maximum of 3 to serve 5 additional care home bedrooms. As a total of 47 car parking spaces are proposed, 40 additional car parking spaces are being provided to serve the existing development on the site.

9.10 When the care home was redeveloped (planning permission 11/03236/FULL) the aforementioned Parking Standards required a maximum of 232 parking spaces to be provided. However, the redevelopment proposed a total of 162 spaces and based on the then justification this was considered to be appropriate. Subsequent variation applications and new full applications have since been approved where the total number of spaces provided changed to 151 for the scheme as a whole.

9.11 The table below sets out the approved development compared with the proposed development.

Scheme Element	Existing	Proposed
Sheltered Accommodation flats (Henly House and Beharrell House)	44 units	Removed
Care Home	93 beds	102 bed
Extra Care Apartments	164 units	168 units
Office Charity Headquarters (GFA)	870.5 sqm	870.5 sqm
Parking	151 Spaces*	198 Spaces

* plus 19 original spaces for Henley House and Beharrell House

9.12 Now that the care home is occupied it has become clear that the 151 car parking spaces provided are not sufficient. The applicant has stated that this is because many of their residents are hanging onto their cars despite not making much use of them and staff numbers on the care side and with the headquarters have been higher than projected in the original application(s).

9.13 In an effort to promote sustainable modes of transport and in accordance the NPPF and the applicant's travel plan the following initiatives have been implemented at the wider :

- Provision of safe and secure cycle facilities
- Provision of clothes drying, showering and changing facilities for cyclists
- Promotion of local bus/train services (limited)
- Promoted a car share scheme
- Provision of secure parking and changing facilities for motorcyclists
- Safety audits on identified safer routes for pedestrians
- Travel information for visitors *
- Explored timing of local bus services to suit work hours *
- Flexible working hours *
- Implement home working where appropriate
- Introduce mileage payments for cycling on company business
- Considerable reduction of company cars
- Restricting provision of staff car parking spaces

9.14 The following initiatives are being considered:

- Subsidy of public transport season tickets for staff
- Make available low cost or interest free loans for the purchase of passes or cycles *
- Provide pool cars or cycles for business travel
- Set up travel user groups

9.15 The following initiatives have been discarded

- Incentives for diesel
- Introducing parking permits (or parking charges)

9.16 The first transport use survey is due next year although some surveys on car ownership on residents/office staff have now have been done this year and they have informed the measures above and will continue to do so.

9.17 The proposed level of car parking across the site would still be less than the Council's maximum standards and given that this is in an area of poor accessibility and the acute problem that is being experienced presently no objection is raised to the proposal on highway grounds or parking provision.

9.18 Whilst the Parish Council has requested more car parking spaces this would start to impact the trees important to the character and appearance of the area or start to encroach out onto undeveloped Green Belt land. Officers consider that this application secures a good balance of providing sufficient car parking to support the use of the wider site whilst preventing the site from appearing over developed and causing harm.

9.19 Highways raise no objection to the proposed parking provision or its layout. They have requested more cycle spaces however in order to provide these it would either result in encroachment into underdeveloped green belt, resulting in harm to trees or reduce the number of car parking spaces provided- moreover it is not considered reasonably related to a scheme for 4 units. Suitable and appropriate cycle storage is already provided elsewhere on the wider site.

Ecology

9.20 The applicant's ecologist has provided details of mitigation measures to ensure the maintenance of the population of bats on site. These include details of bat roost boxes for temporary use during development which will be installed onto nearby trees, ecological supervision during

demolition, installation of bat tubes or bat access points within the proposed new buildings, a sensitive lighting strategy and sensitive timing of the works to avoid the hibernation period. These mitigation and compensation measures will be detailed within a method statement to accompany a European Protected Species licence (EPSL) prior to the commencement of works. Therefore, it is likely that the development proposals will not have a detrimental effect to the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed.

Impact on Special Protection Area

- 9.21 The proposed development would result in a loss of C2 units and therefore the proposal would not impact the integrity of the Thames Basin Heath Special Protection Area. As such no appropriate assessment is required.

Drainage

- 9.22 This application will reduce any impact on foul sewer capacity due to the reduction in accommodation. Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This proposal will also remove areas of hard surface and produce more permeable areas of development. Therefore and whilst the LLFA has required more information, given the reduction of built form on the site officers consider that it is possible to secure this by planning condition.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. However given that there is a reduction in floor area there would be no CIL to pay.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development would cause no harm to the Green Belt, character of the area, trees, protected species or protected habitat. Furthermore the public benefit of being able to accommodate a substantial amount of the overspill parking currently experienced and causing harm to an undeveloped area of the Green Belt weighs significantly in favour of the development.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location Plan
- Appendix B – Site Layout plan and elevation drawings
- Appendix C - Plan and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The hereby permitted 4 two bedroom extra care units shall only be used as C2 Institutional Residential Accommodation in accordance with the legal agreement definition as agreed under application 11/03236/FULL.
Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.
- 3 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

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

- 4 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls and fencing to prevent encroachment into the protected tree area) , have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

- 5 All works shall be carried out in accordance with the Bat Survey prepared by Richard Tofts Ecology strategy unless otherwise approved in writing by the council.

Reason: To ensure that protected species are safeguarded in line with wildlife legislation and Policy NR3 of the submitted Local Plan.

- 6 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.- Hours of operation of any external lighting. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.

- 7 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 8 All hard and soft landscape works including replacement planting shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities and in order to justify the loss of C2 units on the site and to accord with the planning application. Relevant Policies - Local Plan P4, DG1.

- 10 Prior to the commencement of development hereby permitted, details of a sustainable drainage system to be installed to dispose of surface water within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved details and the measures approved shall remain in place thereafter and maintained to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with the National Planning Policy Framework. (NPPF)

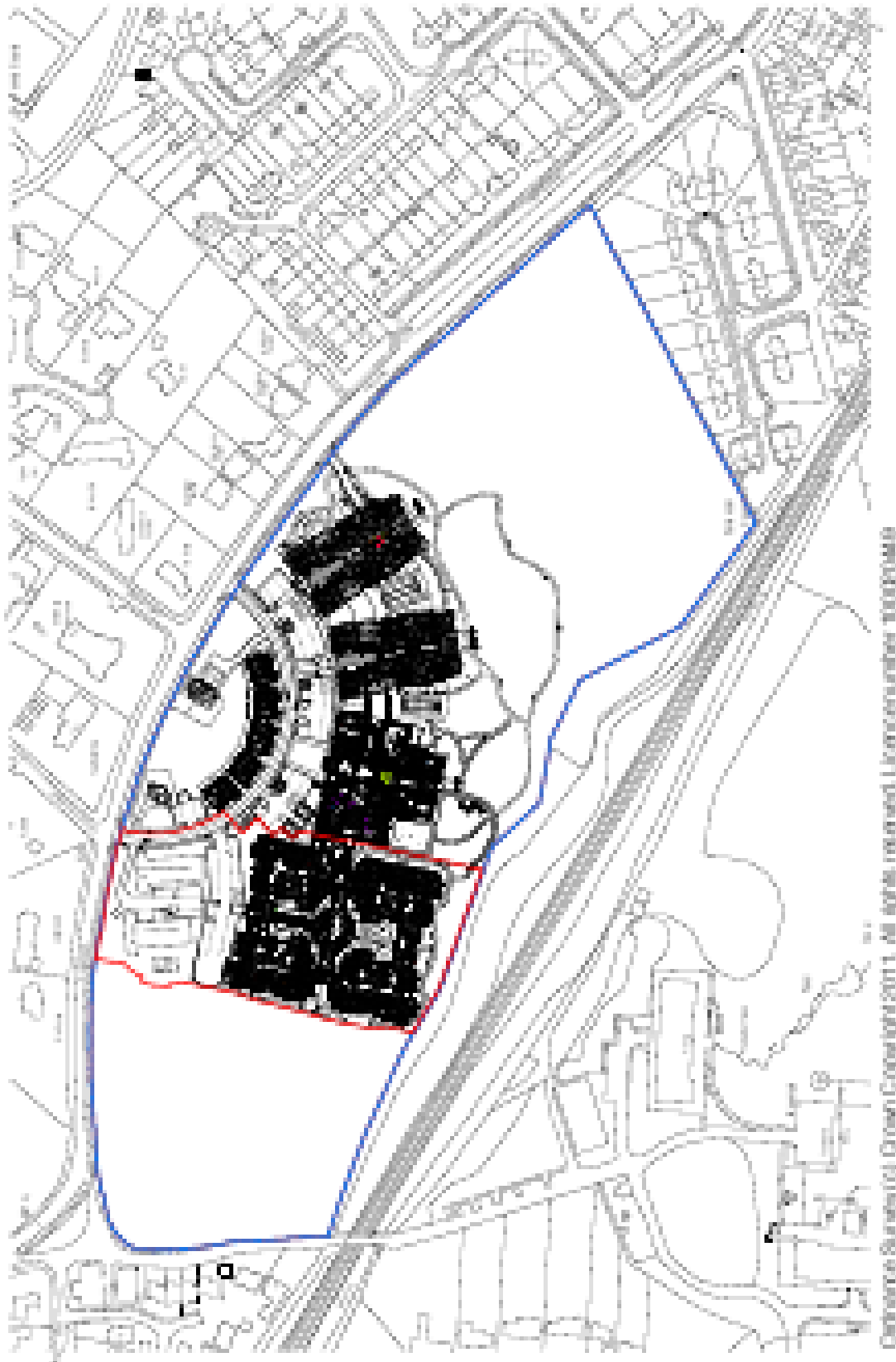
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Informatives

- 1 The applicant is advised that a licence for development works affecting bats needs to be obtained from the Statutory Nature Conservation Organisation (Natural England) prior to commencement on site. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details.

Location Plan



Site Layout Existing



Site Layout Proposed



Elevations and Floor Plans to Extra Care Units

The image displays architectural drawings for extra care units. At the top left is a floor plan labeled '300' Plan'. Below it is a large elevation drawing of a three-story brick building with a gabled roof and dormer windows, surrounded by trees. To the right of this elevation are three smaller elevation drawings of different building sections. Below the main elevation is a legend titled 'LAKERS BLUE ELEVATION EMBELLISHING' with color swatches for 'Brickwork', 'Light Green', and 'White'. Below the legend are two more floor plans labeled '300' Plan' and '300' Plan'. At the bottom right is a scale bar showing 0, 5, and 10 meters, and a north arrow.

LAKERS BLUE ELEVATION EMBELLISHING

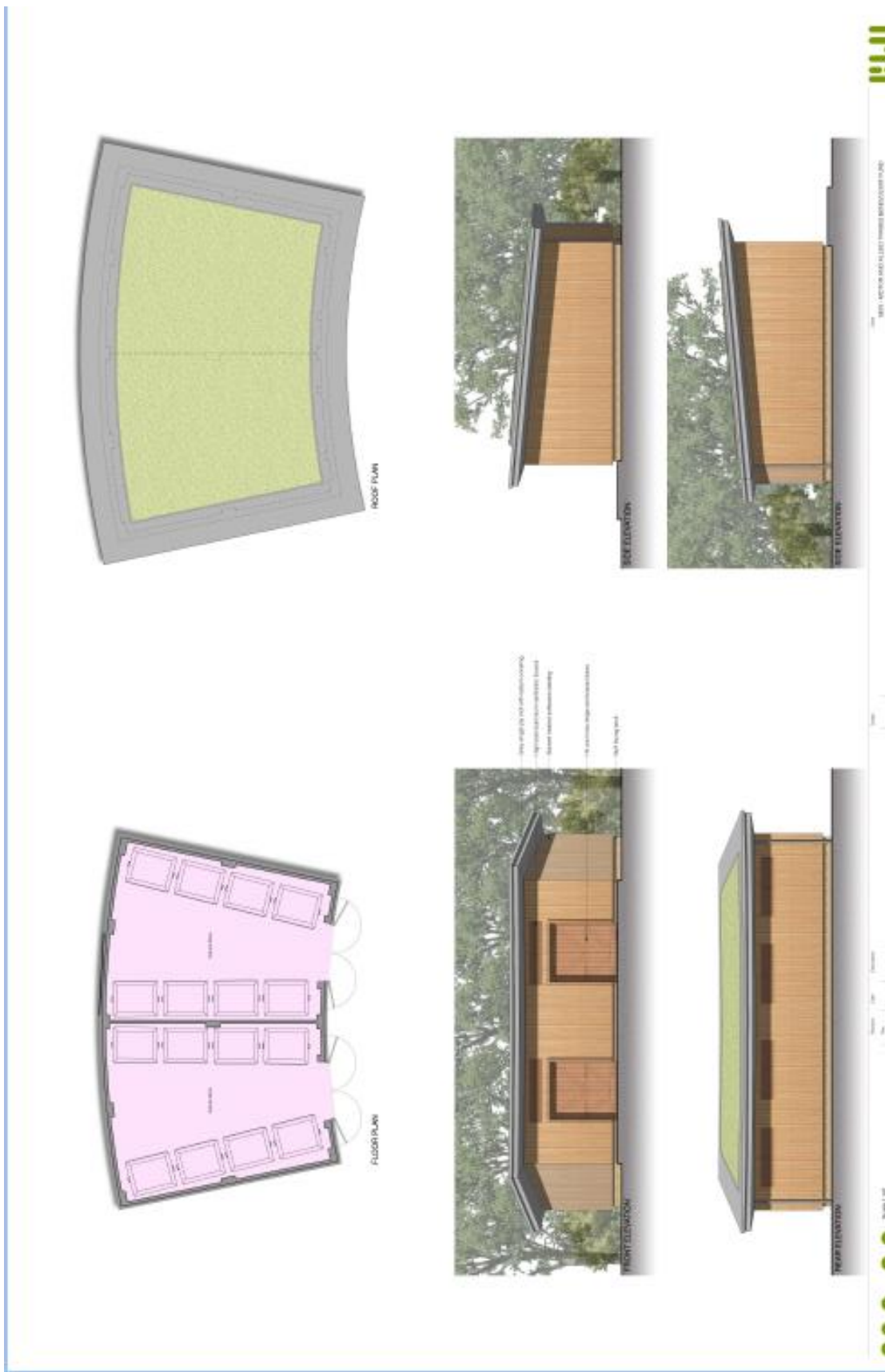
300' Plan

300' Plan

300' Plan

Scale: 0 5 10

Proposed Refuse



DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 5

Application No.:	19/01513/FULL
Location:	S G Autopoint 437 - 441 St Leonards Road Windsor SL4 3DT
Proposal:	Construction of 50 bedroom hotel.
Applicant:	Dr Marsden-Huggins
Agent:	Mr Andrew Ransome
Parish/Ward:	Windsor Unparished/Clewer East
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for a 50-bed hotel with associated facilities at 437-441 St Leonards Road, Windsor, which is an edge of town centre site. This application follows a previous refusal for an outline application with all matters reserved for the development of a 61 bed Premier Inn Hotel with restaurant and bar, ref: 17/00543/OUT and a withdrawn scheme for a 56-bed hotel with associated facilities, ref: 18/02391/FULL.
- 1.2 The proposal scheme fails to satisfactorily demonstrate that there are no suitable or available sequentially preferable sites within the town centre. The proposal is also considered to result in an overly dominant and disproportionate building that fails to have sufficient regard to and successfully relate with the adjacent buildings to the east. There is also a recommended reason for refusal relating to the impact on existing and proposed trees to the detriment of local character and appearance. The impact on highway safety and parking, neighbouring amenity, contaminated land and air quality, flood risk and surface water drainage, and ecology are considered to be acceptable.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The Sequential Assessment fails to demonstrate that there are no suitable and available sequentially preferable sites in the town centre.
2.	By reason of its siting, form, height, scale, bulk, mass of the proposed building, amount of hardstanding, and lack of soft landscaping the proposed development would represent an unduly disproportionate and dominant building. Together with associated development, it is considered that the proposal would result in over development of the site. The proposed development also fails to respect the scale and appearance of this part of the street, to the detriment of the character of the streetscene and surrounding area. Therefore, the proposal would be detrimental to the character and appearance of the streetscene and locality.
3.	By reason of its siting and scale, the proposed development would prejudice the long term future health and longevity of proposed trees. Together with the loss of existing trees, the proposal would detract from the character and appearance of the locality.

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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site measuring approximately 0.15ha in size lies within the settlement area of Windsor, and is located on the south side of St Leonards Road opposite the junction with Imperial Road, both classified B-Roads. The site has previously been used as a garage and more recently has been operating for car sales. To the south-east of the site is no. 437 St Leonards Road, a single storey building with a mansard roof. This building has the appearance of a dwellinghouse, but its last use was for an office. It is currently unoccupied. To the south-west of the site is a single storey building with the appearance of a workshop where the car sales operates from. To the front (north) of these buildings is a forecourt with two vehicular access points onto St Leonards Road.
- 3.2 The surrounding area is characterised by residential developments. To the north lies Imperial Court, a three storey flatted development. A more recently built flatted development adjoins the west boundary of the site known as Littleacre. To the east of the site is a row of two to two and a half storey semi-detached and terraced dwellings. To the rear the site borders part of Windsor Cemetery.

4. KEY CONSTRAINTS

- 4.1 Given its former use the land is classed as contaminated land.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks permission for a 50-bed hotel with associated facilities at 437-441 St Leonards Road, Windsor. The design of the proposed building is contemporary with flat roofs, stepped heights and elevations. The massing mainly comprises of 4 elements with a single storey element to the rear (south elevation) measuring approximately 3.3m in height with a footprint of approximately 62sqm; a 2-storey element on both sides (east and west elevation) measuring approximately 6.7m in height with a footprint of approximately 50sqm; a 3 storey central element measuring approximately 9m in height and a recessed fourth storey measuring approximately 11m in height with a floor area of approximately 333sqm. The primary materials are brick and zinc cladding for the external elevations with anodised effect PPC aluminium window frames.
- 5.2 Access to a basement car park, measuring approximately 940sqm, is via a ramp located to the west of the site. At basement level there are 49 car parking spaces, 19 of which are provided by car stackers, and 4 Sheffield cycle parking stands. To accommodate the car stackers, there is a change in ground level within the basement from approximately 2.8 to approximately 3.8 BOD (Below Ordinance Datum). On the ground floor is the main reception, 9 bedrooms, restaurant for 50 covers, kitchen, staff welfare facilities, plant room and stores. On the first floor are 17 bedrooms and a store room, on the second floor are 13 bedrooms and store room, and on the third floor are 11 bedrooms and store room. A lift shaft and stairway runs through the central core of the building.
- 5.3 There are two vehicular accesses to the site off Leonards Road, which are proposed to remain, operating as an in-out accesses with entry at the eastern access point and exit at the western.
- 5.4 On 25 July 2017 permission was refused for an outline planning application (with all matters reserved) for the development of a 61 bed Premier Inn hotel with restaurant and bar, ref: 17/00543/OUT. The application was refused for the following reasons (summarised):
- The proposal fails to demonstrate that the proposal passed the sequential test to show there were no suitable and available sequentially preferable sites in the town centre and/or edge of centre, and flexibility on the format and scale of the alternative sites were considered.
 - The proposal fails to demonstrate the cumulative air quality impacts of the development on the Imperial/Leonards Road junction AQMA as it does not consider the impact of LEGOLAND developments and traffic from Clewer Hill Road at Winkfield Road Junction.

- The scheme fails to consider surface water flooding of the site and whether the proposed development will exacerbate the risk of surface water flooding on or off the site.
- By reason of its proposed indicative layout, siting, scale, bulk, massing, proportions, form, design and finish the proposed development would constitute an unacceptable overdevelopment of the site, and be visually incongruous and overly dominant in this part of the street.
- By reason of its indicative design, scale, proportions, form and massing the proposed development is considered to appear as a visually dominant and overbearing addition that would erode the outlook of the residential occupiers to the east and west of the site to an unacceptable degree.

5.5 On the 29 January 2019 a FULL planning application for a 56 bed hotel, ref: 18/02391/FULL, was withdrawn by the applicant following concerns raised on the Town Centre Sequential Test to demonstrate that there are no suitable and available sequentially preferable sites in the town centre or edge of town centre; the siting, form, height, scale, mass, bulk and lack of adequate landscaping of the proposed building which would represent an unduly dominant and intrusive form of development; loss of privacy to and visual impact when viewed from 1-14 Littleacre and failure to demonstrate no undue loss of sunlight and daylight to 1-14 Littleacre and no. 435 St Leonards Road to the detriment of their residential amenity; and impact on the health and longevity of proposed trees together with the loss of existing trees as a result of the development which would detract from the character and appearance of the locality.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Highways Safety and Parking	T5, T7, P4
Visitor Accommodation	TM2
Trees	NG
Noise and Disturbance	NAP3
Groundwater and Surface Water	NAP4

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision-Making

Section 6 – Building a Strong, Competitive Economy

Section 7 – Ensuring the Vitality of Town Centres

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 15 – Conserving and Enhancing the Natural Environment

National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is to look at layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics that help which work together to create its physical Character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Visitor Accommodation	TR2, TR5, VT1
Trees	NR2
Contaminated Land and Water	EP5
Provision of Infrastructure	IF1
Sustainable Transport	IF2
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Visitor Accommodation	TR2, TR5, VT1
Trees	NR3
Contaminated Land and Water	EP5
Provision of Infrastructure	IF1
Sustainable Transport	IF2
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
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- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

91 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site 05.06.2019 and the application was advertised in the Local Press on 13.06.2019.

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

Comment	Where in the report this is considered
Location at busy junction and increase in trip generation would result in congestion and air pollution.	Section iv
Inadequate on-site parking provision to the detriment of on-street parking in the surrounds.	Section iv
Inadequate vehicular access into and out of the site.	Section iv
Unsustainable location with poor access to public transport services and long distances to town centre on foot.	Section i
No demand for hotels / budget hotel, and impact on existing hotels, guesthouses and Airbnb properties.	Section i and ii
Use is out of character with locality which is largely residential.	
Height, scale, bulk and design results in overdevelopment of the site and an unsympathetic development to the detriment of visual amenity. There would inevitably be external lighting and advertising which would be add further detriment.	Section ii
Harm to neighbouring amenity including visual overbearing and loss of light to neighbouring properties due to siting, height, form and bulk of proposed building; noise and disturbance resulting from use including to neighbouring cemetery; overlooking resulting in loss of privacy and light pollution.	Section v
Harm to existing trees.	Section iii
Lack of landscaping to improve appearance of the site.	Section ii
Lack of biodiversity enhancements.	Section vii
Basement car park would cause ground water seepage, and inadequate sustainable drainage.	Section vii
Subsidence to neighbouring property.	Not a material planning consideration

Poor employment practices.	Not a material planning consideration
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Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection subject to conditions relating to contaminated land; fixed level in relation to plant noise; construction environmental management plan (including construction noise, dust management and hours of construction / demolition work); external lighting condition, and limits for vehicle deliveries.	Noted. If minded to approve, conditions recommended, except limits for vehicle delivery which is not considered to pass the test of necessity and enforceability.
Lead Local Flood Authority	No objection subject to a condition to secure full details of the proposed surface water drainage system and its maintenance arrangements.	Section vii
Highways	No objection subject to conditions relating to cycle parking as approved; submission and approval of a construction management plan; and details of the stackable bays.	Section iv
Trees	Objects to the proposal given the detrimental impact to off-site trees which, together with the limited viable landscaping scheme, would be contrary to Local Plan policy N6.	Section iii

Others

Consultee	Comment	Where in the report this is considered
Windsor and Eton Society	Objects – trip generation and junction design will lead to congestion on primary roads; insufficient parking provision and overly optimistic Travel Plan resulting on on-street parking to the detriment of neighbouring amenity; and unsympathetic design, scale and form which is visually dominant and overbearing.	Section ii and iv
Windsor Neighbourhood Plan	Objects - out of keeping design and illumination; increase in traffic particularly at peak times; and attention should be drawn to policy BIO.O1 of the Windsor Neighbour Plan (at Regulation 16 stage) in relation to the natural environment.	Section ii and iv.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Design and Impact on Character
- iii Trees
- iv Highway Safety and Parking

- v Impact on Neighbouring Amenity
- vi Contaminated Land and Air Quality
- vii Flood Risk and Surface Water Drainage
- viii Ecology

i. Principle of Development

Sequential Test

- 9.2 To ensure the vitality of town centres within the Borough, Local Plan policy TM4 states the new purpose-built visitor facilities will be restricted to the town centres. However paragraph 86 of the NPPF, which post-dates Local Plan policy TM4, is considered to be a more up-to-date expression of Government intent and states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. In this context, main town centre uses should be located in town centres then in edge-of-centre locations; and only if suitable sites are not available (or expected to become available with a reasonable period) should out-of-centre sites be considered. Paragraph 87 of the NPPF goes on to state that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.3 In this case, based on the Proposal's Map, which forms part of the Development Plan, the application site lies just outside of the Windsor Town Centre Commercial Boundary and therefore considered to be an edge of town centre site. The submitted Travel Plan outlines local transport facilities and on this basis the site is considered to be reasonably well connected to Windsor Town Centre.
- 9.4 In terms of the Sequential Test to determine if there is a preferable alternative site, the National Planning Practice Guidance (NPPG) states the suitability, available and viability of the site should be considered in a sequential assessment with particular regard to the nature of the need that is to be addressed.
- 9.5 In terms of the nature of the need, it was established by the Supreme Court in *Tesco Stores v Dundee City Council* [2012] that to be a preferable alternative site it should be capable of meeting the need that the developer is seeking to meet, and not just a generic need. With regard to suitability, *Tesco Stores Ltd v Dundee City Council* also establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development and not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG, however such a requirement was previously contained in PPS4: Planning and Economic Development. PPS4 advises flexibility in a business model, use of a multi-level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willing to depart from standard formats. It is considered that any relevant PG advice continues to be material.
- 9.6 In accordance with the above, the submitted Sequential Assessment outlines the market requirement to locate the proposed hotel in Windsor. Mindful of the judgement of *Tesco Stores Ltd v Dundee City Council* it is acknowledged that the market which the developer is seeking to serve should be taken into account, and this approach is supported by *Regina v Braintree District Council Ex Parte Clacton Common Development Limited* [1998] which concluded that the search for sites should be limited to the intended catchment area. In order to demonstrate flexibility the

submitted Sequential Assessment also outlines the departure from company business model in terms of format and scale. This frames the parameters of the search criteria.

9.7 As the main objection is to locate town centre uses in the town centre first, it is considered that Windsor Town Centre should be the starting point as it would be the sequentially preferable location. Other edge of town centre sites were examined in the sequential assessment submitted but these are not considered to be sequentially preferable to the application site which is also an edge of town centre site as the NPPF advises that the preference should be given to accessible sites that are well connected to the town centre. The submitted Transport Statement outlines the site is accessible by a choice of means of transport, including walking, cycling and public transport.

9.8 In the search for sites, the applicant has looked at the following documents/sources to identify available sites:

- RBWM Local Plan
- RBWM Borough Local Plan Proposed Submission Version
- RBWM Housing and Economic Land Availability Assessment (HELAA)(2016), which was subsequently replaced during the course of this application by RBWM HELAA (2019)
- Premier Inn's Retained Agent
- Site Visits

9.9 Analysis of Sequential Assessment:

Site	Sequential Assessment by Applicant	LPA Comments
Windsor		
Minton Place, Victoria Street Sequential Location: Town Centre	<ul style="list-style-type: none"> • 0.5ha site contains part 3 storey, part 4 storey office building. • Town centre location provides excellent access to local amenities and transport links. • Suitable for a hotel. • Enquiries have been made as to availability by direct contact with the landowner owner of Minton Place. The site is subject to leases for a further 10 years and therefore not available in the short to medium term. Owners have indicated no interested in progressing matters as income from office use / value is higher than hotel use / value. 	<ul style="list-style-type: none"> • Due to satisfactory evidence provided, it is accepted the site is not available.
Windsor Link Railway Area C Sequential Location: Town Centre	<ul style="list-style-type: none"> • 1.4ha site comprising of a privately owned car park. • The site has a high degree of visibility in town centre location with good access to local transport and the local road network. • Location adjacent to the Thames, within a Conservation Area and nearby listed building however due to the size of the site the site would be suitable for a bespoke hotel design to be agreed and developed. 	<ul style="list-style-type: none"> • Due to satisfactory evidence provided, it is accepted the site is not available.

	<ul style="list-style-type: none"> • Have registered interest with the owners, but owner receives significant income from existing use and the site is not available. Supported by HELAA which advises that the site (ID: 0051) has not been promoted by the landowner and so availability is uncertain. 	
<p>Windsor Link Railway Area D</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.41ha site comprising of Windsor and Eton Riverside Station, adjacent buildings and privately owned car park. • The site is visible and benefit from proximity to town centre, nearby car parks and access to the road network. • Located in conservation area and with nearby listed buildings but notwithstanding constraints site would be suitable. • Previous enquiries to acquire car parks or part thereof from Network Rail have been without success as car parks are a vital and integral part of the operations and success of the railway station. 	<ul style="list-style-type: none"> • Evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available with follow up correspondence. The applicant has confirmed that no response has been received. • It is accepted that the site is not available.
<p>Crown House and 1-4 Charriott Place and Assurant House, Victoria Street</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.29ha site comprising of offices. • The site benefits from good visibility and road access, and is within walking distance of amenities and transport links. • Located in conservation and with listed buildings nearby, but existing building offers potential for conversion to a hotel in addition to wholesale redevelopment of the site. Suitable for hotel use. • Leased out as offices and not on the market for sale. • Office use generates the highest returns, and cost of converting building to hotel use would be between £50,000-£60,000 per room and therefore unviable. 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • Notwithstanding the above, while availability has not been properly investigated / evidenced in the assessment, it is accepted the site is not viable.
<p>Post Office, Peascod Street</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.26ha site comprising of a Post Office. • The site has a high degree of visibility within town centre and a high footfall area and lies in close proximity to railway station and other transport links. • Location within a conservation area with nearby listed building, however would be suitable for a bespoke hotel design to be agreed 	<ul style="list-style-type: none"> • No evidence has been submitted to demonstrate contact with the landowner / relevant agent to establish that the site is not available. The Council would expect details or confirmation of contact and that the site is not available. • Notwithstanding the above, the HELAA confirms that the

	<p>and developed.</p> <ul style="list-style-type: none"> • Unlikely to be for sale as required for operational purposes by Royal Mail and as a general rule Royal Mail only offer sites on the open market. If site is declared as surplus then will register interest with the vendor's agent. • The HELAA confirms site (ID: 0408) as not being available. 	<p>site is not available.</p>
<p>Windsor Central Station Car Park</p> <p>Sequential Location: Town Centre</p>	<ul style="list-style-type: none"> • 0.24ha site comprising of a station car park • This is the only site in the updated HELAA that cannot be ruled out from the outset. 	<ul style="list-style-type: none"> • Awaiting additional commentary, which will be reported in an update.

9.10 From the above Windsor Central Station Car Park has not be satisfactorily discounted, therefore it is not considered that the applicant has satisfied the requirements of the sequential test. Where an application fails to satisfy the sequential test paragraph 90 of the NPPF states that they should be refused. The applicant has advised that additional commentary will be provided, which will be reported in an update.

9.11 Notwithstanding the above, local residents have raised the question over the need and demand for further hotel development, and for this type of hotel. It is considered that visitor accommodation usage would differ throughout the Borough, but in general from 2011 there has been an upward trend on night visitors to the Borough up to 2016, and while there are a number of hotels in Windsor Town Centre and the surrounding locality there may be a need for a wider choice of accommodation to meet visitor demands and aspirations. As such, there is no objection in principle to the proposed hotel use or the type of hotel.

9.12 There is no objection in principle to the loss of the existing retail (car sales), which is not a protected use in this location.

ii Design and Impact on Character

9.13 Local Plan policy DG1 states that new development should not cause harm to the character of the surrounding area through development which results in the loss of important features which contribute to that character. As a material consideration of significant weight, paragraph 124 and 130 of the NPPF advises that high quality buildings and places is fundamental to what planning should achieve and planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area. The recently published National Design Guide sets out the characteristics of well-designed places and what good design means in practice.

9.14 The previous scheme under 17/00543/OUT was refused in relation to its indicative layout, siting, scale, bulk, massing, proportions, form, design and finish which would constitute an unacceptable overdevelopment of the site, and be visually incongruous and overly dominant in this part of the street. There were similar concerns on overdevelopment, incongruity and over dominance with the withdrawn scheme under 18/02391/FULL.

9.15 The form of the proposed building remains similar to the previous scheme, however the proposed building is now approximately 29m in width, a reduction of approximately 4m from the previous scheme under 18/02391/FULL. However, despite the modest reduction in width and the stepped height and modulation to the facades to break up the visual mass and bulk, it is considered that the proposal would still result in a substantial structure due to its overall height, scale and form

with its footprint occupying a significant proportion of its plot at the centre of the site. The size and massing of the building in relation to its surrounding space is considered to represent an overly disproportionate and dominant building. Together with hardstanding to the forecourt, hardstanding to side yard, and access ramp to the basement car park and retaining walls, it is considered that the proposal would result in a cramped and overdeveloped appearance of the site to the detriment of the character of the streetscene and wider locality. It is considered that visual harm is exacerbated due to its prominent location at the junction of St Leonards Road and Imperial Road.

- 9.16 Additional landscaping is proposed within the site along the boundaries, including hedging and trees, but it is considered that a significant proportion of proposed trees would be unviable (see paragraphs 9.21-9.22 of this report). While the proposed hedging would be viable subject to adequate maintenance, this in itself would not be sufficient to screen or soften the appearance of the proposed development. The inadequate soft landscaping is considered to exacerbate the building's incongruence and compound the feeling of too great a building mass for the plot.
- 9.17 It is also considered that the proposal would have little resonance with the row of semi-detached and terraces houses to the east. Paragraph 70 of the National Design Guide states that proposals for taller buildings require special consideration including their relationship to context. These houses fall into an area categorised as a 'Victorian Village', as identified in the Council's Townscape Assessment. The Townscape Assessment states that the traditional two storey dwellings contribute to a townscape of human scale. Although the building would step up from a two storey element incrementally to four storeys the height quickly increases, and it is considered that the proposal would still be noticeably taller than the row of semi-detached and terraced houses to the east and fails to have sufficient regard to and successfully relate with the adjacent buildings to the east. There would be a gap of approximately 13.5m but it would still be seen in context with these houses when travelling along St Leonards Road from the east and west.
- 9.18 It is acknowledged that the proposed development would be a more efficient use of previously developed land, but this is not considered to outweigh the visual harm to the streetscene and wider locality. Paragraph 64 of the National Design Guide states that well-designed new development makes efficient use of land with an amount and mix of development that optimise density. However, paragraph 64 of the National Design Guide goes on to state that well-designed new development needs to relate well to and enhance the existing character and context.
- 9.19 Concerns have been raised by local residents over additional signage and external lighting, and it is accepted that there would be some form of signage and external lighting to the building and its curtilage, which have not been indicated on the proposed plans. However, signage would be subject to separate controls under the Advertisement Regulations and does not form part of the consideration for this application, and if minded to approve a suitable scheme for external lighting could be secured through an appropriate worded planning condition. Concerns have also been raised by local residents over hotel use which would be out of keeping with the predominately residential character of the area. However, it is not considered that hotel use would be unduly incompatible with the character of the area. Notwithstanding this, overall, the proposed development would amount to overdevelopment in this location and would be harmful to the character and appearance of the area. It would not amount to good design, contrary to Local Plan policies DG1, and paragraph 127 of the NPPF.

iii Trees

- 9.20 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweigh the justification for development planning permission may be refused.

- 9.21 There are no existing trees within the site, but there are existing trees on public land lining the pedestrian pathway leading from St Leonards Road to Windsor Cemetery along the eastern boundary of the site, and along the shared boundary with Windsor Cemetery to the south. The proposal includes the removal of T1 (Ash), T5 (Ash), T9 (Foxglove Tree), T11 (Ash), T14 (Ash) and H17 (Leyland and Lawson Cypress), as shown on drawing ref: CCL10150/IAP rev.4. In addition to these trees, it is also considered that the proposed development would likely result in a loss of T2 (Crab Apple), T3 (Crab Apple), T4 (Crab Apple) and T12 (Monterey Cypress). There would be direct encroachments into the root protection area (RPA) of T3 and T12 by the proposed basement and a high strength root barrier, and the root barrier would also be sited within the RPA of T2 and T4 to the detriment of their health and longevity. The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and the default position of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is that buildings and structures should be located outside of the RPA. As such, the future viability of these trees cannot be assured and it should be assumed will be lost as a consequence of the development.
- 9.22 With the exception of T12, these trees are identified as category C trees, which are of low quality or young trees. In accordance with BS5837:2012 category C trees should not impose a constraint on the development, but their loss should be mitigated with replacement planting. With reference to the proposed Landscaping Planting Plan, ref: 1051/18/B/1D, 7 replacement trees are proposed along the shared boundary with Windsor Cemetery (southern boundary), 3 trees are proposed on a raised planting bed along the frontage with St Leonards Road (northern boundary) while 2 trees are proposed along the western boundary. However, the proposed planting strip measures approximately 1m in width which is limited and is positioned over the basement which will prevent trees from rooting more deeply, while the extent of the proposed basement would restrict the rooting environment for the trees along the southern boundary. As such, it is considered that these trees are not in a viable or sustainable location to the detriment of their health and longevity, and it is considered that the proposal would be contrary to Local Plan policy N6.
- 9.23 Further comments and rebuttal were submitted by the applicant on 5 November, which at the time of writing this report is still being considered by the Council's Arboriculture Officer. Any additional comments will be reported in an update.

iv Highway Safety and Parking

- 9.24 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, and policy P4 requires all development proposals to accord with adopted car parking standards.

Traffic Generation

- 9.25 A TRICS analysis for a similar sized hotel has been undertaken which indicates that the proposed development could potentially generate a daily trip rate of 256 with 24 trips during the AM peak and 18 trips during the PM peak. A comparison with the trip generation of the current use of the site as a car sales showroom indicates that there would be an additional 125 trips as a result of the development with an additional 13 trips during the AM peak and 7 trips during the PM peak. While it is acknowledged that this is a busy junction, paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In absolute numbers the additional traffic is unlikely to have a significant detrimental impact on traffic along Imperial Road and St Leonards Road or the surroundings. Furthermore, based on the Borough's accident data during the past 5 years, 2 accidents have been reported close to the Imperial Road junction with St Leonards Road, and 4 accidents near the Clewer Hill Road and St Leonard's Road junction. However, the data does not indicate any inherent defects in the immediate highway network. It is therefore considered that the increase of 125 daily trips would not lead to a detrimental effect on highway safety to existing traffic flows or to those that reside or commute in the area.

Access

- 9.26 The site is served by two vehicular accesses off St Leonards Road, which are proposed to remain, operating as an in-out accesses with entry at the eastern access point and exit at the western. There is no objection raised on the visibility splays, and therefore this is considered to be acceptable.
- 9.27 Access to the basement car park is via a ramped access located to the west of the site. The proposed Basement Floorplan, ref: PL 099 rev. 19 illustrates a gradient which accords with the design recommendations in the Institution of Structural Engineers' Design Recommendations for Multi-Storey and Underground Car Parks. To prevent conflicts on the ramped access between vehicles entering and existing the basement, a red and green lighting system with automatic sensors and priority given to vehicles entering the site will be installed. This is considered to be acceptable.

Parking

- 9.28 The Council's adopted Parking Strategy, and the Council's Parking Strategy (2004) identifies a maximum provision of 1 space per bedroom for C2 uses. This is for both staff and visitors, and equates to a maximum requirement of 50 car parking spaces for the proposed development. However the NPPF, which post-dates the Council's Parking Strategy and therefore considered to be an up-to-date expression of Government intent and a material consideration, states that maximum parking standard for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising the density of development in city and town centres and other locations which are well served by public transport.
- 9.29 In this case, on-street parking is managed within the locality by the Council with double yellow lines on St Leonard's Road and a Clearway classification (no stopping, parking, picking-up or setting down of passengers) on Imperial Road. As such, it is considered there is no clear and compelling justification to impose the maximum parking standard to manage the local road network. Nevertheless, 49 spaces are proposed which would comply with the Council's Parking Strategy. In relation to disabled parking spaces, the Council's adopted Parking Strategy requires 6% of total parking spaces to be for disabled use, which would equate to 3 spaces. 3 of the proposed spaces are allocated for disabled use and so the proposal is also compliant in this respect. If minded to approve it is recommended that this is secured by condition.
- 9.30 The basement car park would be arranged as a split level. The internal ramp gradient would be 1:20 which is acceptable. On the lower level car parking spaces 1-38 will be double stackable bays utilising 19 lifts. This is acceptable in principle but if minded to approve it is recommended that further details on the design and operation is secured by condition.
- 9.31 Local Plan policy T7 requires new development to make appropriate provision for cyclists. For the proposed development the Council's standards for cycle parking is set at 1 space per 20 car parking spaces, therefore the proposed 3 cycle parking spaces to be located in the basement is acceptable. If minded to approve it is recommended that this is secured by condition.

v Neighbouring Amenity

- 9.32 As a material consideration of significant weight paragraph 127 of the NPPF also states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.

Daylight and Sunlight

- 9.33 To the west is no. 1-14 Littleacre that fronts onto Hermitage Lane. Due to this orientation, there are a number of windows serving habitable rooms on their rear elevation which the proposal would be sited in front of. When considering an obstruction directly in front of a window, if the proposed building passes the British Research Establishment (BRE) '25 degree test' then it is

unlikely to result in an unreasonable loss of daylight (defused light where beams from the sun have been scattered and diffused) to these windows as there will be adequate skylight. As shown on drawing ref: PL300 rev. 19, the proposed building in the section perpendicular to the window would not intrude through a 25 degree line taken from the centre of a ground floor window to the horizontal, and therefore the proposal is acceptable in this respect.

- 9.34 The proposal would also be sited 90 degrees south of a main window of no. 435 St Leonards Road which is sited to the east. However, measured in the section perpendicular to the window there is no obstruction that subtends an angle of more than 25 degrees to the horizontal. Furthermore, taking a 45 degree angle from the mid-point of the nearest window to the proposal, the proposal would clip a 45 degree splay but at a distance of approximately 25m. Therefore the proposal is not considered to result in undue loss of daylight to this neighbouring house.
- 9.35 In terms of sunlight to gardens it is considered that there would be undue harm if more than half of an amenity area receives less than 2 hours of sunlight on 21 March (the equinox). It is considered that the proposal will pass this test in relation to both no. 1-14 Littleacre and no. 435 St Leonards Road with at least half of the garden areas receiving more than 2 hours of sunlight on this date with the proposed building in situ.

Visual Overbearing and Loss of Privacy

- 9.36 The proposed building would extend approximately 10m further south than the existing building at no. 435 St Leonards Road at 2 storey in height (approximately 6.5m) and sited approximately 12m from the western site boundary of no. 435 St Leonards Road. The 2 storey element then steps up to 3 storey in height (approximately 9m) at a point approximately 14m from the western site boundary of no. 435 St Leonards Road and then up to 4 storey in height (approximately 11m) which is approximately 15.5m from the western site boundary. From the rear of the 2 storey element, the proposed building would extend a further 7m southwards at 3 storey in height which is sited approximately 17m from the western site boundary of no. 435 St Leonards Road. This 3 storey element steps up to 4 storey in height with the 4 storey element sited approximately 18m from the western site boundary of no. 435 St Leonards Road. On this basis and given the existing development on the site, it is acknowledged that the proposed development would result in an increase in visual presence when viewed from no. 435 St Leonards Road. However, the stepped elevation is considered to break up visual mass and bulk and, together with the separation distances from no. 435 St Leonards Road, the proposal is not considered to result in an unduly overbearing impact to this neighbouring property. Furthermore, views from no. 435 St Leonards Road of the proposal would be oblique.
- 9.37 In relation to the neighbouring properties to the west, the proposal would extend across the rear elevation of no. 1-14 Littleacre. The proposal would extend rearwards by 14.5m at 2 storey in height (approximately 6.5m) before stepping down to single storey (approximately 3.5m). The single and 2 storey element are sited approximately 9m from the eastern site boundary of no. 1-14 Littleacre. The single storey element then steps up to 3 storey (9m) which is sited approximately 18m from the eastern site boundary of no. 1-14 Littleacre and then up to 4 storey (11m) at a distance of approximately 19.5m, while the 2 storey element steps up to 3 storey at a distance of approximately 12.5m from the eastern site boundary of no. 1-14 Littleacre and then 4 storey at a distance of 13m. It is noted that the rear gardens at no. 1-14 Littleacre are short, measuring approximately 6m in depth, but the proposed facing elevation would be stepped, which is considered to break up mass and bulk, and together with the separation distance from western site boundary no. 1-14 Littleacre it is not considered to be unduly dominant and oppressive when viewed from the habitable rooms and the rear gardens.
- 9.38 5 windows are proposed at first floor level and above on the eastern elevation that directly faces no. 435 St Leonards Road. 2 of these windows would be sited approximately 17m from the western site boundary of no. 435 St Leonards Road which would serve hotel rooms (habitable). However, given the separation distance and the proposed louvred windows which would angle views away it is not considered that the proposal would result in undue overlooking into no. 435 St Leonards Road. The remaining 3 windows would be sited approximately 12.5m – 13m from

the western site boundary of no. 435 St Leonards Road and would serve corridors (non-habitable) and so there are no concerns over overlooking. 5 window are also proposed at first floor level and above on the west elevation directly facing no. 1-14 Littleacre. 2 of these windows would be sited approximately 18m from the western site boundary of no. 1-14 Littleacre which would serve hotel rooms (habitable). However, given the separation distance, it is considered unlikely to result in actual loss of privacy. The remaining 3 windows would be sited approximately 9m, 12.5m and 13.5m from the western site boundary of no. 1-14 Littleacre, but would serve corridors (non-habitable) and so there are no concerns over actual overlooking. Given the height, proximity, number and size of these windows there would be some increase in the perception of overlooking to neighbouring properties, but on balance this is not considered to result in undue harm.

Noise and Disturbance

- 9.39 Concerns have been raised by local residents over potential noise and disturbance as a result of the hotel use. It is acknowledged that the operation of a hotel would differ from retail with guests being likely to be engaged in activities away from the building during the day and movements and activity concentrated at the beginning and end of the day, coinciding with normal working hours or opening house for tourist facilities. However, it is not considered that the nature of hotel use would result in undue noise and disturbance that would be unduly detrimental. The proposed hotel includes a restaurant for 60 covers, but there would be no bar area or function rooms. The noise emitted from fixed plant and other equipment can be controlled by condition, and if minded to approve it is recommended that the rating level of noise emitted should not exceed the existing background level to be determined 1m from the nearest noise-sensitive premises and measured and assessed in accordance with BS: 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound.

vi Contaminated Land and Air Quality

- 9.40 The site has been operating as a former petrol station with underground storage tanks therefore the risk of potential contamination is considered to be significant. A Phase I and II Geo-Environmental Risk Assessment has been submitted. The report has identified the need for investigation including the exceedance of benzene which would require remediation and validation; removal/treatment of contaminated soil and replacement; decommissioning works of former petrol station including fuel tanks, interceptors and fuel pumps; and protection of utility services. It is considered that details and implementation of a remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other properties, and the natural environment can be secured by condition.
- 9.41 The site is within the Imperial / St Leonards Road Air Quality Management Area (AQMA) declared for exceedances of the annual mean nitrogen dioxide (NO₂) objectives. The refused scheme under 17/00543/OUT failed to demonstrate that the potential air quality impact of the development on AQMA would be acceptable taking into account the impact of LEGOLAND developments and traffic from Clewer Hill Road at Winkfield Road Junction. However, the revised air quality assessment submitted to support this application includes these previously missing elements in their assessment and the findings indicate that the air quality impacts of the development are not significant. In terms of demolition and construction works if minded to approve it is recommended that a condition to secure a site specific construction environmental management plan (CEMP) is secured to reduce the effects of noise, vibrations, dust and site lighting including but not limited to elevated PM₁₀ concentrations.

vii Flood Risk and Surface Water Drainage

- 9.42 Paragraph 165 of the NPPF requires development to incorporate sustainable drainage systems.
- 9.43 The Drainage Strategy indicates that surface water runoff will be discharged to Thames Water's surface water sewer system via a small pumping station and that attenuation storage will be provided by a cellular storage tank to ensure no flooding occurs for all events up to and including

the 1 in 100 plus climate change. In relation to the basement car park, a channel drain will be provided at the bottom of the ramp and this drain will be connected with a non-return valve to the proposed attenuation tank to prevent water flowing out of the attenuation tank back into the basement. Overall, the proposed surface water strategy is acceptable in principle. The inclusion of pumping station within a surface water drainage strategy is generally unfavourable from a sustainability perspective, but it is accepted that this is unavoidable due to the nature of development and the shallowness of the water company's surface sewer system in St Leonards Road. If minded to approve it is recommended that this is subject to a pre-commencement condition requiring submission and approval of full details of the proposed surface water drainage system and its maintenance arrangements.

- 9.44 Concerns with regards to changes in water levels as a result of the development and increase in risk from groundwater flooding have been raised by local residents. Figure E of the Council's Strategic Flood Risk Assessment indicates that the site does not fall into an area susceptible to ground water flooding and no substantive evidence has been provided to counter this to warrant refusal.

viii Ecology

- 9.45 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.46 In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, and therefore an appropriate assessment is not required.
- 9.47 Paragraph 170 of the NPPF states that planning decision should provide net gains for biodiversity. If minded to approve, biodiversity enhancements can be secured by condition.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In accordance with the Council's adopted CIL charging schedule the development is CIL liable but the charge is set at a rate of £0 per square metre.

11. CONCLUSION

- 11.1 At the heart of the NPPF is the presumption of in favour of sustainable development. Paragraph 11 states that for decision making this means approving development proposals that accord with an up-to-date plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 11.2 The NPPF identifies three dimensions to sustainable development; economic, social and environmental. In terms of social-economic impact, the proposal would result in addition to the creation of jobs in during construction and in its operation, as well as tourism and recreation

benefits and potential increase in local spending. It would also result in the increase of purchase of goods and services to supply the hotel from local and companies further afield.

- 11.3 However, whilst the application proposal would deliver economic and social benefits that would fall within the economic and social roles of sustainable development set out within the NPPF, the scheme fails in respect of directing town centre uses (such as this) to town centre locations to the detriment of its vitality and local community. The proposal would also fail to represent good design and would result in harm to trees. The identified harm is considered to significantly and demonstrably outweigh the benefits identified within this section. The proposal would not be a sustainable form of development and would not comply with the requirements of the NPPF taken as a whole.

12. APPENDICES TO THIS REPORT

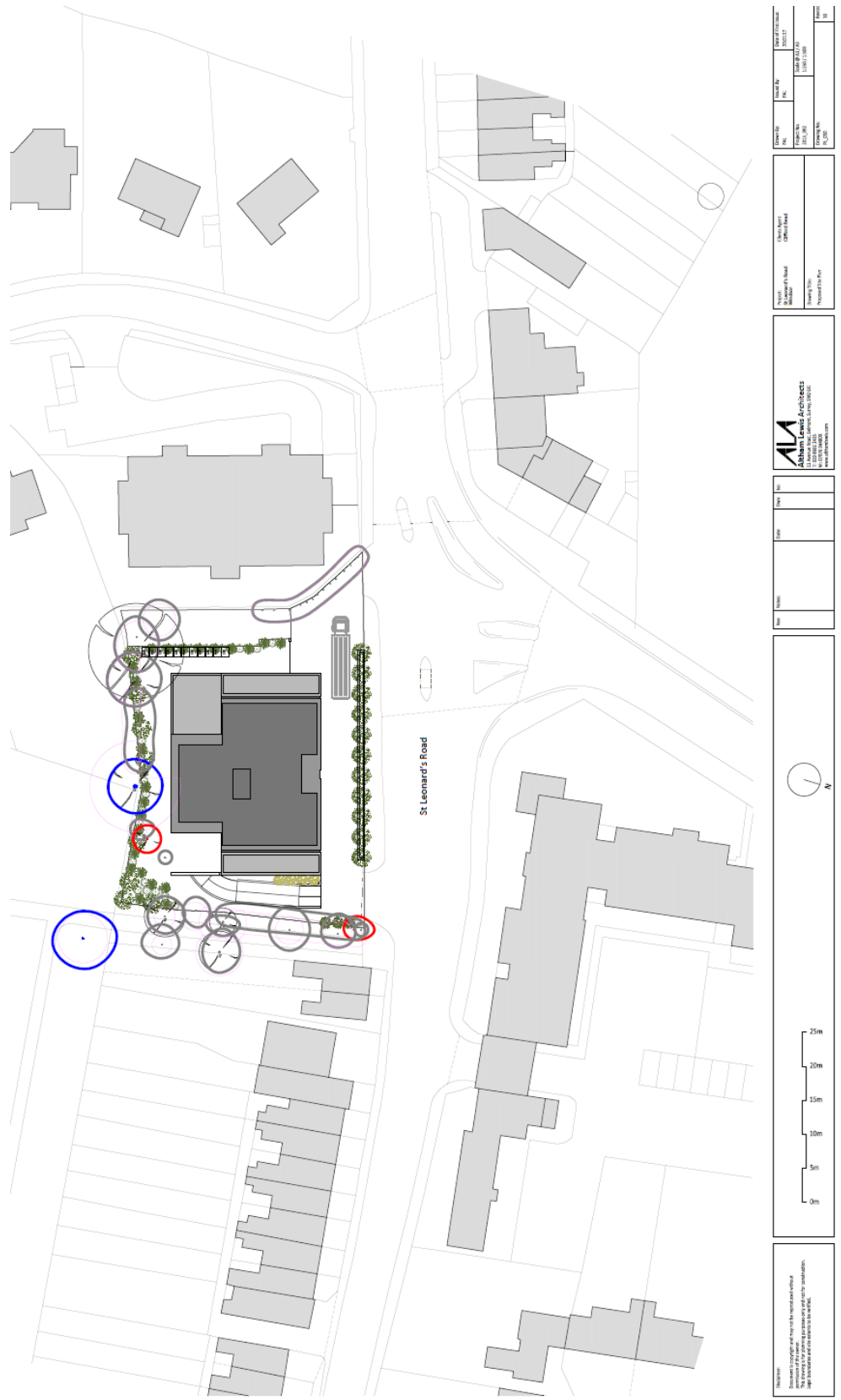
- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plans and Elevations

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

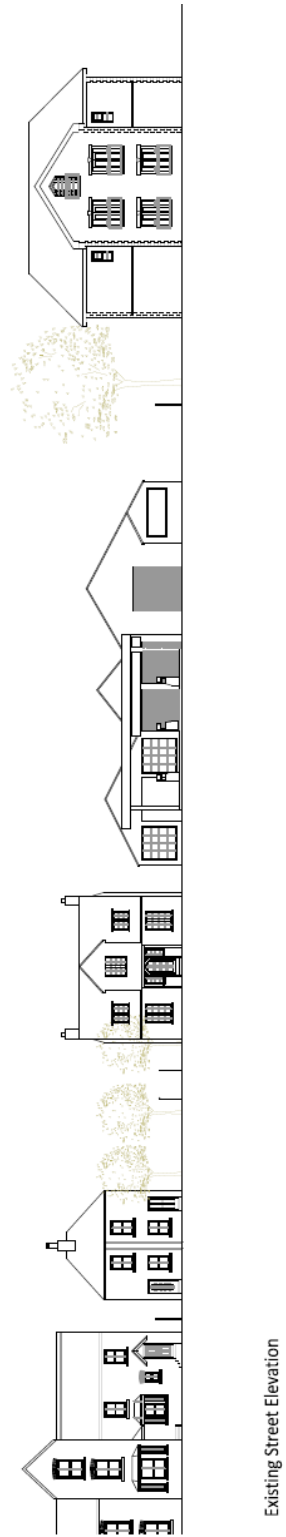
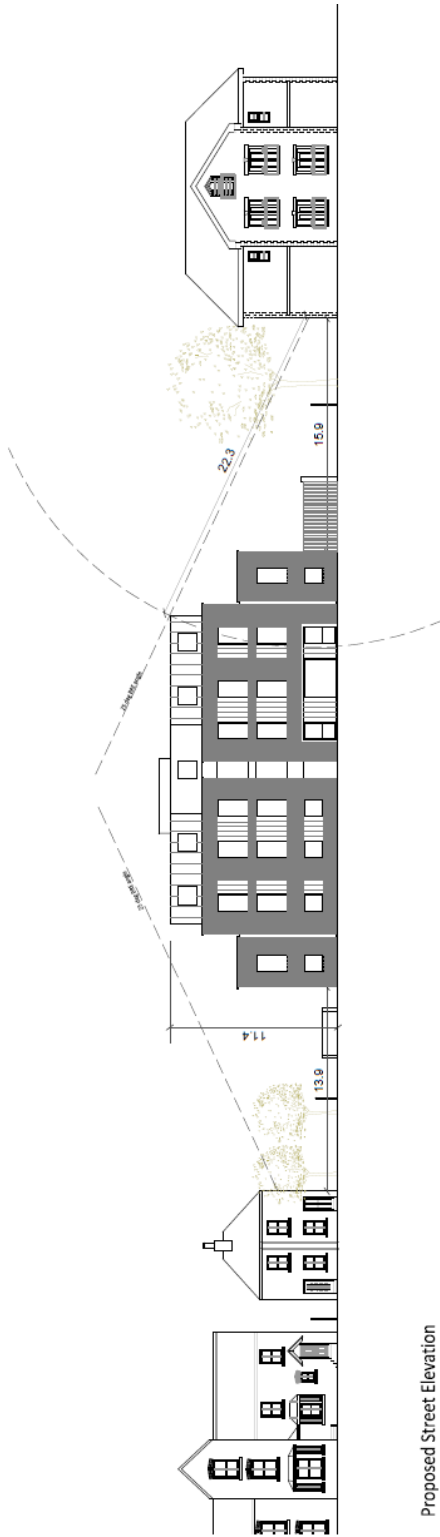
- 1 The Sequential Assessment fails to demonstrate that there are no suitable and available sequentially preferable sites in the town centre. The scheme thereby fails to comply with paragraph 86 of the National Planning Policy Framework (2019).
- 2 By reason of its siting, form, height, scale, mass, bulk of the proposed building that results an unduly disproportionate and dominant building together with the amount of associated development and lack of landscaping, the proposal represents a cramped and overdeveloped site. The proposal would also fail to have sufficient regard to and sufficient relate with the row of semi-detached and terraces houses to the east. Therefore, the proposal would be detrimental to the character of the streetscene and surrounding area, contrary to policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and paragraph 130 of the National Planning Policy Framework (2019).
- 3 By reason of its siting, form and scale the proposed development would prejudice the long term future health and longevity of proposed trees. Together with the loss of existing trees, the proposal would detract from the character and appearance of the locality. As such, the proposals would be contrary to policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).

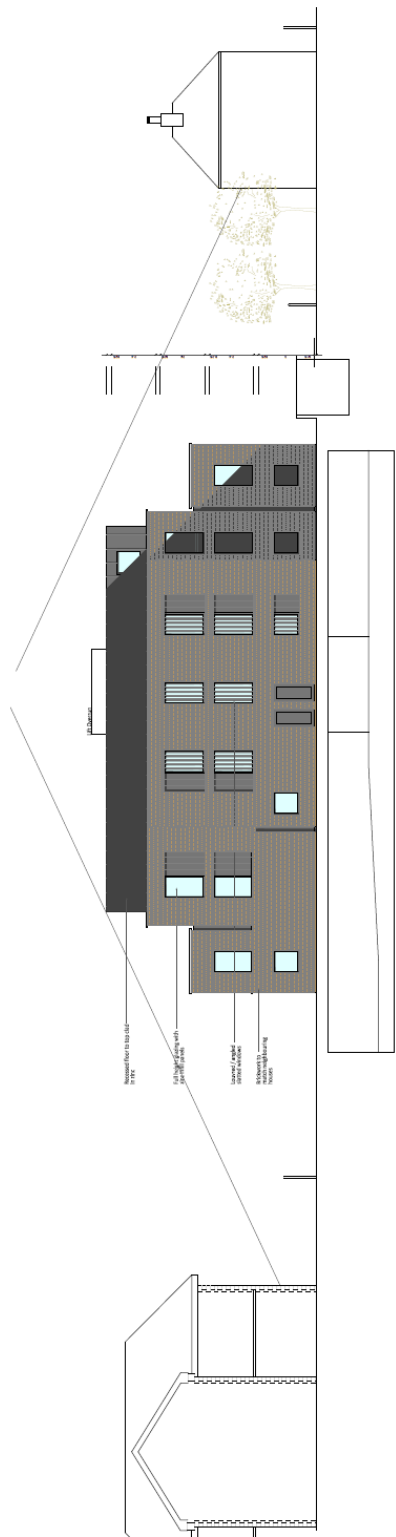
Appendix A – Site Location Plan and Proposed Site Layout



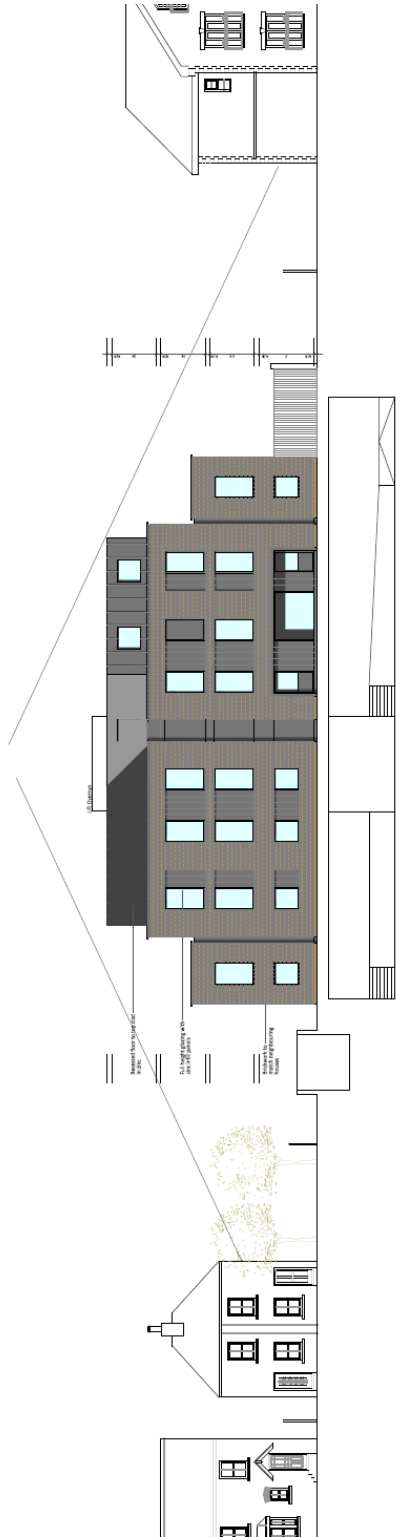


Appendix B – Proposed Plans and Elevations



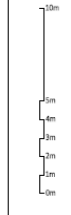


Cemetery Elevation



Street Elevation

NOTES:
 Dimensions are in meters and may vary slightly from the actual site.
 The project is subject to change without notice.
 All dimensions are in meters unless otherwise specified.

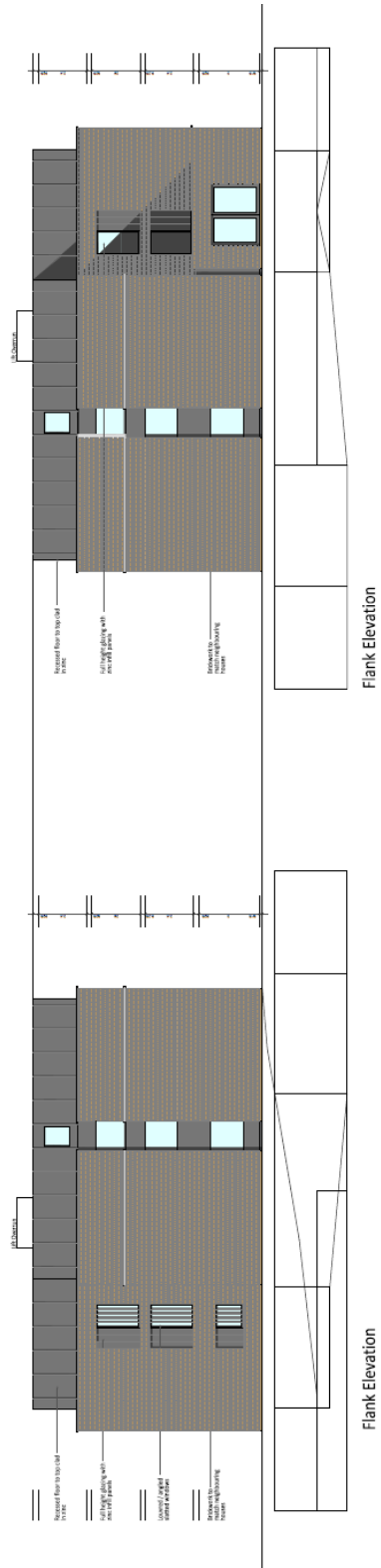


Project Name	Client Name
Project No.	Client No.
Project Date	Client Date
Project Location	Client Location



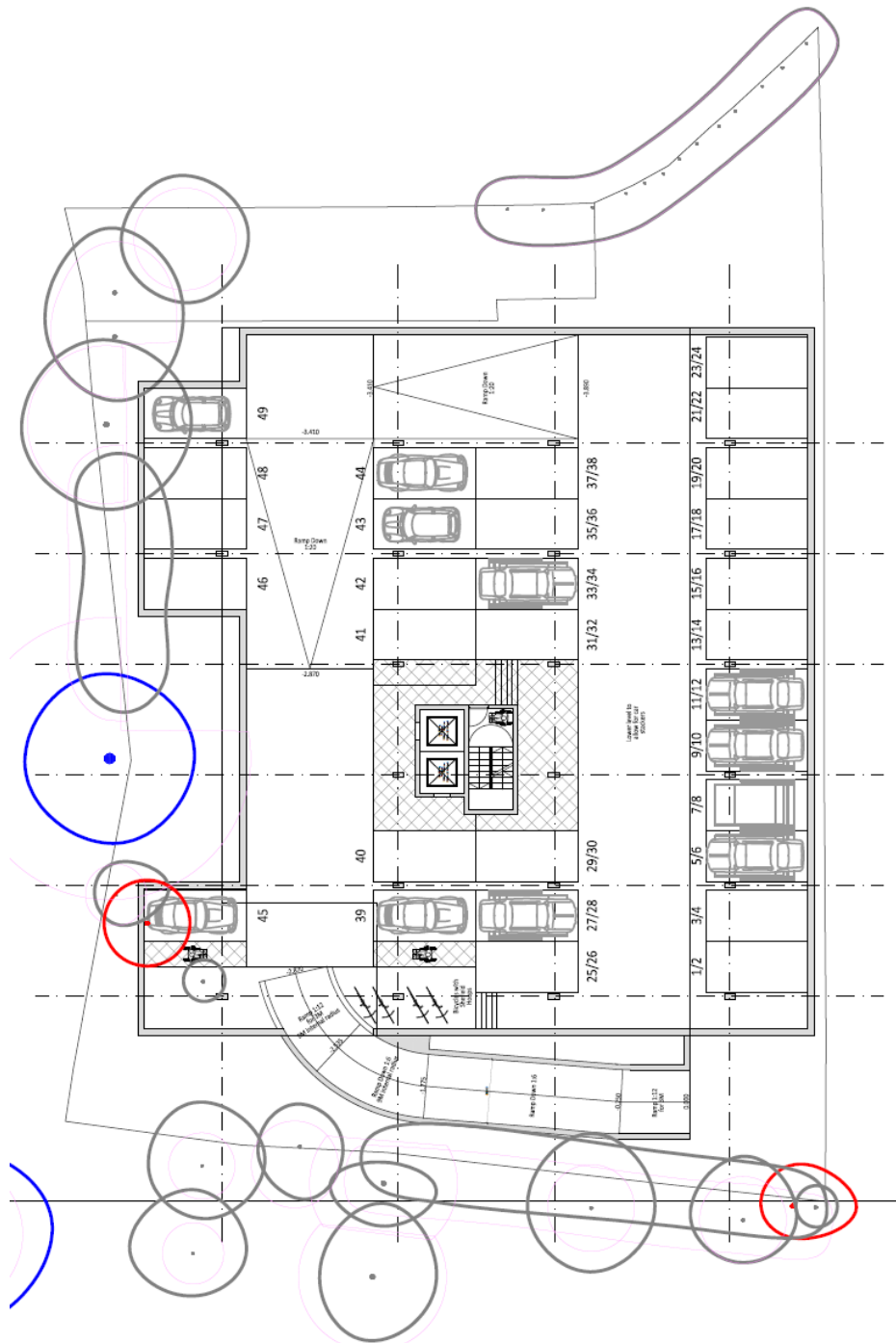
Alham Level Architects
 10000 10th Street, Suite 100
 Denver, CO 80202
 Phone: (303) 733-1111
 Email: info@alhamlevel.com

Project No.	Client No.
Project Date	Client Date
Project Location	Client Location

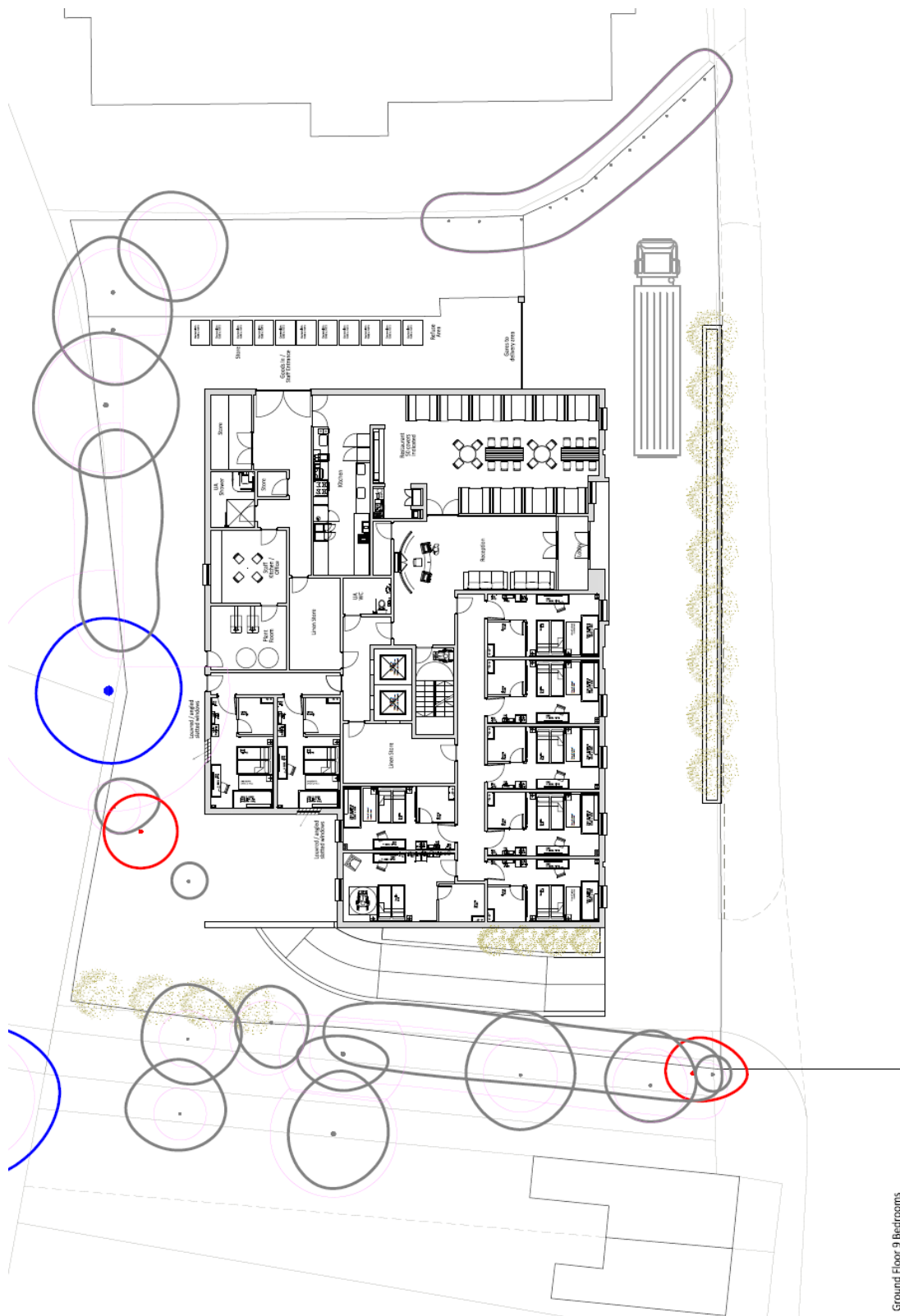


Flank Elevation

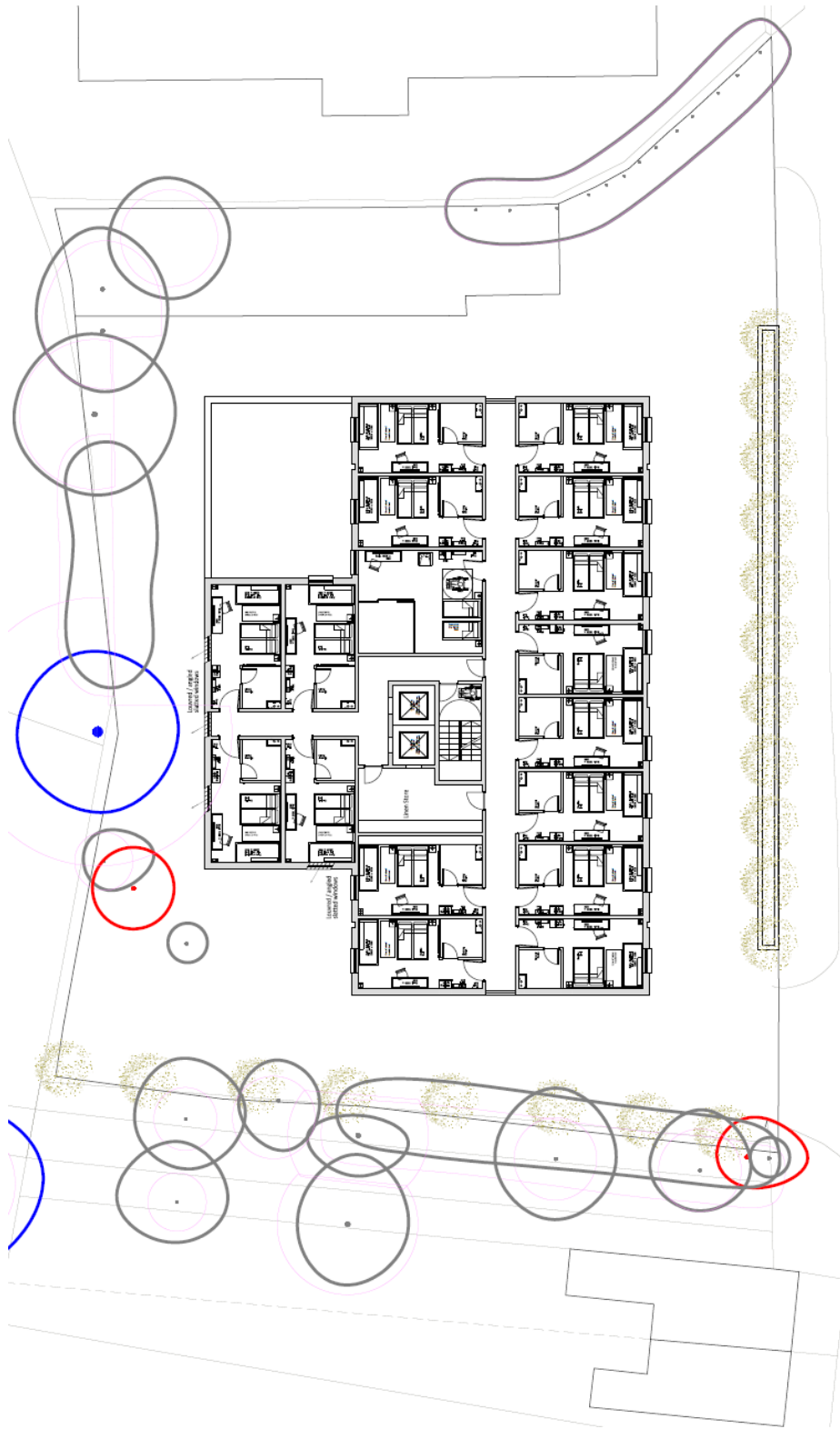
Flank Elevation



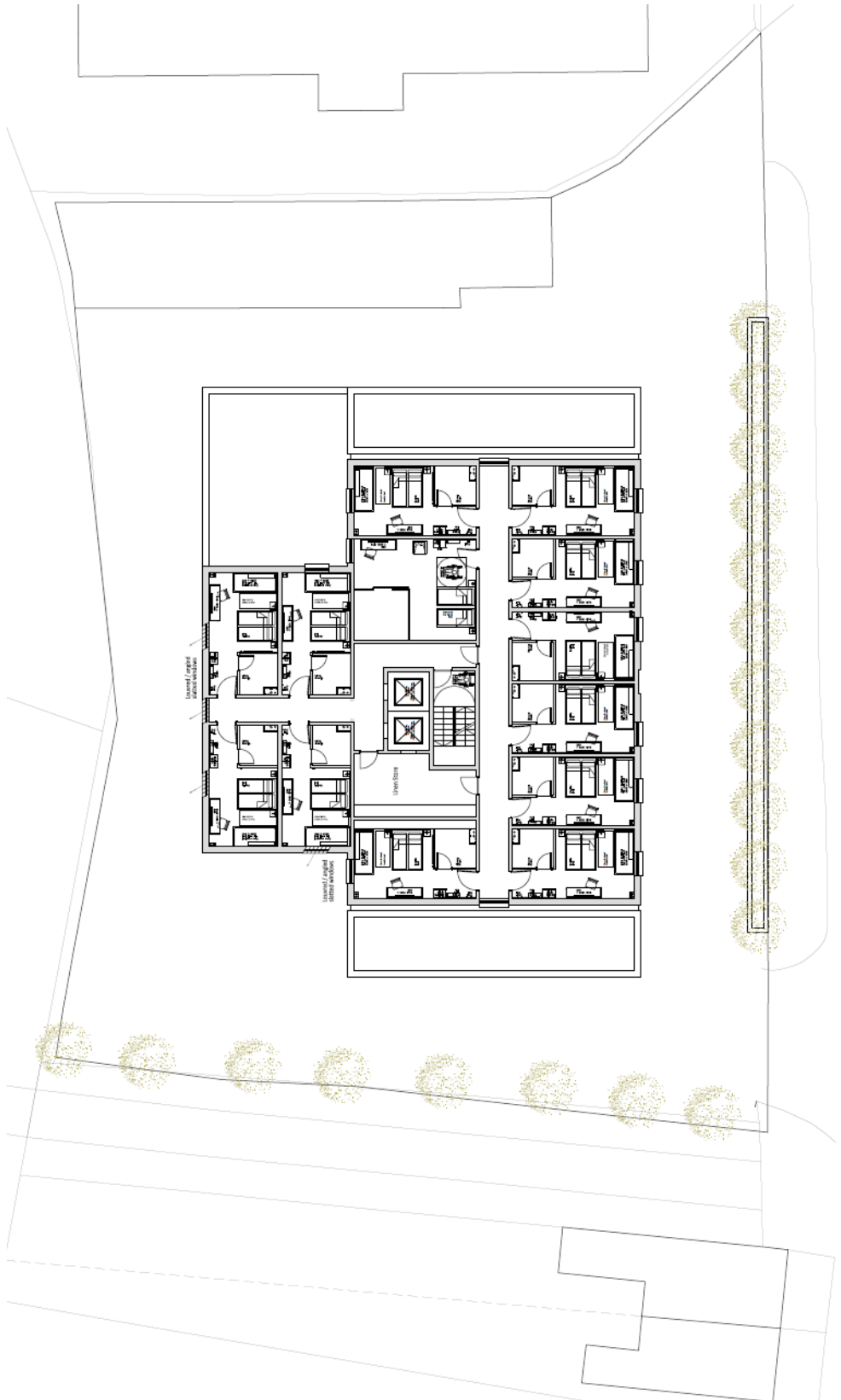
Basement Car Park - 49 Spaces



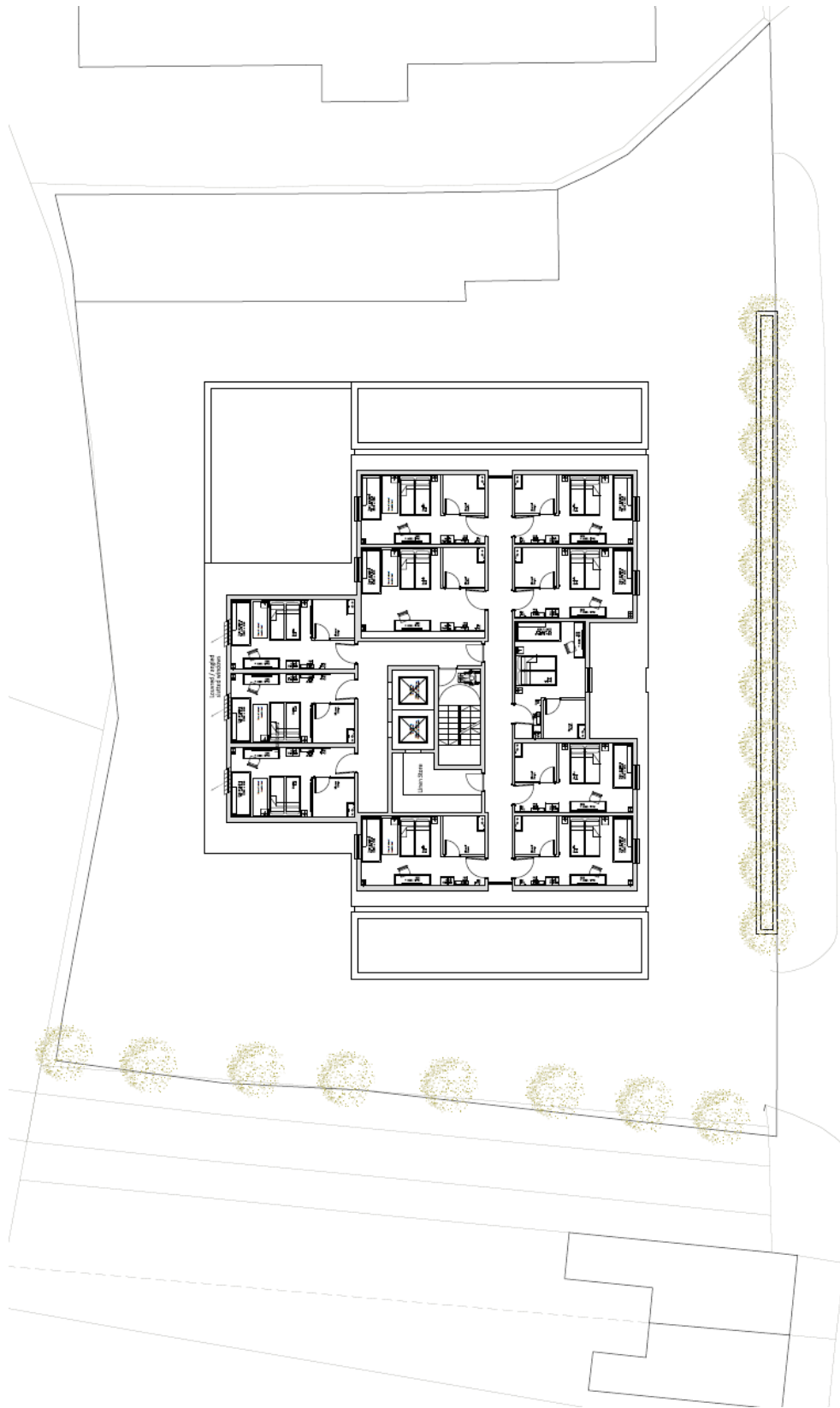
Ground Floor 9 Bedrooms



First Floor: 17 Bedrooms



Second Floor 13 Bedrooms



Third Floor 11 Bedrooms

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DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 6

Application No.:	19/01701/FULL
Location:	Sandridge House Including The Cottage And The Bungalow London Road Ascot
Proposal:	33 No. dwellings, with associated parking and landscaping following demolition of existing buildings.
Applicant:	Patrick Homes Limited
Agent:	Mr Matt Hill
Parish/Ward:	Sunninghill And Ascot Parish/Ascot & Sunninghill
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 There is no objection to the loss of the existing care home on the basis that it is no longer fit for purpose and all former residents have been rehoused elsewhere in the Borough. This requirement has been satisfied through the submission of formal comments within the Planning Statement supporting the application.
- 1.2 The overall height, mass, siting and external appearance of the development results in a building of significant bulk which is lacking in design coherence. The development would be at odds and incompatible with the surrounding development such that it would be harmful to the street scenes of both London Road and Geffers Ride and the character of the area in general.
- 1.3 The scale, height and external appearance of the building would have an adverse impact on the setting of All Saints Church resulting in less than substantial harm to this grade II listed heritage asset.
- 1.4 The height, scale and proximity of the development to the north and west boundaries of the site, coupled with the significant number of habitable windows, balconies and terraces facing neighbouring gardens and properties, would result in an unneighbourly form of development which would appear overbearing and obtrusive to neighbouring occupants and result in harmful levels of overlooking.
- 1.5 The proposed development would be harmful to on-site and off-site trees resulting in their loss, which would be harmful to the sylvan character of the area.
- 1.4 The application site lies within the Thames basin Heaths SPA 5km buffer zone wherein any proposals for residential intensification must provide mitigation for the harm to the SPA. As the proposed number of units is greater than 9, the development cannot rely on the remaining capacity at the Council's strategic SANG Allen's Field. It has not been demonstrated that the mitigation for the harm to the SPA can be provided elsewhere.
- 1.6 The application is insufficient with regard to survey work on bats. Further surveys are required to determine the presence / absence of roosting bats within the tree with moderate potential to support roosting bats and to inform the relevant mitigation.
- 1.7 The application states that 10 affordable units would be provided as part of the scheme but no details of this have been submitted with regard to tenure and furthermore there is no legal agreement in place to secure their provision.
- 1.8 The applicants have failed to provide sufficient information relating to surface water drainage and flooding to satisfy the requirements of the Lead Local Flood Authority.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposed development, as a result of its height, mass, siting and external appearance results in a building of significant bulk which is lacking in design coherence. The development would be at odds and incompatible with the surrounding development such that it would be harmful to the street scenes of both London Road and Geffers Ride, to the detriment of the character of the area.
2.	The scale, height and external appearance of the building would have an adverse impact on the setting of All Saints Church resulting in less than substantial harm to this grade II listed heritage asset.
3.	The proposed building, by reason of its overall scale, height and proximity to the north and west boundaries of the site would have an overdominant, overbearing and unneighbourly impact on the adjacent properties within Geffers Ride. Furthermore, the large number of windows at first floor level and above, together with the balconies and terraces in the north and west elevation, would give rise to overlooking and loss of privacy (actual and perceived) to the adjacent properties within Geffers Ride and to the adjacent nursery at All Saints Village Hall.
4.	The proposal would result in an unacceptable impact on important trees within and outside the site. The loss of these trees would be harmful to the character of the area.
5.	The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc.) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome.
6.	It has not been demonstrated that the scheme would have an acceptable impact upon bats, which are a protected species.
7.	The application states that 10 affordable units would be provided as part of the scheme but details of this have been submitted with regard to tenure and furthermore there is no agreement in place to secure their provision.
8.	Insufficient information has been submitted with regards to surface water drainage.

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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the northern side of London Road, Ascot and consists of a detached building formerly used as a care home (C2 use class). The land to the south of the site is in the Green Belt and there is an area TPO which covers all the trees within the site

(007/2016/TPO). The site is also located within the Thames Basin Heath Special Protection Area (SPA) 5km buffer zone.

- 3.2 The surrounding area is predominantly residential in character with modest detached dwelling houses located to the north and west of the site, and flatted development to the east known as Grand Regency Heights. Grade II listed All Saints Church adjoins the western boundary of the site. The Council's Townscape Assessment identifies the site as being located within the Townscape Area 'Executive Residential Estates'.

4. KEY CONSTRAINTS

- 4.1 Thames Basin Heaths SPA 5km buffer zone

Adjacent to listed building

Access onto A road

Area Tree Preservation Order

Green Belt to south

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the replacement of the existing building, a former care home, with a single apartment block comprising 33 residential units to be sited in in the rear part of the site. The building would comprise 5 storeys of development with an approximate height of 15.6m.
- 5.2 The proposal would comprise 11 x 1-bed, 18 x 2-bed and 4 x 3-bed apartments (including 10 affordable units). Parking would be partly within a basement area underneath the building and partly on a surface car park within the site frontage.
- 5.3 There is no relevant planning history to the site, although this proposal follows two pre-application enquiries.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Local Plan Policy
Design in keeping with character of area	DG1
Acceptable impact on appearance of area	DG1, H10 H11
Acceptable impact when viewed from nearby occupiers	H10, H11
Maintains acceptable level of privacy for nearby residents	H10, H11
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11
Sufficient parking space available	P4
Acceptable impact on the highway	T5
Acceptable impact on trees important to the area	N6

Mitigation for Thames Basin Heath Special	T6, R3, IMP1
Acceptable impact on Public Rights of Way such as public footpaths or bridleways	R14
Community facilities	CF1

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Housing	H1, H2
Highways	T1
Trees	EN2

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Nature conservation and Thames Basin Heath SPA	NE1, NE2
Listed Buildings	HE2
Community facilities	IF7

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Community Facilities	IF6

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

46 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11th July 2019 and the application was advertised in the Local Press on 4th July 2019

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

Comment		Where in the report this is considered
1.	Impact and loss of on and off site trees. These trees are important for screening purposes and character value	See section vi
2.	Impact on wildlife and ecology	See section vii
3.	Harmful overlooking to neighbouring occupiers in Geffers Ride from large numbers of windows, terraces and balconies	See section iv
4.	A 5 storey building is totally out of character with the surrounding 2-storey residential properties	See section ii
5.	The building will be over-bearing and result in loss of light and outlook to neighbouring occupiers	See section iv
6.	Noise nuisance and light pollution	See section iv
7.	Significant and dangerous traffic issues, congestion, poor visibility, impact on pedestrians, nursery children	The Highways Authority have not objected to the application. See section v for further detail
8.	Significant impact on drainage systems as a result of the development. Surrounding properties are already subject to flash flooding. Insufficient foul water and surface water provisions	See section ix
9.	The proposal would have an adverse impact on the setting of All Saints' Church which is a grade II listed building due to its height and external appearance	See section iii
10.	Overdevelopment of the site. Cramped, loss of spaciousness. Density inappropriate	See section ii
11.	Insufficient parking	The proposed level of parking accords with the Council's car parking standards
12.	The external appearance and materials are out of keeping with All Saints Church and the character of the area	See sections ii and iii
13.	The planting of trees would not screen the proposed building/reduce the harm	See section vi
14.	The proposed flats are on land significantly higher than Geffers Ride	See section ii
15.	The modern apartment block would be out of character	See section ii
16.	The development will overlook the adjacent nursery resulting in safeguarding issues. The impact on the business would be so severe that it could result in closure of the nursery. The village relies on the nursery to provide childcare for hundreds of children. The entrance to the proposed building would be facing the nursery.	See section iv
17.	Visitors and delivery vehicles would use the church and village hall/nursery car park.	See section v
18.	Increase in traffic and disruption during construction phase	See section v
19.	The proposal does not comply with the Neighbourhood Plan	See section ii

20.	The site is not accessible, bus services are infrequent. Lack of pedestrian crossing. A travel plan has not been submitted	The Highways Authority have not objected to the development subject to the receipt of further information. See section v
21.	The proposed building should not be a landmark building. Grand regency heights is already a 'landmark building'	See section ii and iii
22.	An application for the listing of Sandridge House has been made to Historic England	This is noted but is not a reason to hold off making a decision on the application.
23.	Contrary to Townscape Character Assessment	See section ii
24.	Public consultation by the applicants has not be carried out sufficiently and comments from residents have been ignored.	See section x
25.	Impact on neighbours at Grand Regency Heights in terms of overlooking and loss of outlook	See section iv

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections on grounds that surface water runoff is to be discharged to an existing combined sewer which Thames Water Records indicate is a foul sewer.	Section ix

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>The committee felt that the application is an over development of the site at 70 dph and is contrary to NP/H1 – Development Briefs. There is no development brief or a statement of community consultation. Contrary to the statements in paragraphs 3.9 – 3.12 in the planning statement, there was only limited consultations with residents. The exhibition was held for five hours, less than three weeks before the planning application was submitted. It was held over 2.5 miles from the site and outside the parish. Sunninghill & Ascot Parish Council was not notified or invited to the exhibition.</p> <p>The committee agreed that the NPPF, the emerging BLP and the AS&S NP all require a mix of dwelling types. In Sunninghill & Ascot Parish the majority of recent applications have been for flats and this development adds further to the imbalance of the mix.</p> <p>The committee believe that there will be a significant loss of amenity to residents in Geffers Ride. Table 8.1 of the emerging borough wide design guide requires a separation</p>	These comments are addressed in the main report

	<p>of 30m where the relationship is between 2 storey houses and a block of flats above 2 storeys. All the adjacent houses in Geffers Ride are within this distance. The separation with Grand Regency Heights is less than 20m. The Committee felt that the extensive terraces in the flats look right down (at 45 degrees) into the gardens of the houses in Geffers Ride, which are only between 9m and 13m from the face of the new building. The 4th floor terrace is extensive and lower flats have a balcony. The plans show that the ground falls away from the rear of the new development towards Geffers Ride, making the height effectively 6+ storeys (20m) (not 'up to 5 storeys' as stated in 4.3 of the planning statement).</p> <p>The committee noted that the tree screen on the boundary with the properties in Geffers Ride is new planting, and will therefore offer little screening and that the external amenity space is too small for the number of flats. It was also noted that no environmental assessment has been provided, contrary to NP/EN4. A bat survey of the existing building should be carried out as there is plenty of wildlife in the site and the loss of trees will greatly affect the biodiversity of the area. There will also be a loss of light particularly in Winter, to the neighbouring properties, but no light survey has been provided.</p> <p>The development lies between a Grade II listed church and Grand Regency Heights, which is of a 'traditional' style, whereas the proposed building is modern with a flat roof. The church, houses in Geffers Ride and most of this site are classified as 'Executive Residential Estates' in the Townscape assessment.</p> <p>The development would totally dominate the houses in Geffers Ride and therefore the committee believe that the proposed development is harmful to both the character of the area and the setting of the church, a heritage asset.</p> <p>The committee was also concerned that the form of tenure for the affordable homes was not given.</p>	
Highways	No objection subject to the submission of further information relating to visibility splays, cycle parking and details of trip analysis	See section iv for full comments
Trees	Objections relating to impact and potential loss of on site and off site trees.	See section vi for full comments.
Ecology	<p>Further surveys are required to determine the presence / absence of roosting bats within the tree with moderate potential to support roosting bats and to inform the relevant mitigation. The results of these surveys and any mitigation should be submitted prior to the determination of this application in line with the government Circular 06/05: Biodiversity and Geological Conservation quoted above.</p> <p>In addition, the risk of the works impacting on birds, reptiles, and mammals will need to be mitigated and, in line with the above policy, secured via planning conditions:</p>	See section vii

	<ul style="list-style-type: none"> i. Construction Environment Management Plan (CEMP: Biodiversity), including precautionary measures for designated sites, reptiles, nesting birds and mammals, and a non-native invasive species method statement. ii. Biodiversity enhancement plan. iii. Wildlife-sensitive lighting scheme. 	
Conservation	The loss of the existing building and its replacement with a substantially taller and bulkier building of non-traditional design would cause less than substantial harm to the significance of the Listed Building and would result in the loss of a non-designated heritage asset which positively contributes to the understanding of the history of the area. Conservation would not support the application.	See section iii for full comments.
Archaeology	The application site falls within an area of archaeological significance. Therefore a condition is recommended in order to mitigate the impacts of the development.	Noted
Thames Water	Recommends condition relating to Foul Water and surface water infrastructure	Noted
Design Consultant	<p><i>Siting</i></p> <p>While it is understood that consideration of the setting of All Saints Church, a listed building, has been a factor in the siting of the building towards the rear of the site, it is noted that policy and NP/DG2 in particular requires all new development to respect established building lines where this is important to the character and appearance of the area.</p> <p>It is considered that the siting of the building towards the rear of the site is a retrograde step as the existing building on site contributes to an established building line along London Road, which is an important aspect of the character of the area.</p> <p><i>Form, scale and massing</i></p> <p>The building plan form and irregular shape are considered to result in a building that lacks design coherence. The step backs and tiered effect appear as fussy and overly complicated contributing to the incoherent appearance.</p> <p>While the siting of the building seeks to optimise development in response to the site constraints, and the form is cut away to achieve maximum separation from the surrounding buildings, this results in a building with little design integrity.</p> <p>It is noted that the building does not exceed the height of the adjacent Grand Regency Heights but the scale of the building particularly the long side and rear elevations results in a very bulky appearance, quite at odds with the low scale residential buildings around it to the north and west.</p> <p>The dense boundary screening provided by the existing mature trees mitigate to an extent the impact of this on the surroundings.</p>	These comments are explored in section ii of the report

	<p><i>Appearance and materials</i> The materials palette and detailing includes brick soldier courses, stone keystones above the windows, large stone cills, and stone banding. This provides a superficial traditional styling referencing the adjacent Grand Regency Heights. The grey cladding as fourth floor is of a different language. The superficial styling is considered to be at odds with the shape and form of the building and therefore the materials contribute to rather than mitigates the lack of overall design integrity and quality</p> <p><i>Townscape Character</i> Policy NP/DG1 (Respecting the Townscape) states that development proposals should respond positively to the Local Townscape and that the RBWM Townscape Assessment report should inform the design approach in a planning application. The site is located within the character area 'Executive Residential Estates' but abuts the 'Post War Residential flats' townscape. Pre application advice accepted the appropriateness of a flatted scheme and this is not at issue.</p> <p>It is noted that the guidance for Executive Residential Estates townscape character area states: 'Sensitive contemporary design which responds to its immediate context will be appropriate, where is makes reference to existing building heights, massing and proportion, or stylistic references. Reference to existing materials may also be appropriate.'</p> <p>The proposed building does not represent sensitive design and its awkward shape, scale and bulk do not respond well to its context and is considered incongruous within the townscape. It would however be screened to an extent by existing trees.</p>	
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Others

Group	Comment	Where in the report this is considered
SPAE	<p>Objection:</p> <ul style="list-style-type: none"> • The proposal is not in keeping with the designated townscape assessment of the area "Executive Residential Estates" • Overdevelopment of the plot • Impact on neighbours in Geffers Ride including loss of light, light pollution and obtrusiveness • The access is close to the Heatherwood Hospital roundabout which is busy an congested • It is not clear what the SANG arrangements area • BFC have 2 major development and therefore they should be consulted about traffic volumes • Reducing the height from six to five storeys does not make the new application acceptable 	See main report for consideration of these comments

	<ul style="list-style-type: none"> The application as it has not been put forward in the Housing and Economic Land Availability Assessment dated December 2018, Contrary to Neighbourhood Plan 	
RBWM Access Forum	The Access Advisory Forum is concerned that there are no proposed apartment that will be built to Part M 4.2 or above.	Noted
The Victorian Society	The demolition of Sandridge House would result in the loss of an historic building of architectural and historical value. Sandridge house is linked historically to All Saints Church	See section iii

9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i Principle of loss of care home
- ii Principal of residential development and impact on character
- iii Impact on Heritage
- iv Impact on neighbours
- v Parking/Highways
- vi Trees
- vii Ecology and impact on Thames basin Heaths SPA
- viii Affordable Housing
- ix Drainage
- x Other material planning considerations

Principle of change of use

- 9.1 Whilst the site is vacant, the existing lawful use of the building as a care home is deemed to be a use which serves the local community as it provides a specialist form of residential care which would be lost through the proposed development. As such it is considered that the provisions of adopted policy CF1 (Community Facilities) and paragraph 90 of the NPPF apply in this case and the Council therefore need to be satisfied that there is no longer a need for the facility or that acceptable provision has been made elsewhere. The Planning Statement sets out that the Care Quality Commission (CQC) recorded the overall service rating for Sandridge House as inadequate and furthermore, as a consequence of the special measures process, the care home closed and all the patients were relocated. Due to the disrepair of the building it would need significant refurbishment to bring the building up to modern day standards. Furthermore, as all patients have been relocated to other care homes with higher service ratings, the applicant claims that there is no longer a requirement for Sandridge House to remain in use as a care home. No information has been received to the contrary and therefore the Council is satisfied that the requirements of policy CF1 have been met.

Impact on the Character of the Area

- 9.2 The site lies within a settlement area outside of the Green Belt. Existing development surrounding the site is predominantly residential, albeit that there are other uses within the immediate surroundings including All Saints church and the associated church hall to the west of the site. Residential intensification in such areas is acceptable in principle and new development should adhere to the recommendations of the Townscape Character Assessment and neighbourhood plan policies to ensure there is an acceptable impact on the character of the area.
- 9.3 Policy NP/DG1 (Respecting the Townscape) states that development proposals should respond positively to the Local Townscape and that the RBWM Townscape Assessment report should inform the design approach in a planning application. The Council's Townscape Assessment identifies the site as being located within the Townscape Area 'Executive Residential Estates' the key characteristics of which include low density development, built form defined by suburban detached two storey houses and large housing set in large open plots. Whereas the neighbouring site to the east, the Grand Regency Heights, resides within a 'Post War Residential flats' townscape. Given that the site is on the edge of the lower density Townscape Character zone and comprises a large single building, and furthermore that the adjacent development to the west is a high density flatted development, it is considered that the principle of a flatted development is appropriate for this site. It should be noted at this point that the application site form one of the housing allocations within the emerging Borough Local Plan (AL32). Whilst this is only to be given limited weight at this time, it is important to note that the allocation seeks a development of approximately 25 units which is of high quality and sensitive design, and which responds to the immediate context and character of the area.
- 9.4 Neighbourhood Plan Policy NP/H2.2 (Mix of Housing Types) advises that development proposals for new dwellings will be expected to contribute to the aim of ensuring a balanced mix of housing in the Plan area. Dwellings should be in size and type, in keeping with the size and type of dwellings already prevalent in the surrounding area except where there is a demonstrable need for alternative type or size of home. The proposal includes a mix of 1, 2 and 3-bed apartments which would contribute positively towards the mix of housing in the local area, which includes both larger detached dwellinghouses and smaller flats.
- 9.5 The existing building, which is of a traditional design and a subordinate scale in relation to its plot, contributes positively to the character of the area. Whilst its loss is not objected to in principle, it means that any replacement building would have to contribute as positively to the character of the area to ensure that no harm arises as a result of the development.
- 9.6 The proposed building is L-shaped in footprint and takes up a substantial part of the rear section of the plot. The siting of the building in the rear part of the site to avoid protected trees means that the proposed development does not respect the building line on this side of London Road. Neighbourhood Plan policy NP/DG2 recognises the importance of building lines where they contribute to the character of the areas, as it does in this case.
- 9.7 Whilst the proposed building respects the height of the adjacent flatted development, Grand Regency Heights, it does not respect the fact that the application site also lies adjacent to All Saints church (which is equivalent to a two-storey building) and is surrounded by domestic scale dwellings to the north and north-west in Geffers Ride. At 15.6m in height it is considered incompatible with the neighbouring church and residential dwellings in Geffers Ride. Furthermore, the width and depth of the building gives rise to a significantly bulky form which does not respects the surrounding development which is more subservient in nature.
- 9.8 The shape and form of the building tends to be more contemporary in its approach, however the materials palette (apart from the grey cladding to the roof) and design detailing, takes on a more traditional design. This leads to a superficial style which is at odds with the layout and shape of the building. Furthermore, the tiered nature of the building, designed to reduce the impact to surrounding properties, results in an overly fussy appearance which would be prominent within the surroundings and at odds with nearby existing development. Overall there is considered to be a lack of clear design coherence, which coupled with the overall height and mass would result in

the building appearing bulky and incongruous in the street scene of London Road when viewed against the adjacent buildings. Furthermore, the development would be very apparent from Geffers Ride and appear as an incongruous and dominant structure behind the low lying two-storey dwellings which are spaciouly set out in this street scene.

Heritage

- 9.9 The site is located adjacent to the Grade II Listed All Saints Church to the west. Centred in a large plot, the existing building is two storeys, with some single storey elements as later additions. Constructed in red brick with an English bond, burnt header courses split the elevations. The windows are white painted timber casements topped with brick arches and herringbone infill. Cast iron black hoppers display a date of 1913. The roof is welsh slate with red clay ridge tiles and exposed rafter tails painted white. Internally the building appears in good condition with a large timber doglegged open stair with lantern above.
- 9.10 The Conservation Officer describes the history of the building within the detailed consultation comments as follows: The building appears on O.S maps in 1871 (but thought to have been built before), it was then extended 1899 and again in 1930. In 1939 the building was renamed Grenville House when the Maurice Home for Girls, Ealing was evacuated to Ascot after the outbreak of the Second World War. It was officially opened in 1946 by Princess Marie Louise, when the society decided to make Ascot the permanent residence for the girls. In 1959 the Home was closed for conversion to a nursery. It reopened a year later with the arrival of the children from the Princess Helena Victoria Nursery, Catford, London. The Home was officially renamed as the Princess Helena Victoria Nursery in 1961 and closed in 1969 as there was a lessening need for a nursery in the area.
- 9.11 Due to the buildings history and good architectural detailing, it is considered to be a non-designated heritage asset, which contributes not only to the setting of the Grade II Listed All Saints Church, but to the wider area of Ascot. Once a town characterised by its ambitious villas used by the highest of society during the racing season, Ascot has seen many of its large residential properties replaced. Those that remain have an arguably higher significance due to this loss.
- 9.12 To the south of the church is Englemere Wood, the Coach House and Englemere Lodge which were built in a similar period to Sandridge House with very similar detailing such as exposed rafter tails painted white, shape of arches above white painted timber windows, undulating roofs, overhanging eaves and colour of brickwork. The removal of Sandridge House would remove one of the few historic buildings remaining in this area of Ascot and in the setting of All Saints church. It is argued that this set of buildings can be considered as part of the immediate and wider setting of the Listed Building. The establishment of a new and much larger block of flats, in a completely different style to the surrounding dwellings would have an obvious and negative impact and would not be considered to “[preserve] the building or its setting” which would be contrary to para. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.13 The proposal would be assessed against policy LB2 of the Local Plan and HE1 of the emerging local plan (albeit this policy is given limited weight at this stage). Furthermore, the NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Historic England’s 2015 document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 states ‘Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.’
- 9.14 The setting of All Saints Church has already been harmed significantly due to the demolition of the Rectory, which until the 1930’s was located directly to the north of Sandridge House, and the

demolition Englemere Hill, the small estate which surrounded the church on to the north and west. By demolishing Sandridge House this will sever the last link that All Saint's Church has to its historic setting. The proposals would therefore be considered to cause less than substantial harm to the Listed Building by demolishing a building which positively contributes to its setting and to the understanding of the history of the area.

- 9.15 Whilst the proposed building would be set further back than the existing and would have decent coverage from mature greenery when viewed from the church site itself, the contribution of a setting to its heritage asset is not just comprised of the way the building is visually experienced, it is just as much found in the experience it provides and the historical understanding it affords.
- 9.16 Notwithstanding the concerns regarding the total demolition of the existing building, at 5 storeys, the proposed units would be twice the height of the existing and therefore the character of the proposals would be at odds with that of the existing. Indeed the design and access statement states that the proposal "seeks to create a focal building in a prominent location while responding to the built form within the vicinity". The character of the existing building is not one of a focal nature, being of local vernacular and architecture and sitting neatly behind a row of existing mature trees. The creation of a new "focal building" would be out of keeping with the character of the area, in which detached houses sit subtly in the suburban landscape, and would cause harm to the significance of the Listed Building.
- 9.17 Additionally, the proposed architecture is confused with architectural detailing that does not respond to the existing historic building on site or that surrounding, but picks up on design elements from the neighbouring Grand Regency Heights. The proposed development is a modern building which is not considered to positively contribute to the area or historic setting of the church. Therefore design cues taken from this building would not be enhancing the area or setting of the church in any way.
- 9.18 To conclude this section of the report, the proposed development is considered to be harmful to the setting of the grade II listed All Saints Church, both in terms of the direct impact from a tall, bulky development of incoherent design qualities and through the loss of a positive appearing building which contributes to the history of the area. Whilst Sandridge House is not a designated asset and its loss is not objected to in principle, for a proposal to be acceptable in heritage terms any replacement building would need to contribute as positively to the character of the area and the setting of the listed church as the existing building does. The current proposal does not achieve this.

- **Impact on neighbouring properties**

- 9.19 The site shares a common boundary with two-storey residential properties to the north and west which are accessed from Geffers Ride. These properties are of a domestic scale, have shallow rear gardens and tend to be set on lower ground level than the application building would be. As part of the officer site inspection each property sharing a common boundary with Sandridge House was visited to ascertain the potential impact on neighbour amenity from the proposed development. For clarity the five residential properties sharing a common boundary with Sandridge House are nos. 17, 18, 25, 26 and 27 Geffers Ride.
- 9.20 The proposed site plan demonstrates that the separation distances between the proposed development and these adjacent properties range from 18m to 34m depending on the positioning of these neighbouring dwellinghouses. In all cases their private amenity spaces are much closer to the proposed development. It was also noted that the ground levels at No.17 Geffers Ride are significantly lower than at the application site (approx. 2m). In addition, consideration has to be given to the scale and height of the proposed development. Whilst the separation distances as described above may be appropriate within residential areas within the district to ensure two-storey development does not give rise to neighbour amenity issues, in this case the development proposed is 5 storeys high at a height of above 15m. It is appreciated that the upper floor of the

development are stepped away from the edges of the ground floor footprint of the building, however they are not stepped in sufficiently enough to prevent a building of this scale and bulk appearing overbearing when viewed from these neighbouring garden areas. In addition, the fenestration on the proposed building is significant and the upper floors of the development are too close to the north and west boundaries of the site resulting in a development which appears significantly over-bearing to neighbouring occupants and which would result in harmful levels of overlooking.

- 9.21 As will be explored further on in the report, there will be significant tree loss in the rear part of the site. Whilst this is not objected to, it would open up the north and west boundaries of the site resulting in the building appearing particularly prominent. A further concern raised is that of light pollution from the development due to the many windows proposed. It is considered that due to the proximity and scale of the building to neighbouring occupiers and the number of windows proposed, immediate neighbouring properties would experience more light pollution than is considered reasonable for a suburban residential area.
- 9.22 The gap of separation between the proposed eastern flank elevation of the building and the neighbouring development, Grand Regency Heights is 27m which is considered an appropriate distance given these two buildings would be of a similar scale and height.

Impact on future occupants

- 9.23 Whilst there is limited amenity space within the site for new residents, this is not uncommon for a development of this nature. Furthermore, the units would have access to terraces and balconies which is considered appropriate for a flatted development.

Highways and Parking considerations

- 9.24 The site is located to the north of the A329 London Road, close to the Heatherwood roundabout. This application is accompanied by a Transport Statement (TS) prepared by Highway Planning Ltd.

Access Arrangements

- 9.25 Access to the site for right-turning vehicles is via a splitter island, and this arrangement will be retained to serve the development. The existing site access will be reconfigured to facilitate two-way traffic flows.
- 9.26 The applicant was advised to provide visibility splays commensurate with the vehicular speeds along the A329 London Road. It is understood that a pre-application document titled *Site Access Appraisal*, included speed surveys of the eastbound traffic along the A329 London Road. The results lead to the proposed visibility splays of 2.4m x 59m at the site entrance, which the TS reports accords with the requirements set out in Manual for Streets 1 and 2. However these have not been submitted with the application.
- 9.27 In addition to the above, the design of the new entrance should ensure that the proposed gates are positioned at least 5.0m from the highway boundary, or 7.0m from the kerb edge to allow a car to be driven off the public highway before the gates are opened. The position of the gates indicated the *Proposed Site Plan [18-J2556-01]* do not satisfy this requirement.
- 9.28 Overall the site access arrangement is considered acceptable. However, the applicant is required to submit an amended plan for the gated entrance and speed survey details. It is considered that were the application being recommended for approval the submission of these details could have been left to condition.

Parking Provision

- 9.29 The development comprises a mix of residential including, 11 x 1 beds, 18 x 2 beds and 4 x 3 beds. Based on the Borough's Parking Standard (2004) the development attracts a demand for 55 parking spaces. The development provides 56 spaces, which includes 19 surface parking spaces and 37 parking bays located in the proposed basement parking forecourt. The design of the basement access ramp complies with best practise guidance identified in the IStructE guidance (*Design recommendations for multi-storey and underground car parks*).
- 9.30 Although the level of parking and the design for both the surface and basement areas complies with the Borough's standard, the applicant is advised to provide electric vehicle charging points at a ratio of 20% active and 20% passive of the total number of spaces provided. This could be sought via condition if the application were to be approved.

Cycle Parking Provision

- 9.31 The development generates a requirement for 33 cycle parking spaces. The Transport Statement reports that the development would provide in excess of the 33 required, which are positioned in several facilities across the development. The first is in a separate store located at ground level which the TS suggests can accommodate 20 cycles. The second facility is located within the ground floor of the building and will accommodate 10 cycles. The TS also reports that there are also several individual storage areas in the basement which can accommodate cycles.
- 9.32 The internal width of the store is too narrow to accommodate 20 cycles. The stands which is presumed to be a Sheffield-type format should be at least 900mm apart. The applicant is advised that ramps designed for cycle and vehicle use should employ measures to reduce vehicle speeds and prioritise safety (e.g., barrier access). Furthermore, the gradient of ramped access for cyclists should not exceed 1:12. The applicant is required to amend the plans and provide the supporting information which has informed the cycle parking design for the development. The design and accessibility to the individual cycle store should also be reviewed. These details could be provided via condition if the application were to be approved.

Servicing Arrangement

- 9.33 The servicing arrangement provisions are considered acceptable as demonstrated in the Proposed Site Plan.

Traffic Impact

- 9.34 The Transport Statement reports that a Site Access Appraisal prepared by iTransport and submitted to the Council sets out potential traffic activity from the existing site and the predicted traffic generation of the residential development. However, this information is excluded from the current submission. For completeness, the applicant is required to submit details of the trip analysis. Incidentally, the applicant is advised that the predicted trip rates featured in paragraph 4.13 of the TS is low when compared to recent residential development proposals in the Ascot area. This information could be submitted via condition if the application were to be approved.
- 9.35 To conclude this section of the report, it is acknowledge that the Highways Officer does not object to the principle of a flatted development of this scale or to the intensification of the vehicular access and increased vehicular movements on the public highway. Further information has been requested however these details are minor and could be requested via condition in the event of a planning permission.

Impact on Trees

- 9.36 A number of trees in the rear half of the site are to be removed. There is no objection to the loss of these trees as they have negligible public amenity. However, there are a number of trees in

the south eastern sector of the site which are proposed to be removed, including two off-site mature Sweet chestnuts in the grounds of Ascot Towers, nos. T42 and T43 which have sizeable stems. They may potentially be considered as veteran. There is a quality Sweet chestnut, T1, and a further 3 trees T2, T4 and T5 which contribute as a group. The removal of all these trees will significantly open up views into the site from London Road and diminish the sylvan qualities both in this and the adjoining site.

- 9.37 Whilst the proposal appears to be tree-led in its positioning, so as to keep it outside the RPA of the retained trees, the building is of such a size/scale that there is little space between it and the RPA of T21 and T17. With the construction of a basement, it is not clear how the proposal will be built without making incursions into the RPA's of these and other trees. One of the surface water distribution pipes on the SUDS plan does make a small incursion into the RPA of the Cedar of Lebanon T17 and Western red cedar T20, and will need to be relocated to outside the RPA's. Other services could infringe RPA's, the applicant will need to demonstrate otherwise.
- 9.38 The proposed site plan 18-J2556-01 shows the existing hedge/tree screening belts along the partial length of boundaries to be replaced with new planting. It is unnecessary to remove existing where these are of reasonable quality.
- 9.39 The applicant has not shown much in the way of hardstanding outside the building footprint and it is likely there will be pressure to install all weather surfacing such as patios and additional paths in future to accommodate the reasonable needs of the occupants and for maintenance purposes. This could compromise the RPA's of retained trees, particularly T20 and T17. One path is already shown through the RPA of T17, but no details have been given of construction, and thus damage to the tree may occur as a result. Shading of patios could also result in pressure to detrimentally prune.
- 9.40 The proximity of the building to the western boundary means it could not be adequately softened when viewed from the two closest properties further to the west. Large growing trees that would achieve a desirable height, would not have the space to mature without causing an unreasonable interference, such as shading, restriction of views and physical contact with the building.
- 9.41 In light of the foregoing, the proposal has not adequately demonstrated the protection of important on site and off site trees which are important features in local landscape and provide good screening to the existing building from the surrounding properties. The proposal therefore does not accord with adopted policies N6 and DG1.

Ecology and Impact Thames Basin Heaths Special Protection Area (SPA)

- 9.42 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The application site is located within two kilometres from the closest part of the Thames Basin Heaths Special Protection Area (SPA), which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat. Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allens's Field, this only has a limited amount of remaining capacity. However this capacity has already been safeguarded for the delivery of submission allocated sites in the BLPSV. Unplanned development using up this capacity could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all. To avoid this arising, the Council (through a decision of Cabinet in June 2018) agreed that unplanned development of over 10 dwellings would not be able to rely on capacity at the Council's SANG at Allen's Field and would need to find alternative mitigation.
- 9.43 The Council is proactively progressing options to ensure that additional SANG comes forward through to 2033 to assist in mitigating the impact of new windfall residential developments and

there are a number of opportunities currently available and the council is investigating them all in consultation with Natural England. However, in the absence of available RBWM-provided SANG capacity, developers must provide their own alternative mitigation in line with the requirements set out by the Supplementary Planning Document Thames Basin Heaths SPA.(Part 1). Whilst the planning statement advises that the applicant has engaged in negotiations with a third party SANG, the application does not provide any form of acceptable mitigation in line with the Council's SPD Thames Basin Health's SPA and therefore it has not been demonstrated that the proposed development would not have a significant impact in combination with other plans and projects in the locality on the SPA. Given the foregoing the proposal fails to comply with the Appropriate Assessment and therefore Natural England have not commented on the application.

- 9.44 The Council's Ecologist is satisfied with the majority of information submitted with the application however, further surveys are required to determine the presence / absence of roosting bats. A number of trees were assessed as having potential to support roosting bats. Some of these are to be retained but three trees to be removed were assessed as having low potential to support roosting bats and one with moderate potential to support roosting bats. In line with best practice guidelines, the low potential trees can be soft felled under the supervision of a licenced bat ecologist. However, one tree, of moderate potential, has not been further surveyed. As such, in line with the Bat Conservation Trust's Bat Survey Guidelines, further surveys on the moderate potential tree should be undertaken in order to determine the presence / likely absence of roosting bats.

Affordable Housing

- 9.45 The application is for a development of more than 15 dwellings and therefore there is an expectation in line with adopted policy H3 for affordable housing provision. This is in line with the revised NPPF which advises that affordable housing provision will not be required for developments that are not major developments. The requirements are further explained in the Council's Affordable Housing Guidance Document. The submissions include very limited information relating to affordable housing. Whilst it is stated that 10 of the units would be affordable, there is no details of tenure. With regard to tenure mix the current need is for 80% rented and 20% shared ownership. The 80% rent should then be split to 45% affordable rent and 35% social rent. This is based on the local need identified in the Berkshire SHMA. With no details and no mechanism to secure any affordable housing, the proposal fails to comply with adopted policy H3.

Flooding/Drainage

- 9.46 The proposed drainage strategy drawing indicates that surface water run-off is to be discharged to an existing combined sewer. However, Thames Water indicate this is a foul sewer. Further drainage information needs to be submitted to clarify this point before the Lead Local Flood Authority can support the application.

Other Material Considerations

Development Brief

- 9.47 Neighbourhood Plan policy NP/H1 (Development Briefs) requires that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a Development brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. Furthermore, planning applications for developments which require a Development Brief must be accompanied by a Statement of Community Consultation. The Planning Statement sets out how the applicant has engaged with the community in the lead up to the application sending letters out to adjoining properties and carrying out a public exhibition. Whilst the list of documents submitted with the application do not include a Development Brief and Statement of Community Consultation, it is considered that the information submitted in support of the application which

demonstrates how the application has evolved meets the general aims of policy NP/H1 (Development Briefs). Whilst it hasn't resulted with a scheme which meets the aspirations of the local residents or the Local Planning Authority it cannot be said that the process required by NP/H1 has not been followed.

Housing Land Supply

- 9.48 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.49 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 9.50 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).

- 9.51 At the time of writing, the Council is able to demonstrate approximately 4.5 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.52 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. **This includes designated heritage assets and habitat sites.** For the reasons set out above the proposed development would harm the integrity of the SPA. Plainly where there is such a restrictive policy in play, and its requirements are not satisfied by the development proposal, it is clear that the "tilted balance" does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.52 it is considered that in this instance the tilted balance should not be applied. However a balancing exercise still needs to be carried out which weighs up the benefits of the scheme against the overall harm which has been identified throughout this assessment,

- 10.2 In respect of economic benefits, it is acknowledged that future residents of the development would make use of local services and spend in local shops. However, as the scheme is for 33 units the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight.

- 10.3 The fact that the application site is a housing allocation for 25 units in the emerging Borough Local Plan is also given only limited weight for the reasons described in paragraphs 7.1 and 7.2 above.
- 10.4 Whilst acknowledging the above limited benefits and that this proposal for 33 units would make a moderate contribution towards the LPA meeting their 5yr hls the proposed development remains contrary to the Development Plan and it is not considered that the NPPF (2019), as a material consideration, demonstrates that in this instance planning permission should be granted.

11. APPENDICES TO THIS REPORT

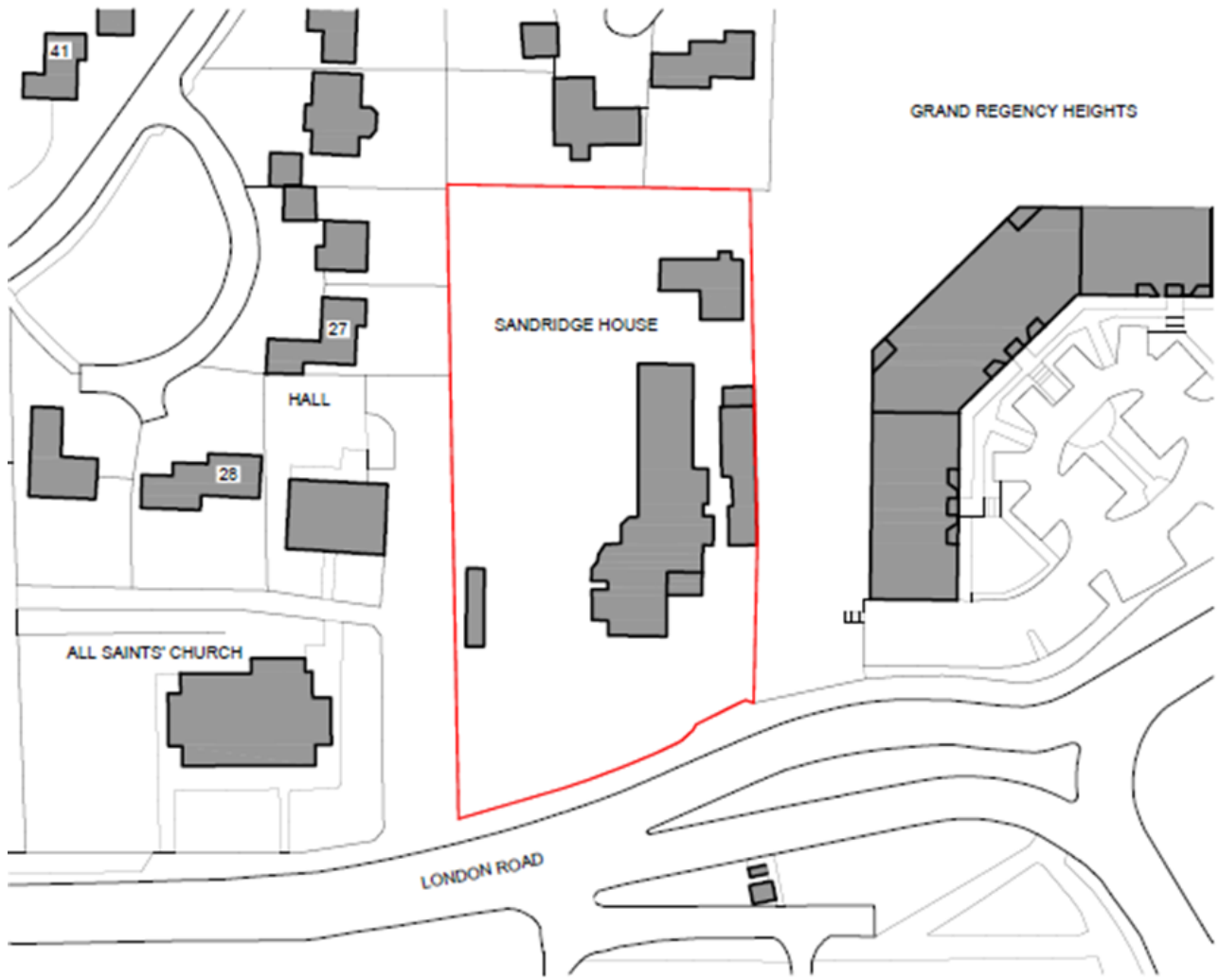
- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

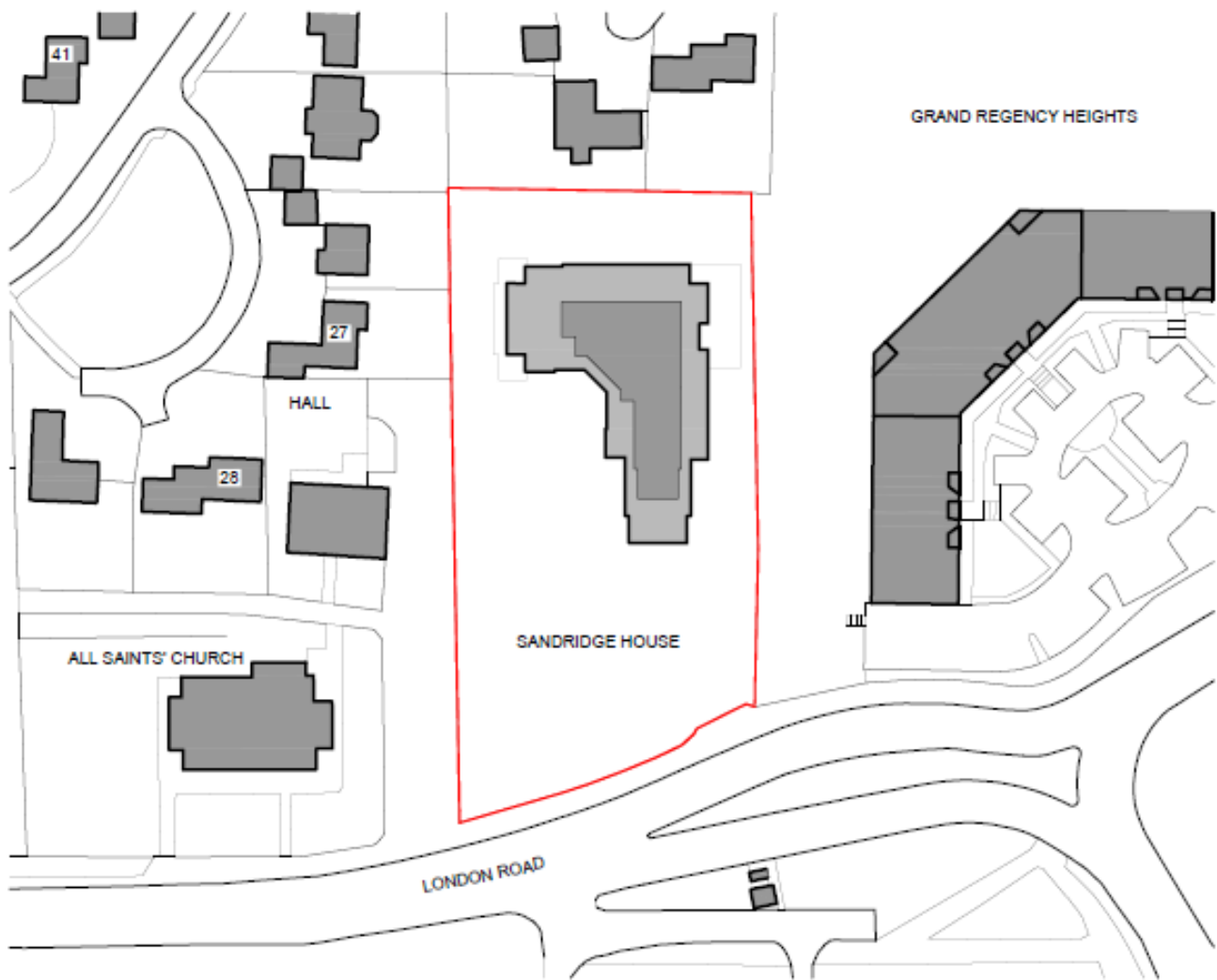
- 1 The proposed development, as a result of its height, mass, siting and external appearance would result in a building of significant bulk which is lacking in design coherence. The development would therefore be at odds and incompatible with the surrounding development such that it would be harmful to the street scenes of both London Road and Geffers Ride, to the detriment of the character of the area. Accordingly, the proposed development conflicts with the requirements of national planning policy as contained within chapter 12 of the NPPF (February 2019), Local Plan Policies DG1, H10 and H11, policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014).
- 2 The loss of the existing building and its replacement with a substantially taller and bulkier building of non-traditional design would cause less than substantial harm to the significance of the Listed Building, All Saints Church, and would result in the loss of a non-designated heritage asset which positively contributes to the understanding of the history of the area and this is not outweighed by any public benefit. The proposal is contrary to Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Amendments Adopted June 2003) and Section 16 of the National Planning Policy Framework 2019.
- 3 The proposed building, by reason of its overall scale, height and proximity to the north and west boundaries of the site would have an overdominant, overbearing and unneighbourly impact on the on the adjacent properties within Geffers Ride. Furthermore, the large number of windows at first floor level and above, together with the balconies and terraces in the north and west elevation, would give rise to overlooking and loss of privacy (actual and perceived) to the adjacent properties within Geffers Ride and to the adjacent nursery at All Saints Village Hall. The proposal would be contrary to saved Policies H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and contrary to NPPF paragraph 17 bullet point 4.
- 4 The proposal fails to demonstrate that the construction of the development would not have a detrimental impact on protected trees within and outside the site. The loss of these trees would have a detrimental impact on the visual amenity of the area. Accordingly, the proposal is contrary to policies NP/EN2.1, NP/EN2.2 and NP/EN3 of the Neighbourhood Plan and policies DG1 and N6 of the Local Plan.
- 5 The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable

Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. The proposal is thus in conflict with the guidance and advice in the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD.

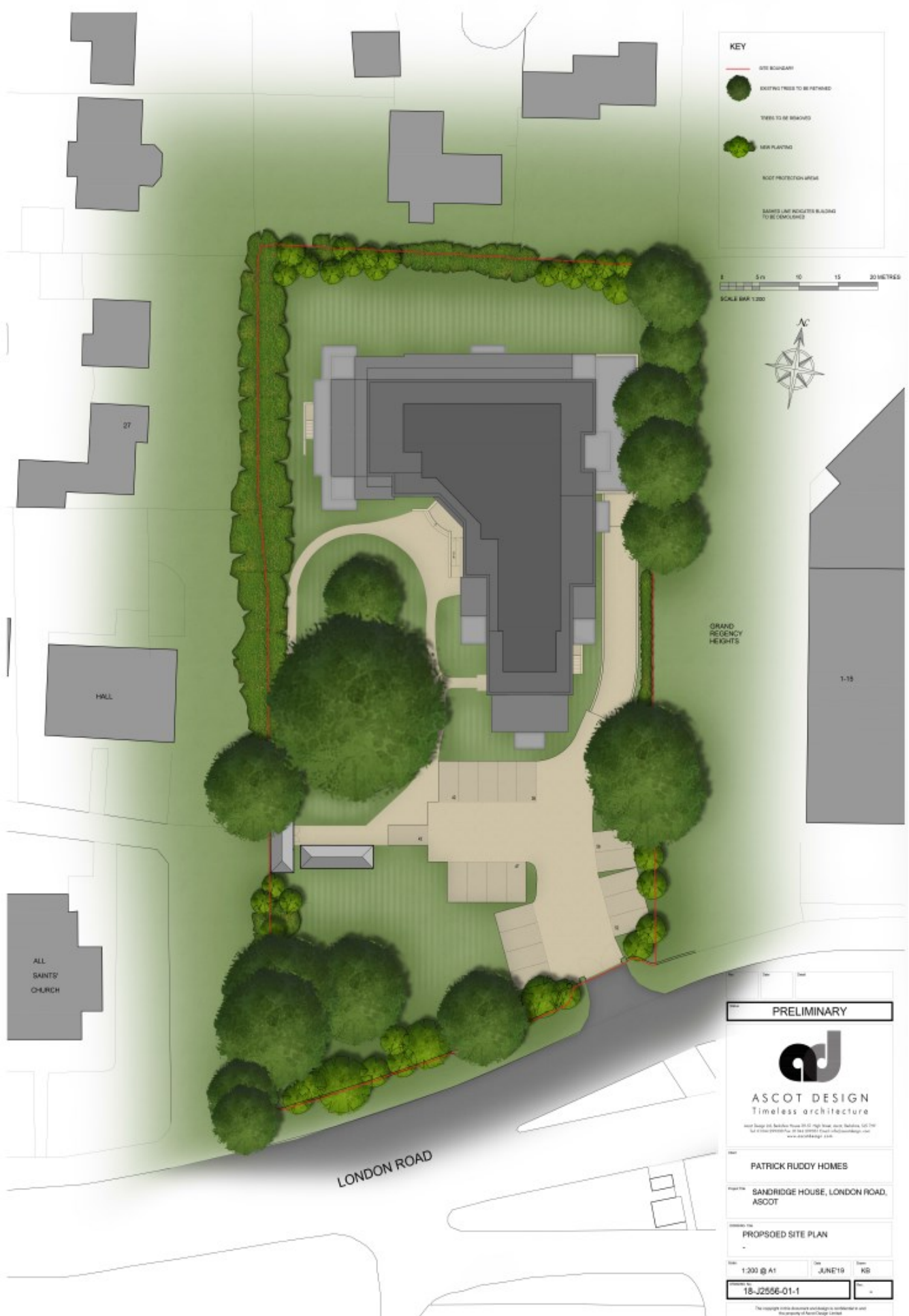
- 6 It has not been demonstrated that the scheme would have an acceptable impact upon bats, which are a protected species. The application has not demonstrated that it meets paragraph 175 of the NPPF or NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026.
- 7 In the absence of a mechanism to secure 30% Affordable Housing the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan.
- 8 The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals. Accordingly the proposal is contrary to paragraph 165 of the NPPF.



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KEY

- SITE BOUNDARY
- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- NEW PLANTING
- ROOT PROTECTION AREA
- BUILDINGS AND PROPOSED BUILDINGS TO BE DEMOLISHED



PRELIMINARY



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Client: **PATRICK RUDDY HOMES**

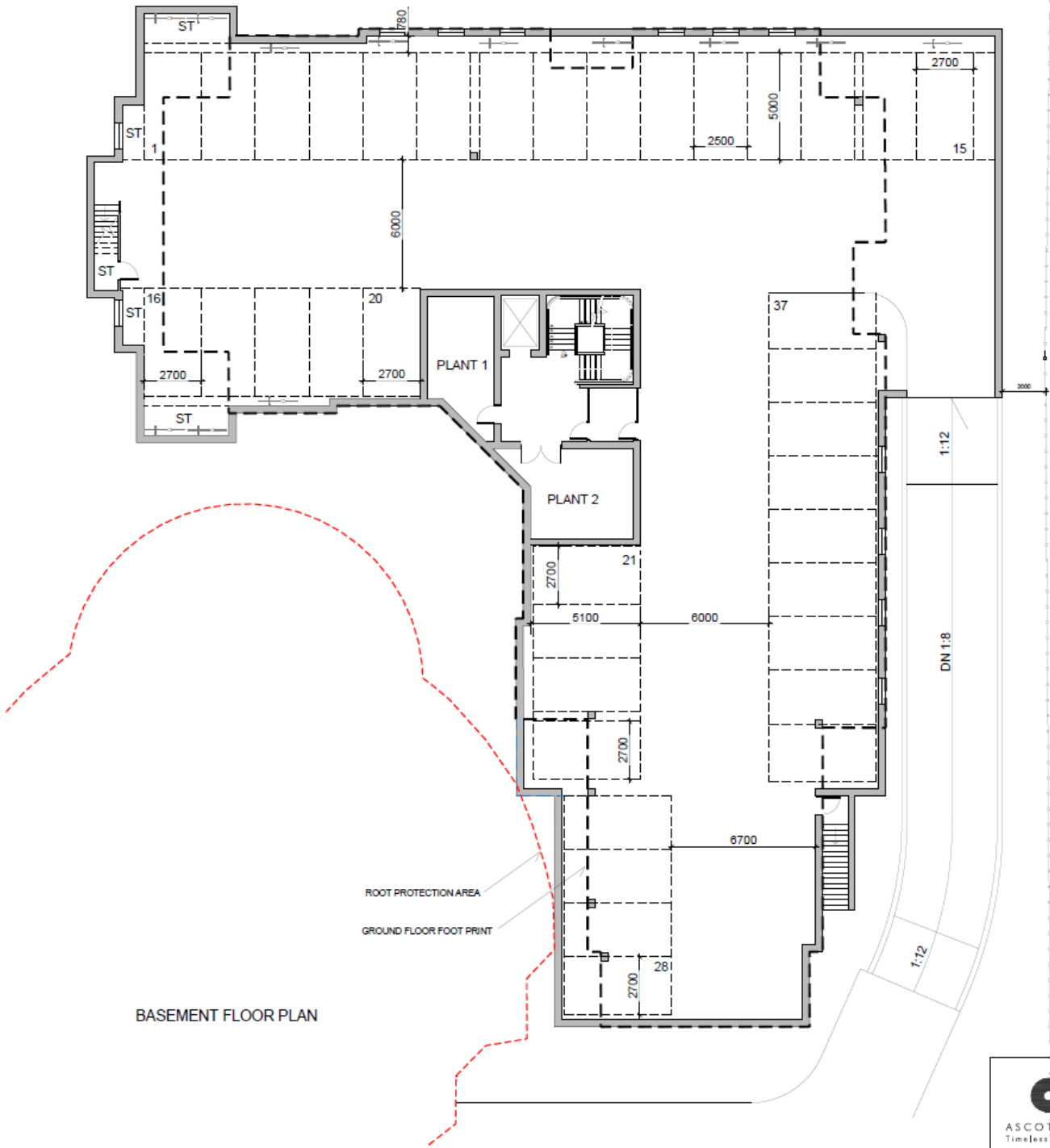
Project: **SANDRIDGE HOUSE, LONDON ROAD, ASCOT**

Document: **PROPOSED SITE PLAN**

Scale: **1:200 @ A1** Date: **JUNE'19** Drawn: **KB**

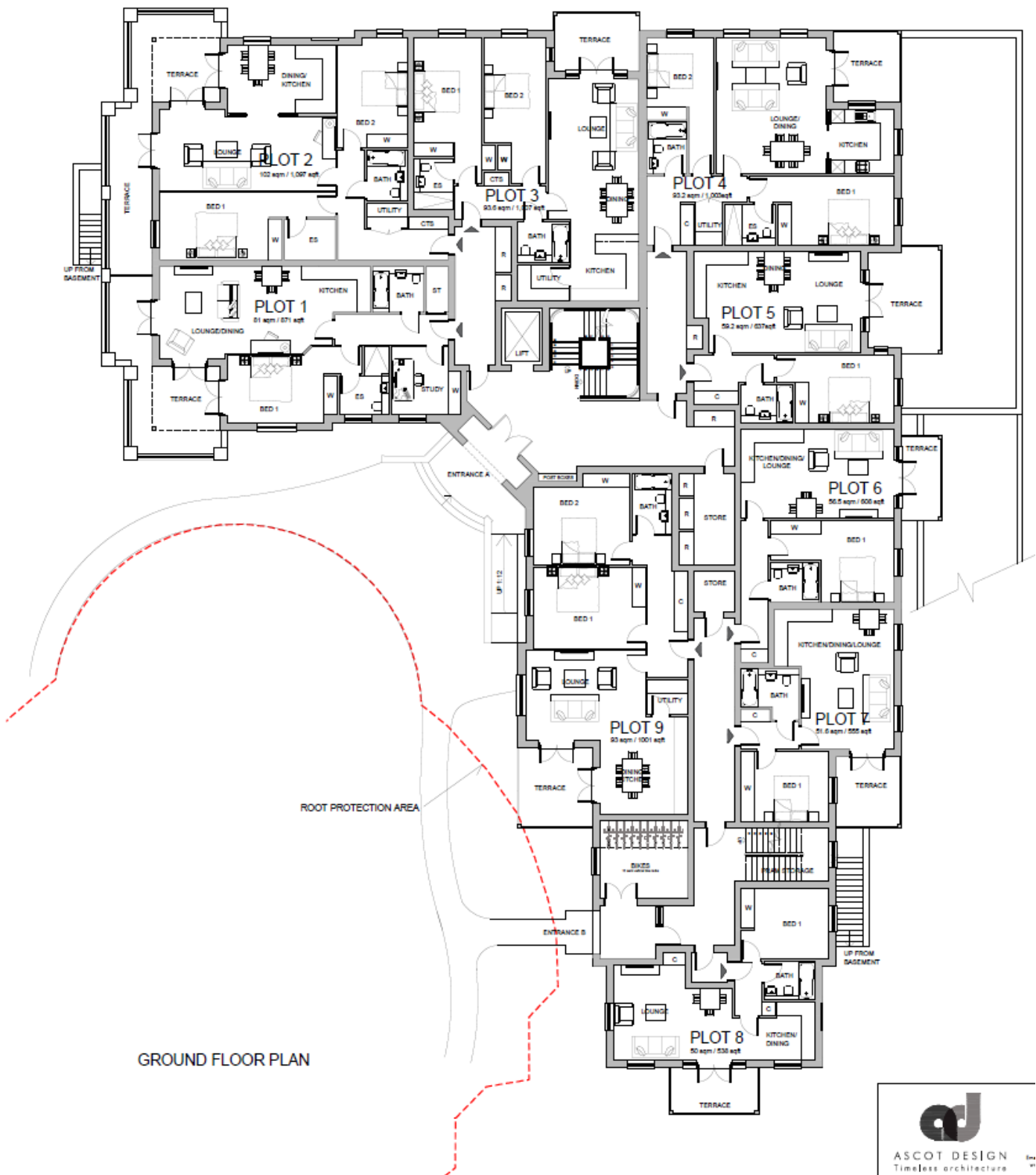
Project No: **18-J2556-01-1**

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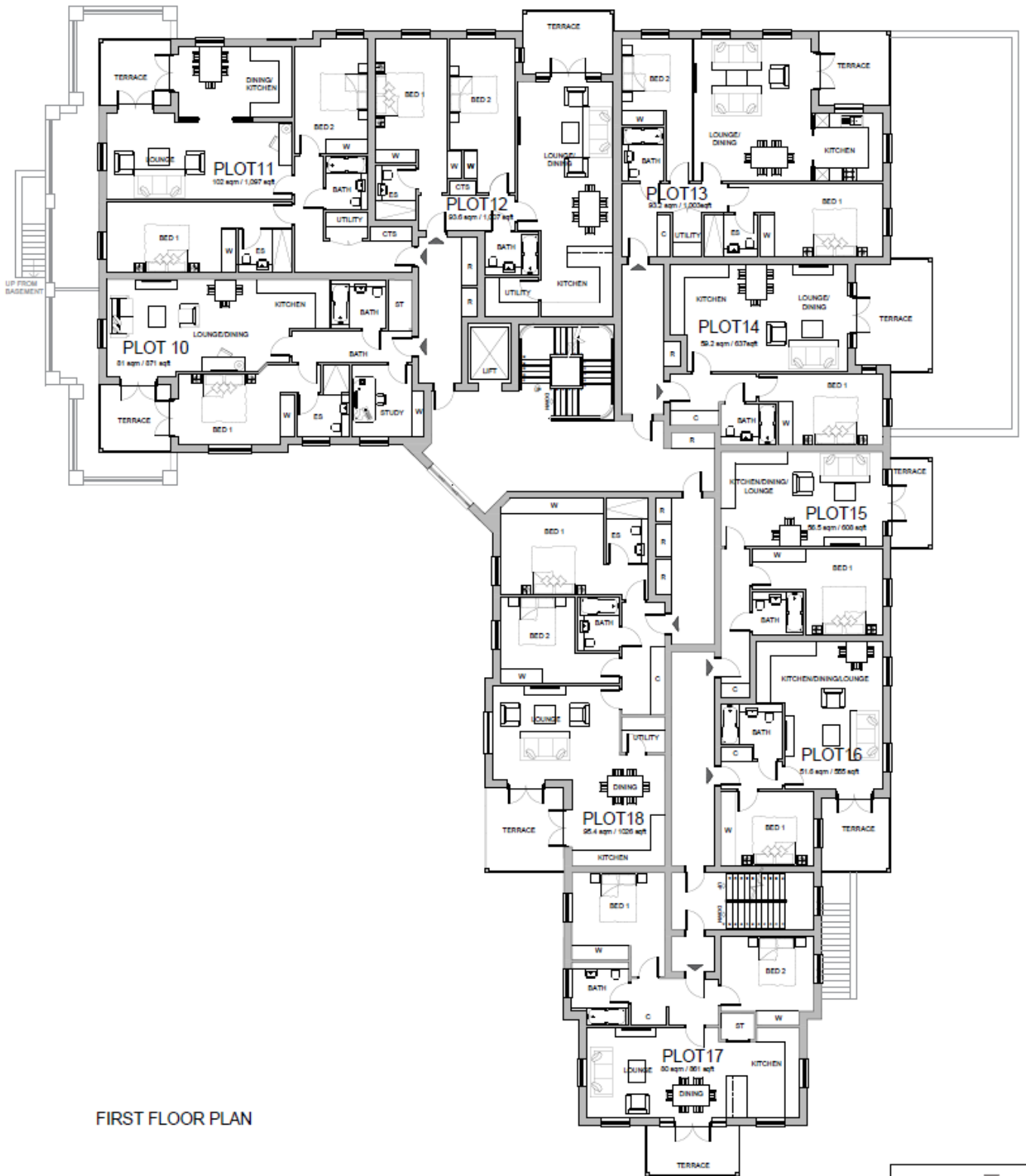
BASEMENT FLOOR PLAN



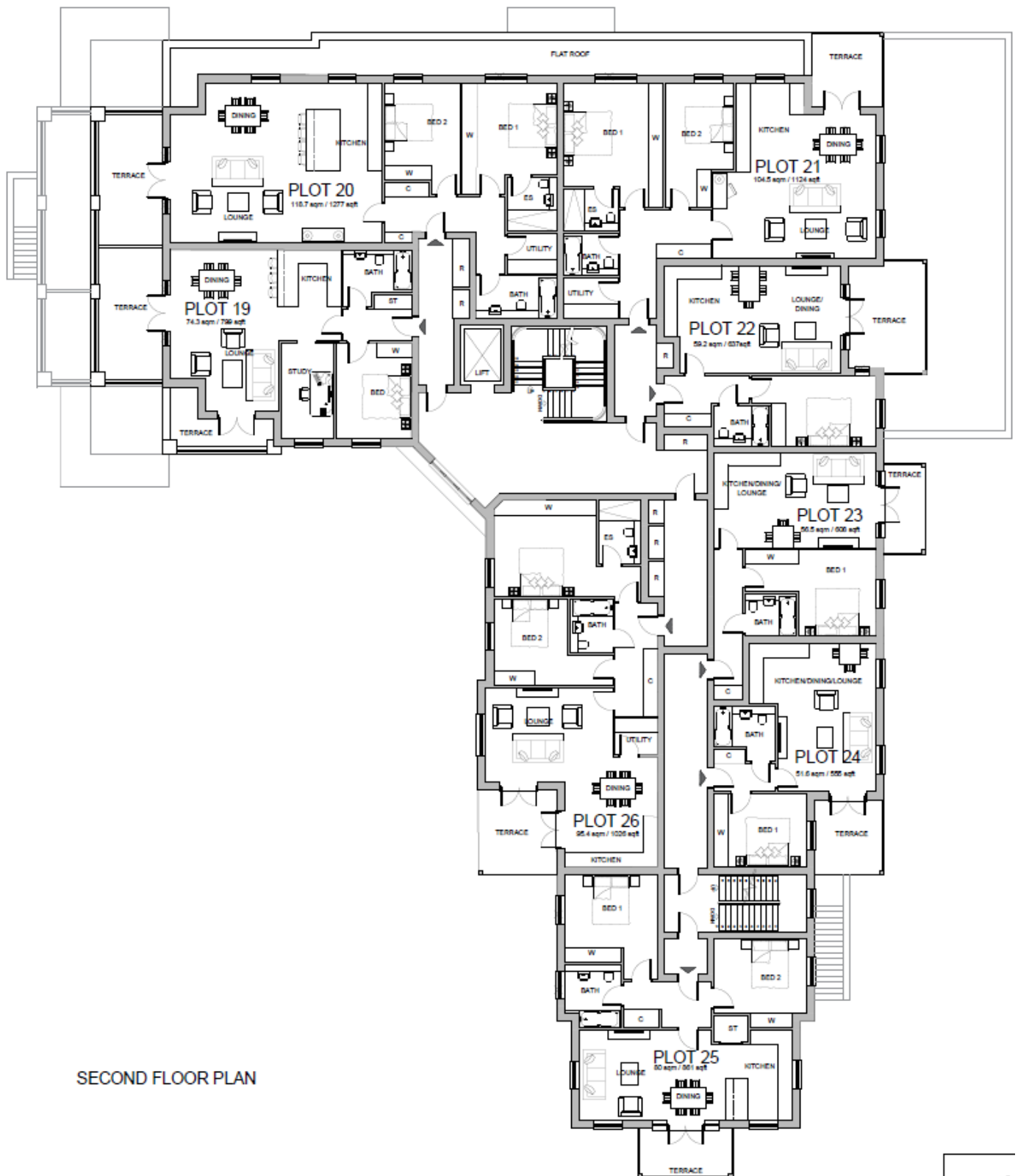


GROUND FLOOR PLAN





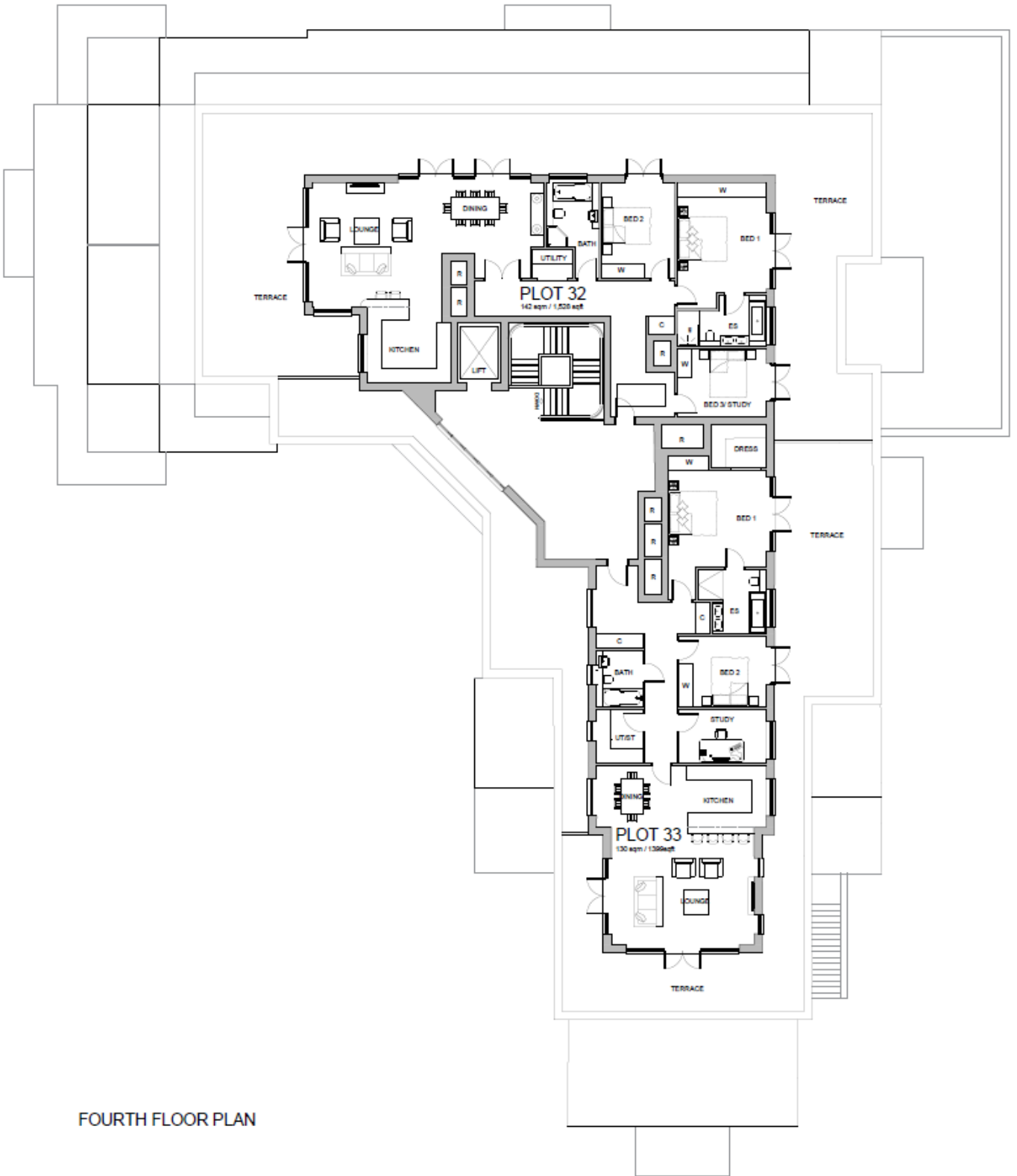
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FOURTH FLOOR PLAN



LONDON ROAD ELEVATION



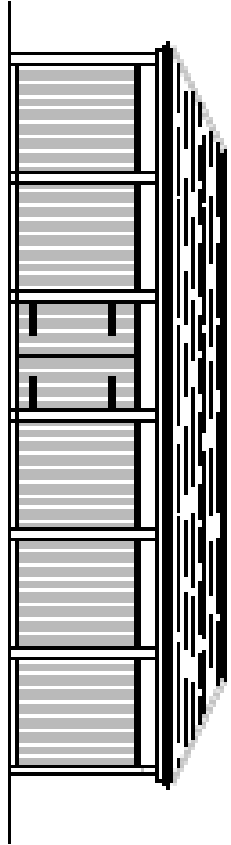
WEST ELEVATION TOWARDS CHURCH

REAR ELEVATION

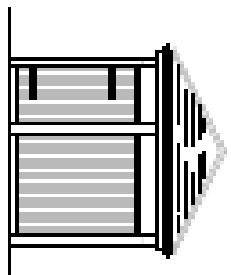


SIDE ELEVATION

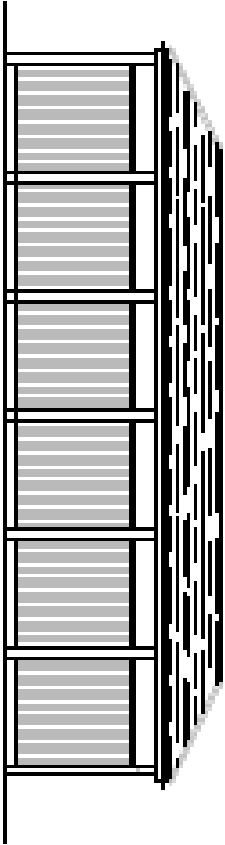




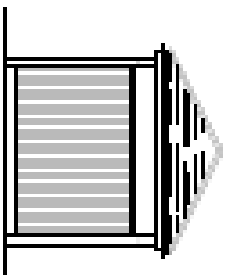
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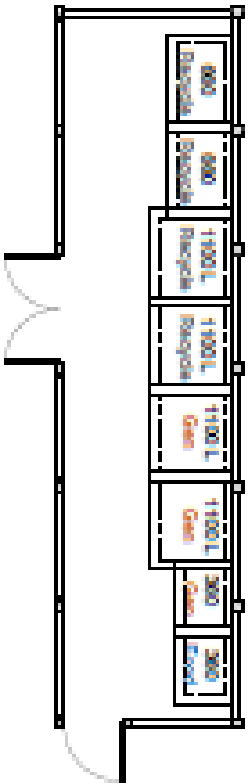
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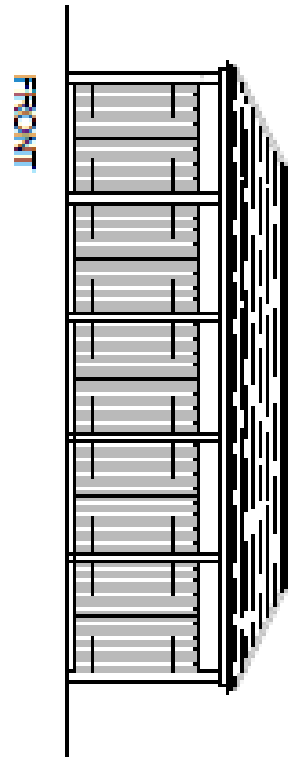
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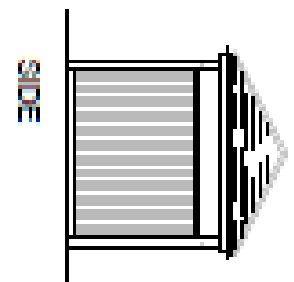
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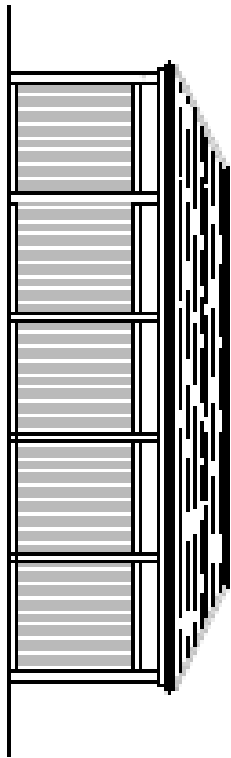
BIN STORE PLAN



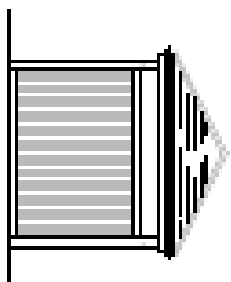
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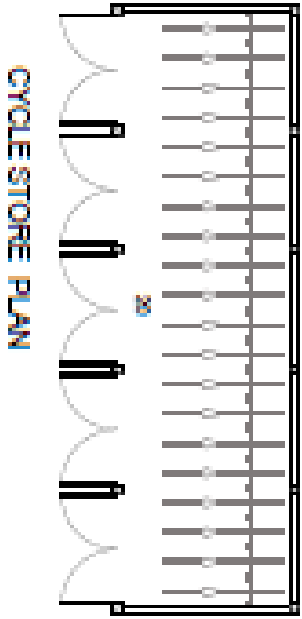
SIDE



REAR



SIDE



CYCLE STORE PLAN

DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 7

Application No.:	19/01714/FULL
Location:	Site of Former 61 To 63 Dedworth Road Windsor SL4 5AZ
Proposal:	Mixed use development with retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following demolition of existing buildings (Part Retrospective).
Applicant:	Patrick Ruddy Homes
Agent:	Mr David Lomas
Parish/Ward:	Windsor Unparished/Clewer East
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission for almost identical schemes has been granted in 2016 (15/04147/FULL) and 2013 (13/00090/FULL). The only difference between those schemes and the proposal is that several non-protected trees have been removed from the rear of the site.
- 1.2 The site is currently cleared and boarded off, following the demolition of a two storey building on the site. The former building comprised retail usage at ground floor with 3 residential units above. To the rear of the building was a car park and beyond that a store building.
- 1.3 The proposal seeks to provide a mixed use, 4 storey building, of contemporary design comprising 420sqm of retail space at ground floor and 13 flats above. The rear of the building would provide parking with 16 spaces for the proposed flats and a further 19 spaces for the retail unit, 4 of which are proposed to be disabled bays. To the front of the building 6 parking bays are proposed, where the existing parking lay-by is currently present. The access to the site would be repositioned to the eastern side of the site and would run parallel to the eastern side boundary to provide access to the rear parking area. The existing access to the substation on the west of the building would remain. The proposed building would add to the existing mixed street scene, where the character is buildings of varied height, design and material finishes. A protected tree would be replanted and landscaping surrounding the site would be appropriately retained and provided where necessary.
- 1.4 There has been no material change to the Development Plan since the previous decision and it is not considered that the revisions to the NPPF (2019) raises any further issues which were not addressed under the last application. Whilst the existing building on site has now been demolished it is not considered that conditions on site have been changed to the affect that further issues are raised. The site remains in an accessible and sustainable location where, subject to conditions, it is not considered would cause significant harm to vehicle movements or the highways network. The proposal would also have an acceptable impact on the amenity of neighbouring properties, whilst providing a good living environment for its future occupiers. It would preserve protected trees and provide an enhanced retail unit. For the reasons mentioned above the proposal is considered to be in compliance with Local Plan Policies DG1, H10, H11, N6, T5, P4, as well as all relevant planning guidance contained within the NPPF (2019).

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
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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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently cleared following the demolition of a two storey yellow brick building dating from 1960/70's. That (former) building comprised of retail use on the ground floor and had 3 flats at first floor. To the rear of the building was car park and beyond that a store building. The site is rectangular in shape having a frontage width of 28m, and a depth of between 190- 210m. The rear boundary abuts the side boundary of 22 St Johns Drive.
- 3.2 The development site is located in a small shopping parade on Dedworth Road. Nearby are other commercial uses as well as residential properties and opposite the site an area of public open space

4. KEY CONSTRAINTS

- 4.1 A tree afforded protection under a Tree Preservation Order is located at the front of the site. The Tree is a recent replacement of an older protected tree which was removed by the council.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission for a mixed use development comprising a retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following the demolition of existing buildings.
- 5.2 The development is part retrospective as demolition works have already taken place at the site.
- 5.3 This proposal is effectively identical to those approved under (now expired) planning permissions 15/04147/FULL and 13/00090/FULL on this site.

Reference	Description	Decision
99/77837	Erection of a two storey block of 8 x 2 bedroom flats following demolition of warehouse with associated works.	Refused – 12.05.1999
11/03438/OUT	Outline application with some matters reserved for redevelopment to provide a ground floor retail unit and 14 apartments together with access works, parking and landscaping following demolition of existing site	Withdrawn - 06.03.2012
12/90348/PREAPP	Pre-application for Ground floor retail and 12 flats on first, second and third floors.	Positive feedback dependent upon final plans.
13/00090/FULL	Mixed use development comprising ground floor retail unit with 13 apartments above, together with associated access works, parking, servicing and landscaping following demolition of existing building.	Approved: 08.04.2013
15/04147/FULL	Mixed use development with retail unit at ground floor and 13 x apartments above, with access, car	Approved: 04.03.2016

	parking, servicing and landscaping following demolition of existing buildings	
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6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 4 - Decision-making
- Section 9 - Promoting Sustainable Transport
- Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

7.4 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 57 nearby occupiers were notified directly of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on 02.07.19 and the application was advertised in the local newspaper on 04.07.2019.
- 8.3 9 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The proposed development would be out of keeping with the height and design of other buildings in the area	See paragraphs 9.4 to 9.18 of the report
2.	The development would cause a severe loss of privacy and overlooking to the rear gardens of properties on Carter Close and St Andrews Avenue.	See paragraphs 9.34 - 9.45
3.	The proposal would be overbearing to properties on Carter Close.	Due to the distance between the building and those properties, as well as the buildings position (close to the road and not there rear of those properties). Those proposal is not considered to be overbearing. Also see paragraphs 9.34 - 9.45

4.	Insufficient parking would be provided for the resulting development and this would put parking pressures on an area which already has limited parking facilities.	See paragraphs 9.19-9.33
5.	The tree protection plan, transport statement, retail assessment and sustainable drainage information is out of date.	The tree protection plan, retail assessment, suds information and transport statement have all been updated. It is also worth noting that a retail assessment is not necessary for a proposal of this size.
6.	The proposal would be cramped and represents over development of the site.	See paragraphs 9.4 to 9.18 of the report
7.	The access road is too narrow and would not allow for vehicles to pass by each other	See paragraphs 9.20-9.32
8.	No ecological impact assessment has been submitted with the proposed development.	No ecological impact assessment is necessary for a development of this nature.
9.	Insufficient consultation has taken place with residents of the area	The statutory consultation requirements have been carried out. See paragraphs 8.1 and 8.2 of the report.
10.	The proposal would have an adverse impact on air quality in the area	The environmental protection officer has raised no concerns regarding the impact of the development on air quality, furthermore there are no material considerations which would warrant refusal of the application due to its impact on air quality.

11.	An application for a similar development was refused in 1999. This application was not included in the planning history for permitted applications 15/04147/FULL and 13/00090/FULL as such residents and councillors were unable to take that application into decision when making their recommendations.	Noted. However it should also be noted that the 1999 application is completely different from this application. Furthermore since the 1999 application other developments identical to this development have been approved (13/00090/FULL and 15/04147/FULL) and are therefore more relevant.
12.	The proposed development is for profit and in no way benefits the community.	Noted. However this is not a material consideration. The improved retail facility could also potential be of benefit to the local community.
13.	Flats are not needed in this area and other type of property should be proposed on the site.	The council seeks a wide range of housing types as set out in the Local Plan and emerging Borough Plan.
14.	The demolition of the building would lead to asbestos exposure.	This is a building control matter and not a material planning consideration.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection subject to a condition requiring the details of the proposed surface water drainage system and maintenance measures to be submitted prior to commencement. The proposal would have an acceptable impact on drainage within the area.	The relevant conditions have been recommended for inclusion in this recommendation.
Environmental Agency	This planning application is for development that we do not wish to be consulted on.	Noted.

Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection subject to the inclusion of conditions placed on the previously approved application No.15/04147/FULL.	Conditions relating to delivery hours, parking provision, visibility splays, cycle storage,

		refuse facilities and access have been recommended to ensure the development has an acceptable impact on the highways network, resident safety and residential amenities.
Tree Officer	No objection subject to conditions requiring landscaping details, details of how the TPO tree will be replanted and compliance with the updated tree protection plan. (Plan No. 11120-D_2013-02-22.dwg, Barrel Plan Ref: 19233-BT1, received 17/10/19).	The mentioned conditions have been recommended for inclusion if this application is granted.
Environmental Protection Officer	No objection subject to conditions and informatives.	Those relevant have been recommended for inclusion if this application is granted.

Others

Group	Comment	Where in the report this is considered
Windsor and Eton Society	<p>The application provides a poor standard of amenities for the occupants of the proposed flats as a result of overdevelopment, which is demonstrated by:</p> <ul style="list-style-type: none"> • Flats 4, 5, 10, 12 and 13 have no balcony and therefore no outside space. • Facing bedroom windows are only about 7m apart between flats 2 and 5 and flats 8 and 10 giving little privacy for occupants • - The bedroom of flat 5 opens onto the first floor courtyard with no natural daylight. • The bedroom of flat 2 has only limited natural daylight from a void in the floor above. • The bedrooms to flats 5, 6, 10 and 11 open into the internal courtyard with no protected space outside meaning people can look directly into the bedrooms unless curtains are kept closed. • The bedroom of flat 2 can be viewed through the void from above • Flat 5 does not meet the minimum space standard for a 1 bed 2 person unit. 	<p>The proposed development has been approved several times, as such it would be unreasonable to refuse the application due to the resulting amenity standards of the proposed flats.</p> <p>Furthermore each flat would be of an adequate size, would have windows with access to light (some would have balconies). The flats are in close proximity to outdoor spaces, shops and services. It is therefore considered that the occupiers would have a satisfactory level of amenity.</p> <p>Also see paragraphs 9.34 – 9.45 of the report.</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i The principle of the development

- ii The impact upon the character and appearance of the area (including protected trees)
- iii The impact upon highway safety and parking
- iv The impact upon the amenities of nearby occupiers
- v Provision of a suitable residential environment
- vi Environmental considerations
- vii Other Considerations

Issue i - Principle of development

- 9.2 The application seeks planning permission for a mixed use development comprising a retail unit at ground floor (420sqm) and 13 x apartments above, with access, car parking, servicing and landscaping following the demolition of existing buildings (part retrospective). The proposed development is effectively the resubmission of a development which was granted planning permission 15/04147/FULL. There has been no change in the Development Plan since this previous approval. The NPPF (2019) has been amended since the previous decision and where relevant this is considered further below. In terms of the principle considerations the NPPF (2019) emphasise efficient use of previously developed land in sustainable locations.
- 9.3 The site is located in the urban area, in close proximity to a local parade of shops. For these reasons the principle of the mixed use redevelopment of this site remains appropriate.

Issue ii - Impact upon the character and appearance of the area (including protected trees)

- 9.4 Chapter 12 of the National Planning Policy Framework (2019) aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, they should also be sympathetic to local character, history and the surrounding built environment.
- 9.5 In support of the above the Government published the National Design Guide in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. The focus of the design guide is as a tool to inform layout, form, scale, appearance, landscape, materials and detailing.
- 9.6 Local Plan Policy DG1 places similar emphasis on achieving good design and creating new developments which sympathetically integrate into existing environments. Policy H10 of the adopted Local Plan states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.
- 9.7 Policy H11 of the adopted Local Plan states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 9.8 Policy N6 states that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission maybe refused.

- 9.9 Dedworth Road comprises a mixture of commercial and residential buildings of various styles, designs and ages, although the predominance of buildings are two storeys in height, with the exception of Terrent Court, directly opposite the site which is a three storey building.
- 9.10 The proposed layout would reflect the existing established building line along the area, with the position of the proposed building re-enforcing the established building line, and parking to the rear. The building is four storeys in height, with the fourth floor provided within the roof space of the eastern side of the building. The proposed roof form with the broken gable roof from would appear contemporary in nature and whilst not fully aligned with the existing character of the area is considered to be an appropriate response to a varied and changing area. Whilst greater in height than the adjoining buildings, the increased height of the building is considered to be suitably mitigated through varying roof form. The height and built form of proposed building therefore takes into consideration and reflects the varied character of area whilst also making efficient use of previously developed land. Other buildings within the area vary in size, material finish and design. It is therefore considered that the modern finish of the building would not be out of character in this area, where the appearance of buildings vary, this is subject to suitable conditions regarding the material finish of the proposed development. Car park lighting could add to the developments appearance, minimise crime in the area, but could also cause nuisance to neighbours. A condition has been recommended to ensure details of such lighting is submitted before installed (Condition 11). A condition has also been recommended to ensure the trolley park is designed in a way which would compliments the area and site (Condition 12).
- 9.11 To the front of the site, abutting Dedworth Road is a protected tree. Due to its size and siting the trees makes a valuable contribution to the character and appearance of the area. The proposed development seeks to replant the tree, slightly south east of its existing position. Subject to the tree being safely uplifted and replanted this would be acceptable. A condition has been recommended to this effect (Condition 13).
- 9.12 New landscaping will also be introduced as part of the scheme. The works include resurfacing of the site and the planting of several trees at the front of the site, as well as within its rear car park. The new trees are welcome as they would add to the areas appearance and soften the new developments introduction to the street. Similar to the previously approved scheme, full details of the proposed boundary treatments, hard landscaping and soft landscaping have not been submitted with this application. A condition has therefore been recommended to ensure these details are appropriate and submitted prior to any construction works at the site (Condition 13).
- 9.13 During the process of the application the submitted tree protection and planting plan has been updated (Plan No. 11120-D_2013-02-22.dwg, Barrel Plan Ref: 19233-BT1, received 17/10/19). The new plan takes into consideration that several small trees were removed when the pre-existing building was demolished. These trees were not protected, are not necessary to make the development have an acceptable impact on neighbouring amenities and do not add any significant value to the character and appearance of the area due to their size and set back from the road. Their removal is considered acceptable.
- 9.14 Condition 16 has been recommended to ensure that the tree protection measures outlined in Plan No. 11120-D_2013-02-22.dwg, Barrel Plan Ref: 19233-BT1, received 17/10/19 are carried out.
- 9.15 The Boroughs Tree Officer has no objection to the proposed development, subject to the mentioned conditions.
- 9.16 It should also be noted that in 2013 and 2016 planning permission was granted for similar developments (15/04147/FULL and 13/00090/FULL).

- 9.17 There are no discernible changes between this development and those previously approved (other than the removal of the mentioned trees), nor has there been any significant changes in the built environment surrounding the site, which would now result in the proposal being out of character.
- 9.18 For these reasons and subject to recommended conditions, the proposed development is considered to have an acceptable impact on the character and appearance of the area, protected trees and to be in compliance with all relevant design guidance.

Issue iii - Impact upon highway safety and parking

- 9.19 A similar development was granted at the site in 2016 (15/04147/FULL) and no objections were made on highway safety or parking grounds. The relevant standards have not changed since this previous decision.
- 9.20 Policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.
- 9.21 The NPPF (2019) states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.22 The sites main access to would be sited east of the building. The access would be 5m wide and would provide visibility splays of 2.4 metres by 36 metres to the right (east), and 2.4m by 43m to the left (west). As with the previous permission these splays are considered to be adequate and condition 15 has been recommended to ensure they are installed. The existing electricity substation access (west of the building) will be retained. The access will provide gated entry to the sites retail bin area and store.
- 9.23 The former site comprised of a A1 retail store (DIY and timber workshop), 3 x 2 bed flats and had 13 car parking spaces and a triple garage. The residential units were not allocated a parking space.
- 9.24 The development comprises a 420sqm A1 units, 7 x 1 beds and 6 x 2 bedrooms. The Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments for a scheme of this nature 30 spaces would be required for the retail use and a further 16 spaces for the residential, 46 spaces in total.
- 9.25 The development provides a total of 35 car parking spaces, as well as turning facility for service vehicle. A further 6 spaces are shown at the front of the site are outside of the applicant's control and therefore, cannot be included in the sites parking provision. The 13 residential units are provided with 16 spaces and these are located in a secure gated area at the rear of the property, the remaining 19 spaces would provide parking for the needs of the retail unit.
- 9.26 Based upon the Council's (and arguably out of date) *maximum* Parking Standard the proposal would lead to a shortfall of 11 car parking spaces for the retail use. However, the site is considered to be within a sustainable and reasonably accessible location and like many of the retail and businesses in the area, shoppers are able to park in the spaces provided at the front shops. Moreover the provision of 19 car parking space for the retail use are greater than the parking provision for any of the other local shops. In view of this and as this level of parking was previously considered appropriate under the same policy context the level of car parking is

considered to remain acceptable for a development in this location. Condition 7 has been recommended to ensure the proposed parking spaces are made and retained.

- 9.27 The Transport Statement (Ref: 21720, dated September 2019) submitted in support of this application suggests that vehicular trip numbers are likely to be similar to those previously granted at the site (15/04147/FULL) and that the increase would still cause no significant harm to vehicle movements in the area. It is considered that the conclusions that the development would not have a significant impact on the capacity of wider highway network remain relevant.
- 9.28 The Highway Authority have equally raised no objections to this application, subject to conditions. It is also considered that when taking into consideration the sites sustainable location as well as the fact that an identical scheme has been granted at the site; it would be unreasonable to refuse the development on parking grounds.
- 9.29 The proposed plans show areas for refuse facilities (for both retail and residential elements of the scheme), whilst these areas seem large enough to accommodate these uses, further details are needed regarding the type of bins and whether they would be sheltered or not as this will ultimately impact on their usage and the sites appearance. Condition 10 has been recommended to this effect.
- 9.30 The plans also shows that the development would include areas for cycle storage. The areas provided would cater for new residents, employees and future shop users. It is considered that adequate space exists on site for the safe and secure storage of cycle facilities. However further information is required, as to where bikes will be stored (preferably at the front of the site for retail users), how they will be stored (sheltered or open), and how they will be accessed. It is therefore considered that notwithstanding the submitted plans, details of where safe and secure cycle storage will be provided to the LPA prior to the operation of the retail unit and occupation of the residential units. A condition has been recommended to this effect. Safe and secure cycle storage will encourage their use and aid in promoting sustainable transportation.
- 9.31 The applicants have also suggested that they are willing to submit a travel plan to aid and encourage sustainable means of transportation to and from the site (transport statement addendum - Ref: 21720, dated September 2019). No travel plan was submitted with the previous application, nor have there been any changes in material considerations which would require a travel plan to be submitted. For these reasons the submission of a travel plan is not considered necessary.
- 9.32 The Highway Authority raises no objection to the proposed development subject to the inclusion of the conditions/informatives placed on the previous permission (15/04147/FULL). Those conditions have been recommended for inclusion, if permission is granted. However in terms of the recommended condition regarding a construction method statement , the site is located on a classified road and any potential impact the construction of this development could have on the highway network is a highways issue and not in the remit of planning. It is therefore not considered necessary nor reasonable for such a condition to be attached to a redevelopment of a site of this size. The same is applications for the installation of the proposed access which would be required prior to the occupation of the development.
- 9.33 Overall and for the reasons mentioned above, the proposed development is not considered to have an unacceptable impact on highway safety or to cause severe harm to the highways network.

Issue iv- Impact on neighbouring amenity

- 9.34 Paragraph 127 of the NPPF states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

- 9.35 There are no Development Plan policies regarding impact on neighbouring amenity.
- 9.36 Whilst the objections from local residents are noted no material objections were raised on amenity grounds for the redevelopment of this site under planning application 15/04147/FULL. It was considered that the separation distances to boundaries/ relationship with adjacent properties were sufficient to maintain a suitable level of amenity for the occupants of adjoining properties, subject to conditions. Similar conditions have been recommended for inclusion in this application and taking into consideration that there has been no material shift in planning policy relating to neighbouring amenity, this position remains the same.
- 9.37 Notwithstanding these above, paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.
- 9.38 The new access road would run along the sites eastern boundary, close to Winton House a residential care home. Due to its separation distance from that property the likely vehicle movements associated with the proposed use in this urban location, adjacent to a fairly busy main road, it is not considered to result in significant increase of activity and disturbance that would result in an unacceptable impact with the occupiers of Winton House.
- 9.39 Intense and unrestricted use of the retail unit and its car park could be harmful to the amenities of properties on Carter Close and St Andrews Avenue. Conditions have therefore been recommended to limit delivery hours to sociable times and to restrict opening hours to align with other shops in the area (Conditions 3 and 6).
- 9.40 It should also be noted that several trees have been removed from the rear boundary of 1 St Andrews Avenue. Taking into consideration the separation distance between the site and that property and the fact that those trees are unprotected the replanting of the trees is not considered necessary to ensure the amenities of that neighbour are preserved.
- 9.41 Overall and similar to the previously approved scheme the proposal is considered to be in line with all relevant planning considerations and to have an acceptable impact on the amenities of nearby properties. Under planning application 15/04147/FULL conditions required a proposed “screen” towards the properties along Carter Close. The previous Officer Report considered the relationship was appropriate with these properties but however considered this relationship could be ‘improved.’ It is unclear if and how such a screen could be provided, and in any case such condition are neither necessary nor reasonable.

Issue V - Provision of a suitable residential environment

- 9.42 There are no specific policies in the adopted Local Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The government has also published Technical Housing Standards- nationally prescribed space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.43 All of the proposed units are of a sufficient internal floor space to accord with the Nationally Described Space Standards (2015).
- 9.44 Furthermore, new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of a suitable space standard. The proposed flats have been designed so that they are dual aspects, with some rooms in each unit having an outlook into

an internal courtyard, served by an atrium. Some of the proposed flats are proposed to have balconies. The building is in close proximity to outdoor spaces, shops and services.

- 9.45 On this basis it is considered that the occupiers would have a satisfactory level of amenity.

Issue VI - Environmental considerations

- 9.46 Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications.
- 9.47 The Lead Local Flood Authority have been consulted on the application and have suggested that subject to a condition requiring the details of the proposed surface water drainage system and maintenance measures to be submitted prior to commencement. The proposal would have an acceptable impact on drainage within the area. Condition 14 has been recommended to ensure such details are submitted.
- 9.48 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity. The site has been cleared and appears to be of limited biodiversity value. Proposed biodiversity enhancements can be secured by way of condition (see condition 17).

Issue VII- Other Considerations

- 9.49 When compared with the previously approved application (15/04147/FULL) conditions requiring obscure glazed bathroom windows, slab levels, sustainability measures, construction management plans, car park operation, amenity screens and ageing population adaptability measures have been removed from this recommendation. This is because many of the matters do not fall within the remits of planning, have been superseded by new guidance (including building regulations) or simply would not meet the tests for imposing conditions on planning applications.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable.
- 10.2 Taking into consideration that no residential or retail space currently exists at the site, the proposed residential floor space increase would be 489 sqm. Equating to a CIL charge of approximately £117,360. The exact amount payable will be determined by the Boroughs CIL officer prior to the commencement of the development.

11. Housing Land Supply, Planning Balance and Conclusion

- 11.1 Paragraphs 10 and 11 of the NPPF (2019) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

11.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5 yhls) is the 'standard method' as set out in the NPPF (2019). Currently the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged.

11.4 The proposed development would make efficient use of previously developed land in a sustainable location and provide 13 new residential units. Significant weight is given to this as a benefit of this scheme. It would also constitute 'windfall development' in which the NPPF (2019) states great weight should be given to the benefits of using suitable sites for such development. This too weighs in favour of the scheme. No harm has been identified which would significantly and demonstrably outweigh the benefits of the scheme. As such the tilted balance weighs in favour of the development.

11.5 In addition to the above, it is considered that subject to conditions, the proposed development would have an acceptable impact on the character and appearance of the area, local highways network, neighbouring amenity and protected trees, in line with Local Plan Policies DG1, H10, H11, N6, T5, P4, as well as the aforementioned planning guidance contained within the NPPF (2019).

11.6 It is therefore considered that irrespective of the tilted balance being engaged; when this application is determined in accordance with normal tests (under section 38(6) of the 2004 Act), the proposal would be in general conformity with the Development Plan and there are no material considerations of sufficient weight to justify refusal.

11.7 For the reasons mentioned above, the application is recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B - Site Layout Plan
- Appendix C - Floor Plan
- Appendix D - Elevation Plan

13. 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 Prior to any construction works at the site, samples and/or a material schedule of the materials to

be used on the external surfaces of the development and all external hardsurfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1

3 The retail shop on the ground floor hereby permitted shall only operate between the hours of 7am and 10 pm on Mondays to Saturdays and 10am to 5pm on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.

4 Irrespective of the provisions of Classes A, B, C and E of part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration to the retail unit, erection of a trolley store, laying of hardstanding (not subject of this permission) shall be carried out without having first obtained written approval from the local planning authority.

Reason: Any additional development at the site could result in it becoming overdeveloped and cramped. Furthermore the site is in close proximity to other residents and further unchecked development could harm their amenities. Relevant Polices DG1, paragraph 127 of the NPPF (2019).

5 Prior to any construction works at the site, details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

6 Deliveries by any vehicle used for commercial purposes shall only be made to or from the site between the hours of 7am to 10pm Monday to Fridays and between 8am and 6pm Saturdays and 9.30am and 4pm on Sundays or Bank or Public Holidays.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

7 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing 11120.25c. The space approved shall be retained for parking 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. Relevant Policies - Local Plan P4, DG1.

8 No part of the development shall be occupied until visibility splays of 2.4 metres by 36 metres to the right (east), by 43m to the left (west) 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.

9 Prior to the occupation of any of the residential units or retail floorspace approved under this application and notwithstanding cycle storage details shown on the approved plans, details of where covered and secure cycle parking facilities will be provided for the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall 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 and encourage sustainable modes of transportation. Relevant Policies - Local Plan T7, DG1, and the National Planning Policy Framework (2019)

10 No part of the development shall be occupied until full details of the refuse bin storage areas and recycling facilities shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include details of any bin housing, as well as the type and size of bins to be used. Hereafter the 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.

- 11 No lighting shall be erected in the car park without details of the lighting first being submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the character and appearance of the development and area is not harmed by excessive illumination and to protect the amenities of nearby residents. Relevant Policies DG1 and paragraph 127 of the NPPF (2019).
- 12 Irrespective of the details shown on the approved plans, prior to any occupation of the retail store, details of the location and design of the trolley park shall be first submitted to and approved in writing by the Local Planning Authority, thereafter the trolley park shall be provided and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of area and site. Relevant Policy DG1
- 13 Prior to any construction works at the site, full details of both hard and soft landscape works, including details of all proposed surfacing, boundary treatments (including fencing, walls and other means of enclosure), and measures that will be taken to safely uplift and replant the TPO oak tree at the front of the site, shall be submitted to and approved in writing by the Local Planning Authority. Hereafter all of the approved works shall be carried out as approved. Any approved planting shall be carried out within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, N6.
- 14 Prior to any construction works at the site, a surface water drainage scheme for the development, based on the submitted Engineering Layout drawing (number C21720 - 601 rev C), shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: - Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.- Supporting calculations confirming compliance with, the Non-statutory Technical Standards for Sustainable Drainage Systems, and the agreed discharge rate of 3 l/s and the attenuation volumes to be provided.- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 15 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 16 The tree protection measures set out in drawing 11120-d_2013-02-22, Barrel Plan Ref:19233-BT1, received 17/10/19 shall be fully implemented prior to the commencement of development (excluding demolition) and maintained until the development is completed, unless otherwise agreed in writing by the Local Planning Authority.
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, N6
- 17 Prior to any occupation of the development details of biodiversity enhancements relating to the development as a whole shall be submitted to and approved in writing by the Local Planning Authority. This shall include a schedule of undertaking that the proposed works and maintenance and management of these areas shall accord with the proposed landscaping works set out in condition 3. Thereafter the works shall be carried out entirely in accordance with these approved details.
All agreed biodiversity enhancements shall be undertaken and maintained in accordance with an agreed management plan.

Reason: In the interest of biodiversity enhancements as required by the National Planning Policy Framework (2019).

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

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

Informatives

- 1 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays. Reason: To protect the amenity of the adjoining properties.
- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.
- 3 The applicant is advised that neither the approved plans or description of the development include any fixed plant, flue or extractor equipment. The provision of such a equipment is likely to constitute development and therefore a separate planning permission will be required for those works.
- 4 The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday - Friday 08.00 - 18.00, Saturday 08.00 - 13.00. and no working on Sundays or Bank Holidays.

DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 5

Application 19/01755/FULL

No.:	
Location:	Squires Garden Centre Maidenhead Road Windsor SL4 5UB
Proposal:	Erection of 37 dwellings including the re-location of existing access along Maidenhead Road with associated parking, internal circulation, public open space, landscaping and related infrastructure
Applicant:	Bewley Homes Plc And Square Bay (no5) LLP
Agent:	Mrs Hannah Knowles
Parish/Ward:	Bray Parish/Clewer And Dedworth West
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for the erection of 37 dwellings including the relocation of the existing access along Maidenhead Road with associated parking, internal circulation, landscaping and related infrastructure.
- 1.2 The site lies in Green Belt and the proposed development is considered to be an inappropriate form of development in the Green Belt, would cause substantial harm to the openness of the Green Belt and would be contrary to one of its purposes. No case of Very Special Circumstances (VSC) has been demonstrated to outweigh the harm to the Green Belt and any other harm.
- 1.3 The Green Belt boundary is proposed to be amended and the site forms part of a larger parcel of land allocated for housing, ref: HA11 Land West of Windsor, north and south of the A308 in the BLPSV, and land allocation ref: AL22 Squires Garden Centre, Maidenhead Road in the Proposed Changes to the BLPSV. There are significant unresolved objections with regards the housing land allocations proposed in the BLPSV and as a result all proposed allocations are given limited weight as a material consideration at this time.
- 1.4 The proposal includes highway improvements including dropped kerbs and tactile paving at crossing points along a route from the site to a bus stop on Ruddlesway to support sustainable modes of travel (walking). However, in the absence of a completed legal agreement the development fails to secure the required infrastructure to make this development acceptable in planning terms.
- 1.5 The proposal includes 30% of the proposed residential units as affordable housing, but in the absence of a completed legal agreement the development fails to secure the required affordable housing units this constitutes a reason for refusal.
- 1.6 Additional information has been submitted to address concerns raised on sustainable drainage, and further comments from the Lead Local Flood Authority. Any comments received will be reported in an update.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

1.	The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. The development causes substantial harm to the openness of the Green Belt. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been demonstrated.
2.	In the absence of a completed legal agreement the development fails to provide the necessary infrastructure needed to make this development acceptable in planning terms.

3.	In the absence of a completed legal agreement the development fails to secure 30% Affordable Housing to make this development acceptable in planning terms with regards affordable housing provision.
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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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site comprises land bounded by Maidenhead Road to the north; the A308/Maidenhead Road roundabout to the east; the A308 to the south and the residential dwellings to the west beyond which is open land; 'Willows Park Homes' site to the north west; and The Willows to the north – a former mansion house dating from 1850 which has been divided into a number of individual properties. The site was occupied by Squires Garden Centre which includes a car park, a single storey retail building and an open air plant display area, but has been vacated. The site is bounded by a red brick wall that forms part of the garden centre building to the north; a wrought iron fence to the east; trees/shrubs on the boundary with the A308 to the south; and a combination of close board fencing and trees to the west.

4. KEY CONSTRAINTS

4.1 The entire site lies in Green Belt, and in accordance with the accordance with the Environment Agency Flood Map for Planning the eastern corner of the site lies in Flood Zone 2

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The proposal is for the erection of 37 dwellings including the relocation of the existing access along Maidenhead Road with associated parking, internal circulation, landscaping and related infrastructure.

5.2 The proposal includes two blocks of flats, one located at the inward curve of the site at the roundabout junction of A308 and Maidenhead Road (plot 27-37) and the other located to its west adjacent to the A308 (plot 18-26). The remaining dwellings comprise of 2 detached houses and 4 pairs of semi-detached houses along the western boundary of the site (plot 2-12), 2 detached dwellings fronting Maidenhead Road (plot 1 and 13), and a terrace of 4 houses within the site (plot 14-17). The blocks of flats are 2 to 3 storey in height, while the houses are 2 to 2 and half storey in height. Access is via Maidenhead Road and the internal road layout terminates in a cul-de-sac.

5.3 Following negotiation during the course of the application, design changes were made to the scheme and revised plans were received on the 20 September 2019. The main changes relate to the roof form and architectural detailing on the blocks of flats. Further changes to the architectural detailing were to the blocks of flats were received on the 14 November 2019.

5.4 There is extensive planning history for the site associated with the operation of the garden centre. In terms of relevant planning history for the redevelopment of the site for residential, there was an application for the erection of 39 dwellings, creation of a new access of Maidenhead Road, provision of parking, internal circulation, public open space, landscaping and related infrastructure that was withdrawn by the applicant on 13 March 2019, ref: 18/03754/FULL.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1
Design character and appearance of area	DG1, H10,H11
Affordable Housing	H3
Highways	P4, T5, T7
Flooding	F1

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenges of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is to look at layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which help which work together to create its physical Character, these are context, identity, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development In Green Belt and acceptable Impact on Green Belt	SP1, SP5
Design in Keeping with Character and Appearance of Area	SP2, SP3
Housing Development	HO1, HO2, HO5
Affordable Housing	HO3
Trees, Woodlands and Hedgerows	NR2
Infrastructure Provision	IF1
Sustainable Transport	IF2

Community Facilities	IF7
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Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development In Green Belt and acceptable Impact on Green Belt	SP1, QP5
Design in keeping with character and appearance of area	QP1, QP3
Housing Development	HO1, HO2
Affordable Housing	HO3
Trees, Woodlands and Hedgerows	NR3
Infrastructure Provision	IF1
Sustainable Transport	IF2
Community Facilities	IF6

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Interpretation of Policies R2, R3, R4, R5 and R6

Other Local Strategies or Publications

- 7.3 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy
 - RBWM Townscape Assessment
 - Affordable Housing Planning Guidance

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

58 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 8 July 2019 and the application was advertised in the Local Press on 11 July 2019. 42 letters were received objecting to the application, summarised below. Following re-consultation on the 24 September 2019 an additional 13 letters were received from consultees who reiterated their original concerns.

Comment	Where in the report this is considered
Inappropriate development in the Green Belt, encroachment into the countryside, harm to openness, no Very Special Circumstances demonstrated to outweigh harm to the Green Belt	Section i, x
Assumes Borough Local Plan will be adopted, application is premature	Section i
Insufficient parking resulting in increase in on-street parking pressures	Section vi
Location of access is dangerous	Section vi
Density too high resulting in cramped development and overdevelopment of the site to the detriment of amenity for future occupiers and local character	Section iii
Out of character with the locality as there are no other flatter development or 3 storey buildings, and design is incongruous.	Section iii
Height and design of buildings are out of character with the area and overly dominate with surrounding properties.	Section iii
Increase in traffic resulting in congestion, increase in air pollution and to the detriment of highway safety; transport survey taken during summer holidays and therefore inaccurate	Section vi
Land liable to flood, inadequate drainage; increase in pressure on sewer network	Thames Water consultation response and Section ii
Inadequate social infrastructure to support the development e.g.GP surgeries	Section 10
Harm to off-site trees, and insufficient landscaping	Section iv
Harm to neighbouring amenity in terms of loss of view, loss of light, loss of privacy, increase in noise and disturbance	Section v
Decrease in open space and greenery, increase in built development resulting in harm wildlife	Section vii
Loss of local employment	The site is not within an identified site where the use is protected for employment.
Increase in crime	No evidence put forward that the proposed residential use is a crime generating development.

Loss of community use e.g. local café and restaurant which was by local residents to meet and socialise; development should include some kind of community facility	The extant use of the site (former garden centre with ancillary cafe) falls under A1 (retail) and not D1 (community use). As such, there is no objection in principle to its loss nor a requirement for a replacement within the scheme.
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Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to condition to secure implementation of a programme of archaeological works to be submitted and approved by the local planning authority.	Section viii
Bray Parish Council	<p>Raises objection to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt and Very Special Circumstances has not been demonstrated • No certainty that the BLP (and changes) will be adopted • Density too high with harmful visual impact and lack of open space • Inadequate parking • Flood risk • Highway safety from new access • Increase in traffic adding to congestion at peak times 	Section i, ii, iii, iv, x
Ecology	No objection subject to conditions relating to a construction environmental management plan; removal of rhododendron; examination of the bat feature by an ecologist prior to demolition works and dismantling by hand; and biodiversity enhancements, and informative relating to breeding birds.	Section vii
Environment Agency	Refers the Local Planning Authority to standing advice.	Section ii
Highways	No objection in principle but further information required in relation cycle parking.	Section vi
Lead Local Flood Authority	Additional information requested to address concerns over the infiltration rates which were based on above average infiltration rates while best practice indicates that the lowest determined infiltration rates should be used in calculations, and how properties at plot 18-26 will be protected from internal flooding as the submitted information indicates that exceedance flows will be directed towards these properties.	Section ii
Trees	Raises objections over the failures to secure the long-term retention of off-site trees and the	Section iv

	landscaping scheme is insufficient to soften the built form or provide a level of enhancement for such a large and prominent development.	
Thames Water	No objection with regard to foul water sewage network infrastructure capacity based on the information provided as the application indicates that surface waters will not be discharged in to the public network.	Section ii

Other Responses

Group	Comment	Where in the report this is considered
Access Advisory Forum	Insufficient information submitted.	Noted.
Oakley Green and Fifield Residents Association	<p>Raises objections for the following summarised reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt, loss of openness, conflict with the purposes of the Green Belt, no very special circumstances • Prematurity in relation to the BLPSV • Higher density, cramped layout, scale and massing is out of character with surrounds • Proposed access is unsafe • Insufficient on-site parking resulting in increase in parking pressure off-site • Flood risk • Existing poor air quality and additional vehicle use would add to this • Loss of community asset and employment (garden centre and café) 	<p>Section i, ii, iii, vi, x</p> <p>The extant use of the site (former garden centre with ancillary cafe) falls under A1 (retail) and not D1 (community use). As such, there is no objection in principle to its loss nor a requirement for a replacement within the scheme.</p>
Windsor and Eton Society	<p>Raises objections for the following summarised reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt, loss of openness • Prematurity in relation to the BLPSV • Overdevelopment of the site • Blocks of flats are imposing and overly dominant, would detract from The Willows • Design out of keeping with sense of place • Loss of trees which are important along the A308 • Over dominance of parking to the centre of the site • Inadequate surface water drainage 	Section i, ii, iii, iv, vi, x

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Character and Appearance
- iv Trees
- v Residential Amenity
- vi Highways
- vii Ecology
- viii Archaeology
- ix Affordable Housing
- x The Case for Very Special Circumstances
- xi Planning Balance

i Green Belt

- 9.2 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate development with some exceptions. Local Plan policy GB1 and BLPSV policy SP5 also sets out appropriate development in the Green Belt. However, the Local Plan was prepared in accordance with the cancelled PPG2 Green Belts and therefore not entirely consistent with the NPPF. As such, GB1 is not given full weight for the purposes of this assessment. Under transitional arrangements the BLPSV is assessed against the NPPF (2012) and therefore policy SP5 is considered to be consistent in this respect, but due to unresolved objections policy SP5 should only be given limited weight as a material consideration. The NPPF is considered to be a more up-to-date expression of Government intent and a material consideration of significant weight.
- 9.3 In this context, paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), need not be inappropriate development in the Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt than the existing development; or not causing substantial harm to the openness of the Green Belt where the development would re-use previously development land and contribute towards meeting an identified affordable housing need within the area of the local planning authority. It is considered that the proposal would not clearly fall under any of the other exceptions.
- 9.4 In this case, the site would fall under the definition of previously developed land given in the Appendix 2 of the NPPF as the site is entirely occupied by a former garden centre with a main building and associated hardstanding that was used for storage, display area and a car park.
- 9.5 Turning to the impact on openness, the concept of openness relates to the lack of development or built form, however *Turner v SSCLG and East Dorset Council* [2016] and *Goodman v SSCLG* [2017] established that the impact of openness of the Green Belt should be assessed taking into account both its spatial and visual impact, while *Euro Garages Limited v SSCLG* [2018] establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the

change". This Case Law is a material consideration. In response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF (2019) advises that in addition to volume the visual impact of the proposal may also be relevant.

- 9.6 The proposed housing development would equate to a footprint of approximately 1725.5sqm which represents an increase from the existing footprint that measures approximately 1652sqm. However, the existing building is single storey measuring approximately 4.5m in height and has a much lower profile than the proposed two-storey houses measuring approximately 8.5m to 10.5m in height and the two to three storey blocks of flats measuring 8.2 to 12.5m. Furthermore the blocks of flats have significant width and are very prominently located. The existing building is significantly lower in height than the proposals and is concentrated in a visually less prominent position in the north-western corner of the site. The residential dwellings would visually spread across the entire site including to areas previously used for storage, plant displays, car parking. While the extent of which these areas remain open and free from development is dependent on the intensity of use at a particular time, it is considered that the erection of taller permanent two to three storey buildings would have a substantially greater volumetric and visual impact on openness than the existing development.
- 9.7 Furthermore, the existing buildings being single storey in nature, glass houses and the other open storage and hard surfacing have a reduced physical and visual presence, a liken to an agricultural character. Compared with this would be markedly taller and solid buildings and the subdivision of the area into individual curtilages. It is considered that the quantum and amount of the more urban form of residential development proposed would substantially reduce openness of the Green Belt. While there would be some modest screening from trees, the increased amount of development and its visual impact in Green Belt terms would be very apparent from Maidenhead Road, the A308 (Maidenhead Road and Windsor Road), the roundabout junction, nearby residential properties, and Ruddlesway, in particular with the higher density of development (the blocks of flats) located towards the A308 and the roundabout junction.
- 9.8 Consequently, taking into account the footprint, height, scale and siting of the proposed development it is considered that the proposed development would have a greater impact on the openness of the Green Belt than the existing development and would lead to substantial harm to openness. Therefore, it is not considered that the proposal falls under exceptions in paragraph 145 of the NPPF and considered to be inappropriate development in the Green Belt.
- 9.6.1 For the reasons above the proposal is considered to constitute inappropriate development in the Green Belt. Paragraph 144 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). The applicant considered that proposal to be appropriate development, but has also put forward a case for VSC within the submitted Planning Statement which is assessed below.
- 9.7 In terms of any other harm to the Green Belt, as inappropriate development in the Green Belt the proposal is by definition harmful to its openness. The more formalised and urban form of development spread across this site is considered to conflict with one of the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment' which forms the third purpose outlined in paragraph 134 of the NPPF.
- 9.8 In the emerging Borough Local Plan (BLPSV) the Green Belt boundary is proposed to be amended through the BLPSV and the site forms part of a larger parcel of land allocated for housing (ref: HA11 Land West of Windsor, north and south of the A308). In the Proposed Changes to the BLPSV, the site is separated from the larger parcel of land and forms its own allocation for housing (ref: AL22 Squires Garden Centre, Maidenhead Road). However, as stated in Section 7 of this report both the BLPSV and Proposed Changes to the BLPSV are given limited weight as a material consideration.

ii Flood Risk

- 9.12 Part of the block of flats comprising of plot 27 to 37 is sited in Flood Zone 2 while the remainder of the site lies in Flood Zone 1. However, following a more detailed model undertaken by the EA shows that the site is elevated above the EA calculated Flood Zone 2 level. NPPG advises that it is not normally necessary to apply the Sequential Test, which aims to steer development away from areas at highest risk, to development proposals in Flood Zone 1. The Exception Test is not considered to be applicable as housing is considered to be 'more vulnerable' development in accordance with Table 2: Flood Risk Vulnerability Classification, which is appropriate development in Flood Zone 1 in accordance with NPPG Table 3: Flood Risk Vulnerability Classification. With reference to paragraph 163 of the NPPF, footnote 50 advises that a site specific flood risk assessment is not required in this case, and given its location in Flood Zone 1 it is not considered that the proposed development would increase flood risk elsewhere.
- 9.13 To accord with paragraph 165 of the NPPF, as the proposal falls into the category of major development (10 units or more), a sustainable drainage system should be incorporated unless there is clear evidence that this would be inappropriate. The submitted sustainable drainage strategy proposes to attenuate the additional surface water from the development by incorporating permeable paving within all drives and carriageways, two storage tanks on site, and a hydrobrake at the outflows into the Thames Water assess. This is acceptable in principle, but further information is required on infiltration rates or alternatively details on how to prevent siltation of the soakaways; and how properties on plot 18-26 are protected from internal flooding. Further information to address these issues has been submitted by the applicant, and comments from the Lead Local Flood Authority will be reported in an update.

iii Character and Appearance

- 9.14 Local Plan policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment, while policy DG1 resists development which is cramped or which results in the loss of important features which contributes local character, and policy H11 resists development would introduces a scale or density which would be in incompatible with or cause damage to the character of the area. These policies accord with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions. The recently published National Design Guide sets out the characteristics of well-designed places and what good design means in practice.
- 9.15 To the west is a group of individual houses set in spacious plots along a linear cul-de-sac. To the north is Willows Riverside Park, which comprises of detached, bungalow-style park homes on regular plots laid out in a predominately linear rows on both sides of the internal access road. To the north-east are mew houses generally arranged around a shared courtyard with long back gardens leading to the riverside. While the character of built development within the locality is diverse, the experience of the area is a verdant, semi-rural settlement with domestic scale development. Denser 1960s style residential development lies to the south-east within the Windsor settlement which is separated from the application site by the roundabout junction and the A308.
- 9.16 The proposed development would result in a density of approximately 53 dwellings per hectare (dph), which would be a significant uplift from the density of the existing locality which is around 20-35 dph. However, there are no objections to this increase in principle as it would represent an efficient use of land which is supported by paragraph 123 of the NPPF. Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing need planning decisions should avoid homes being built at low densities and ensure that developments make optimal use of each site. Furthermore, the National Design Guide advises that appropriate density will result from building types, form and character of the development as well the context.

- 9.17 The density of the proposed properties would increase from west to south-east with 13 x two and half storey detached and semi-detached houses towards the western and northern boundary of the site, that give way to 4-house terrace towards the centre and then 2 x two to three storey blocks of flats towards the south-eastern and eastern boundary of the site. This approach is considered to be appropriate, moving from the existing low density development to the west and higher density to the south-east. It is also considered that the higher density blocks of flats would provide a strong frontage to the site. Overall, with the reduction in units and a revised layout from the previous withdrawn scheme under 18/03754/FULL, it is considered that the proposal achieves sufficient space around buildings to provide adequate setting for each and intervening green space, which avoids a cramped overdeveloped appearance.
- 9.18 Concerns from local representations have been raised that the blocks of flats would be out of keeping as there is no other flatted development within the locality, and the height and scale would be visually dominant. The National Design Guide advises that a well-designed neighbourhood should provide a variety and choice of homes to suit all needs and so there is no objection in principle to flatted development in the area. However, the National Design Guide goes on to advice that different types need to be well integrated. It is considered that the success of integration is derived from the relationship with neighbouring development. In this case, the block of flats sited at plot 27-37 would be seen in context from many public vantage points with The Willows. However, the 2 storey section of the block of flats at plot 27-37 would be the nearest element to the Willows before stepping up to 3 storey. The 2 storey element is considered to reflect the domestic proportions the Willows and therefore, together with the intervening distance of approximately 17.5m and 25m to the two storey and three storey element respectively, would result in an acceptable visual transition.
- 9.19 Overall, the flatted development at plot 27-37 would be substantial building, but its form, detailing and materials have been designed to visually break up its mass and bulk. It is considered that there would have been a benefit by increasing the set back between the north-eastern corner of the building and the site boundary, but on balance the space around the building would provide an adequate setting.
- 9.20 The block of flats at plot 18-26 would be seen in context with the block of flats at plot 27-37 and the houses at plot 11-12, but there is sufficient separation distance from both to the extent that the proposed building at plot 18-26 to read as its own entity and not appear overbearing to the houses at plot 11-12.
- 9.21 The housing fronting Maidenhead Road are considered to reflect the form, detailing and materials of the houses to the opposite side of the road. The flatted development also incorporates reflective forms, detailing and materials including gable features with timber barge board detailing, brick headers over the window and render. Within the site, the form, detailing and materials are considered to diverge but it is considered within the site there can be more flexibility as the buildings seen within its own context.
- 9.22 Overall, it is considered that the proposed development would not harm the character and appearance of the streetscene and wider area.

iv Trees

- 9.23 Local Plan policy N6 requires new development to allow for the retention of existing suitable tree wherever practicable, should include protection measures necessary to protect trees during development and an appropriate tree planning and landscaping scheme, and where the amenity value of trees outweigh the justification for development then planning permission may be refused.
- 9.24 T1 (Yew), T23 (Ash) and T28 (Japanese maple) are shown to be removed on the submitted Tree Protection Plan ref: BEW21784-03C. In addition to these trees it is also considered that the proposal would also likely result in the loss of T16 (Cherry Plum) due to the encroachment of the

block of flats at plot 18-26 into the root protection area (RPA) and potential conflict between the resultant building and the future crown of the tree. As such, the viability of this tree cannot be assured and it should be assumed it would be lost as a consequence of the development. However, T1, T16 and T28 are identified as category C trees and in general category C trees should not impose a constraint on the development provided that their loss is adequately mitigated with replacement planting. T23 is identified as a category B tree, which is a tree of moderate quality with an estimated life expectancy of at least 20 years, but due to its unsustainable location along the western boundary of the site there are also no objections to its loss subject to adequate replacement planting

- 9.25 In relation to the impact on off-site trees, there are a number of significant trees located around the perimeter of the site on the adopted highway. Being the main road between Maidenhead and Windsor and the junction with Ruddlesway, the trees are highly visible and make a significant contribution to the verdant character of this section of the A308. The block of flats forming plot 27-37 would be in close proximity to the edge of the RPA of T11 (Common oak) and T12 (Cherry plum) while the house at plot 12 would be in close proximity to the edge of the RPA of T20 (Ash), but while this only allows for a slim margin of error in the construction process and siting of the build this is not considered to warrant refusal in terms of undue harm to the health and longevity of these tree. Additional concerns were also raised by the Council's Arboriculture Officer on potential conflict with T11 and the proposed flats at plot 27-37, including shading to rooms from the future growth of T11, leading to pressure from future owners/occupiers to prune or fell to the detriment of their health and longevity. However, the affected windows would not be the sole source of outlook and light and therefore also not considered to warrant refusal in terms of undue harm to its health and longevity.
- 9.26 A Landscape Masterplan was submitted ref: BEW2178410 rev. G. There are issues over the type trees, siting and rooting areas, but it is considered that in general the Landscape Masterplan demonstrates that there is sufficient room for adequate planting to mitigate the proposed loss of trees and to enhance the development. Therefore, if minded to approve a satisfactory landscape strategy can be secured by condition.

v Residential Amenity

- 9.27 Local Plan policy H11 states that planning permission will not be granted for schemes which introduce a scale or density of new development which would cause damage to the amenity of the area. As a material consideration of significant weight, paragraph 127 of the NPPF states that planning decisions should create a high standard of amenity for existing and future users.
- 9.28 The nearest residential properties are Willows Cottage, Willow House, Fold Cottage, Westlodge Cottage and Westwind Manor to the west, and nos. 1 and 2 Park Cottage, and nos. 1, 5 and 14 The Willows which are sited to the north on the opposite side of Maidenhead Road.
- 9.29 There would be a separation distance of approximately 20m between the proposed houses on plot no. 1-9 and Willow House and Fold Cottage. There is a lesser separation distance of approximately 16m between Willows Cottage and the proposed house on plot no. 11, but due to its orientation the proposed house would be angled away from Willows Cottage. As such, it is considered that there would be no undue impact in terms of loss of light, loss of privacy and visual intrusion to these neighbouring properties. It is noted that there would be garages sited within the rear garden of plot no. 1, 2, 5 and 8, close to the shared boundary. However, the garages would be single storey with an eaves height of approximately 2.2m at the eaves and hipped roof sloping away from the shared boundary. As such, the proposed garages are not considered to result in undue loss of light or visual intrusion.
- 9.30 The house at plot 1 would be sited opposite the entrance to Willows Riverside Park and so would have little to no impact to residential amenity for the existing properties to the north. The house at plot 13 would have a front-to-side relationship with no.1 and 2 Park Cottage. The side elevation of nos. 1 and 2 Park Cottage does not have any ground floor windows but there are 2 first floor

windows that appear to be primary windows serving habitable rooms. However, it is considered that there would be no undue loss of daylight to the windows as the proposed house at plot 13 would subtend a 25 degree line taken from the mid-point of each first floor window. The proposed house at plot 13 would result in an increase in visual presence of building development when viewed from no. 1 and 2 Park Cottage but houses sited on opposite sides of the road are not an uncommon relationship and there would be a separation distance of approximately 11m. The proposed house at plot 13 would also have a first floor window which would approximately align with a first floor window at nos. 1 and 2 Park Cottage, both of which serve a habitable room. However, it is considered that there should be less expectation of total privacy for windows facing a public highway and mutual overlooking between houses on opposite sides of the road is not exceptional. In relation to no. 1 The Willows, a proposed substation is sited opposite, but given the proposed scale of the substation and the approximate distance of 16.5m from no. 1 The Willows it is considered that there would be no loss of light or visual intrusion as a result.

- 9.31 The block of plot 27-37 would have a side-to-side relationship with no. 5 The Willows, sited on the opposite side of Maidenhead Road at a distance of approximately 17m. There are 3 ground floor and 2 first floor windows to the side elevation of no. 5 The Willows. Taking a 25 degree line taken from the mid-point of each ground floor window at no. 5 The Willows, the proposed building would subtend this line and so not considered to result in an undue loss of daylight to this neighbouring property. While the proposed building would be substantial in size, it is considered that the separation distance would be sufficient to mitigate any undue visual intrusion or overbearing when viewed from no. 5 the Willows. The distance is also considered to sufficiently mitigate any undue overlooking from proposed windows to existing windows at no. 5 The Willows.
- 9.32 In relation to residential amenity for future occupants, the proposed floor plans with furniture layout demonstrate that all rooms are of sufficient size and shape to function for the purposes which they are intended and all habitable rooms benefit from natural light and outlook. The proposed houses have private garden space, while the flats have a private balcony with the exception of the ground floor flats and access to an area of communal space.

vi Highways

- 9.33 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

Trip Generation

- 9.34 The submitted Transport Assessment compares the vehicular two-way trips generated by the existing development (travel survey) with the proposed development (TRICS), which is summarised in the table below. It is noted that the travel survey was undertaken during the summer holidays, which is normally advised against under best practice advises, but given the seasonal nature of the existing development the timing of the survey is considered to be sufficiently robust.

	AM Peak		PM Peak		Daily		Saturday Peak	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
Existing	18	0	2	15	112	122	53	53
Proposed	5	21	16	7	106	110	4	10
Net Change	-13	+21	+14	-8	-6	-12	-49	-43

Overall, there would be an increase of 8 in vehicular trips during the morning peak and 6 vehicular trips during the evening peak, an overall decrease of 18 vehicular trips daily, and a significant decrease of 92 vehicular trips during the Saturday Peak. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. On this basis it is considered that the trip generation of the proposal upon the local highway network and air pollution would be acceptable.

Access

- 9.35 A relocated access into the site has been proposed. As shown on drawing ref: 1903077-02 within the Transport Statement, the access can provide viability splays in both directions of 2.4m x 43m in accordance with the RBWM Highway Design Standards.

Parking

- 9.36 To facilities the new access, 2 on-street parking spaces will need to be relocated. There is no objection to this in principle, but the applicant will need to amend the existing Traffic Regulation Order in the event of any planning permission being granted and if minded to approve it is recommended that this is secured by condition.
- 9.37 The Council's adopted Parking Strategy requires a maximum provision of 1 car parking space per 1-bed unit, 2 car parking spaces per 2-3 bed unit, and 3 car parking spaces for a unit with 4 or more bedrooms. Based on the accommodation schedule in Appendix 1 of the Design and Access Statement, this equates to a maximum provision of 75 spaces for the proposal. The proposal would provide 73 on-site car parking spaces which is in compliance. The spaces also confirm to RBWM parking design standards. If minded to approve it is recommended that the on-site parking provision is secured by condition.
- 9.38 Cycle parking for the flats will be provided in communal cycle stores on the ground floor, while residents of the houses will be able to store bicycles within the curtilage of the dwelling. To ensure that the proposed provision of cycle parking at the site is in accordance with RBWM details of the cycle parking layout can be secured by condition.

Refuse Provision

- 9.39 A swept path analysis, drawing ref: 1803077-TK01 B in Appendix G of the Transport Statement, demonstrates that a RBWM refuse vehicle can successfully enter, turn and exit the site in forward gear. Therefore, the servicing and refuse arrangements are considered to be satisfactory.

Sustainable Transport

- 9.40 Drawing ref: 190377-03 there is a new footpath from the A308 Windsor Road to the bus stop on Ruddlesway which has been recently been installed along this route. This provides a direct route from the site to the bus stop. However, there is no natural surveillance from nearby residential properties or passing cars as the footpath is screened by trees and vegetation, and while fully lit it is acknowledged that this may be an issue for some pedestrians in hours of darkness including in the afternoon and early evening during the autumn and winter periods. To adhere to paragraph 103 of the NPPF, which states that development should offer a genuine choice of transport modes and maximise opportunities for sustainable transport, the applicant has proposed to improve a second route from the A308 to the bus stop to the east of the roundabout on Maidenhead Road, which is overlooked by residential properties but indirect, by installing dropped kerbs and tactile paving at pedestrian crossing points. This is considered to be acceptable. However, while the applicant has advised that a unilateral undertaking is being prepared to secure the above, at the time of writing this has not yet been submitted. In the absence of a satisfactory unilateral undertaking, the highway improvements to support

sustainable modes of transport (walking) is not secured. The proposal therefore fails to make adequate provision contrary paragraph 103 of the NPPF.

vii Ecology

- 9.41 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity

Habitats

- 9.42 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the distance of the proposal from the SAC and therefore an appropriate assessment is not required.
- 9.43 The nearby river and woodland may also constitute Habitats of Principle Importance under Section 40 of the Natural Environment and Rural Communities Act (2006). Sutherland Grange, is a designated as a Local Nature Reserve and Local Wildlife Site located 405m east. However, as the application site is largely isolated from Sutherland Grange by main roads and existing development it is unlikely that the proposed works would significantly impact the Priority Habitats, Local Nature Reserve and Local Wildlife Site provided standard measures to reduce the risk of pollution are adhered to. Therefore if minded to approve, a Construction Environmental Management Plan should be prepared to include measures to reduce the effect of noise, vibration, dust and site lighting. This can be secured by condition.

Bats

- 9.44 The trees and buildings were assessed as having negligible to low potential to host roosting bats and no evidence of bats were observed. The summer house on site, identified as building no. 4 in the submitted Preliminary Ecological Appraisal, was noted to have a single potential bat entrance feature, which did not lead to a suitable roost space, but nevertheless the Preliminary Ecological Appraisal recommended that this feature if examined with an endoscope by an ecologist immediately prior to demolition works and subsequently dismantled by hand. If minded to approve this can be secured by condition.

Other Wildlife

- 9.45 Given the extent of habitats present and lack of nearby accessible ponds it is considered unlikely that great crested newts, reptiles, water vole and dormice are present on site, and no evidence of badgers were observed.

- 9.46 The site may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981 (as amended) and therefore if minded to approve then it is recommended an informative is added to advise that works to building roofs should be taken outside of the bird nesting season, or if it is not practical then such areas should be checked by a qualified ecologist immediately prior to clearance.

Biodiversity Enhancement

- 9.47 In line with paragraph 175 of the NPPF, development should incorporate opportunities for wildlife. To the area to the northern site boundary includes rhododendron, which if *Rhododendron ponticum* species is listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which is illegal to plant or cause it to grow in the wild. As per the Preliminary Ecological Appraisal it is recommended that the rhododendron is removed in accordance with best practice. The Preliminary Ecological Appraisal also recommends that a biodiversity enhancement scheme is designed, which should include bat and bird boxes, hedgehog friendly fencing (there are records of hedgehogs in the surrounding area) and log piles etc. If minded to approve, it is considered that these measures are secured by condition.

viii Archaeology

- 9.48 Local Plan policy ARCH 3 states that planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 189 of the NPPF which states that where a development site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.49 The site lies within the Thames Valley which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day and important prehistoric finds have been recorded close to the application site. Therefore, the application site falls within an area of potential archaeological significance. If minded to approve, a programme of archaeological field evaluation in accordance with a written scheme of investigation, and any subsequent mitigation strategy, can be secured by condition. It is considered that this requirement can be secured post-permission in this particular case as there has been some previous development on the site.

ix Affordable Housing

- 9.50 The proposal includes 11 affordable units on site which accords with Local Plan policy H3 which requires that this development provides 30% affordable housing on site.
- 9.51 As material condition, paragraph 63 of the NPPF states that where major development involving housing, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. The Strategic Housing Market Assessment (SHMA) highlights needs of the Borough and sets out a tenure of 80% of social/affordable rented and 20% intermediate housing, but tenure mix is not specified in adopted policy and therefore it is considered that the NPPF should be a material consideration of more significant weight in this respect. In this case the proposal is for 6 units of shared ownership (units 29, 30, 33, 34, 36 and 37) and 5 units of affordable rent (units 27, 28, 31, 32 and 35), which would accord with the NPPF.
- 9.52 While the applicant is willing for the proposal to be policy compliant and has advised that a unilateral undertaking is being prepared to secure the above, at the time of writing this has not yet been submitted. In the absence of a satisfactory unilateral undertaking, the affordable housing contribution is not secured and the proposal therefore fails to make adequate provision for

affordable housing and is contrary to Local Plan policy H3 and paragraph 63 of the NPPF. However in the weight attributed to having a policy compliant affordable housing scheme will be considered further below as part of the wider planning balance.

x The Case for Very Special Circumstances

- 9.53 It has been demonstrated that in accordance with paragraph 143 of the NPPF the proposal is inappropriate development in the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 144 of the NPPF goes on to state that VSC would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 9.54 The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special. The Courts have not defined ‘*very special*’, beyond confirming that the words must be given their ordinary and natural meaning. The Green Belt balancing exercise therefore needs to be if ‘other considerations’ put forward as part of this planning application equate to VSC which exists to outweigh the harm and any other harm.
- 9.55 In accordance with Paragraph 144 of the NPPF substantial weight against the proposal should be given to any harm to the Green Belt. This includes inappropriateness and conflict with one of the purposes of the Green Belt. In relation to other harm, significant weight against the development is given due to lack of affordable housing provision, and significant weight to the highway improvements to support sustainable modes of transport which are necessary to make the development acceptable in planning terms.
- 9.56 In terms of benefits, the applicant has put forward the following case for ‘VSC’. Officers have assessed each in turn and then carried out a balancing exercise as required.

VSC put forward by the Applicant	Weight attributed by Officers
Housing Need Benefits	
Provision of 37 dwellings to meet exceptional need for both market and affordable housing	At the time of writing RBWM cannot demonstrate a 5 year housing land supply, therefore significant weight is given to the provision of housing as part of this scheme.
Provision of affordable homes (30%) of a mixed type and tenure	Affordable housing provision is simply seeking to comply with planning policy and no provision above and beyond that is proposed by the Appellants. Nonetheless in principle this does form a benefit to the proposed development which would go towards meeting the affordable needs of the Borough. The principle of providing 30% affordable housing can therefore be given moderate weight . However at this stage there is currently no legal agreement in place to secure such delivery.
Sustainable Development (Economic)	
Job creation at construction stage and operation stage.	Not quantified and in any case due to the short-term nature of these benefits this can be only given limited weight .
Increase in expenditure by residents on local services	Not quantified and in any case as the scheme is for 37 units the impact of this additional spend in the local economy would be limited therefore given limited weight .

Increase in council tax revenue and New Homes Bonus	Not quantified and in any case as the scheme is for 37 units the impact would be limited therefore given limited weight .
Sustainable Development (Social)	
Would facilitate a more balanced local demographic whereby younger people and families will enjoy greater opportunities to live locally with the supply of new homes, including affordable homes	Open market housing would be available to anyone, and affordable housing would be available to those eligible also regardless of age. The contribution of a particular tenure and mix of housing does not advance the matter any further. It is simply a contribution to the particular housing need which has been identified locally and therefore given no weight .
Sustainable Development (Environmental)	
Provision of green infrastructure and areas for ecological enhancements and net gain of biodiversity	Biodiversity gain as a result of biodiversity enhancements is considered to be a benefit of the scheme and therefore given limited weight .
Provision of SUDS scheme	Does not constitute VSC as provision is a policy requirement and therefore given no weight .
Provision of a high quality and attractive development on a redundant and vacant site, including new landscaping.	Does not constitute VSC as provision is a policy requirement and in any case all residential scheme irrespective of their location should be of a high quality design. Therefore given no weight .
Other Considerations	
The site forms part of the emerging allocation within the RBWM Borough Local Plan which has been submitted to Examination. The evidence base justifies the allocation.	For reasons set out above given the current status of the BLPSV limited weight is currently attributed to policies contained within this document. The emerging Local Plan is seeking to allocate a number of sites for Green Belt release, it is from the Inspector of the Local Plan to reach a decision on the test of soundness for such a release. An assessment of the impact on 'openness' for a particular planning application is materially different to that undertaken as part of a wider Green Belt Assessment forming justification for a green belt release in the context of a Local Plan. The test for considering the appropriateness of a proposed development in the context of a planning application are set in 145 of the NPPF, these are different from the Local Plan tests relating to the review of boundaries. Limited to no weight can be given to this as part of VSC
Site constitutes previously development and other than Green Belt does not have any other designated constraints.	The application has been considered in the relevant context for such land and officers have clearly conclude that the development would result in substantial harm to the

	openness of the Green Belt. This clearly does not constitute VSC and therefore given no weight .
Site represents a suitable location for development as situated in main urban centres within the Borough and in proximity to a number of local services. Furthermore, the proposed allocation HA11 is identified to deliver open space, sports pitches, educational facilities and community hub.	<p>Proposed allocation under HA11 in the BLPSV and AL22 in the Proposed Changes to the BLPSV is given limited weight given the extent of unresolved objections to and there is no certainty if or when this may transpire; and it is not considered that the site lies within the main urban centre (Windsor or Maidenhead).</p> <p>The proposed scheme does not delivery any of community facilities as part of this scheme.</p> <p>For the scheme to be 'suitable' it should be located in a sustainable location. Para 11 of the NPPF is clear that this development would not be sustainable development as Green Belt policies provide a clear reason for refusing the development.</p> <p>Whilst the NPPF (2019) also requires LPA's to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using <u>suitable sites</u> (<i>our emphasis</i>) within existing settlements for homes. This development is not in a within existing settlement and therefore not considered to be a suitable site for windfall development</p> <p>Therefore limited weight can be given to this as a VSC.</p>

9.57 The overall harm to the Green Belt own its own is considered to equate to very substantial harm, the highest level of harm. The case of VSC put forward by the applicant would not clearly outweigh harm to the Green Belt and any other harm, therefore the proposal would be contrary to Local Plan policy GB1, GB2(a) and paragraph 145 of the NPPF.

xi Planning Balance

9.58 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.59 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer)'

- 9.60 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019). At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.61 However footnote 6 of the NPPF then further clarifies that section d(i) of paragraph 11 of the NPPF is not applied where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. This includes land designated as Green Belt. For reasons set out in Section 9(i) it is considered that section d(i) of paragraph 11 is engaged as Green Belt policies in the NPPF, which protect areas or assets of particular importance, provides a clear reason for refusing the development proposed. As such, the tilted balance is not engaged and the planning balance is carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The Community Infrastructure Levy is a charge which can be levied by local authorities on new development in their area and an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area. In accordance with the Council's adopted CIL charging schedule the development is CIL liable at a rate of £240 per square metre (plus indexation) of chargeable floor space.

11. CONCLUSION

- 11.1 The proposed development constitutes an inappropriate form of development in the Green Belt, would result in substantial harm to the openness of the Green, and would be contrary to one of the purposes of the Green Belt. This harm to the Green Belt is afforded substantial weight against the development. The case of VSC put forward by the applicant would not clearly outweigh this harm and the harm to the character and appearance of the streetscene and locality. As such the proposal is contrary to Local Plan Policy GB1 and GB2(a), and paragraph 133, 134,143, 144 and 145 of the NPPF.
- 11.2 The proposed sustainable drainage system is acceptable in principle, but additional information has been submitted on infiltration rates and how properties will be protected from internal flooding. Further comments from the Lead Local Flood Authority will be reported in an update.
- 11.3 The proposed development would represent a significant uplift in density and the blocks of flats would be buildings which are larger in terms of height and mass than existing buildings in the locality. However, due to the proposed number of units, layout, building type, form and character, the proposal is not considered to be cramped within the site, visually dominant nor unduly incongruous. The proposal is considered to be in accordance with Local Plan policy H10, H11 and DG1.
- 11.4 There are no objections proposed loss of on-site trees which are of poor quality nor is it considered there would be undue conflict with retained trees and the proposed development. In terms of mitigation, it is considered that an acceptable landscaping scheme could be achieved to

mitigate for the loss of existing trees, soften the built form or provide an appropriate level of enhancement. The proposal is considered in accordance with Local Plan policy N6

- 11.5 The proposal is considered to be acceptable in terms of impact on neighbouring amenity. The proposed development would not have a significantly detrimental impact on the daylighting levels currently received by the nearby residential properties and would not result in significant increased overlooking or visual intrusion. The proposal is considered to accord with Local Plan policy H11 and paragraph 127 of the NPPF.
- 11.6 The proposal is considered to be acceptable in terms of highway safety and impact on local infrastructure. An acceptable level of parking provision is provided on site. The relocation of on-street parking and cycle storage can be secured by condition. However, the proposal fails to secure highway improvements to support sustainable modes of transport, contrary to paragraph 103 of the NPPF.
- 11.7 The proposed development is considered to be acceptable in terms of impact on ecology subject to conditions in accordance with paragraphs 170 and 175 of the NPPF.
- 11.8 The impact of the proposed development on archaeological sites of unknown importance is considered to be acceptable in accordance with Local Plan policy ARCH3 and paragraph 189 of the NPPF subject to a condition to requiring a programme of archaeological field evaluation in accordance with an approved written scheme of investigation, and any subsequent mitigation as necessary. It is considered that this requirement can be secured post-permission in this particular case as there has been some previous development on the site.
- 11.9 The proposal includes 30% of the proposed residential units as affordable housing, in the absence of a S106 legal agreement the development fails to secure an acceptable level. This would be contrary to Local Plan policy H3 and paragraph 62, 63 and 64 of the NPPF.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plan and Elevation Drawings

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt, would be substantially harmful to the openness of the Green Belt, and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been demonstrated. The proposal is therefore contrary to the provisions of saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), and paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework (2019),
- 2 In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore to paragraph 103 of the National Planning Policy Framework (2019).
- 3 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 11 affordable housing units (30% on site provision) to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).

Appendix A – Site Location Plan



Appendix B – Proposed Site Layout Plan



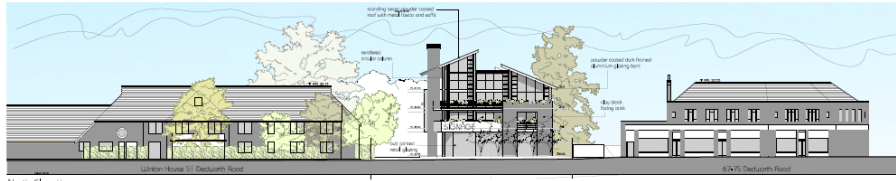
61-63 Dedworth Road, Windsor

Appendix C – Proposed Floor Plans



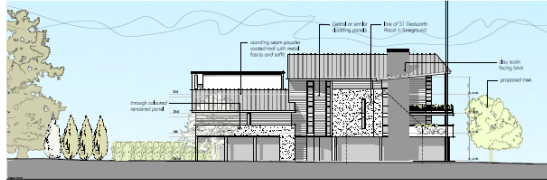
61-63 Dedworth Road, Windsor

Appendix D – Proposed Elevation Plan

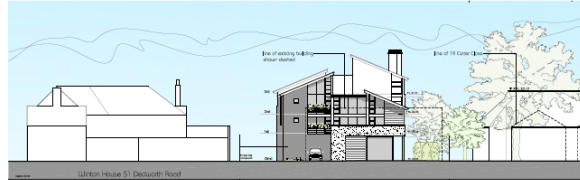


North Elevation

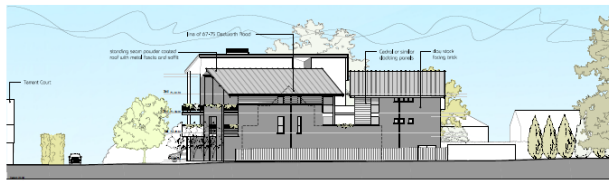
Notes:
1. The drawing is for general information only.
2. It is not intended to be used for any other purpose.
3. It is not a contract document and does not create any legal obligations.
4. It is subject to the terms and conditions of the contract.



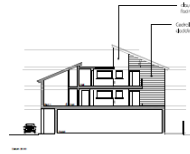
East Elevation



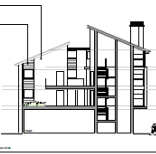
South Elevation and Site Section



West Elevation



Internal North Elevation



Internal South Elevation

Notes:
1. The drawing is for general information only.
2. It is not intended to be used for any other purpose.
3. It is not a contract document and does not create any legal obligations.
4. It is subject to the terms and conditions of the contract.

HORGAN CAREY ARCHITECTS
Mrs J Wilson-Jones,
Mahjacks Ltd
61-63 Dedworth Road, Windsor

61-63 Dedworth Road, Windsor

Drawn: Elevations
Date: 2019-10-22
Scale: 1:120 27/5

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DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 8

Application No.:	19/01755/FULL
Location:	Squires Garden Centre Maidenhead Road Windsor SL4 5UB
Proposal:	Erection of 37 dwellings including the re-location of existing access along Maidenhead Road with associated parking, internal circulation, public open space, landscaping and related infrastructure
Applicant:	Bewley Homes Plc And Square Bay (no5) LLP
Agent:	Mrs Hannah Knowles
Parish/Ward:	Bray Parish/Clewer And Dedworth West
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for the erection of 37 dwellings including the relocation of the existing access along Maidenhead Road with associated parking, internal circulation, landscaping and related infrastructure.
- 1.2 The site lies in Green Belt and the proposed development is considered to be an inappropriate form of development in the Green Belt, would cause substantial harm to the openness of the Green Belt and would be contrary to one of its purposes. No case of Very Special Circumstances (VSC) has been demonstrated to outweigh the harm to the Green Belt and any other harm.
- 1.3 The Green Belt boundary is proposed to be amended and the site forms part of a larger parcel of land allocated for housing, ref: HA11 Land West of Windsor, north and south of the A308 in the BLPSV, and land allocation ref: AL22 Squires Garden Centre, Maidenhead Road in the Proposed Changes to the BLPSV. There are significant unresolved objections with regards the housing land allocations proposed in the BLPSV and as a result all proposed allocations are given limited weight as a material consideration at this time.
- 1.4 The proposal includes highway improvements including dropped kerbs and tactile paving at crossing points along a route from the site to a bus stop on Ruddlesway to support sustainable modes of travel (walking). However, in the absence of a completed legal agreement the development fails to secure the required infrastructure to make this development acceptable in planning terms.
- 1.5 The proposal includes 30% of the proposed residential units as affordable housing, but in the absence of a completed legal agreement the development fails to secure the required affordable housing units this constitutes a reason for refusal.
- 1.6 Additional information has been submitted to address concerns raised on sustainable drainage, and further comments from the Lead Local Flood Authority. Any comments received will be reported in an update.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

- | | |
|----|--|
| 1. | The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. The development causes substantial harm to the openness of the Green Belt. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been |
|----|--|

	demonstrated.
2.	In the absence of a completed legal agreement the development fails to provide the necessary infrastructure needed to make this development acceptable in planning terms.
3.	In the absence of a completed legal agreement the development fails to secure 30% Affordable Housing to make this development acceptable in planning terms with regards affordable housing provision.

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises land bounded by Maidenhead Road to the north; the A308/Maidenhead Road roundabout to the east; the A308 to the south and the residential dwellings to the west beyond which is open land; 'Willows Park Homes' site to the north west; and The Willows to the north – a former mansion house dating from 1850 which has been divided into a number of individual properties. The site was occupied by Squires Garden Centre which includes a car park, a single storey retail building and an open air plant display area, but has been vacated. The site is bounded by a red brick wall that forms part of the garden centre building to the north; a wrought iron fence to the east; trees/shrubs on the boundary with the A308 to the south; and a combination of close board fencing and trees to the west.

4. KEY CONSTRAINTS

- 4.1 The entire site lies in Green Belt, and in accordance with the accordance with the Environment Agency Flood Map for Planning the eastern corner of the site lies in Flood Zone 2

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the erection of 37 dwellings including the relocation of the existing access along Maidenhead Road with associated parking, internal circulation, landscaping and related infrastructure.
- 5.2 The proposal includes two blocks of flats, one located at the inward curve of the site at the roundabout junction of A308 and Maidenhead Road (plot 27-37) and the other located to its west adjacent to the A308 (plot 18-26). The remaining dwellings comprise of 2 detached houses and 4 pairs of semi-detached houses along the western boundary of the site (plot 2-12), 2 detached dwellings fronting Maidenhead Road (plot 1 and 13), and a terrace of 4 houses within the site (plot 14-17). The blocks of flats are 2 to 3 storey in height, while the houses are 2 to 2 and half storey in height. Access is via Maidenhead Road and the internal road layout terminates in a cul-de-sac.
- 5.3 Following negotiation during the course of the application, design changes were made to the scheme and revised plans were received on the 20 September 2019. The main changes relate to the roof form and architectural detailing on the blocks of flats. Further changes to the architectural detailing were to the blocks of flats were received on the 14 November 2019.
- 5.4 There is extensive planning history for the site associated with the operation of the garden centre. In terms of relevant planning history for the redevelopment of the site for residential, there was an application for the erection of 39 dwellings, creation of a new access of Maidenhead Road,

provision of parking, internal circulation, public open space, landscaping and related infrastructure that was withdrawn by the applicant on 13 March 2019, ref: 18/03754/FULL.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1
Design character and appearance of area	DG1, H10,H11
Affordable Housing	H3
Highways	P4, T5, T7
Flooding	F1

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenges of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is to tool at layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics help which work together to create its physical Character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development In Green Belt and acceptable Impact on Green Belt	SP1, SP5
Design in Keeping with Character and Appearance of Area	SP2, SP3
Housing Development	HO1, HO2, HO5
Affordable Housing	HO3

Trees, Woodlands and Hedgerows	NR2
Infrastructure Provision	IF1
Sustainable Transport	IF2
Community Facilities	IF7

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development In Green Belt and acceptable Impact on Green Belt	SP1, QP5
Design in keeping with character and appearance of area	QP1, QP3
Housing Development	HO1, HO2
Affordable Housing	HO3
Trees, Woodlands and Hedgerows	NR3
Infrastructure Provision	IF1
Sustainable Transport	IF2
Community Facilities	IF6

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Interpretation of Policies R2, R3, R4, R5 and R6

Other Local Strategies or Publications

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy
- RBWM Townscape Assessment
- Affordable Housing Planning Guidance

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

58 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 8 July 2019 and the application was advertised in the Local Press on 11 July 2019. 42 letters were received objecting to the application, summarised below. Following re-consultation on the 24 September 2019 an additional 13 letters were received from consultees who reiterated their original concerns.

Comment	Where in the report this is considered
Inappropriate development in the Green Belt, encroachment into the countryside, harm to openness, no Very Special Circumstances demonstrated to outweigh harm to the Green Belt	Section i, x
Assumes Borough Local Plan will be adopted, application is premature	Section i
Insufficient parking resulting in increase in on-street parking pressures	Section vi
Location of access is dangerous	Section vi
Density too high resulting in cramped development and overdevelopment of the site to the detriment of amenity for future occupiers and local character	Section iii
Out of character with the locality as there are no other flatter development or 3 storey buildings, and design is incongruous.	Section iii
Height and design of buildings are out of character with the area and overly dominate with surrounding properties.	Section iii
Increase in traffic resulting in congestion, increase in air pollution and to the detriment of highway safety; transport survey taken during summer holidays and therefore inaccurate	Section vi
Land liable to flood, inadequate drainage; increase in pressure on sewer network	Thames Water consultation response and Section ii
Inadequate social infrastructure to support the development e.g.GP surgeries	Section 10
Harm to off-site trees, and insufficient landscaping	Section iv
Harm to neighbouring amenity in terms of loss of view, loss of light, loss of privacy, increase in noise and disturbance	Section v
Decrease in open space and greenery, increase in built development resulting in harm wildlife	Section vii
Loss of local employment	The site is not within an identified site where the use is protected for employment.
Increase in crime	No evidence put forward that the proposed residential use is a crime generating development.

Loss of community use e.g. local café and restaurant which was by local residents to meet and socialise; development should include some kind of community facility	The extant use of the site (former garden centre with ancillary cafe) falls under A1 (retail) and not D1 (community use). As such, there is no objection in principle to its loss nor a requirement for a replacement within the scheme.
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Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to condition to secure implementation of a programme of archaeological works to be submitted and approved by the local planning authority.	Section viii
Bray Parish Council	Raises objection to the proposal for the following reasons: <ul style="list-style-type: none"> • Inappropriate development in the Green Belt and Very Special Circumstances has not been demonstrated • No certainty that the BLP (and changes) will be adopted • Density too high with harmful visual impact and lack of open space • Inadequate parking • Flood risk • Highway safety from new access • Increase in traffic adding to congestion at peak times 	Section i, ii, iii, iv, x
Ecology	No objection subject to conditions relating to a construction environmental management plan; removal of rhododendron; examination of the bat feature by an ecologist prior to demolition works and dismantling by hand; and biodiversity enhancements, and informative relating to breeding birds.	Section vii
Environment Agency	Refers the Local Planning Authority to standing advice.	Section ii
Highways	No objection in principle but further information required in relation cycle parking.	Section vi
Lead Local Flood Authority	Additional information requested to address concerns over the infiltration rates which were based on above average infiltration rates while best practice indicates that the lowest determined infiltration rates should be used in calculations, and how properties at plot 18-26 will be protected from internal flooding as the submitted information indicates that exceedance flows will be directed towards these properties.	Section ii
Trees	Raises objections over the failures to secure the long-term retention of off-site trees and the	Section iv

	landscaping scheme is insufficient to soften the built form or provide a level of enhancement for such a large and prominent development.	
Thames Water	No objection with regard to foul water sewage network infrastructure capacity based on the information provided as the application indicates that surface waters will not be discharged in to the public network.	Section ii

Other Responses

Group	Comment	Where in the report this is considered
Access Advisory Forum	Insufficient information submitted.	Noted.
Oakley Green and Fifield Residents Association	<p>Raises objections for the following summarised reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt, loss of openness, conflict with the purposes of the Green Belt, no very special circumstances • Prematurity in relation to the BLPSV • Higher density, cramped layout, scale and massing is out of character with surrounds • Proposed access is unsafe • Insufficient on-site parking resulting in increase in parking pressure off-site • Flood risk • Existing poor air quality and additional vehicle use would add to this • Loss of community asset and employment (garden centre and café) 	<p>Section i, ii, iii, vi, x</p> <p>The extant use of the site (former garden centre with ancillary cafe) falls under A1 (retail) and not D1 (community use). As such, there is no objection in principle to its loss nor a requirement for a replacement within the scheme.</p>
Windsor and Eton Society	<p>Raises objections for the following summarised reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt, loss of openness • Prematurity in relation to the BLPSV • Overdevelopment of the site • Blocks of flats are imposing and overly dominant, would detract from The Willows • Design out of keeping with sense of place • Loss of trees which are important along the A308 • Over dominance of parking to the centre of the site • Inadequate surface water drainage 	Section i, ii, iii, iv, vi, x

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Character and Appearance
- iv Trees
- v Residential Amenity
- vi Highways
- vii Ecology
- viii Archaeology
- ix Affordable Housing
- x The Case for Very Special Circumstances
- xi Planning Balance

i Green Belt

- 9.2 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate development with some exceptions. Local Plan policy GB1 and BLPSV policy SP5 also sets out appropriate development in the Green Belt. However, the Local Plan was prepared in accordance with the cancelled PPG2 Green Belts and therefore not entirely consistent with the NPPF. As such, GB1 is not given full weight for the purposes of this assessment. Under transitional arrangements the BLPSV is assessed against the NPPF (2012) and therefore policy SP5 is considered to be consistent in this respect, but due to unresolved objections policy SP5 should only be given limited weight as a material consideration. The NPPF is considered to be a more up-to-date expression of Government intent and a material consideration of significant weight.
- 9.3 In this context, paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), need not be inappropriate development in the Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt than the existing development; or not causing substantial harm to the openness of the Green Belt where the development would re-use previously development land and contribute towards meeting an identified affordable housing need within the area of the local planning authority. It is considered that the proposal would not clearly fall under any of the other exceptions.
- 9.4 In this case, the site would fall under the definition of previously developed land given in the Appendix 2 of the NPPF as the site is entirely occupied by a former garden centre with a main building and associated hardstanding that was used for storage, display area and a car park.
- 9.5 Turning to the impact on openness, the concept of openness relates to the lack of development or built form, however *Turner v SSCLG and East Dorset Council* [2016] and *Goodman v SSCLG* [2017] established that the impact of openness of the Green Belt should be assessed taking into account both its spatial and visual impact, while *Euro Garages Limited v SSCLG* [2018] establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the

change". This Case Law is a material consideration. In response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF (2019) advises that in addition to volume the visual impact of the proposal may also be relevant.

- 9.6 The proposed housing development would equate to a footprint of approximately 1725.5sqm which represents an increase from the existing footprint that measures approximately 1652sqm. However, the existing building is single storey measuring approximately 4.5m in height and has a much lower profile than the proposed two-storey houses measuring approximately 8.5m to 10.5m in height and the two to three storey blocks of flats measuring 8.2 to 12.5m. Furthermore the blocks of flats have significant width and are very prominently located. The existing building is significantly lower in height than the proposals and is concentrated in a visually less prominent position in the north-western corner of the site. The residential dwellings would visually spread across the entire site including to areas previously used for storage, plant displays, car parking. While the extent of which these areas remain open and free from development is dependent on the intensity of use at a particular time, it is considered that the erection of taller permanent two to three storey buildings would have a substantially greater volumetric and visual impact on openness than the existing development.
- 9.7 Furthermore, the existing buildings being single storey in nature, glass houses and the other open storage and hard surfacing have a reduced physical and visual presence, a liken to an agricultural character. Compared with this would be markedly taller and solid buildings and the subdivision of the area into individual curtilages. It is considered that the quantum and amount of the more urban form of residential development proposed would substantially reduce openness of the Green Belt. While there would be some modest screening from trees, the increased amount of development and its visual impact in Green Belt terms would be very apparent from Maidenhead Road, the A308 (Maidenhead Road and Windsor Road), the roundabout junction, nearby residential properties, and Ruddlesway, in particular with the higher density of development (the blocks of flats) located towards the A308 and the roundabout junction.
- 9.8 Consequently, taking into account the footprint, height, scale and siting of the proposed development it is considered that the proposed development would have a greater impact on the openness of the Green Belt than the existing development and would lead to substantial harm to openness. Therefore, it is not considered that the proposal falls under exceptions in paragraph 145 of the NPPF and considered to be inappropriate development in the Green Belt.
- 9.6.1 For the reasons above the proposal is considered to constitute inappropriate development in the Green Belt. Paragraph 144 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). The applicant considered that proposal to be appropriate development, but has also put forward a case for VSC within the submitted Planning Statement which is assessed below.
- 9.7 In terms of any other harm to the Green Belt, as inappropriate development in the Green Belt the proposal is by definition harmful to its openness. The more formalised and urban form of development spread across this site is considered to conflict with one of the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment' which forms the third purpose outlined in paragraph 134 of the NPPF.
- 9.8 In the emerging Borough Local Plan (BLPSV) the Green Belt boundary is proposed to be amended through the BLPSV and the site forms part of a larger parcel of land allocated for housing (ref: HA11 Land West of Windsor, north and south of the A308). In the Proposed Changes to the BLPSV, the site is separated from the larger parcel of land and forms its own allocation for housing (ref: AL22 Squires Garden Centre, Maidenhead Road). However, as stated in Section 7 of this report both the BLPSV and Proposed Changes to the BLPSV are given limited weight as a material consideration.

ii Flood Risk

- 9.12 Part of the block of flats comprising of plot 27 to 37 is sited in Flood Zone 2 while the remainder of the site lies in Flood Zone 1. However, following a more detailed model undertaken by the EA shows that the site is elevated above the EA calculated Flood Zone 2 level. NPPG advises that it is not normally necessary to apply the Sequential Test, which aims to steer development away from areas at highest risk, to development proposals in Flood Zone 1. The Exception Test is not considered to be applicable as housing is considered to be 'more vulnerable' development in accordance with Table 2: Flood Risk Vulnerability Classification, which is appropriate development in Flood Zone 1 in accordance with NPPG Table 3: Flood Risk Vulnerability Classification. With reference to paragraph 163 of the NPPF, footnote 50 advises that a site specific flood risk assessment is not required in this case, and given its location in Flood Zone 1 it is not considered that the proposed development would increase flood risk elsewhere.
- 9.13 To accord with paragraph 165 of the NPPF, as the proposal falls into the category of major development (10 units or more), a sustainable drainage system should be incorporated unless there is clear evidence that this would be inappropriate. The submitted sustainable drainage strategy proposes to attenuate the additional surface water from the development by incorporating permeable paving within all drives and carriageways, two storage tanks on site, and a hydrobrake at the outflows into the Thames Water assess. This is acceptable in principle, but further information is required on infiltration rates or alternatively details on how to prevent siltation of the soakaways; and how properties on plot 18-26 are protected from internal flooding. Further information to address these issues has been submitted by the applicant, and comments from the Lead Local Flood Authority will be reported in an update.

iii Character and Appearance

- 9.14 Local Plan policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment, while policy DG1 resists development which is cramped or which results in the loss of important features which contributes local character, and policy H11 resists development would introduces a scale or density which would be in incompatible with or cause damage to the character of the area. These policies accord with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions. The recently published National Design Guide sets out the characteristics of well-designed places and what good design means in practice.
- 9.15 To the west is a group of individual houses set in spacious plots along a linear cul-de-sac. To the north is Willows Riverside Park, which comprises of detached, bungalow-style park homes on regular plots laid out in a predominately linear rows on both sides of the internal access road. To the north-east are mew houses generally arranged around a shared courtyard with long back gardens leading to the riverside. While the character of built development within the locality is diverse, the experience of the area is a verdant, semi-rural settlement with domestic scale development. Denser 1960s style residential development lies to the south-east within the Windsor settlement which is separated from the application site by the roundabout junction and the A308.
- 9.16 The proposed development would result in a density of approximately 53 dwellings per hectare (dph), which would be a significant uplift from the density of the existing locality which is around 20-35 dph. However, there are no objections to this increase in principle as it would represent an efficient use of land which is supported by paragraph 123 of the NPPF. Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing need planning decisions should avoid homes being built at low densities and ensure that developments make optimal use of each site. Furthermore, the National Design Guide advises that appropriate density will result from building types, form and character of the development as well the context.

- 9.17 The density of the proposed properties would increase from west to south-east with 13 x two and half storey detached and semi-detached houses towards the western and northern boundary of the site, that give way to 4-house terrace towards the centre and then 2 x two to three storey blocks of flats towards the south-eastern and eastern boundary of the site. This approach is considered to be appropriate, moving from the existing low density development to the west and higher density to the south-east. It is also considered that the higher density blocks of flats would provide a strong frontage to the site. Overall, with the reduction in units and a revised layout from the previous withdrawn scheme under 18/03754/FULL, it is considered that the proposal achieves sufficient space around buildings to provide adequate setting for each and intervening green space, which avoids a cramped overdeveloped appearance.
- 9.18 Concerns from local representations have been raised that the blocks of flats would be out of keeping as there is no other flatted development within the locality, and the height and scale would be visually dominant. The National Design Guide advises that a well-designed neighbourhood should provide a variety and choice of homes to suit all needs and so there is no objection in principle to flatted development in the area. However, the National Design Guide goes on to advice that different types need to be well integrated. It is considered that the success of integration is derived from the relationship with neighbouring development. In this case, the block of flats sited at plot 27-37 would be seen in context from many public vantage points with The Willows. However, the 2 storey section of the block of flats at plot 27-37 would be the nearest element to the Willows before stepping up to 3 storey. The 2 storey element is considered to reflect the domestic proportions the Willows and therefore, together with the intervening distance of approximately 17.5m and 25m to the two storey and three storey element respectively, would result in an acceptable visual transition.
- 9.19 Overall, the flatted development at plot 27-37 would be substantial building, but its form, detailing and materials have been designed to visually break up its mass and bulk. It is considered that there would have been a benefit by increasing the set back between the north-eastern corner of the building and the site boundary, but on balance the space around the building would provide an adequate setting.
- 9.20 The block of flats at plot 18-26 would be seen in context with the block of flats at plot 27-37 and the houses at plot 11-12, but there is sufficient separation distance from both to the extent that the proposed building at plot 18-26 to read as its own entity and not appear overbearing to the houses at plot 11-12.
- 9.21 The housing fronting Maidenhead Road are considered to reflect the form, detailing and materials of the houses to the opposite side of the road. The flatted development also incorporates reflective forms, detailing and materials including gable features with timber barge board detailing, brick headers over the window and render. Within the site, the form, detailing and materials are considered to diverge but it is considered within the site there can be more flexibility as the buildings seen within its own context.
- 9.22 Overall, it is considered that the proposed development would not harm the character and appearance of the streetscene and wider area.

iv Trees

- 9.23 Local Plan policy N6 requires new development to allow for the retention of existing suitable tree wherever practicable, should include protection measures necessary to protect trees during development and an appropriate tree planning and landscaping scheme, and where the amenity value of trees outweigh the justification for development then planning permission may be refused.
- 9.24 T1 (Yew), T23 (Ash) and T28 (Japanese maple) are shown to be removed on the submitted Tree Protection Plan ref: BEW21784-03C. In addition to these trees it is also considered that the proposal would also likely result in the loss of T16 (Cherry Plum) due to the encroachment of the

block of flats at plot 18-26 into the root protection area (RPA) and potential conflict between the resultant building and the future crown of the tree. As such, the viability of this tree cannot be assured and it should be assumed it would be lost as a consequence of the development. However, T1, T16 and T28 are identified as category C trees and in general category C trees should not impose a constraint on the development provided that their loss is adequately mitigated with replacement planting. T23 is identified as a category B tree, which is a tree of moderate quality with an estimated life expectancy of at least 20 years, but due to its unsustainable location along the western boundary of the site there are also no objections to its loss subject to adequate replacement planting

- 9.25 In relation to the impact on off-site trees, there are a number of significant trees located around the perimeter of the site on the adopted highway. Being the main road between Maidenhead and Windsor and the junction with Ruddlesway, the trees are highly visible and make a significant contribution to the verdant character of this section of the A308. The block of flats forming plot 27-37 would be in close proximity to the edge of the RPA of T11 (Common oak) and T12 (Cherry plum) while the house at plot 12 would be in close proximity to the edge of the RPA of T20 (Ash), but while this only allows for a slim margin of error in the construction process and siting of the build this is not considered to warrant refusal in terms of undue harm to the health and longevity of these tree. Additional concerns were also raised by the Council's Arboriculture Officer on potential conflict with T11 and the proposed flats at plot 27-37, including shading to rooms from the future growth of T11, leading to pressure from future owners/occupiers to prune or fell to the detriment of their health and longevity. However, the affected windows would not be the sole source of outlook and light and therefore also not considered to warrant refusal in terms of undue harm to its health and longevity.
- 9.26 A Landscape Masterplan was submitted ref: BEW2178410 rev. G. There are issues over the type trees, siting and rooting areas, but it is considered that in general the Landscape Masterplan demonstrates that there is sufficient room for adequate planting to mitigate the proposed loss of trees and to enhance the development. Therefore, if minded to approve a satisfactory landscape strategy can be secured by condition.

v Residential Amenity

- 9.27 Local Plan policy H11 states that planning permission will not be granted for schemes which introduce a scale or density of new development which would cause damage to the amenity of the area. As a material consideration of significant weight, paragraph 127 of the NPPF states that planning decisions should create a high standard of amenity for existing and future users.
- 9.28 The nearest residential properties are Willows Cottage, Willow House, Fold Cottage, Westlodge Cottage and Westwind Manor to the west, and nos. 1 and 2 Park Cottage, and nos. 1, 5 and 14 The Willows which are sited to the north on the opposite side of Maidenhead Road.
- 9.29 There would be a separation distance of approximately 20m between the proposed houses on plot no. 1-9 and Willow House and Fold Cottage. There is a lesser separation distance of approximately 16m between Willows Cottage and the proposed house on plot no. 11, but due to its orientation the proposed house would be angled away from Willows Cottage. As such, it is considered that there would be no undue impact in terms of loss of light, loss of privacy and visual intrusion to these neighbouring properties. It is noted that there would be garages sited within the rear garden of plot no. 1, 2, 5 and 8, close to the shared boundary. However, the garages would be single storey with an eaves height of approximately 2.2m at the eaves and hipped roof sloping away from the shared boundary. As such, the proposed garages are not considered to result in undue loss of light or visual intrusion.
- 9.30 The house at plot 1 would be sited opposite the entrance to Willows Riverside Park and so would have little to no impact to residential amenity for the existing properties to the north. The house at plot 13 would have a front-to-side relationship with no.1 and 2 Park Cottage. The side elevation of nos. 1 and 2 Park Cottage does not have any ground floor windows but there are 2 first floor

windows that appear to be primary windows serving habitable rooms. However, it is considered that there would be no undue loss of daylight to the windows as the proposed house at plot 13 would subtend a 25 degree line taken from the mid-point of each first floor window. The proposed house at plot 13 would result in an increase in visual presence of building development when viewed from no. 1 and 2 Park Cottage but houses sited on opposite sides of the road are not an uncommon relationship and there would be a separation distance of approximately 11m. The proposed house at plot 13 would also have a first floor window which would approximately align with a first floor window at nos. 1 and 2 Park Cottage, both of which serve a habitable room. However, it is considered that there should be less expectation of total privacy for windows facing a public highway and mutual overlooking between houses on opposite sides of the road is not exceptional. In relation to no. 1 The Willows, a proposed substation is sited opposite, but given the proposed scale of the substation and the approximate distance of 16.5m from no. 1 The Willows it is considered that there would be no loss of light or visual intrusion as a result.

- 9.31 The block of plot 27-37 would have a side-to-side relationship with no. 5 The Willows, sited on the opposite side of Maidenhead Road at a distance of approximately 17m. There are 3 ground floor and 2 first floor windows to the side elevation of no. 5 The Willows. Taking a 25 degree line taken from the mid-point of each ground floor window at no. 5 The Willows, the proposed building would subtend this line and so not considered to result in an undue loss of daylight to this neighbouring property. While the proposed building would be substantial in size, it is considered that the separation distance would be sufficient to mitigate any undue visual intrusion or overbearing when viewed from no. 5 the Willows. The distance is also considered to sufficiently mitigate any undue overlooking from proposed windows to existing windows at no. 5 The Willows.
- 9.32 In relation to residential amenity for future occupants, the proposed floor plans with furniture layout demonstrate that all rooms are of sufficient size and shape to function for the purposes which they are intended and all habitable rooms benefit from natural light and outlook. The proposed houses have private garden space, while the flats have a private balcony with the exception of the ground floor flats and access to an area of communal space.

vi Highways

- 9.33 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

Trip Generation

- 9.34 The submitted Transport Assessment compares the vehicular two-way trips generated by the existing development (travel survey) with the proposed development (TRICS), which is summarised in the table below. It is noted that the travel survey was undertaken during the summer holidays, which is normally advised against under best practice advises, but given the seasonal nature of the existing development the timing of the survey is considered to be sufficiently robust.

	AM Peak		PM Peak		Daily		Saturday Peak	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
Existing	18	0	2	15	112	122	53	53
Proposed	5	21	16	7	106	110	4	10
Net Change	-13	+21	+14	-8	-6	-12	-49	-43

Overall, there would be an increase of 8 in vehicular trips during the morning peak and 6 vehicular trips during the evening peak, an overall decrease of 18 vehicular trips daily, and a significant decrease of 92 vehicular trips during the Saturday Peak. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. On this basis it is considered that the trip generation of the proposal upon the local highway network and air pollution would be acceptable.

Access

- 9.35 A relocated access into the site has been proposed. As shown on drawing ref: 1903077-02 within the Transport Statement, the access can provide viability splays in both directions of 2.4m x 43m in accordance with the RBWM Highway Design Standards.

Parking

- 9.36 To facilities the new access, 2 on-street parking spaces will need to be relocated. There is no objection to this in principle, but the applicant will need to amend the existing Traffic Regulation Order in the event of any planning permission being granted and if minded to approve it is recommended that this is secured by condition.
- 9.37 The Council's adopted Parking Strategy requires a maximum provision of 1 car parking space per 1-bed unit, 2 car parking spaces per 2-3 bed unit, and 3 car parking spaces for a unit with 4 or more bedrooms. Based on the accommodation schedule in Appendix 1 of the Design and Access Statement, this equates to a maximum provision of 75 spaces for the proposal. The proposal would provide 73 on-site car parking spaces which is in compliance. The spaces also confirm to RBWM parking design standards. If minded to approve it is recommended that the on-site parking provision is secured by condition.
- 9.38 Cycle parking for the flats will be provided in communal cycle stores on the ground floor, while residents of the houses will be able to store bicycles within the curtilage of the dwelling. To ensure that the proposed provision of cycle parking at the site is in accordance with RBWM details of the cycle parking layout can be secured by condition.

Refuse Provision

- 9.39 A swept path analysis, drawing ref: 1803077-TK01 B in Appendix G of the Transport Statement, demonstrates that a RBWM refuse vehicle can successfully enter, turn and exit the site in forward gear. Therefore, the servicing and refuse arrangements are considered to be satisfactory.

Sustainable Transport

- 9.40 Drawing ref: 190377-03 there is a new footpath from the A308 Windsor Road to the bus stop on Ruddlesway which has been recently been installed along this route. This provides a direct route from the site to the bus stop. However, there is no natural surveillance from nearby residential properties or passing cars as the footpath is screened by trees and vegetation, and while fully lit it is acknowledged that this may be an issue for some pedestrians in hours of darkness including in the afternoon and early evening during the autumn and winter periods. To adhere to paragraph 103 of the NPPF, which states that development should offer a genuine choice of transport modes and maximise opportunities for sustainable transport, the applicant has proposed to improve a second route from the A308 to the bus stop to the east of the roundabout on Maidenhead Road, which is overlooked by residential properties but indirect, by installing dropped kerbs and tactile paving at pedestrian crossing points. This is considered to be acceptable. However, while the applicant has advised that a unilateral undertaking is being prepared to secure the above, at the time of writing this has not yet been submitted. In the absence of a satisfactory unilateral undertaking, the highway improvements to support

sustainable modes of transport (walking) is not secured. The proposal therefore fails to make adequate provision contrary paragraph 103 of the NPPF.

vii Ecology

- 9.41 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity

Habitats

- 9.42 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of saproxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the distance of the proposal from the SAC and therefore an appropriate assessment is not required.
- 9.43 The nearby river and woodland may also constitute Habitats of Principle Importance under Section 40 of the Natural Environment and Rural Communities Act (2006). Sutherland Grange, is a designated as a Local Nature Reserve and Local Wildlife Site located 405m east. However, as the application site is largely isolated from Sutherland Grange by main roads and existing development it is unlikely that the proposed works would significantly impact the Priority Habitats, Local Nature Reserve and Local Wildlife Site provided standard measures to reduce the risk of pollution are adhered to. Therefore if minded to approve, a Construction Environmental Management Plan should be prepared to include measures to reduce the effect of noise, vibration, dust and site lighting. This can be secured by condition.

Bats

- 9.44 The trees and buildings were assessed as having negligible to low potential to host roosting bats and no evidence of bats were observed. The summer house on site, identified as building no. 4 in the submitted Preliminary Ecological Appraisal, was noted to have a single potential bat entrance feature, which did not lead to a suitable roost space, but nevertheless the Preliminary Ecological Appraisal recommended that this feature if examined with an endoscope by an ecologist immediately prior to demolition works and subsequently dismantled by hand. If minded to approve this can be secured by condition.

Other Wildlife

- 9.45 Given the extent of habitats present and lack of nearby accessible ponds it is considered unlikely that great crested newts, reptiles, water vole and dormice are present on site, and no evidence of badgers were observed.

- 9.46 The site may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981 (as amended) and therefore if minded to approve then it is recommended an informative is added to advise that works to building roofs should be taken outside of the bird nesting season, or if it is not practical then such areas should be checked by a qualified ecologist immediately prior to clearance.

Biodiversity Enhancement

- 9.47 In line with paragraph 175 of the NPPF, development should incorporate opportunities for wildlife. To the area to the northern site boundary includes rhododendron, which if *Rhododendron ponticum* species is listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which is illegal to plant or cause it to grow in the wild. As per the Preliminary Ecological Appraisal it is recommended that the rhododendron is removed in accordance with best practice. The Preliminary Ecological Appraisal also recommends that a biodiversity enhancement scheme is designed, which should include bat and bird boxes, hedgehog friendly fencing (there are records of hedgehogs in the surrounding area) and log piles etc. If minded to approve, it is considered that these measures are secured by condition.

viii Archaeology

- 9.48 Local Plan policy ARCH 3 states that planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 189 of the NPPF which states that where a development site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.49 The site lies within the Thames Valley which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day and important prehistoric finds have been recorded close to the application site. Therefore, the application site falls within an area of potential archaeological significance. If minded to approve, a programme of archaeological field evaluation in accordance with a written scheme of investigation, and any subsequent mitigation strategy, can be secured by condition. It is considered that this requirement can be secured post-permission in this particular case as there has been some previous development on the site.

ix Affordable Housing

- 9.50 The proposal includes 11 affordable units on site which accords with Local Plan policy H3 which requires that this development provides 30% affordable housing on site.
- 9.51 As material condition, paragraph 63 of the NPPF states that where major development involving housing, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. The Strategic Housing Market Assessment (SHMA) highlights needs of the Borough and sets out a tenure of 80% of social/affordable rented and 20% intermediate housing, but tenure mix is not specified in adopted policy and therefore it is considered that the NPPF should be a material consideration of more significant weight in this respect. In this case the proposal is for 6 units of shared ownership (units 29, 30, 33, 34, 36 and 37) and 5 units of affordable rent (units 27, 28, 31, 32 and 35), which would accord with the NPPF.
- 9.52 While the applicant is willing for the proposal to be policy compliant and has advised that a unilateral undertaking is being prepared to secure the above, at the time of writing this has not yet been submitted. In the absence of a satisfactory unilateral undertaking, the affordable housing contribution is not secured and the proposal therefore fails to make adequate provision for

affordable housing and is contrary to Local Plan policy H3 and paragraph 63 of the NPPF. However in the weight attributed to having a policy compliant affordable housing scheme will be considered further below as part of the wider planning balance.

x The Case for Very Special Circumstances

- 9.53 It has been demonstrated that in accordance with paragraph 143 of the NPPF the proposal is inappropriate development in the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 144 of the NPPF goes on to state that VSC would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 9.54 The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special. The Courts have not defined ‘*very special*’, beyond confirming that the words must be given their ordinary and natural meaning. The Green Belt balancing exercise therefore needs to be if ‘other considerations’ put forward as part of this planning application equate to VSC which exists to outweigh the harm and any other harm.
- 9.55 In accordance with Paragraph 144 of the NPPF substantial weight against the proposal should be given to any harm to the Green Belt. This includes inappropriateness and conflict with one of the purposes of the Green Belt. In relation to other harm, significant weight against the development is given due to lack of affordable housing provision, and significant weight to the highway improvements to support sustainable modes of transport which are necessary to make the development acceptable in planning terms.
- 9.56 In terms of benefits, the applicant has put forward the following case for ‘VSC’. Officers have assessed each in turn and then carried out a balancing exercise as required.

VSC put forward by the Applicant	Weight attributed by Officers
Housing Need Benefits	
Provision of 37 dwellings to meet exceptional need for both market and affordable housing	At the time of writing RBWM cannot demonstrate a 5 year housing land supply, therefore significant weight is given to the provision of housing as part of this scheme.
Provision of affordable homes (30%) of a mixed type and tenure	Affordable housing provision is simply seeking to comply with planning policy and no provision above and beyond that is proposed by the Appellants. Nonetheless in principle this does form a benefit to the proposed development which would go towards meeting the affordable needs of the Borough. The principle of providing 30% affordable housing can therefore be given moderate weight . However at this stage there is currently no legal agreement in place to secure such delivery.
Sustainable Development (Economic)	
Job creation at construction stage and operation stage.	Not quantified and in any case due to the short-term nature of these benefits this can be only given limited weight .
Increase in expenditure by residents on local services	Not quantified and in any case as the scheme is for 37 units the impact of this additional spend in the local economy would be limited therefore given limited weight .

Increase in council tax revenue and New Homes Bonus	Not quantified and in any case as the scheme is for 37 units the impact would be limited therefore given limited weight .
Sustainable Development (Social)	
Would facilitate a more balanced local demographic whereby younger people and families will enjoy greater opportunities to live locally with the supply of new homes, including affordable homes	Open market housing would be available to anyone, and affordable housing would be available to those eligible also regardless of age. The contribution of a particular tenure and mix of housing does not advance the matter any further. It is simply a contribution to the particular housing need which has been identified locally and therefore given no weight .
Sustainable Development (Environmental)	
Provision of green infrastructure and areas for ecological enhancements and net gain of biodiversity	Biodiversity gain as a result of biodiversity enhancements is considered to be a benefit of the scheme and therefore given limited weight .
Provision of SUDS scheme	Does not constitute VSC as provision is a policy requirement and therefore given no weight .
Provision of a high quality and attractive development on a redundant and vacant site, including new landscaping.	Does not constitute VSC as provision is a policy requirement and in any case all residential scheme irrespective of their location should be of a high quality design. Therefore given no weight .
Other Considerations	
The site forms part of the emerging allocation within the RBWM Borough Local Plan which has been submitted to Examination. The evidence base justifies the allocation.	For reasons set out above given the current status of the BLPSV limited weight is currently attributed to policies contained within this document. The emerging Local Plan is seeking to allocate a number of sites for Green Belt release, it is from the Inspector of the Local Plan to reach a decision on the test of soundness for such a release. An assessment of the impact on 'openness' for a particular planning application is materially different to that undertaken as part of a wider Green Belt Assessment forming justification for a green belt release in the context of a Local Plan. The test for considering the appropriateness of a proposed development in the context of a planning application are set in 145 of the NPPF, these are different from the Local Plan tests relating to the review of boundaries. Limited to no weight can be given to this as part of VSC
Site constitutes previously development and other than Green Belt does not have any other designated constraints.	The application has been considered in the relevant context for such land and officers have clearly conclude that the development would result in substantial harm to the

	openness of the Green Belt. This clearly does not constitute VSC and therefore given no weight .
Site represents a suitable location for development as situated in main urban centres within the Borough and in proximity to a number of local services. Furthermore, the proposed allocation HA11 is identified to deliver open space, sports pitches, educational facilities and community hub.	<p>Proposed allocation under HA11 in the BLPSV and AL22 in the Proposed Changes to the BLPSV is given limited weight given the extent of unresolved objections to and there is no certainty if or when this may transpire; and it is not considered that the site lies within the main urban centre (Windsor or Maidenhead).</p> <p>The proposed scheme does not delivery any of community facilities as part of this scheme.</p> <p>For the scheme to be 'suitable' it should be located in a sustainable location. Para 11 of the NPPF is clear that this development would not be sustainable development as Green Belt policies provide a clear reason for refusing the development.</p> <p>Whilst the NPPF (2019) also requires LPA's to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using <u>suitable sites</u> (<i>our emphasis</i>) within existing settlements for homes. This development is not in a within existing settlement and therefore not considered to be a suitable site for windfall development</p> <p>Therefore limited weight can be given to this as a VSC.</p>

9.57 The overall harm to the Green Belt own its own is considered to equate to very substantial harm, the highest level of harm. The case of VSC put forward by the applicant would not clearly outweigh harm to the Green Belt and any other harm, therefore the proposal would be contrary to Local Plan policy GB1, GB2(a) and paragraph 145 of the NPPF.

xi Planning Balance

9.58 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.59 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer)'

- 9.60 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019). At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.61 However footnote 6 of the NPPF then further clarifies that section d(i) of paragraph 11 of the NPPF is not applied where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. This includes land designated as Green Belt. For reasons set out in Section 9(i) it is considered that section d(i) of paragraph 11 is engaged as Green Belt policies in the NPPF, which protect areas or assets of particular importance, provides a clear reason for refusing the development proposed. As such, the tilted balance is not engaged and the planning balance is carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The Community Infrastructure Levy is a charge which can be levied by local authorities on new development in their area and an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area. In accordance with the Council's adopted CIL charging schedule the development is CIL liable at a rate of £240 per square metre (plus indexation) of chargeable floor space.

11. CONCLUSION

- 11.1 The proposed development constitutes an inappropriate form of development in the Green Belt, would result in substantial harm to the openness of the Green, and would be contrary to one of the purposes of the Green Belt. This harm to the Green Belt is afforded substantial weight against the development. The case of VSC put forward by the applicant would not clearly outweigh this harm and the harm to the character and appearance of the streetscene and locality. As such the proposal is contrary to Local Plan Policy GB1 and GB2(a), and paragraph 133, 134,143, 144 and 145 of the NPPF.
- 11.2 The proposed sustainable drainage system is acceptable in principle, but additional information has been submitted on infiltration rates and how properties will be protected from internal flooding. Further comments from the Lead Local Flood Authority will be reported in an update.
- 11.3 The proposed development would represent a significant uplift in density and the blocks of flats would be buildings which are larger in terms of height and mass than existing buildings in the locality. However, due to the proposed number of units, layout, building type, form and character, the proposal is not considered to be cramped within the site, visually dominant nor unduly incongruous. The proposal is considered to be in accordance with Local Plan policy H10, H11 and DG1.
- 11.4 There are no objections proposed loss of on-site trees which are of poor quality nor is it considered there would be undue conflict with retained trees and the proposed development. In terms of mitigation, it is considered that an acceptable landscaping scheme could be achieved to

mitigate for the loss of existing trees, soften the built form or provide an appropriate level of enhancement. The proposal is considered in accordance with Local Plan policy N6

- 11.5 The proposal is considered to be acceptable in terms of impact on neighbouring amenity. The proposed development would not have a significantly detrimental impact on the daylighting levels currently received by the nearby residential properties and would not result in significant increased overlooking or visual intrusion. The proposal is considered to accord with Local Plan policy H11 and paragraph 127 of the NPPF.
- 11.6 The proposal is considered to be acceptable in terms of highway safety and impact on local infrastructure. An acceptable level of parking provision is provided on site. The relocation of on-street parking and cycle storage can be secured by condition. However, the proposal fails to secure highway improvements to support sustainable modes of transport, contrary to paragraph 103 of the NPPF.
- 11.7 The proposed development is considered to be acceptable in terms of impact on ecology subject to conditions in accordance with paragraphs 170 and 175 of the NPPF.
- 11.8 The impact of the proposed development on archaeological sites of unknown importance is considered to be acceptable in accordance with Local Plan policy ARCH3 and paragraph 189 of the NPPF subject to a condition to requiring a programme of archaeological field evaluation in accordance with an approved written scheme of investigation, and any subsequent mitigation as necessary. It is considered that this requirement can be secured post-permission in this particular case as there has been some previous development on the site.
- 11.9 The proposal includes 30% of the proposed residential units as affordable housing, in the absence of a S106 legal agreement the development fails to secure an acceptable level. This would be contrary to Local Plan policy H3 and paragraph 62, 63 and 64 of the NPPF.

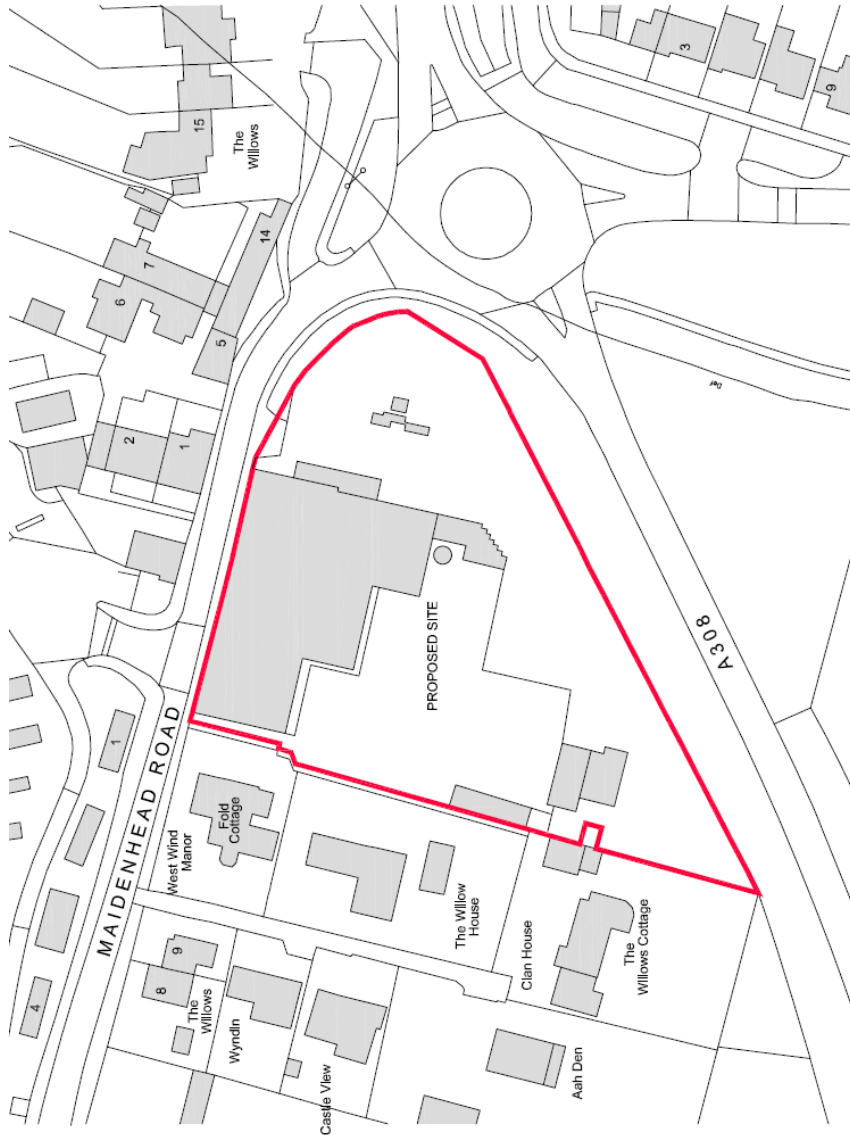
12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plan and Elevation Drawings

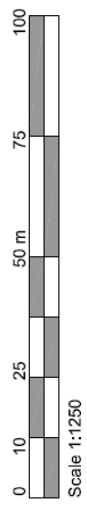
13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt, would be substantially harmful to the openness of the Green Belt, and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been demonstrated. The proposal is therefore contrary to the provisions of saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), and paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework (2019),
- 2 In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore to paragraph 103 of the National Planning Policy Framework (2019).
- 3 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 11 affordable housing units (30% on site provision) to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).

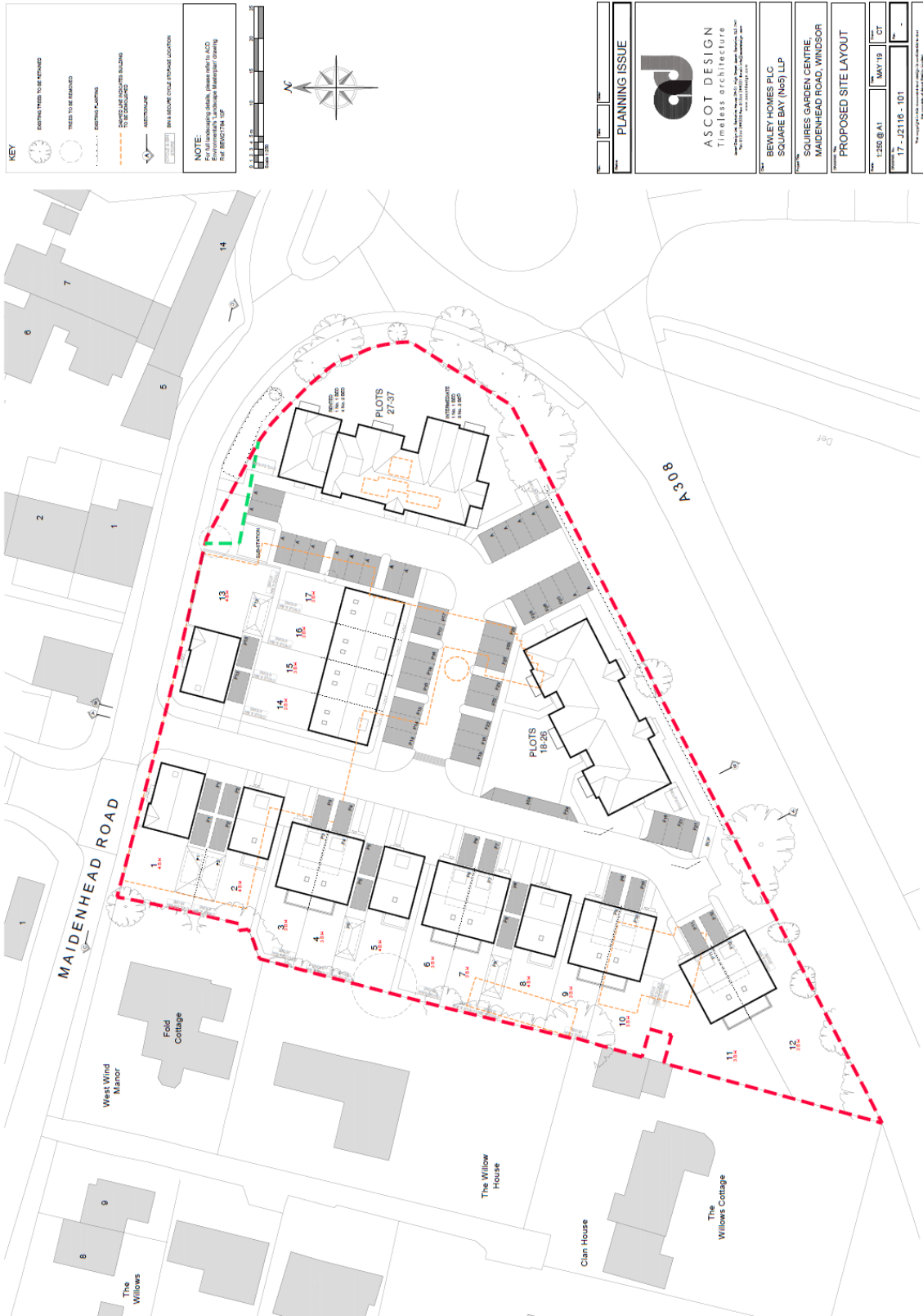
Appendix A – Site Location Plan and Site Layout



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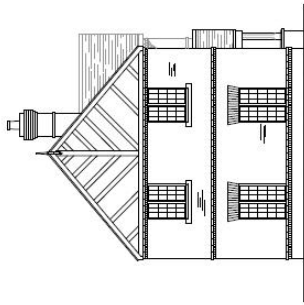
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<p>CLIENT BEWLEY HOMES PLC SQUARE BAY (N65) LLP</p>		<p>PROJECT NO. SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR</p>	
<p>STATUS</p>		<p>DATE 1:1250 @ A4</p>	
<p>PROWING TITLE LOCATION PLAN</p>		<p>DATE MAY'19</p>	
<p>PROWING NO. 17 - J2116 - LP100</p>		<p>DATE CT</p>	



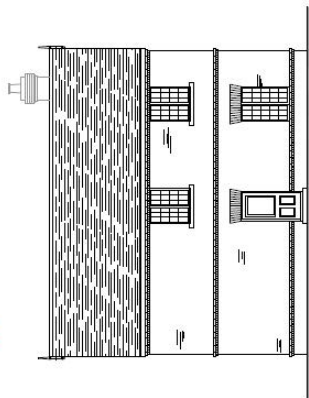
Appendix B – Proposed Plans and Elevations



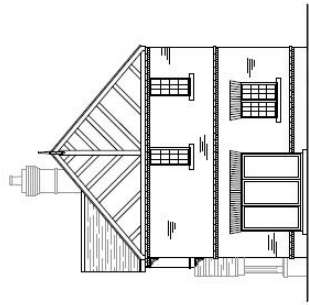
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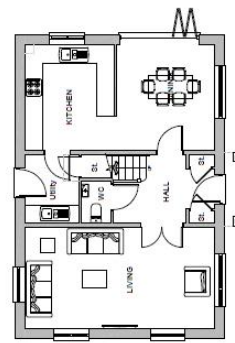
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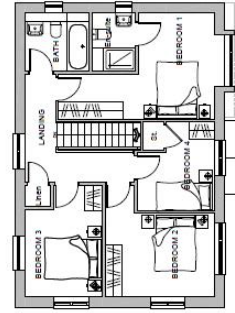
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SIDE ELEVATION



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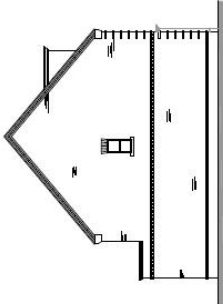


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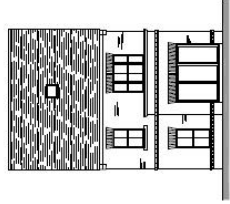
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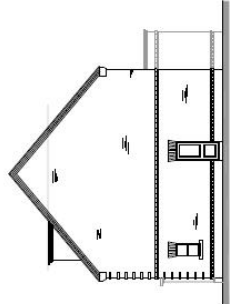
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PLOTS 2, 5 & 8



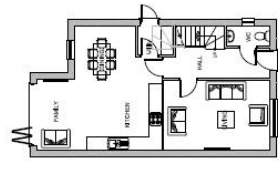
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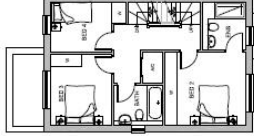
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SIDE ELEVATION



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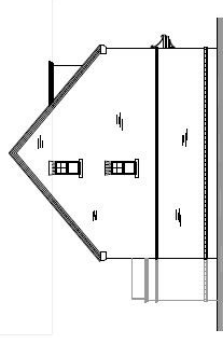
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<p>SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR</p>	
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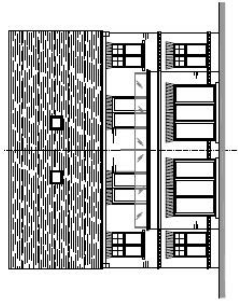


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PLOTS 4, 7, 10 & 12

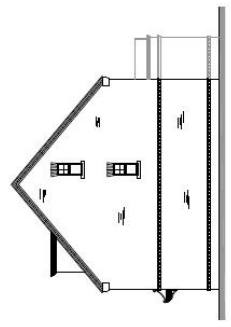
PLOTS 3, 6, 9, 8 & 11



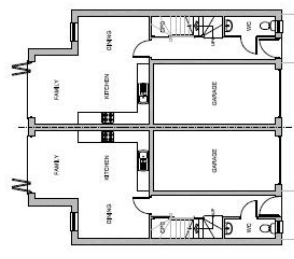
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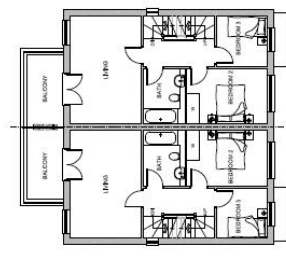
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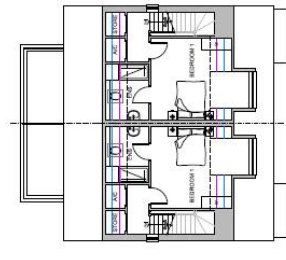
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PLOTS 3, 6, 9 & 11




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MAY 19 2019



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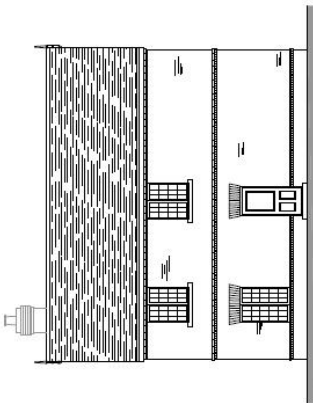


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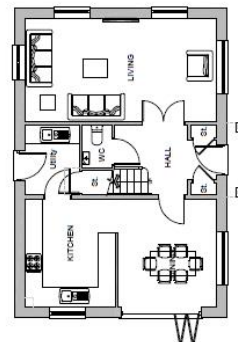
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CLIENT: REMIY HOMES PLC SQUARE BAY (NS) LLP		
PROJECT: SQUIRES GARDEN CENTRE MAIDENHEAD ROAD, WINDSOR		
DRAWING: FLOOR PLANS & ELEVATIONS PLOTS 3, 4, 6, 7, 9, 10, 11 & 12		
DATE	BY	SCALE
11/03/2019	AT	CT
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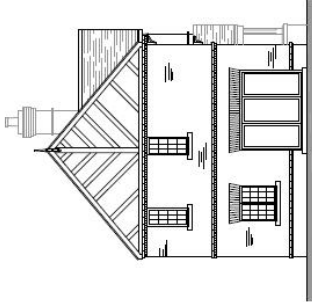
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PLOT 13



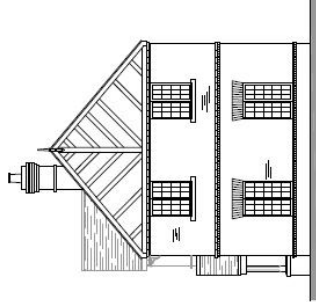
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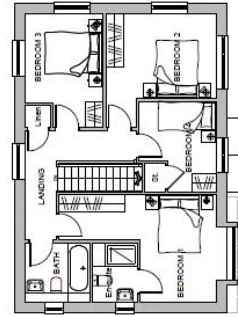
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SIDE ELEVATION

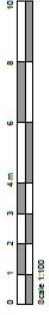


SIDE ELEVATION



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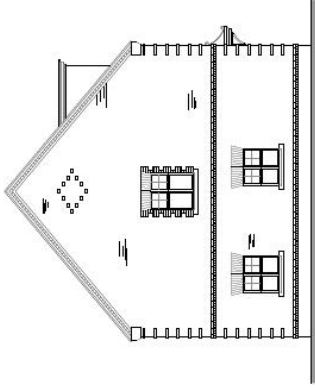


PLOT 14
FRONT ELEVATIONS

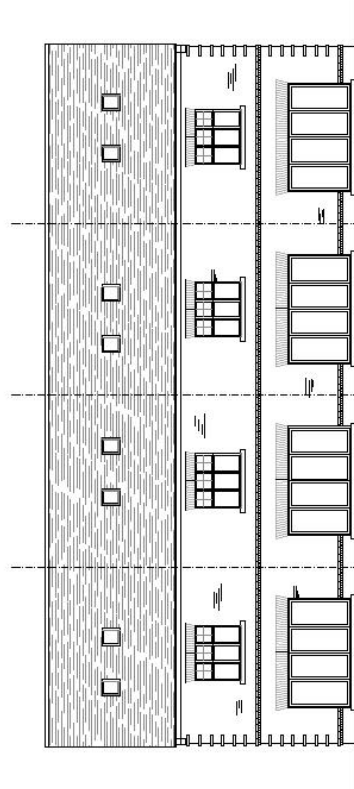
PLOT 15

PLOT 16

PLOT 17



PLOT 14
SIDE ELEVATION

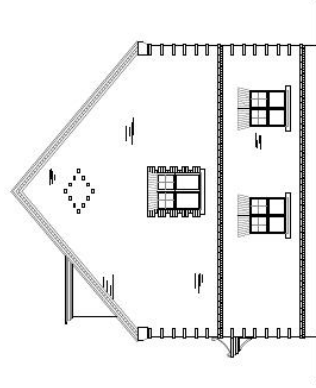


PLOT 17
REAR ELEVATIONS

PLOT 16

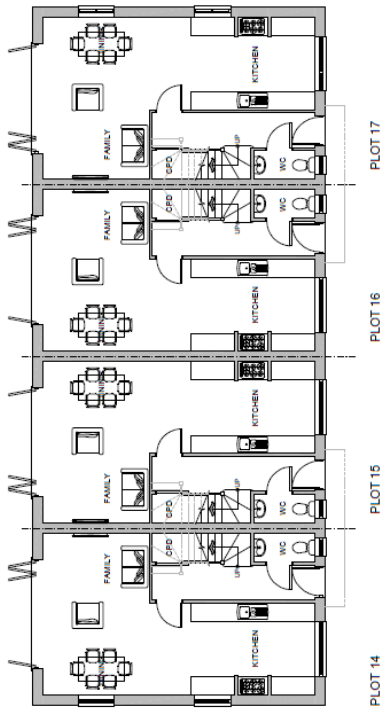
PLOT 15

PLOT 14

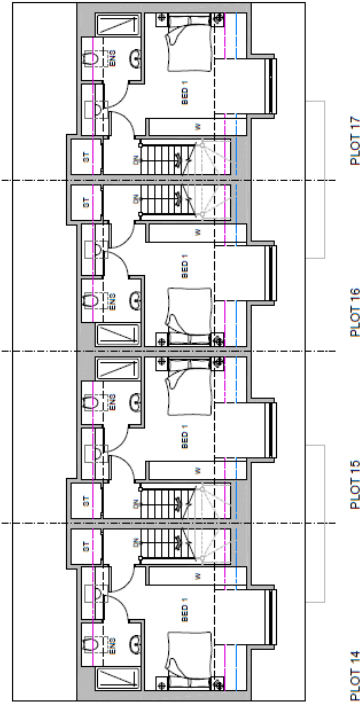


PLOT 17
SIDE ELEVATION

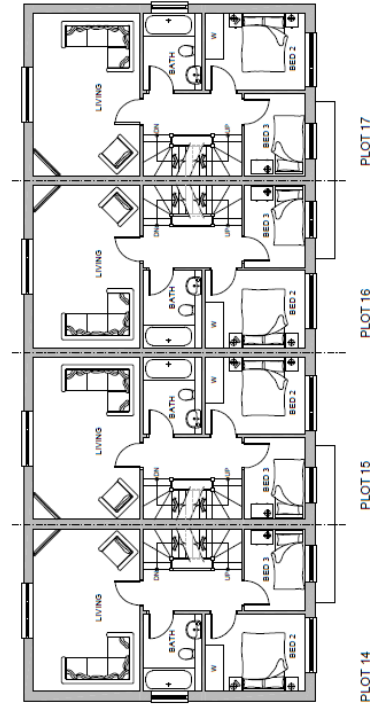
Plot	Client	Drawn
PLANNING ISSUE		
 ASCOT DESIGN Timeless architecture <small>Ascot Design Ltd, Berkeley House 29-31 High Street, Ascot, Berkshire, SL5 7NY Tel: 01344 299200 Fax: 01344 299201 Email: info@ascotdesign.com www.ascotdesign.com</small>		
Client	BEWLEY HOMES PLC SQUARE BAY (No6) LLP	
Project Name	SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR	
Drawn By	PLOTS 14 - 17 ELEVATIONS	
Scale	1:100 @ A2	Date: MAY'19 Drawn: CT
Drawn No	17 - J2116 - 107	
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PLOT 14
GROUND FLOOR
G.I.A. 47.8m² / 514 R²
TOTAL (EACH PLOT)
G.I.A. 125m² / 1345 R²

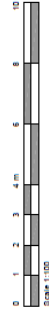


PLOT 14
SECOND FLOOR
G.I.A. 29.4m² / 317 R²
STAIRING LEGS
1000 Stairing Line
1500 Stairing Line
2400 Stairing Line



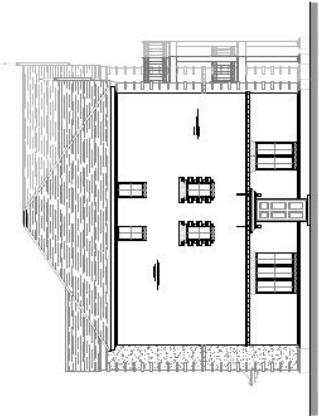
PLOT 14
FIRST FLOORS
G.I.A. 47.8m² / 514 R²

Plot No.	Plot No.	Plot No.	Plot No.
PLANNING ISSUE			
 ASCOT DESIGN <i>Timeless architecture</i> <small>Ascot Design Ltd, Beaulieu House 29-31, High Street, Ascot, Berkshire, SL5 7HY Tel: 01494 792222 Fax: 01494 792223 www.ascotdesign.co.uk</small>			
Client: BEWLEY HOMES PLC SQUARE BAY (No6) LLP			
Project No.: SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR			
PROVIDING THE FLOOR PLANS			
Scale:	1:100 @ A2	Date:	MAY'19
Project No.:	17 - J2116 - 106	Client:	CT
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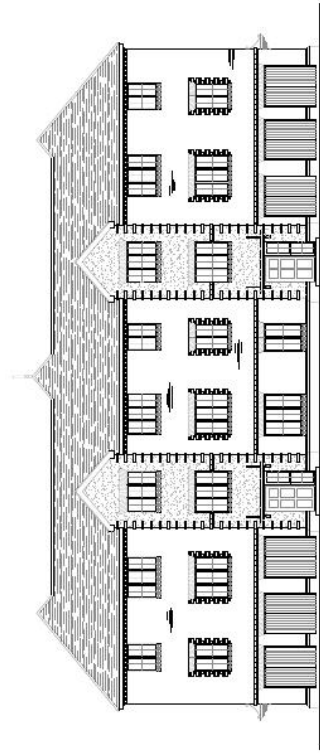




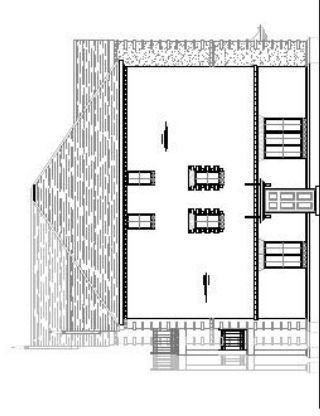
FRONT ELEVATION




SIDE ELEVATION

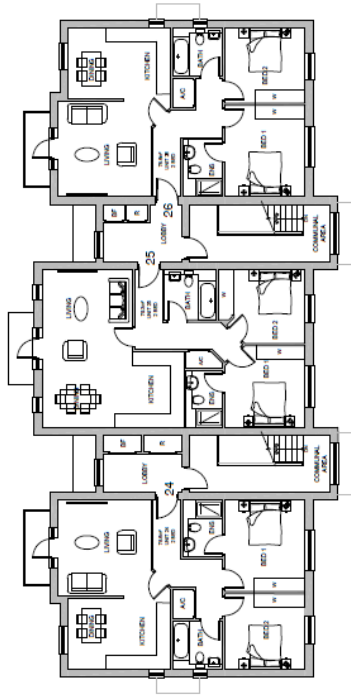


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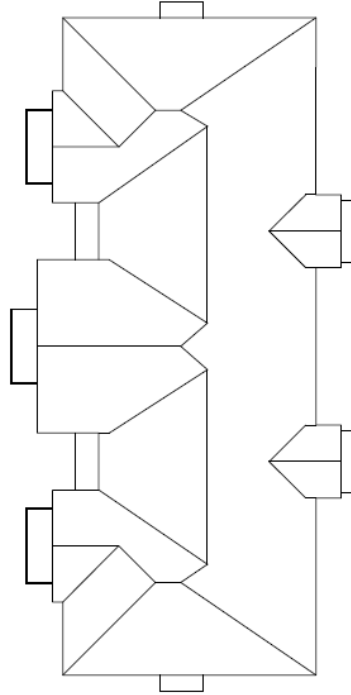


SIDE ELEVATION

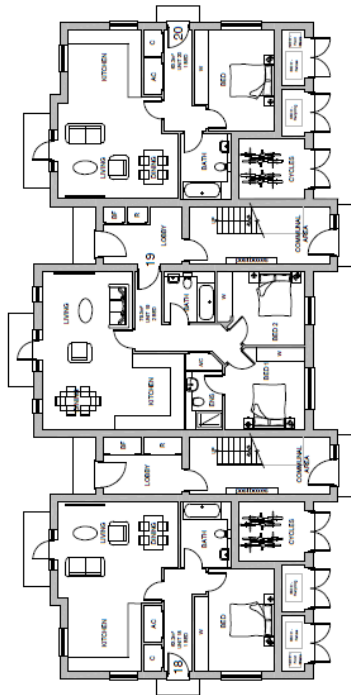
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 ASCOT DESIGN Timeless architecture <small>100 The Parade, Ascot, Berkshire, SL9 8AA Tel: 01344 870000 Fax: 01344 870001 www.ascotdesign.co.uk</small>			
BEWLEY HOMES PLC SQUARE BAY (N65) LLP			
SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR			
PLOTS 18 - 26 ELEVATIONS			
Scale	1:100 @ A1	Date	MAY19
Client	CT	Rev	A
Project	17 - J2116 - 108	<small>The copyright in this document is owned by Ascot Design Ltd. All rights reserved.</small>	



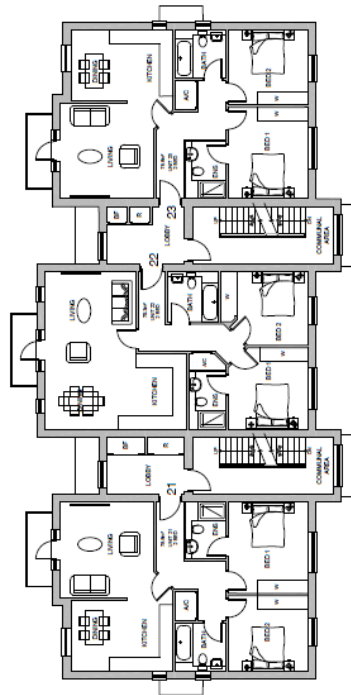
SECOND FLOOR
PLOTS 18 - 26



ROOF PLAN
PLOTS 18 - 26



GROUND FLOOR
PLOTS 18 - 26

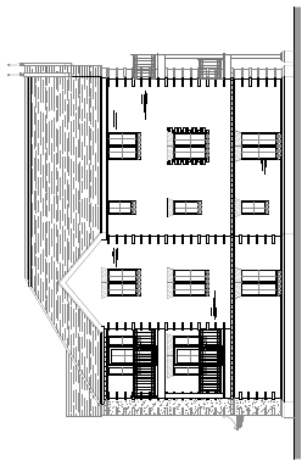


FIRST FLOOR
PLOTS 18 - 26

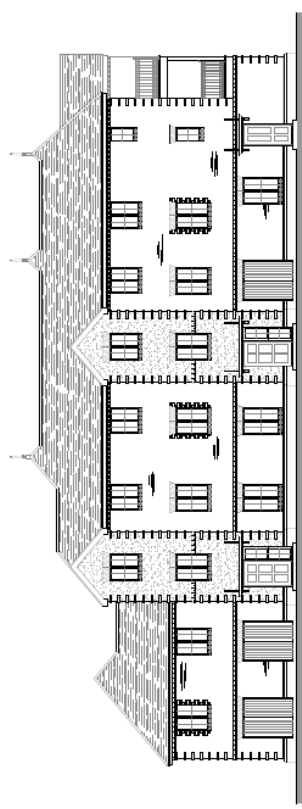
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Client:	BEWLEY HOMES PLC SQUARE BAY (N66) LLP
Project:	SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR
Drawn by:	PLOTS 18 - 26 FLOOR PLANS
Checked by:	T:1182 @ AT
Approved by:	MATYIS
Issue:	17 - J2116 - 108
Scale:	CT



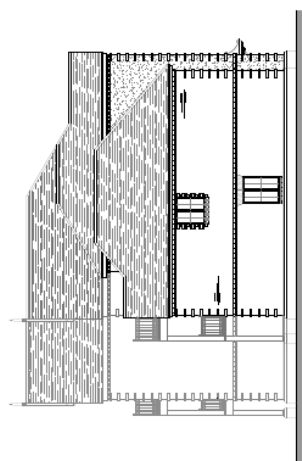
FRONT ELEVATION



SIDE ELEVATION

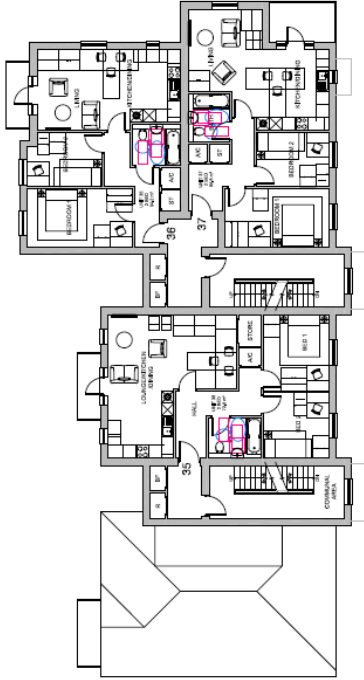


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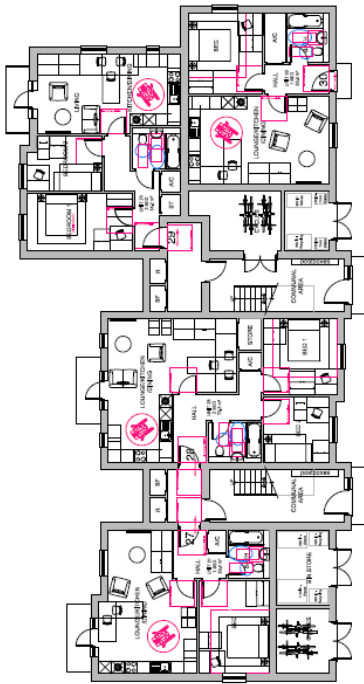


SIDE ELEVATION

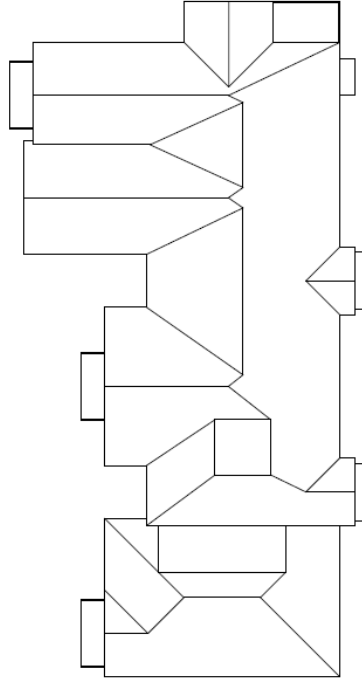
REF: A	14.11.19	ISSUED TO PLANNING COMMISSION
PLANNING ISSUE		
 ASCOT DESIGN Timeless architecture <small>10, 21 & 22, Park Road, Windsor, Berkshire, SL4 1JH Tel: 01753 833333 Fax: 01753 833334 www.ascotdesign.com</small>		
CLIENT: BEWLEY HOMES PLC SQUARE BAY (No5) LLP		
PROJECT: SQUIRES GARDEN CENTRE MAIDENHEAD ROAD, WINDSOR		
DRAWING TITLE: PLOTS 27-37 ELEVATIONS		
SCALE:	1:100 @ A1	DATE: MAY19
PROJECT NO:	17 - J2118 - 111	CT
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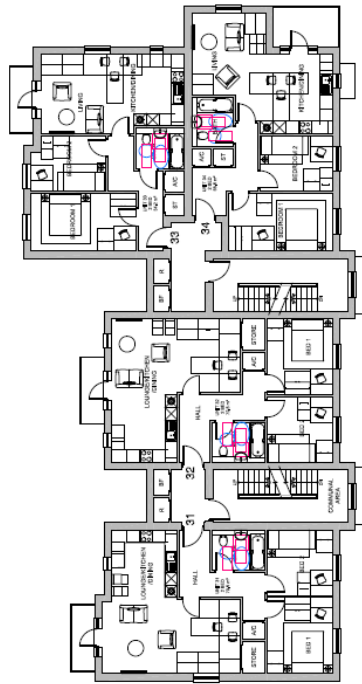
SECOND FLOOR
PLOTS 27 + 37



SECOND FLOOR
PLOTS 27 + 37



FIRST FLOOR
PLOTS 27 + 37



FIRST FLOOR
PLOTS 27 + 37

NO.	DATE	ISSUE
PLANNING ISSUE		
		
ASCOT DESIGN Timeless architecture <small>Head Office: 100, The Quadrant, London, W1A 0QJ, UK Tel: +44 (0)20 7497 3900, Fax: +44 (0)20 7497 3901, Email: info@ascotdesign.com</small>		
BY: BEMLEY HOMES PLC SQUARE BAY (No5) LLP		
FOR: SQUIRES GARDEN CENTRE MAIDENHEAD ROAD, WINDSOR		
PLOTS 27-37 FLOOR PLANS		
DATE:	11/09/20 A1	BY: MVT/19
SCALE:	1:100	
PROJECT NO.:	17 - J2116 - 110	
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DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 8

Application No.:	19/01924/FULL
Location:	9 - 11 Imperial Road Windsor
Proposal:	Construction of x2 houses and x14 apartments, following demolition of the existing buildings
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer East
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks full planning permission for the demolition of Nos. 9 and 11 Imperial Road and erection of 16 units, consisting of 2 x 2 bed dwellings and 14 x 2 bed flats.
- 1.2 Taking into account the planning history of the site, it is considered that the overall design, scale, siting and layout of the proposed application is acceptable. It is not considered to have a detrimental impact on the character and appearance of the surrounding area, general highway safety conditions or residential amenity.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
--

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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the corner of the roundabout of Imperial Road and Goslar Way. At present the frontage of the site onto the roundabout is elevated above an underpass and is screened by dense vegetation. The site is irregular in shape and comprises two residential dwellings and their gardens – 9-11 Imperial Road.
- 3.2 The surrounding area is predominantly suburban and residential in character comprising a variety of housing types. Bungalows are located to the rear of the application site within Almond Close and the streets beyond consist of largely 2 storey detached and semi-detached dwelling houses. There are a number of high rise developments on the Goslar Way roundabout that vary in height from 2-5 storeys and include blocks of flats

4. KEY CONSTRAINTS

- 4.1 The site lies within Flood Zone 1. There are no other planning constraints covering the site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks consent for the demolition of Nos. 9 and 11 Imperial Road and erection of a building that varies in height from 1.5 to 3 storeys and would contain 2 x 2 bed dwellings and 14 x 2 bed flats. The building would have an L-shaped layout. The main part of the building would

front onto Imperial Road and would contain the proposed flats. The two dwellings would front the parking area within the site and would be close to the boundary with 4 Almond Close. The houses would have private amenity space to the rear.

- 5.2 Vehicular access to the site would be from Imperial Road. There are currently two access points servicing each of the existing dwellings. The access point to the existing property at No. 9 Imperial Road would be stopped up and the access point to 11 Imperial Road would be widened to provide access to the new development. Parking for 20 vehicles would be provided, part as undercroft parking and the remaining as surface level parking.
- 5.3 The houses would have private amenity space to the rear, extending towards the boundary with the roundabout. Communal amenity space for the flats is shown to the north west of the site. Other areas of landscaping are shown surrounding the buildings, and bin and bike stores are also shown within the site.
- 5.4 There has been an extensive planning history for this site which is summarised below:

9-11 Imperial Road and 3-4 Almond Close

Reference	Description	Decision & Date
16/03864/FULL	Demolition of 3 existing dwellings on the site and the erection of 2 x 4 bed dwellings 1 x 2 bed dwellings, 12 x 2 bed apartments and 2 x 1 bed apartments with vehicular access from Almond Close, and part demolition and enlargement of No. 3 Almond Close.	Refused 17th March 2017
17/01296/FULL	Demolition of 9-11 Imperial Road & 3-4 Almond Close. Construction of 2 houses and 16 x 2-bed apartments, along with access road and cycle/bin store	Refused 8 th July 2017 Appeal Allowed
17/03740/OUT	Outline application (access, layout and scale) for the construction of 2 x four bedroom dwellings and 16 x two bedroom apartments, access road and cycle/bin store following demolition of 9-11 Imperial Road and 3-4 Almond Close.	Permitted 2 nd July 2018

9-11 Imperial Road

Reference	Description	Decision
18/00753/OUT	Outline application (access, layout and scale) for the construction of 2 x two bedroom dwellings, 10 x two bedroom apartments and 1 x one bedroom apartment following the demolition of 9-11 Imperial Road.	Appeal against non-determination submitted 4 th August 2018 Panel Resolved would have approved 12 th September 2018
18/02637/OUT	Outline application for access, layout, and scale to be considered at this stage with all other matters reserved for the construction of 2 x two bedroom dwellings, 14 apartments, associated parking and new vehicular access following the demolition of 9-11 Imperial Road.	Permitted 20 th November 2018

- 5.5 The main differences between this current application and the previous approvals on the site have been summarised in comparison drawings A11, A12 and A13. These show that the overall

scale and massing of the development has decreased significantly from application 17/01296/FULL. The scheme being considered under this application is of a similar scale and layout to application 18/02637/OUT.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4 and T5
Trees	N6
Flooding	F1
Affordable Housing	H3

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving sustainable development

Section 4 - Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 - Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution	EP1, EP2, EP3, EP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution	EP1, EP2, EP3, EP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

Other Local Strategies or Publications

- 7.3 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

43 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 24th July 2019 and the application was advertised in the Local Press on 25th July 2019

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

Comment	Where in the report this is considered
1. Insufficient parking.	9.20-9.21
2. Concern with parking congestion in surrounding roads.	9.22
3. Concern that refuse and recycling cannot access site as a result of height restrictions.	9.23

4.	Concerns with scale of building in relation to 4 Almond Close.	9.14
5.	Overlooking concerns to surrounding residents.	9.13-9.14
6.	Overshadowing to Almond Close properties.	9.13-9.14
7.	Security concerns with location of cycle store and lack of boundary fencing.	Noted. A condition is recommended to secure appropriate boundary fencing.
8.	Overdevelopment of the site and too high density.	9.3, 9.9-9.12
9.	Access is dangerous.	9.20-9.21

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection	Noted
Lead Local Flood Authority	No objection, subject to conditions to a pre-commencement condition	Section vii
Highways	No objection to the proposed vehicular access to the site given that this exceeds the Authority's standards. Increase in vehicle movements is considered acceptable and to not lead to harm to road safety. The parking provision at 1.25 spaces per unit has been accepted in previous appeal on the site. 20 spaces would therefore be required which have been provided.	Section vi
Ecology	No objection, subject to conditions to secure biodiversity enhancements, Methodology for the demolition of the buildings and controls on site clearance to protect nesting birds.	Section ix
Trees	Limited opportunities for landscaping.	Section viii

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development;
- ii Housing Mix and Tenure;
- iii Impact on the character of the area;
- iv Impact on the amenity of neighbouring residents;
- v Amenity of future occupiers;
- vi Highways Issue;

- vii Flood risk & Surface Water Drainage;
- viii Trees and Landscaping.
- ix Ecology

OFFICER ASSESSMENT

Principle of Development

- 9.2 The site is located within the built-up area of Windsor and the site is already in residential use. The provision of additional residential units would comply with saved policy H6 of the Local Plan, which is supported by the NPPF and aims to significantly boost the supply of housing. The principle of the development proposed is therefore acceptable. The density of the proposed development is comparable to approved schemes on the site and is considered to make an efficient use of the site.

Housing Mix and Tenure

- 9.3 Policy H8 supports proposals that contribute towards improving the range of housing accommodation in the Borough, including dwellings for small households. This scheme proposes 2 x 2 bed houses and 14 x 2 bed flats. This mix is considered appropriate in the context of the site, having been accepted within previous applications on the site.
- 9.4 It is noted that the previous application (18/02637/OUT) on this site sought an affordable housing contribution in line with the requirements of Paragraph 64 of the NPPF. Paragraph 64 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area. The proposal would constitute a major development as defined in the NPPF.
- 9.5 Policy H3 of the RBWM Local Plan states that "...a proportion of the total capacity of residential schemes should be development in the form of affordable housing...Suitable sites will include...schemes proposing 15 or more net additional dwellings".
- 9.6 Since the decision on application 18/02637/OUT, there have been a number of appeal decisions where Inspectors have concluded that whilst Policy H3 of the RBWM Local Plan does not reflect up to date affordable housing needs, there is no clear inconsistency between Policy H3 and the NPPF. The Local Plan policy is therefore not considered to be out of date and any application for housing should be assessed against Policy H3. Given such, as this scheme proposes 14 net additional dwellings, affordable housing would not be required for this development.

iii) Impact on the character of the area

- 9.7 The NPPF (2019) and Councils adopted policies DG1, H10 and H11 of the RBWM Local Plan, seek to promote standards of design which endorse a high quality, varied and stimulating townscape and environment. The design guidelines set out in the Policy advise that when assessing new development proposals, regard will be had to ensuring harm is not caused to the character of the surrounding area, through development which is cramped, or which results in the loss of important features that contribute to that character. Policy H10 further advises that "new residential development schemes will be required to display high standards of design" and Policy H11 adds that "in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of development which would be incompatible with or cause damage to the character and amenity of the area".
- 9.8 The surrounding residential development to the south and east has a suburban character and appearance, primarily composed of detached houses of various heights and styles. The buildings

facing Goslar Way roundabout are larger, rising to a maximum five storeys, including blocks of flats.

- 9.9 The layout of the proposed development is similar to the appeal scheme (17/01296/FULL), albeit on a reduced site, and is a very similar scale to the scheme approved under application 18/02637/OUT. The buildings are in largely the same location and are of a similar form. The appeal scheme, which also included the development of 3 and 4 Almond Close, was for a higher building fronting Imperial Road. The car parking has been reconfigured to take account of the additional spaces, but the layout of the parking court is consistent with the approved schemes on the site.
- 9.10 The Inspector determining the appeal concluded that those proposals would reflect the existing pattern of development around Goslar Way roundabout and noted that a successful transition with the surrounding residential area would be achieved whereby no harm would arise to views of the site from surrounding roads. Given that the main difference between that scheme and this scheme is that the scale of development has been reduced, it would be unreasonable to reach a different conclusion.
- 9.11 Considering the detailed design of the development, the apartment building would have a more traditional appearance than the appeal scheme. The large amount of glazing and strong vertical orientation that the appeal building had, have been replaced in this scheme with smaller window openings, brick and render facades, and hipped roofs, incorporating small dormers. These features are similar in detailing, character and appearance to the surrounding development, including the detached houses on Imperial Road. The semi detached dwellings proposed to the north west of the site, maintain a traditional design approach and are considered to provide an appropriate transition in scale to No 4. Almond Close.
- 9.12 Overall, the design, scale and layout of the development proposed is consider to reflect the existing pattern of development around the Goslar Way roundabout, and a successful transition with the surrounding residential development and existing landscape features would be achieved, with no harm arising to views of the site from any surrounding roads. The development is considered to comply with policies DG1, H10 and H11 of the RBWMLocal Plan.

Impact on the Amenity of Surrounding Occupiers

- 9.13 As identified by the Inspector determining the recent appeal, the site's surroundings are already subject to a degree of mutual overlooking between residential properties and the bulk of the development would be sufficiently set back from neighbouring properties whereby any loss of privacy, over and above the current arrangement, would not amount to material harm to the living conditions of neighbouring occupiers
- 9.14 Considering the proposed developments impact on the occupiers of Almond Close, the relationship would be similar to approved scheme 18/02637/OUT. The scale of the proposed development reduces significantly close to this boundary so that it is comparable with the existing buildings on neighbouring sites. Whilst there would be a change to the outlook from these properties, given the position of the buildings relative to one another it is not considered that the proposal would result in a materially harmful loss of light or sense of enclosure. The proposed development is sufficiently distant from other properties to ensure it would not lead to any loss of light, overshadowing or overbearing impact. Whilst there would be some overlooking of garden areas closest to the proposed building, this would be from a significant distance and at such an angle whereby there would be no material harm to the living conditions of the occupants of this building. Furthermore, the first floor windows in the side elevation of the closest dwelling, serve bathrooms to the dwelling and a condition is therefore recommended to ensure that these are obscurely glazed and fixed shut (except for top opening). An obscure glazing condition is not considered necessary for the side facing windows of units 6 and 10, given the distance between these and the adjacent properties and mutual overlooking.

Amenity of Future Occupiers

- 9.15 Section 12 of the NPPF (2019) strives to achieve well designed places that offer a high standard of amenity for existing and future users
- 9.16 The floor plans submitted with the application detail that the proposed dwellings will be of reasonable size and layout. The scheme also offers the potential for private and communal amenity space to be provided.
- 9.17 In the context of previous applications on the site, there was some concern in respect of the flats on the north and west elevation, and potential for noise disturbance from the road, as several of the bedroom windows are located on elevations facing the roads. Within this scheme, some of the bedrooms are located on the road fronting elevations, however the application has been accompanied by a 'Noise Impact Assessment', which confirms that provided the scheme includes thermal double glazing and trickle vents, there would be no harmful internal and external noise disturbance. A condition will ensure these recommendations are implemented.
- 9.18 In conclusion when considering the proposed development's impact on the amenity of future occupiers and their quality of life, the development proposals are in accordance with the NPPF.

Highways

- 9.19 Imperial Road is classified as the B3173. The site currently benefits from having a vehicular access off Imperial Road. The plans submitted show that the existing northern access from Imperial Road will be stopped up and the southern one retained and widened.
- 9.20 The application is accompanied by a visibility plan (JG01) which shows that the existing access will be able to achieve clear visibility splays of 2 2.4m x 43m to the left by 2.4m x 51.5m to the right towards the roundabout.
- 9.21 The increase in vehicle movements that will be generated from the site has the potential to have an effect on traffic and road safety along Imperial Road. As part of this new application a stage 1 and 2 Road Safety Audit was carried out during the previous Outline application (18/02637). The report concluded that the only problem identified was the visibility splays, which have now been shown to exceed the Local Authority's current standards. A condition will be included to ensure the access is constructed and maintained to this standard.

Parking Provision/requirement

- 9.22 The submitted plans show 20 car parking spaces, which is the same number approved as part of application 18/02637/OUT for the same number and mix of units. Previous appeal decisions have established a precedent for 1.25 parking spaces per unit. The level of parking provision would accord with this and is considered acceptable. A designated turning facility is also shown and it has been demonstrated that this could be used by large delivery vehicles.

Cycle & Refuse Provision

- 9.23 Cycle and refuse storage provision are shown within the proposed layout. With regards to the refuse storage, this has altered in location from application 18/02637/OUT and has been designed and located in accordance with the RBWM 'Waste Management Advice Note'. Conditions will ensure the appropriate detail is provided of the design of these elements.

Highways Conclusion

- 9.24 Being mindful of the conclusions of the recent appeal and evidence submitted in relation to this application, there are no objections to the development proposals on highways grounds subject to the use of appropriate conditions on any grant of permission.

Flood Risk and Surface water drainage

- 9.25 The site is located in Flood Zone 1. A drainage strategy has been provided. The indicative surface water drainage strategy received is considered acceptable and a condition has been recommended by the LLFA requiring the submission of full details of proposed surface water drainage system and arrangements for its maintenance.

Trees and Landscaping

- 9.26 The Inspector considering the earlier appeal raised no concern in respect of whether a quality landscaping scheme could be implemented on this site. Given that the footprint of the building has decreased from the appeal scheme, and a comprehensive hard and soft landscaping scheme provided with the application, it would be unreasonable to recommend refusal on this basis. The proposals are not considered to be in conflict Saved Local Plan policies H10 and N6.

Ecology

- 9.27 The two properties were assessed for their potential to support roosting bats, however given their construction type, no roosting opportunities were discovered. The vegetation on the site was also recorded as having the potential to support breeding birds and an informative has been recommended to remind the applicant to ensure sensitive timing of any site clearance.
- 9.28 Biodiversity enhancements have been set out in the submitted report, which include bird and bat boxes and fences with gaps to allow free movement of hedgehogs and other mammals across the site. These will be secured by planning condition.

Other Material Considerations

10. Housing Land Supply

- 10.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 10.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 10.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).
- 10.4 At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

10.5 The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 10.5 it is considered that in this instance the tilted balance should be applied

11.2 The proposal would provide 16 residential units, which would amount to a net gain of 14, where there is an existing under supply. The new housing would be located close to Windsor town centre and within reasonable walking distance of shops, services and transport connections. The new housing would also provide jobs and economic activity principally through the construction process. It is therefore considered that the economic and social dimensions of sustainable development would be acceptable. The scheme would also be acceptable in terms of its effect on the character and appearance of the area, and there is no evidence to suggest that any environmental interests would be materially harmed as a result of the development.

11.3 As set out in paragraphs 10.1 to 10.5 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.4 However such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed front (east) elevation
- Appendix C - Proposed side (south) elevation
- Appendix D - Proposed rear (west) elevation
- Appendix E – Proposed side (north) elevation
- Appendix F – Proposed ground and first floor plans
- Appendix G – Proposed second and third floor plans
- Appendix H – Comparison elevations
- Appendix I – Comparison street sections
- Appendix J – Comparison site plan.

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3 Prior to the commencement of development, a surface water drainage scheme based on the submitted drainage and flood risk assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels, and relevant construction details;

-- Supporting calculations confirming pre-development and postdevelopment runoff rates and any attenuation storage volume to be provided;

- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

No part of the development hereby approved shall be occupied until the surface water drainage scheme has been implemented in accordance with the details approved under the terms of this condition. The surface water drainage system shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the development does not increase the risk of flooding onsite or elsewhere in the locality. Relevant policy: Paragraph 103 of the NPPF.

- 4 Works for demolition and construction shall be implemented and maintained for the duration of the works in accordance with the details contained within the following management plan documents:

'Construction Traffic Management Plan' received 31st October 2019.

Reason: In the interests of highway safety and the free flow of traffic and amenity of surrounding residential occupiers Relevant Policies - Local Plan T5.

- 5 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.

- 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 the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 7 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

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

- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

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

- 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 All hard and soft landscape works shall be carried out in accordance with the details in drawings IR-XX-XX-01-DR-L-01 and IR-XX-XX-01-DR-L-00 received 18th September 2019. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.
- 11 Prior to the occupation of the units, all ecological measures and/or works shall be carried out and retained in accordance with the approved details contained within AAE Environmental Limited report reference 193341/ARB dated 9th September 2019.
Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 12 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 13 The first floor windows in the eastern elevation of the dwellinghouse shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 14 Irrespective of the provisions of Classes B of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or dormer windows other than those expressly authorised by this permission shall be constructed on the eastern elevation of the dwellinghouses hereby approved, without the prior approval of the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed and to protect residential amenity. Relevant Policies - Local Plan H11, DG1.
- 15 No part of the development hereby approved shall be occupied until the noise mitigation measures detailed within the report by Venta Acoustics dated 10th April 2017 have been installed, and once installed shall be retained thereafter,
Reason: To ensure a suitable quality of accommodation is provided for future occupants. Relevant policy NAP1 and Section 12 of the NPPF
- 16 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

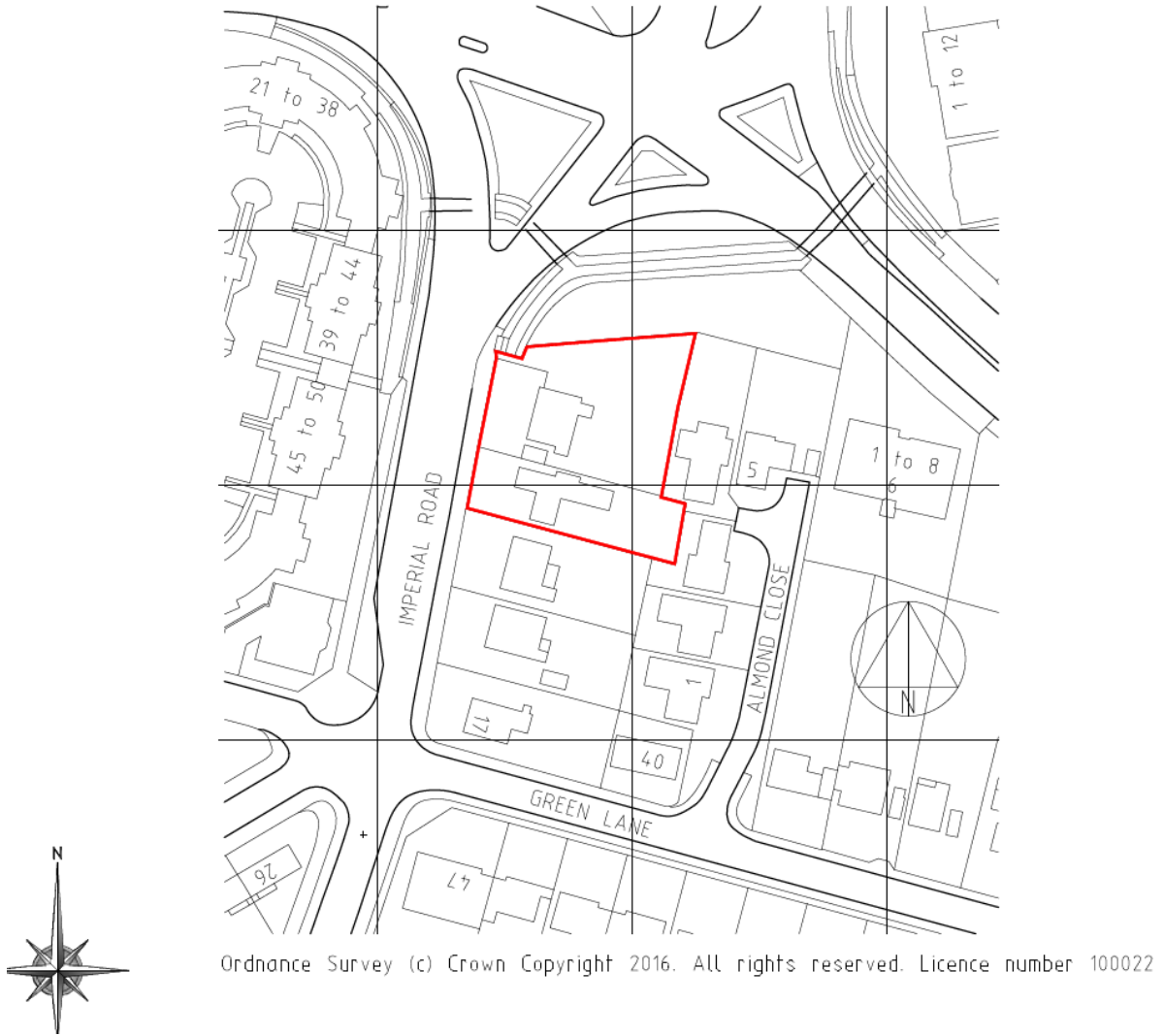
Informatives

- 1 The applicant should ensure that the areas of hanging tiles on the two main buildings are removed by hand under the supervision of a licensed bat ecologist. The Ecology report provides the methodology in which this should be undertaken.
- 2 The vegetation on site was recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Please refer to the Ecology report to ensure sensitive timing of site clearance and protective measures concerning nesting birds during the breeding bird season.
- 3 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be



made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

- 4 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.
- 5 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.
- 6 In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority. The Highway Manager should be contacted at the Town Hall, St Ives Road, Maidenhead, SL6 1RF tel: 01628 796595.
- 7 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 8 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

Appendix A – Site Location Plan and Site Layout






	LEWIS DESIGNS 2 Tittle Lane Tisbury Salisbury Wiltshire SP11 9 SNG	CLIENT GPHW Ltd 61 High Street Longbarn Windsor SL4 3TW	PROJECT 2 x two bedroom dwellings, 12 x two bedroom dwellings, 12 x two bedroom apartments, associated parking & new vehicular access following the demolition of p-11 Imperial Road	ISSUE 06.07.19 DRAWN BY DL	DESCRIPTION Proposed Site Plan	 Scale 1:200 @ A3	A3

Appendix B - Proposed front (east) elevation



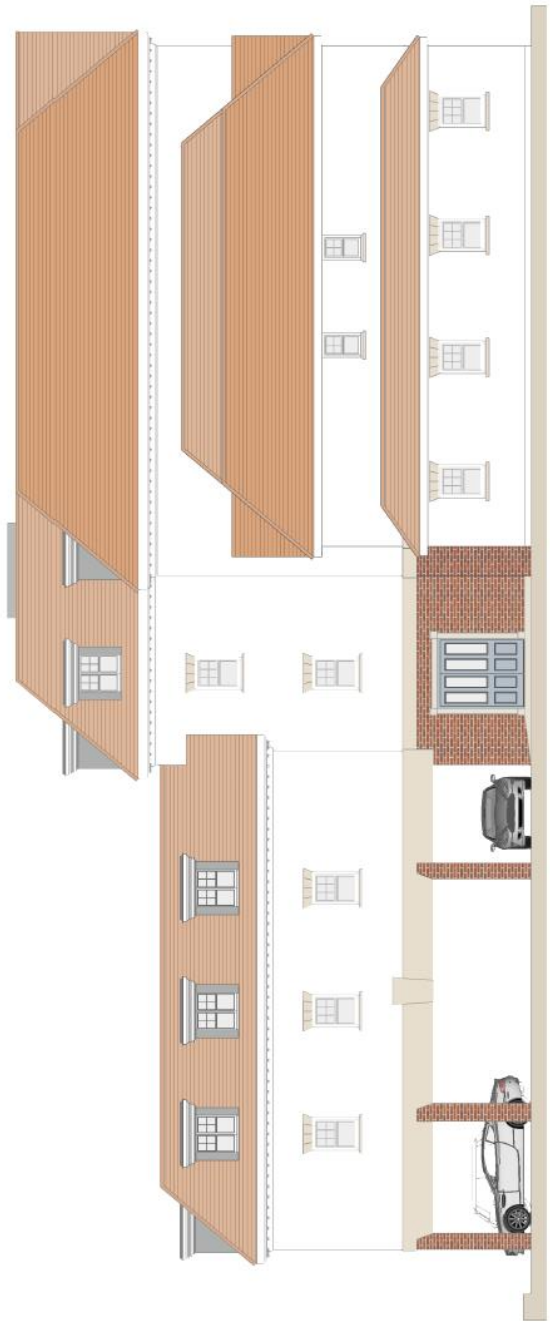
	LEWIS ARCHITECTURE 11 The Square Weybridge Staines TW19 5JG	CLIENT LDC 8 Merton House Longbourn Windsor SL4 3TW	PROJECT 2 x two bedroom dwellings, 10 x two bedroom apartments & 2 x one bedroom apartments, associated parking & new vehicular access following the demolition of F-11 Imperial Road	ISSUE 08.07.19 DRAWN BY DL	DESCRIPTION Proposed Front Elevation facing Imperial Road	0 2 4 10 Scale 1:100 @ A3	A5
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Appendix C – Proposed side (south elevation)



	<p>LEWIS DESIGNS 2 The Lane Stoney Stratford OX11 9BNQ T: 01295 8100</p>	<p>CLIENT SPFW Ltd - House 12 x two bedroom apartments London Windsor SL4 3TW</p>	<p>PROJECT 2 x two bedroom dwellings, 12 x two bedroom dwellings, 4 x one bedroom apartments, associated parking & new vehicular access following the demolition of 9-11 Imperial Road</p>	<p>ISSUE 06.07.19 DRAWN BY DL</p>	<p>DESCRIPTION Proposed Side Elevation facing carpark and 13 Imperial Road</p>	<p>0 2 4 10 Scale 1:100 @ A3</p>	<p>A6</p>
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Appendix D - Proposed rear (west) elevation



	<p>LOCALITY 2 Tine Lane Wraybury Staines TW19 5HQ</p>	<p>CLIENT CFW Ltd 8 Meynon House Longbourn Windsor SL4 3TW</p>	<p>PROJECT 2 x two bedroom dwellings, 12 x two bedroom apartments & 2 x one bedroom apartments, associated parking & new vehicular access following the demolition of 1-11 Imperial Road</p>	<p>ISSUE 08.07.19</p> <p>DRAWN BY DL</p>	<p>DESCRIPTION Rear Elevation facing Almond Close</p>	<p>0 2 4 10</p> <p>Scale 1:100 @ A3</p>	<p>A7</p>
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Appendix E – Proposed side (north) elevation

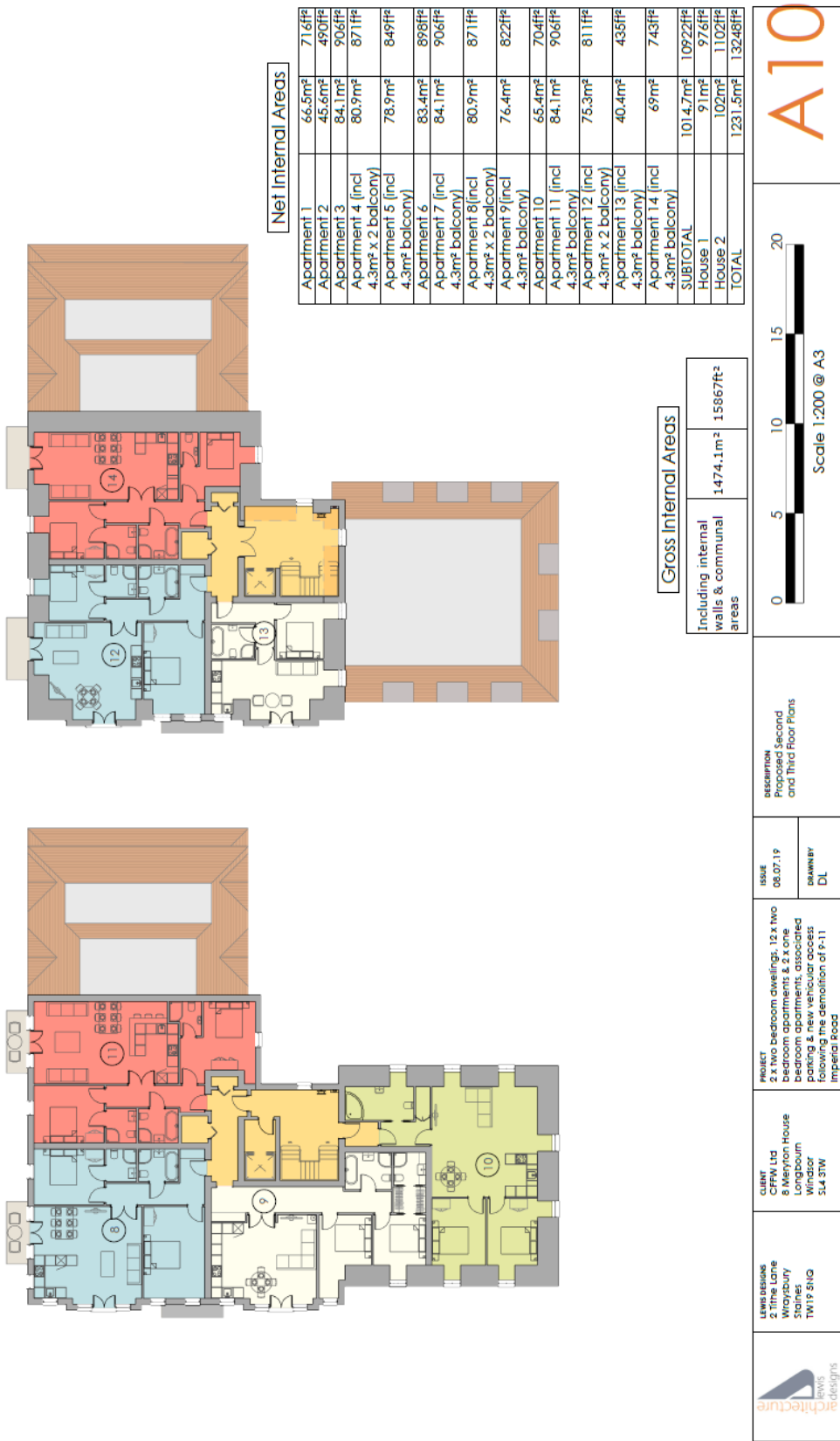


	<p>LEWIS DESIGNS 2 The Lane Wraybury Wokingham TW19 8ND</p>	<p>CLIENT CFFW Ltd 8 Weydon House Weydon Wincobur SL4 3TW</p>	<p>PROJECT 2 x two bedroom dwellings, 12 x two bedroom apartments & 2 x one bedroom apartment. New parking & new vehicular access following the demolition of 6-11 Imperial Road</p>	<p>ISSUE 08.07.19 DRAWN BY DL</p>	<p>DESCRIPTION Proposed Side Elevation facing Golar Way</p>	 <p>Scale 1:100 @ A3</p>	<p>A8</p>
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Appendix F – Proposed ground and first floor plans



Appendix G – Proposed second and third floor plans



LEWIS DESIGN
2 Tiffin Lane
Stropesbury
Stropesbury
TW17 5ND

CLIENT
CFMW Ltd
6 Weynton House
Weynton
Windsor
SL4 3TW

PROJECT
2 x two bedroom dwellings, 12 x two bedroom apartments & 2 x one bedroom apartment including parking & new vehicular access following the demolition of 6-11 Imperial Road

ISSUE
08.07.19
DRAWN BY
DL

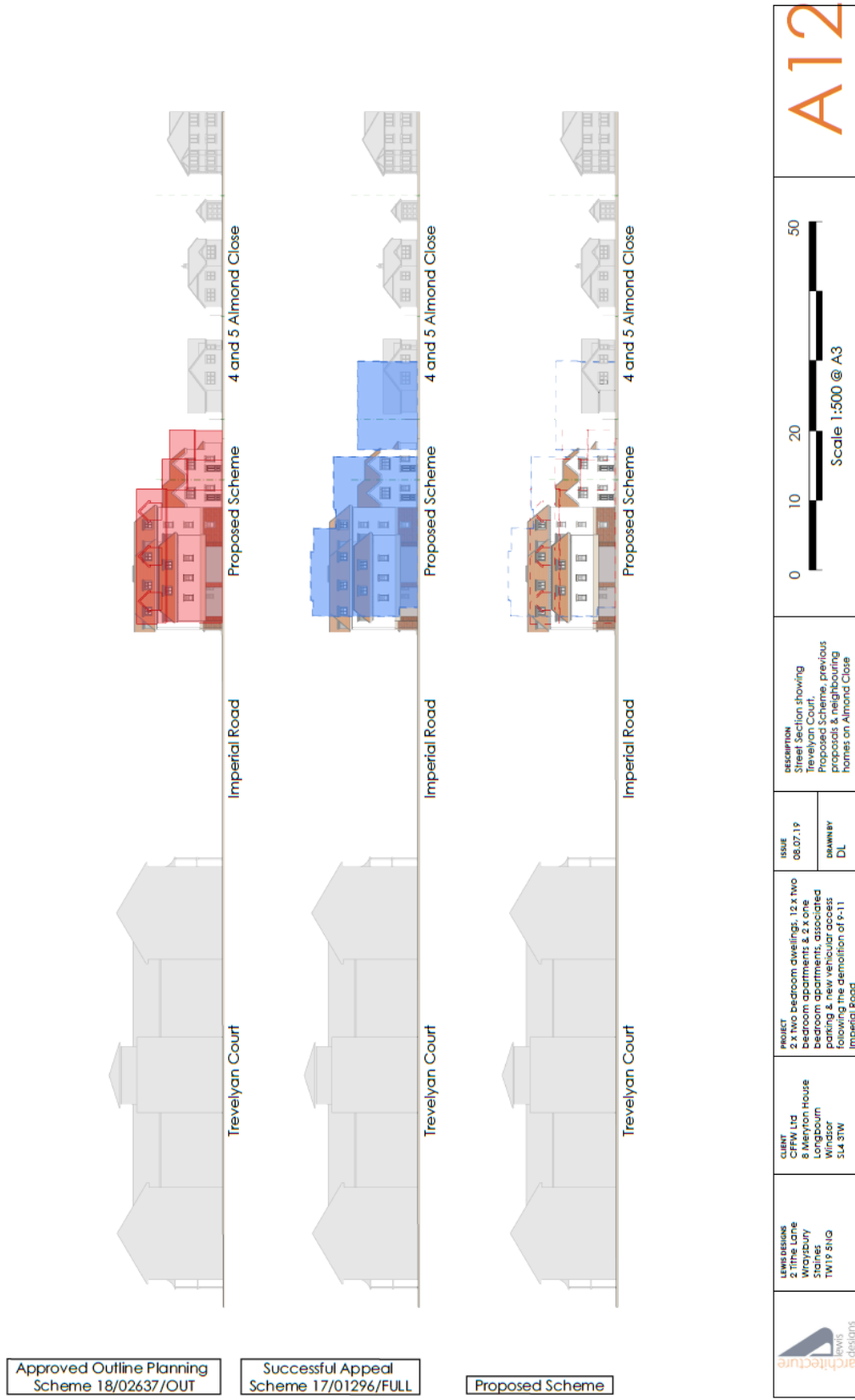
DESCRIPTION
Proposed Second and Third Floor Plans

A10

Appendix H – Comparison elevations



Appendix I – Comparison street sections



Appendix J – Comparison site plan



DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 9

Application No.:	19/02073/FULL
Location:	Thames Valley Athletics Centre Pococks Lane Eton Windsor SL4 6HN
Proposal:	Side extension to the existing building to provide an additional squash court.
Applicant:	Mr Fenwick
Agent:	Mr Leigh Tugwood
Parish/Ward:	Eton Town Council/Eton And Castle
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal represents inappropriate development within the Green Belt and there are no very special circumstances which would clearly outweigh the harm caused by this inappropriate form of development and the other harm identified.
- 1.2 The proposed development will be located within flood zone 3b (functional floodplain) which is land where water has to flow or be stored in times of flood. The proposed development is not appropriate within flood zone 3b as the NPPG sets out that only water compatible development should be permitted within the functional flood plain.
- 1.3 The proposed development will result in the loss of 5 trees which currently make a strong positive contribution to the character and appearance of the area. Furthermore insufficient information has been submitted to determine the arboricultural impact of the development on other on and off site trees.
- 1.4 It is considered that the additional traffic likely to be generated by the new squash court can be comfortably accommodated within the existing 180 space car park.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The proposed development does not fall within any of the categories of appropriate development in the Green Belt as set out in paragraph 145 of the National Planning Policy Framework and is therefore classified as inappropriate development. Furthermore the scale and position of the extension would result in harm being caused to both the spatial and visual openness of the Green Belt. It is not considered that any very special circumstances exist that clearly outweigh this harm and the other harm identified within the other reasons for refusal. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
2.	The development is proposed to be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. As set out in National Planning Policy Guidance, development is not acceptable within the functional flood plain unless classified as a water compatible use. The proposed development is not water compatible. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
3.	5 trees are shown to be removed to make space for the proposed development. These trees which make a strong positive contribution to the character and appearance of the

	area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.
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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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is currently home to the Thames Valley Athletics Centre with the main building being built in 1999 to provide a training hall and associated facilities, and a spectator's stand. The site is accessed from Pockocks Lane and the main building and parking area is to the south east, with the rest of the site constituting playing fields and an athletics track. The main building was extended following a grant of permission in 2011 for a two storey extension on its south elevation. This extension provided 4 x new squash courts and a dance studio at first floor. To the north, east and west of the site are Eton College playing fields. The site is situated both within the Green Belt and Flood Zone 3. The site is heavily treed along its southern boundary.

4. KEY CONSTRAINTS

- 4.1 The key constraints to development are:

- Green Belt
- Flooding
- Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for an extension to the main building on the western elevation, to provide an additional squash court and store rooms. The squash court would be linked to the main building via a covered walkway and a terrace area is proposed on top of the walkway and store room. The proposed extension, including the covered walkways and store rooms, will have a footprint of 220sqm and will have a height of 7.6m. The extension will be finished in timber cladding.

Reference	Description	Decision
94/00480/REG3 (473236)	Erection of new 2-storey spectators stand with indoor straight and training hall, changing & club rooms plus associated car parking and new access road. Extension of pavilion.	Permitted – 22.12.1997
99/78199/ADV	Installation of 1 wall plaque with studs and one wall sign for a period of 5 years.	Permitted – 27.07.1999
04/85232/FULL	Erection of 1810mm high brick plinth at entrance of site.	Permitted – 21.06.2004
04/85231/ADV	Display of two externally illuminated freestanding signs.	Permitted – 21.06.2004
05/02965/FULL	Change of use of existing sports pavilion to pre school nursery with associated parking, fencing and	Permitted – 15.09.2006

	access gates.	
08/02212/FULL	Erection of street lighting to car parking area to replace bollard style lighting.	Permitted – 04.11.2008
11/01808/FULL	Extension to southern side of existing sports centre to provide 4 new squash and a dance studio at first floor fitness suite together with ancillary works and refurbishment.	Permitted – 11.08.2011
11/02121/FULL	Formation of an overflow car park with street lighting, widening of access road and associated works.	Permitted – 12.09.2011
15/01758/FULL	Installation of 2 security cages around existing dosing and sampling kiosks and 1 replacement security cage to store gas cylinders.	Permitted – 23.07.2015

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Acceptable development within the Green Belt	GB1, GB2
Acceptable development within the flood plain	F1
Sufficient parking provided	P4
Acceptable impact on important trees	N6

These policies can be found at

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

Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Neighbourhood Plan Policy
Flooding	EN3

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 4- Decision-making
- Section 9- Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land
- Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable development in the Green Belt	SP5
Sufficient parking provided	IF2
Managing flood risk and waterways	NR1
Acceptable impact on important trees	NR2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Acceptable development in the Green Belt	QP5
Sufficient parking provided	IF2
Managing flood risk and waterways	NR1
Acceptable impact on important trees	NR3

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

- i. RBWM Townscape Assessment
- ii. RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The planning officer posted a notice advertising the application at the site on 01.08.2019 and the application was advertised in the Local Press on 08.08.2019

2 letters were received supporting the application, 1 from Cllr Samantha Rayner, and 1 from a representative of a group of squash players from the Windsor Club, signed by 58 people. Both letters are summarised below and all considerations noted.

Comment	
Cllr S. Rayner	
1.	The Council is committed to providing high quality leisure and cultural facilities for residents.
2.	When the Windsor Squash Club site was developed a S106 was put in place to provide £270k of funds to re-provide squash facilities.
3.	In my position as Lead Member for Culture and Communities I fully support this application.
The Windsor Club	
1.	The Windsor Club was closed down in June 2016 to make way for the Castle View Retirement Village. When the club shut down there were over 400 active members and the community lost 5 squash courts, 2 studio rooms, a fully equipped 2 storey gym and a member's bar and community room.
2.	The S106 agreement for the Castle View Retirement Village secured funds for the re-provision of squash courts.
3.	In August 2015 an application to build 4 new squash courts, a swimming pool, large gym and several studio rooms at the Eton Excelsior Rowing Club was refused at application and appeal stage.
4.	The RBWM Sport & Leisure Strategy (2016) commits to working with the Windsor Club to find an affordable site at which it can effectively develop for squash courts and ancillary facilities/social provision. It further commits to supporting TVAC to maintain and improve it as a centre for indoor sport and outdoor athletics plus squash.
5.	The 4 squash courts at TVAC are under pressure due to closure of more than 14 courts across The Windsor Club, La Fitness Club (Burnham) and Princess Club (Bedfont).
6.	There is currently a lack of a 'show court' with seating, which is critical to host high quality squash matches and to retain the best players as well as providing a court environment suitable for exhibition matches.

All of the above points are noted however the need for the squash courts are not considered to outweigh the environmental harm outlined in the summary section of this report, particularly the fact that the proposal would be sited within functional floodplain.

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Concerns that no additional parking has been included, even though parking is already a problem at TVAC.	9.10 -9.11
Lead Local	Requests that further details are provided for the proposed	

Flood Authority	surface water drainage system and supporting calculations.	
Highways	Considers that the existing car park is large enough to accommodate the addition of a squash court and that the development would not have a detrimental effect on the local highway network. Concerns have been raised with the proposed temporary access for construction traffic, however it is considered that this will have an acceptable impact on highway safety subject to conditions.	9.10 -9.11
Trees	Insufficient information has been provided to determine the arboricultural impacts of the proposed development upon on and off site trees.	9.9

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Whether the proposal is appropriate development within the Green Belt
- ii Whether the proposal is appropriate development in the flood plain
- iii The impact of the development on the character and appearance of the area
- iv Whether the proposal would be provided with sufficient parking space

Whether the proposal is appropriate development within the Green Belt

9.2 Paragraph 145 of the National Planning Policy Framework (NPPF) sets out a list of appropriate forms of development within the Green Belt. Within this list, the extension of a building is considered to be appropriate provided the extension does not result in a disproportionate addition over and above the size of the original building. In determining whether an extension is disproportionate the increase in floor space is a guiding factor, however the bulk and scale of a proposal and its effect on the openness of the Green Belt are also important considerations. Policies GB1 and GB2 of the Local Plan set out similar criteria for building in the Green Belt.

9.3 The Thames Valley Athletics Centre has been extended in the past. The original building had a floor space of approximately 3700sqm and the proposed extension and the previous extension have a combined floor space of approximately 850sqm, which amounts to an increase of 29%. Whilst this is not a significant increase in percentage terms, the extensions are visually prominent. The previous extension was full height and added bulk to the original building. The proposed extension, whilst only single storey, is 7.5m tall and is set well outside of the existing building envelope. Because it is set so far away from the existing/original building the proposed extension would have a significant visual impact on the openness of the Green Belt as well as a significant spatial impact due to its size. In conclusion the proposed extensions when taken with the previous extension would result in a disproportionate addition to the original building.

9.4 The proposal is inappropriate development in the Green Belt, and according to paragraph 143 of the NPPF inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 144 of the NPPF sets out that substantial weight will be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. Whether very special circumstances exist has been considered in the planning balance section at the end of this report after all harm resulting from the development has been identified.

Whether the proposal is appropriate development in the flood plain

- 9.5 The application site is within Flood Zone 3b which is classified as functional floodplain. The Council's Strategic Flood Risk Assessment (SFRA) sets out that the functional floodplain is land where water has to flow or be stored in times of flood, and National Planning Practice Guidance (NPPG) sets out that development should not be permitted in the functional floodplain unless it is a water compatible use. A leisure use is classed as a 'Less Vulnerable' use, and as such the proposed development is not appropriate in the functional flood plain. A site specific flood risk assessment (FRA) has been submitted with the application which concludes that the site should be classified as flood zone 3a, in which development can sometimes be considered acceptable, due to the Maidenhead, Windsor and Eton Flood Alleviation scheme (MWEFAS), however, NPPG sets out that it is the SFRA, prepared by the Local Planning Authority, which will establish areas of functional flood plain, and this should be referred to in identifying what flood zone a proposed development is within. Furthermore the SFRA already takes into consideration the MWEFAS (see paragraph 5.1.5 of the SFRA). It is noted that an extension has previously been approved under application 11/01808, however this was assessed under a previous iteration of the SFRA. It is not clear from the previous submission documents whether the development was assessed as being within flood zone 3b or 3a.
- 9.6 Notwithstanding the above, if the development was accepted as being within flood zone 3a then the applicant would need to, through the submission of the FRA and the application of the exceptions test, demonstrate that the development is safe from flooding and would not increase flood risk elsewhere. It has been demonstrated that the development itself would be safe from flooding through the use of flood resilient/resistant construction and by updating the existing Thames Valley Athletics Flood Evacuation Plan, however it is considered that the proposed development would have an unacceptable impact on flooding elsewhere as explained below.
- 9.7 Policy F1 of the Local Plan allows for an increase in ground covered area (GCA) on site of up to 30sqm. For any amount of GCA above this the applicant must demonstrate that the development will not reduce the capacity of the flood plain to store water, impact on the free flow of flood water, or increase the number of people and properties at risk from flooding. Furthermore policy EN3 of the Eton and Eton Wick Neighbourhood Plan states that development should not result in an increase in maximum flood levels within adjoining properties. The proposed extension has a total ground covered area of approximately 220sqm, which is in excess of the 30sqm allowed under policy F1. The 2011 extension was also in excess of the 30sqm limit set out under policy F1, however due to the use of underfloor voids it was considered that the development would not significantly impede the flow of flood water or reduce the capacity of the flood plain to store flood water. It is stated within the FRA for the current proposal that the external store is designed to flood, however it is not clear from the plans exactly how this will be achieved. It is also noted that the squash court itself is raised up to create an underfloor void, however no details of how this will be managed have been submitted. It is not clear whether this space will be kept empty and whether it can be ensured that there would be no loss of flood plain storage. It is noted that two shipping containers are to be removed from the site, and it is claimed that these are permanent additions, however no details have been submitted to support this. Furthermore the containers have a combined GCA of approximately 40sqm and as such would not offset the loss in flood plain storage resulting from the proposed extension. The proposed development would therefore reduce the capacity of the flood plain to store and impact upon the free flow of flood water, thereby putting additional people and properties at an increased risk from flooding.

The impact of the development on the character and appearance of the area

- 9.8 Policy DG1 of the Local Plan and paragraph 127 of the NPPF set out that development should be of a high standard of design, visually attractive, and in keeping with the local character. The proposed extension has a flat roof and will be finished using timber cladding. The proposed extension does not match the main building in terms of its design or choice of materials, however

given the extensions scale and its positioning away from the envelope of the main building it appears almost as a standalone structure. Within this context it is not considered that the design of the extension or the materials used need to match the host building exactly, and it is not considered that the extension would cause harm to the appearance of the host building or the character of the wider area.

- 9.9 The extension will be located in an area currently containing a number of trees, and whilst these are not protected they do make a significant positive contribution to the character and appearance of the area, giving it a sylvan wooded appearance, and currently provide some screening of the building when viewed from Pockocks Lane. Insufficient information has been provided to determine the arboricultural impacts of the proposed development upon on and off site trees. It would appear that at least 5 trees will need to be removed to make space for the extension and that additional trees could be harmed or lost due to interference with their canopies and roots. The loss of these trees would harm the character and appearance of the area and it is considered that steps should be taken to ensure as may trees are retained as possible.

Whether the proposal would be provided with sufficient parking space

- 9.10 A D1 leisure use, as set out in the Borough's adopted Parking Strategy, is required to provide 1 space per 30sqm. The proposed extension has a total floor space of 220sqm (including store room and covered walkway), and the squash court is 90sqm. The proposed development therefore generates a requirement of between 3 and 7 car parking spaces. The site currently benefits from 180 car parking spaces across the main car park, overflow car park and an informal parking area to the side of the main building. It is considered that the proposed extension is unlikely to have a significant impact on the number of visitors to the centre and as such the existing car park is considered sufficient.
- 9.11 A temporary access is proposed off of Pockocks Lane for the construction period. Council Highway Officers have raised some concerns with this, however it is accepted that a temporary access can be made safe through the use of conditions relating to: visibility splays, access details, construction management details, and the stopping up of the access once the squash court is brought into use.

Planning Balance

- 9.12 The proposed development is considered to cause harm to the Green Belt through reason of its inappropriateness and harm to openness. Paragraph 144 of the NPPF sets out that substantial weight will be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. As set out above, the development also causes harm as a result of the developments impact on flooding, and it is considered that this should be given substantial weight. Harm will also result from the loss of trees which make a significant positive impact on the character and appearance of the area, however this is only given moderate weight as the trees are not covered by a Tree Preservation Order.
- 9.13 The applicant has not put forward a case for very special circumstances, however it is accepted that the development does make a contribution towards and improves sports/leisure facilities in the Borough. It is also noted from the letter sent in on behalf of the former members of the Windsor Club that there would appear to be a need for new squash facilities. Indeed paragraph 91 of the NPPF supports the promotion of healthy communities and tasks planning decisions with enabling and supporting healthy lifestyles – for example through the provision of sports facilities, however the new squash court would make a fairly limited contribution towards achieving this goal, and the benefits of this improved facility would not outweigh the harm identified in paragraph 9.12 above. In this case therefore there are not considered to be any very special circumstances that would clearly outweigh the harm to the Green Belt and the other harm identified.

10. CONCLUSION

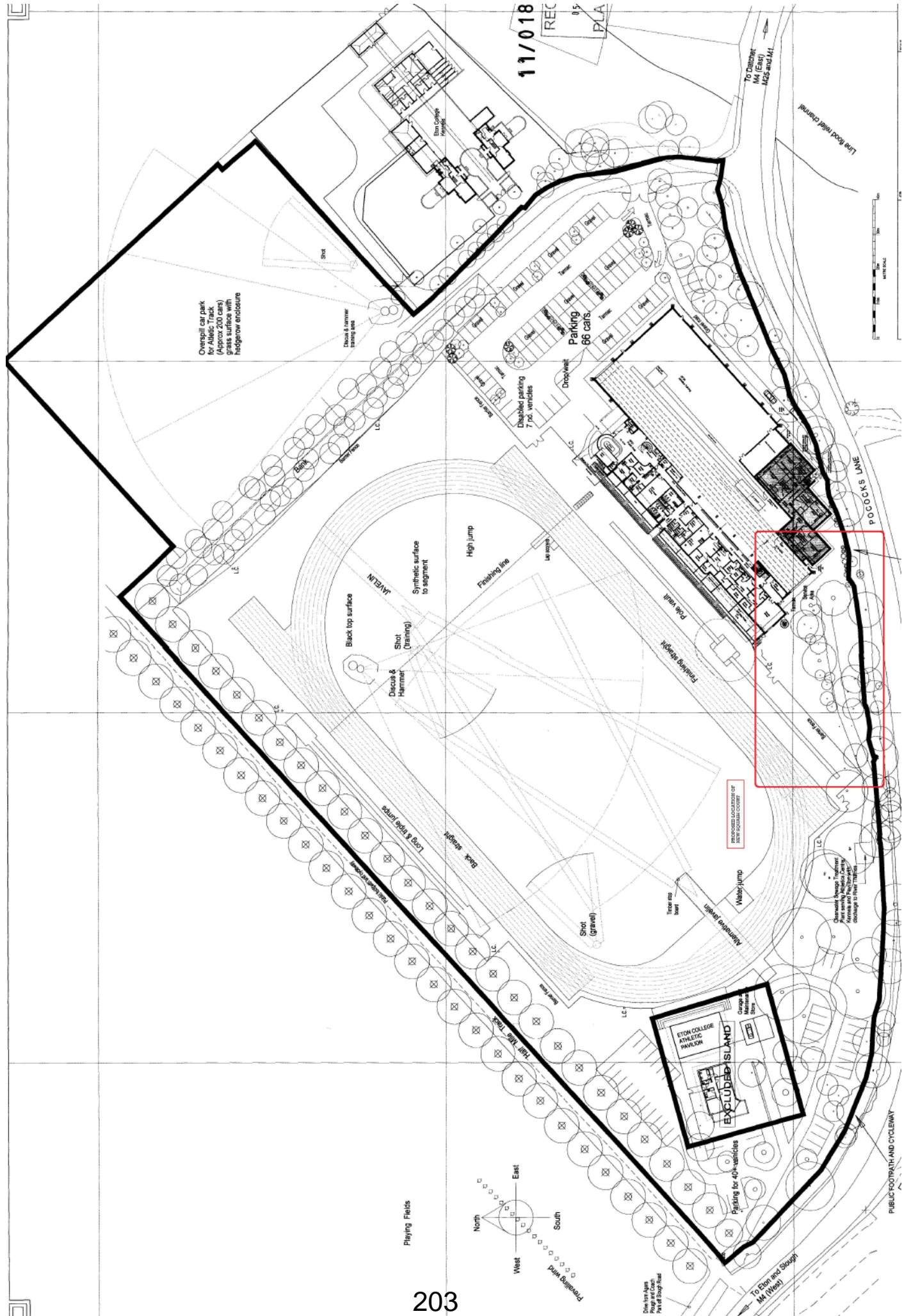
- 10.1 The proposed development constitutes inappropriate development in the Green Belt and would reduce the openness of the Green Belt. There are no very special circumstances that outweigh this harm and the other harm identified with regards to flooding and the character of the area. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
- 10.2 The proposed development would be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. Development is not acceptable within the functional flood plain other than water compatible uses. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
- 10.3 The proposed development would result in the loss of 5 trees which make a significant positive contribution to the character and appearance of the area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.

12. APPENDICES TO THIS REPORT

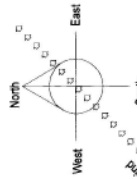
- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

13. REASONS RECOMMENDED FOR REFUSAL.

- 1 The proposed development does not fall within any of the categories of appropriate development in the Green Belt as set out in paragraph 145 of the National Planning Policy Framework and is therefore classified as inappropriate development. Furthermore the scale and position of the extension would result in harm being caused to both the spatial and visual openness of the Green Belt. It is not considered that any very special circumstances exist that clearly outweigh this harm and the other harm identified within the other reasons for refusal. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
- 2 The development is proposed to be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. As set out in National Planning Policy Guidance, development is not acceptable within the functional flood plain unless classified as a water compatible use. The proposed development is not water compatible. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
- 3 5 trees are shown to be removed to make space for the proposed development. These trees which make a strong positive contribution to the character and appearance of the area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.



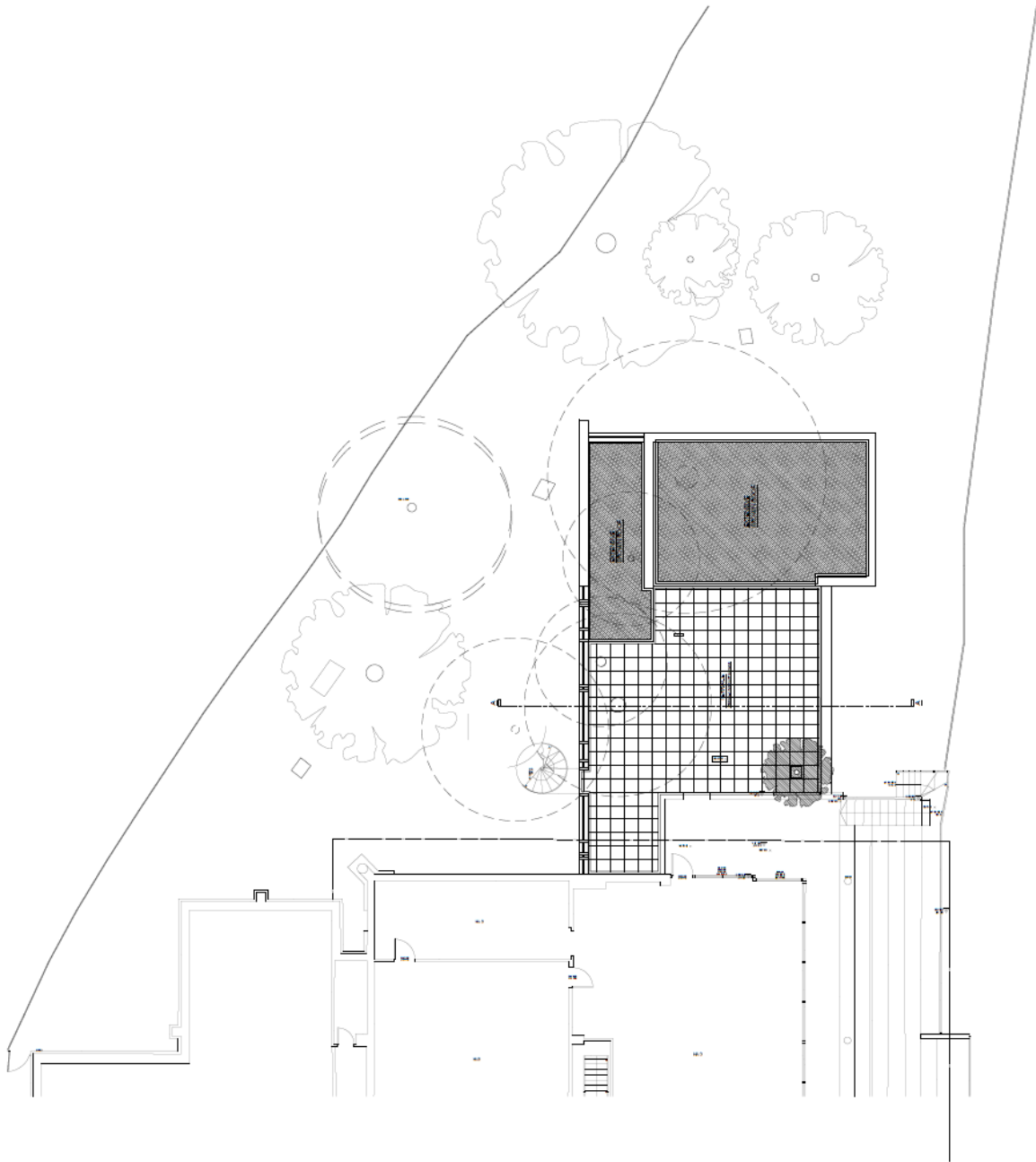
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Proposed first floor

<p>NOTES</p>	<h2 style="border: 1px solid black; padding: 5px; display: inline-block;">PLANNING - 1</h2>	<p>PROPOSED PLANNING COURT FRANK VALLEY PUBLIC CENTRE 270 COLLEGE LANE BUNRAE DUBLIN DARTMOUTH AND COLLEGE LANE AND TRACT 10/11</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NO.</th> <th style="text-align: left;">REVISION / ISSUE</th> <th style="text-align: left;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION / ISSUE	DATE									
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<p>Prepared by: A+Studio Architects, Urban Planners, Interior Design & Built Environment 10, Whitehall Square, Dublin 1 Tel: +353 (0)1 454 2222 Email: info@astudio.ie Website: www.astudio.ie</p>	<p>Project Name: PROPOSED PLANNING COURT Location: FRANK VALLEY PUBLIC CENTRE Scale: 1:500 (B1) Date: 21/10/2024</p>
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Proposed elevations

PROPOSED WEST SQUASH COURT
 10000 VALLEY AVENUE, CENTRE
 SCHOOLS
 2020
 R04
 SANJIV AND DIVYANSHU
 ARCHITECTS

PLANNING - 1

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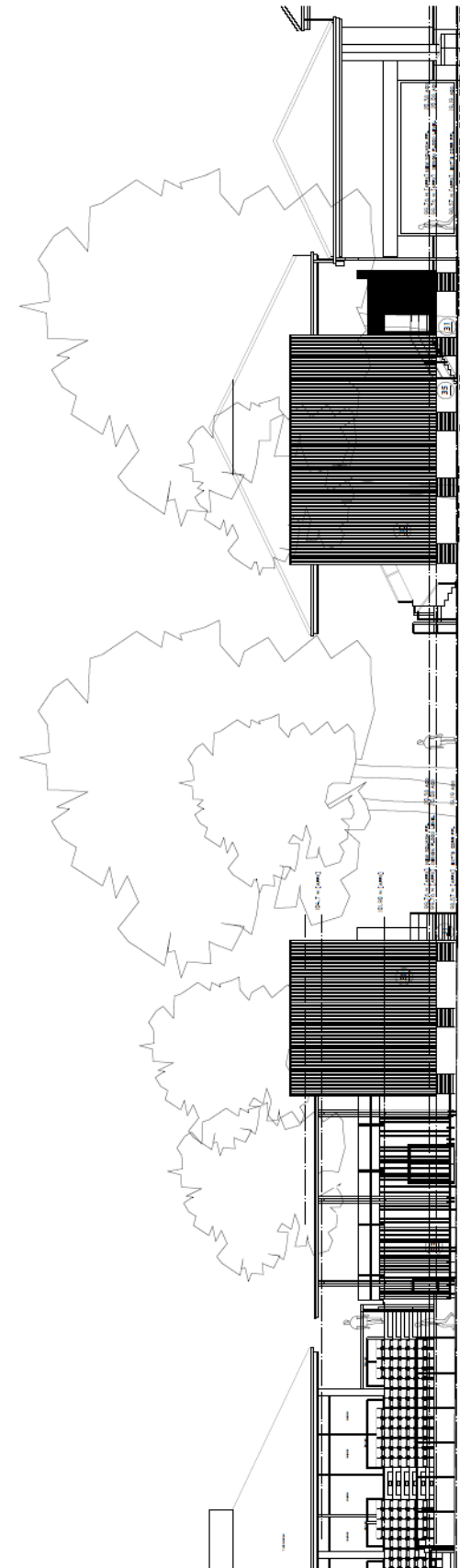
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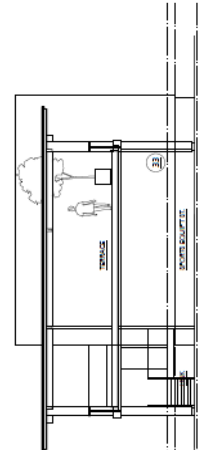
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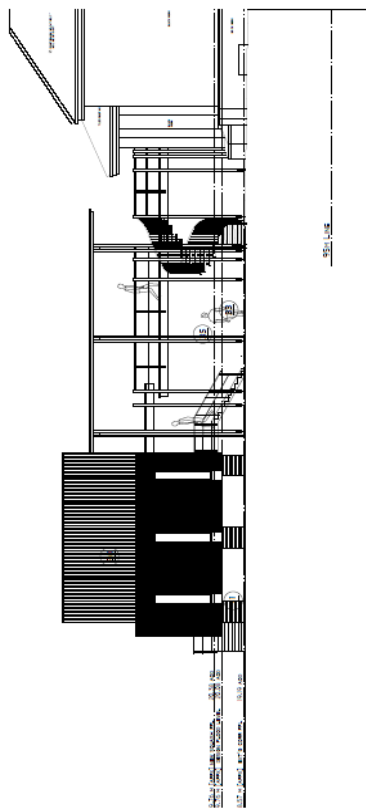
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 - 3- POLISHED SLATE
 - 4- POLISHED TRAVERTINE
 - 5- POLISHED LIME STONE
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SOUTH WEST ELEVATION

NORTH WEST ELEVATION



NORTH EAST ELEVATION / SECTION A-A



SOUTH EAST ELEVATION

DEVELOPMENT CONTROL PANEL

4 December 2019

Item: 10

Application No.:	19/02416/FULL
Location:	Windsor Dials Arthur Road Windsor SL4 1RS
Proposal:	Alterations to the existing roof structures to create an additional office floor, creation of new entrance lobbies and core areas and refurbishment of the elevations and public realm to buildings 1 and 2 Windsor Dials.
Applicant:	British Airways Pension Trustees Limited (CRN453632)
Agent:	Mr Ross Fraser
Parish/Ward:	Windsor Unparished/Eton And Castle

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

1. SUMMARY

- 1.1 The proposal includes provision of an additional floor to the two office buildings, new entrances, a rear extension to building 1 (adjacent to the railway arches), provision of plant with screening on the roofs and alterations to the feature tower on building 2. The proposed extensions and alterations are considered to be acceptable.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.

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.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site occupies a corner plot fronting Arthur Road and Goswell Road. The entrance to the site is from Arthur Road by the roundabout. Adjacent to the site in Arthur Road are two storey terrace houses. On the opposite side of Goswell Road is the Travel Lodge Hotel and King Edward Court car park. The site is identified as an employment site in the adopted Local Plan.
- 3.2 The application site is separated from the Conservation Area by Goswell Road. The site location is also to the west of the Grade II listed Windsor and Eton Royal Station, and to the south of the arches which adjoin the station.

4. KEY CONSTRAINTS

- 4.1 The site is within an area liable to flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal includes provision of an additional floor to the two office buildings, new entrances, a rear extension to building 1 (adjacent to the railway arches), provision of plant with screening on the roofs and alterations to the feature tower on building 2.

Application Ref	Description of Works	Decision and Date
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Original Permission 97/75707/FULL	Redevelopment of former Gas Board site, Noahs Ark PH & Nos.3-15 Arthur Road to provide 1 no.3-storey & 1 no.4-storey office building (7625sqm),244 space multi-storey car park & access via new Goswell Rd /Charles St roundabout	Permission granted 22/12/1997
99/78635/FULL	Provision of railings and gate between buildings 1 and 2.	Permission 15/11/1999
99/78636/FULL	Front entrance lobby	Permission 15/11/1999
99/78646/FULL	First floor extension to house generator	Permission 24/11/1999
06/02858/FULL	Erection of pump room and sprinkler water storage tank.	Permission 10/1/2007

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Conservation and Listed Buildings	CA2, LB2
Highways	P4 AND T5
Trees	N6
Employment Area	E1
Flooding	F1

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Historic Environment	HE1
Flood risk	NR1

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Historic Environment	HE1
Flood risk	NR1

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 18 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 10th September 2019 and the application was advertised in the local press on 12th September 2019.
- 8.2 1 letter from the Windsor and Eton Society was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Adverse impact on local residents. The mass and height of the proposed development will exacerbate the overbearing impact in relation to houses in proximity in Arthur Road. Increased overlooking. An increased mass at the top of the building together with larger windows on the top floors, are of concern with regard to residents' amenity.	It considered that the impact on local residents is acceptable. See paragraphs 9.27 -9.28 below.
2.	Parking pressures	There has been no objection from the Highway Authority. See paragraphs 9.29-9.35 below and Informative 6 in Section 12.
3.	The Windsor Dials office development was originally permitted on appeal in 1988. Various amendments were granted in 1997. At the time, the Council wrote: "Relationship of this scheme with 2 storey terraced houses will never be ideal."	The planning officer report states: "Whist the relationship of this scheme with the two storey houses will never be ideal, this arrangement does offer a distinct streetscape improvement over its predecessor".
4.	The proposed increases would make the top of the buildings appear even more obvious above the distinctive historic Brunel railway arches and detract from the view from Alexandra Gardens.	The proposed development is considered to be acceptable in terms of its impact on the street scene and in relation to existing buildings, structures and public open spaces. See paragraphs 9.16-9.26 below.
5.	The proposals lessen the interest of the buildings by removal/alterations of architectural original detail.	The proposed alterations are considered acceptable. See paragraphs 9.16-9.26 below
6.	The application form advises that the number of employees is projected to be increased by 1,233. This is a substantial number and there are no proposals regarding parking. Additional parking could only be provided at the expense of the site's current attractive landscaping.	The Highway Authority has raised no objection and is satisfied that there is no need for additional on-site parking. See paragraphs 9.29-9.35 below.
7.	The location is a sustainable one – however no Travel Plan has been submitted. It is essential that a Travel Plan is submitted.	The Highway Authority has raised no objection and has not requested a Travel Plan for this development. The decision notice will include an informative advising the applicant that the occupants shall not be granted business permits in any of the RBWM car park. See paragraphs 9.29-9.35 below and Informative 6 in section 12.

Consultees

Consultee	Comment	Where in the report this is considered.
Highways	No objection – a condition has been recommended to secure details of the cycle parking. An informative is suggested about the design of the cycle store and to advise the applicant that	See paragraphs 9.29 -9.35 below Condition 4 in Section 12 and Informative 8 in Section 12.

	no business parking permits for any of the RBWM car parks, would be issued to future occupiers.	
Environment Agency	No objection to the FRA with Addendum and additional drawings to show void and opening to the proposed ground floor.. A condition is suggested to ensure that the development is carried out in accordance with FRA, Addendum and Additional plans and specified mitigation measures. A condition is required regarding contamination.	See paragraphs 9.5 -9.15; Conditions 5 and 7 in Section 12 below and informatives 1 and 2 below.
Conservation	No objection – a condition is recommended to secure the details of external materials.	See paragraphs 9.16 -9.26 below and Condition 2 in Section 12 below.
Ecology	No objection – conditions suggested to secure ecology mitigation.	See paragraphs 9.36 -9.39 below. See Condition 8 in Section 12 and informative 9 in Section 12 .
Lead Local Flood Authority	No objection. The proposed development will have little impact on existing impermeable areas, and the existing surface water drainage network and its outfall have been adequately demonstrated. In view of this, and the developments location and nature, the Lead Local Flood Authority has no objection to this application.	Comments noted.
Environmental Protection	<p>No objections raised. The permitted working hours within the Borough are different to those quoted in the applicant's submissions. The applicant is advised:</p> <p>All works and ancillary operations including site deliveries which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:</p> <p>08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.</p> <p>Condition are also recommended regarding the provision of equipment in accordance with the recommendations of the noise report and the manufacture's specifications; and measures to be taken if contamination is found at the site.</p>	<p>The advice about the Borough's working hours can be via an informative. See informative 3 in Section 12 below. A condition is not considered appropriate as construction noise and disturbance can be controlled by Environmental Protection Legislation.</p> <p>Conditions regarding provision of noise mitigation measures and for contamination can be dealt with by way of conditions. See Conditions 5 and 6 in Section 12 below.</p>

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Others

Group	Comment	Where in the report this is considered.
Thames Water	No objection. Informatives/advice notes suggested.	See Informatives 4, 5 and 7 in Section 12 below.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of providing additional office space
- ii Flooding considerations
- iii Impact on the street scene and surrounding area
- iv Impact on neighbouring properties
- vii Impact on highways and parking
- vi Ecology

Principle of providing additional office space

9.2 The site is identified as an Employment Area in the adopted Local Plan that is just beyond the boundary of Windsor Town Centre Commercial Centre – Employment area E1 in Local Plan. Policy E1 states: “ Business, industrial and warehousing development will usually be restricted to the employment areas identified on the proposals map. “

9.3 The application is identified as an Employment Site and is subject to emerging Policy ED2 of the Borough Local Plan Submitted Version (BLPSV), which states that within industrial, business and mixed use areas, development proposals that improve and upgrade the facilities available to support businesses will be supported.

9.4 In principle the provision of 2246 sq m additional office space on this site, does not conflict with the above-mentioned policies.

Flooding considerations

9.5 The NPPF and National Planning Practice Guidance advises that applications for non-residential extensions with a footprint of less than 250 square metres should not be subject to the Sequential Test or Exception Test.

9.6 The proposed development involves an extension to the roof of the buildings and this element of the scheme would not increase the footprint of the building. The proposals also involve extensions to the existing reception areas on Building 1 and 2, and a rear extension to Building 1. In total these three elements which would result in additional footprint in the order of approximately 105 sq metres. As such the sequential and exceptions test are not applicable in this instance.

9.7 The site appears to fall within Flood Zone 3a and Flood Zone 2. The site is surrounded by Flood Zone 3a and the central part of the site is within flood zone 2. Policy F1 of the Local Plan relates to areas within the 1:100 year probability of flooding (Flood Zone 3). This policy advises that within the area liable to flood as shown on the proposals map, or within other areas subject to flooding, development will not be permitted for new residential or non-residential development, including extensions in excess of 30 sq metres, unless it can be demonstrated to the satisfaction of the Borough Council, that the proposal would not of itself or cumulatively in conjunction with other development:

- 1) impede the flow of water;
- 2) reduce the capacity of the flood plain to store water; or
- 3) increase the number of people or properties at risk from flooding.

For the purposes of this policy, new development will be taken to include:

ii) intensification of existing development through redevelopment or subdivision;

9.8 The SPD, Interpretation of Policy F1 – Area Liable to Flood provides further information on the Local Plan flooding policy.

9.9 Paragraph 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.10 The applicants submitted a site specific Flood Risk Assessment (FRA) with the application and following an initial objection from the Environment Agency (EA), the applicants submitted an Addendum to the FRA. The EA has advised that an appropriate assessment of the impacts of climate change on flood risk has been undertaken within the Flood Risk Assessment Addendum (thus overcoming their original objection). See Condition 7 in Section 12 below.

9.11 From the levels shown on the topography survey in Appendix 4 of the submitted Flood Risk Assessment (FRA), it can be seen that there is only one section of the proposed expansion (to the north of Building 1) which is in the 1% annual exceedance probability (AEP) flood extent (Flood Zone 3). It is noted that this proposed extension (to the north of building 1) does not exceed 30 square metres; however, a previous extension granted permission in 2006 (for a pump room and sprinkler water storage tank 06/02858) also in flood zone 3 (and just under approximately 30 sq metres) would also count against the Policy F1, 30 square metre allowance.

- 9.12 Nevertheless, mitigation for the proposed extension in the form of a void has been provided for the loss in floodplain storage, as shown in drawing number 19057-HALE-B1-ZZ-DR-A-PL1040, with a soffit level of 20.85 mAOD. The EA has confirmed that the earlier concerns have been adequately addressed and, subject to the conditions, they therefore withdraw their previous objection, (dated 25 September 2019). They have suggested an informative to be included on the decision notice advising that the EA recommends that the soffit levels of the voids are raised as high as possible (ideally above the 1% AEP plus an appropriate allowance for climate change flood level). In addition, they recommend that the voids are open rather than using louvres (as proposed) to ensure there are no obstructions to flood flows entering the void spaces. However, they also advise that if void openings are a security risk, then vertical steel bars placed at 100mm centres can be installed. An informative is included with this advice. See informative 1 in Section 12.
- 9.13 Given the size of the footprint of the proposed new rear extension and the proposed void, the LPA is satisfied that the new plant room would be a floodable structure, which would not affect the flood storage capacity in this instance.
- 9.14 The applicant has advised that in the event of flood waters having reached the site it is unlikely that a dry egress route would be available at the site to land a low risk of flooding. It is noted that the site is located within an area for which the EA offers a Flood Warning service. It is also noted that flood waters for this area are slow rising. The FRA advises that prior to occupation of the proposed development, tenants would be encouraged to produce a Flood Warning Evacuation Plan (FWEP), in order to record contingency measures that would be drawn up for the safety of occupants of the proposed development with access and egress routes to be included in the FWEP. This approach is welcomed.
- 9.15 However, as the proposal is for extensions to an existing office building and intended for office purposes, it is not considered that safe access and escape routes during a time of flooding can be made a prerequisite for the development, in this instance. Furthermore, it is not considered necessary to for the Council to require the FWEP to be secured by way of a condition or legal agreement.

Impact on the street scene and surrounding area

- 9.16 The existing buildings (Windsor Dials) are very large, prominent and distinctive buildings in the street scene. Windsor Dials is a late C20 modern development located to the west of Windsor Town Centre Conservation Area. It is separated from the Conservation Area by Goswell Road. The site location is also to the west of the Grade II listed Windsor and Eton Royal Station, and to the south of the arches which adjoin the station. The building is also opposite the seven storey travel lodge which sits within the border of the Conservation Area.
- 9.17 The existing buildings comprise four storeys, with buff brick and grey casements window details. The roof is pitched with grey finish above a glazed storey at third floor. The buildings individually are L shaped in plan form and sit at perpendicular angles to one another on the site. The buildings are accessed via the south entrance for vehicles and the north east entrance for pedestrians.
- 9.18 Building 1 is the one nearest to the railway and Building 2 is nearest to Arthur Road.

The proposals include:

- new extended double storey height entrances to buildings 1 and 2,
- extensions at roof level involving the removal of the existing pitched roofs and the provision of a fifth storey on buildings 1 and 2;
- rear extension to building 1 to provide a plant room at ground floor and office spaces on the upper 3 floors
- a plant enclosure above a new fifth storey on buildings 1 and 2.

- remodelling/recladding of the tower feature on building 1.
 - the removal of trees behind/to the north of building 2
 - new landscaping within the central courtyard between buildings 1 and 2.
- 9.19 The new entrances would be double storey height and comprise large areas of glazing. The new fifth storey extensions would have a flat roof and would provide additional office space. The extensions would comprise large areas of glazing. It is noted that the overall height of the proposed roof extension would not exceed the height of the existing pitched roofs. The proposed glazing would help to minimise any additional volume to the building.
- 9.20 The proposed new plant screening/enclosures above on Buildings 1 and 2 would be set back from side, rear and front elevations of the buildings and would extend approximately 2.2 metres above the fifth floor roof level. Given the overall extent of this element it is not considered that the plant screens would be readily visible from street level and would be visible only in longer range views.
- 9.21 The rear extension to Building 1 would be immediately adjacent to the railway arches and as such the lower floors would be screened from public views. The proposed feature corner tower on Building 1 would be remodelled with the removal of circular brick pillars and the introduction of curtain wall glazing and aluminium rainscreen cladding (mid grey).
- 9.22 A number of trees (10 in total) to the rear of building 1 are to be removed. These trees are of limited public amenity and have restricted area in which to grow as they are in between the building and the railway arches. There is no objection to the removal of these trees to enable the provision of cycle storage and the rear extension to Building 1.
- 9.23 New landscaping and tree planting is proposed for the courtyard area between Buildings 1 and 2 – including a number of new trees, which is welcomed. The applicants have submitted amended plans which now show the retention of six trees T19 -25 adjacent to Goswell Road. These were shown for removal and replacement on the originally submitted drawings. These trees are important features in the street scene and help to soften the appearance of the building in Goswell Road.
- 9.24 The applicants have submitted a Heritage and Townscape Assessment which includes images and a visual representation of the existing and proposed extensions in the context of the adjacent street scenes. The Council's Conservation Officer has been consulted on the application and has raised no objection. The proposed alterations to Windsor Dials are not considered to negatively alter the setting of the Windsor Town Centre or nearby Listed Building and therefore do not cause harm to the significance of these Heritage Assets.
- 9.25 The raising of the roof, change in roof line from pitched to flat, introduction of a plant roof, and introduction of a higher amount of glazing, are all elements of the design which will alter the scale and appearance of the existing buildings. These changes however are considered to be neutral changes when read in the context of the heritage assets. The materials chosen are sympathetic and, when viewed in relation to the Heritage Assets, most notably the Grade II station and its adjoining bridge, the proposals do not create an offensive dominance, but form part of the already very modern background.
- 9.26 The edge of the Conservation Area is already formed by the large King Edward Court, and so the changes made to the existing buildings will have no visual impact on the Conservation Area. The Conservation Officer is supportive of the application. The Council has, in considering this planning application, had special regard to the desirability of preserving the setting of listed building/s, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring properties

- 9.27 The nearest residential property is No. 19 Albert Road. Given the separation distances, the height and scale of the existing building and the fact that there are existing windows in the end of Building 1 and side of Building 2, it is considered that it would be difficult to argue that the proposed extensions would give rise to significant additional impact (including loss of outlook or privacy) on the neighbours. Furthermore, it is considered that the proposals would not give rise to any additional loss of daylight or sunlight to neighbouring properties.
- 9.28 The proposals are considered to be satisfactory in terms of the impact on the Travel Lodge on the opposite side of Goswell Road.

Highways and Parking

- 9.29 Permission is sought to increase the B1 use within the site from 7,625m² (GIA) to 9,871m² (GIA), an increase of 2,246m². The development also proposes providing 42 additional cycle parking spaces.
- 9.30 The site currently comprises two B1 (office) buildings supported by 15 car parking spaces, including 5 disabled spaces and 22 cycle parking spaces. The site is located to the west of Goswell Road and is served by a vehicular access taken from the Goswell Road/Charles Street/Arthur Road roundabout. The site also benefits from a pedestrian access onto Goswell Road. The applicant proposes no changes to the existing access arrangement.
- 9.31 It is noted that the site is served by a number of surface car parking spaces and there is a multi-storey car park located immediately to the west of Building 1. The proposals also involve converting 4 existing parking bays into electric vehicle parking bays – which is welcomed by the Highway Authority.
- 9.32 The development is located within an accessible town centre location where zero car parking can be accepted. Given the location of the site and the proximity of nearby car parks including Multi-storey car park, the Highway Authority is satisfied with the level of available on-site car parking. Nevertheless, the Highway Authority has advised that for office developments in the Borough's town centre there is currently a moratorium in approving requests for public car parking spaces. An informative is to be attached to the planning permission to advise the applicant that the future occupants of the buildings will not be granted business permits in any of the RBWM car park. See Informative 6 in section 12 below.
- 9.33 The Highway Officer advises that all cycles should be stored in an enclosed facility that shelters the bikes from the elements and it is recommended that the applicant submits a cycle parking plan that complies with current best practices (e.g., The West London Cycle Parking Guidance). See Condition 4 and Informative 8 in section 12 below.
- 9.34 The development proposes no changes to the existing serving arrangement. To determine the impact of the development onto the local highway network, the applicant's transport consultant has interrogated the TRICS database. The results suggest that during the AM and PM peak periods, the extended B1 use (2,246m²), could potentially generate 19 and 15 two-way trips respectively. It is considered that the proposal is unlikely to have an appreciable impact on traffic movements in the vicinity.
- 9.35 The application is accompanied by a document titled Construction, Demolition and Site Waste Management Plan including Logistics. The measures proposed to ensure that the demolition and construction works do not impact on those residing and commuting in the area are generally considered acceptable. In summary, the proposed extension of the B1 use within the site raises no highway concerns with respect to parking and traffic generation.

Ecology Issue

- 9.36 The Council's Ecologist has commented on the proposals. An Ecological Impact Assessment was carried out in July 2019 and submitted with the application.
- 9.37 The ornamental shrubs and trees on site have the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Works to the vegetation should be undertaken outside of the bird-nesting season or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist. The Council's Ecologist has advised that should the Local Planning Authority be minded to grant planning permission, this advice should be incorporated in an Informative. An informative has been included – see informative 9 in Section 12.
- 9.38 The site was recorded as having negligible potential to support badgers, great crested newts, toads, reptiles and was found to have no significant value for invertebrates. The buildings and trees on site had negligible potential to support roosting, foraging and commuting bats.
- 9.39 In line with paragraph 175 of the NPPF and Policy NR3 of the emerging Borough Local Plan, opportunities for wildlife should be incorporated into the development. The applicant's ecologist has suggested a number of enhancements including the incorporation of bird boxes (in particular swift and starling boxes) on to the buildings and the installation of two hedgehog houses at the site. The Council's Ecologist has advised that these enhancements should be secured via planning condition. As such, a condition is to be included on the planning permission. See Condition 8 in Section 12.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. APPENDICES TO THIS REPORT

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

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the installation of new external surfaces on the buildings taking place, full details of all the materials to be used for these external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - DG1.
- 3 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity.

Relevant Policies - Local Plan DG1, N6.

- 4 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 always thereafter be kept available for the parking of cycles in association with the development.

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

- 5 If, during development, contamination (including soil and water) not previously identified is found to be present at the site development must be halted (unless otherwise agreed in writing with the local planning authority). Such contamination must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken detailing how this contamination will be dealt with and shall be submitted to, and approved in writing by, the LPA prior to any further development taking place. Where remediation is necessary a remediation scheme must be prepared and shall be subject to the prior approval in writing of the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil or water pollution from previously unidentified contamination sources at the development site. To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant policies - Paragraph 170 of the National Planning Policy Framework (NPPF), policy NAP4 of the adopted Royal Borough of Windsor and Maidenhead Local Plan Including Alterations June 2003. The Without this condition the Environment Agency would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

- 6 The development shall be carried out in accordance with the recommendations and proposals set out in the Noise Assessment and Ventilation Statement submitted with this application and the installation of any proposed equipment shall be carried out in accordance with the manufacturer's instructions.

Reason: To ensure that there is no unacceptable noise impact on neighbouring properties. Relevant policies - adopted Local Plan NAP3.

- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref dated 12 August 2019 and prepared by Ramboll), the Flood Risk Assessment Addendum (dated 3 October 2019 and prepared by Ramboll) and drawing number 19057-HALE-B1-ZZ-DR-A-PL1040 (titled 'Building 1 Ground floor plan Plant room extension', Revision P1, dated 24 October 2019 and prepared by Hale) and the following mitigation measures they detail:

Finished floor levels shall be set no lower than 21.25 metres above Ordnance Datum (AOD)

Voids spaces and openings to be implemented as shown - the height of the voids spaces and openings will be no lower than 20.85 metres AOD. These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants as well as to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with paragraph 163 of the NPPF and emerging policy NR1 of Borough Local Plan Submission Version 2013-2033.

- 8 The ecological enhancements as set out in the Ecology Impact Assessment (by Clarkson and Woods dated July 2019) including the incorporation of bird boxes (in particular swift and starling boxes) on to the buildings and the installation of two hedgehog houses at the site, shall be carried out in accordance with the recommendation of the report.

Reason: In the interests of biodiversity. Relevant policies - paragraph 175 of the NPPF (2019) and Policy NR3 of the Borough Local Plan Submission Version 2013-2033..

Informatives

- 1 Advice to Applicant on Void design: It is recommended that the soffit levels of the voids are

raised as high as possible (ideally above the 1% AEP plus an appropriate allowance for climate change flood level). In addition, we recommend that the voids are open rather than using louvres to ensure there are no obstructions to flood flows entering the void spaces. If void openings are a security risk, then vertical steel bars placed at 100mm centres can be installed.

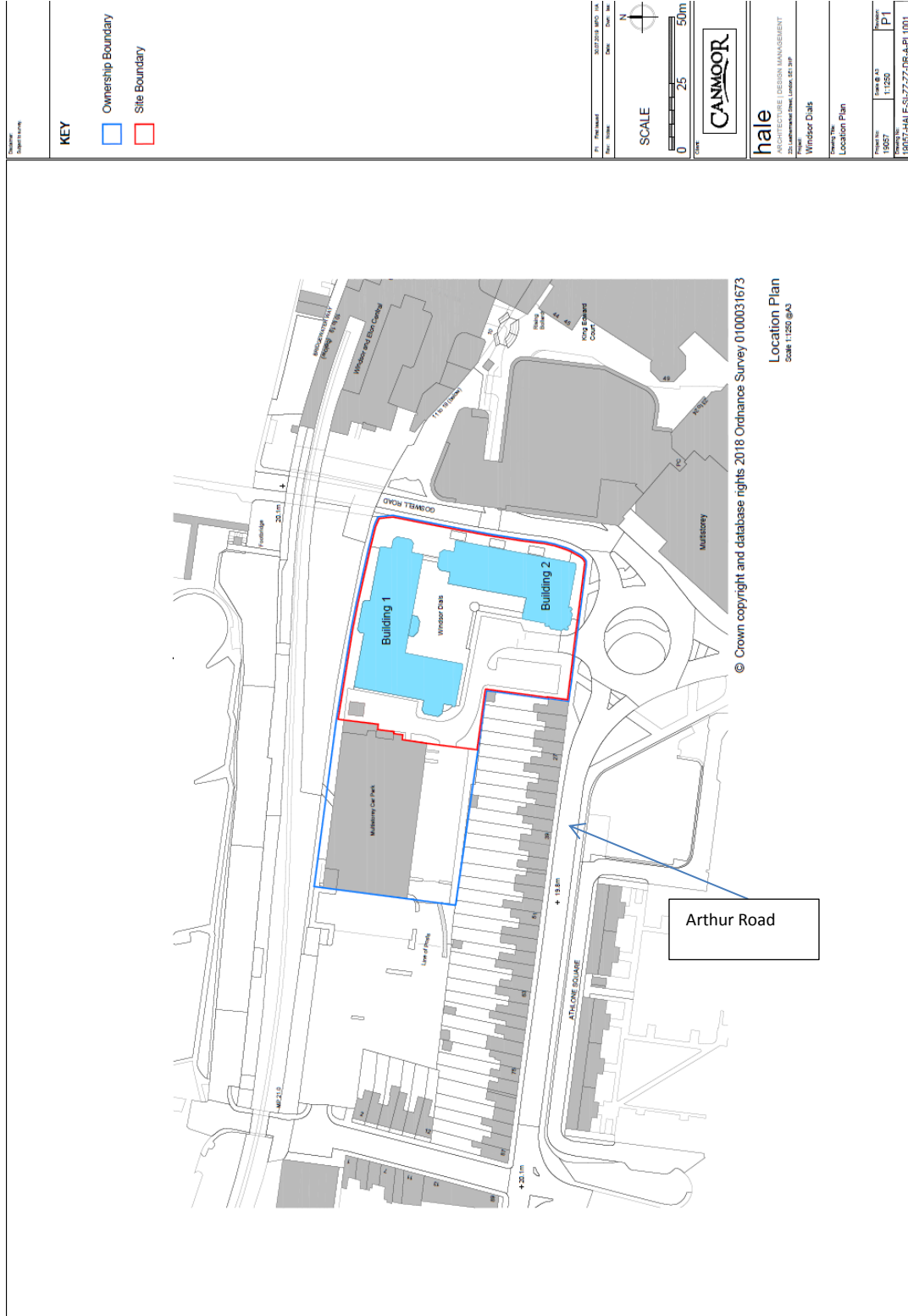
- 2 Advice to applicant on contaminated land:
The previous use of the proposed development site as a gas works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. It is noted that depth limited remedial works have been previously carried out on-site, however the Environment Agency is unaware of the extent or success of this remediation. It is therefore very important that any areas of unexpected contamination are appropriately remediated. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and is located upon a principal aquifer (the Shepperton Gravel Member). The groundwater level is interpreted to be less than 3m below ground level in this area because the site is approximately 250 m from the River Thames and the Shepperton Gravel Member is highly likely to be in hydraulic continuity with the river. Due to the proposed substructure alterations to both Building 1 and 2 associated with the construction of new entrance/reception areas, there is a high risk that any contamination present would pollute controlled waters if mobilised during construction. Without Condition 5 the Environment Agency would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 3 The applicant is advised that in order to comply with the permit construction working hours within the Borough, all works and ancillary operations including site deliveries which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- 4 With regard to SURFACE WATER drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer to Thames Water website.(<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>). Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, Thames Water would not have any objection to the above planning application, based on the information provided.
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 The applicant is advised that future occupants of the buildings will not be granted business permits in any of the RBWM car park.
- 7 Thames water advise that there are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes (<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>). If the applicant is intending to using mains water for construction purposes, it is important to notify Thames Water before starting to use it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](https://thameswater.co.uk/building-water). On the basis of information provided,

Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the planning application.

- 8 It is recommended that the applicant submits a cycle parking plan that complies with current best practices (e.g., The West London Cycle Parking Guidance).
- 9 Works to the vegetation should be undertaken outside of the bird-nesting season or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist

APPENDIX A

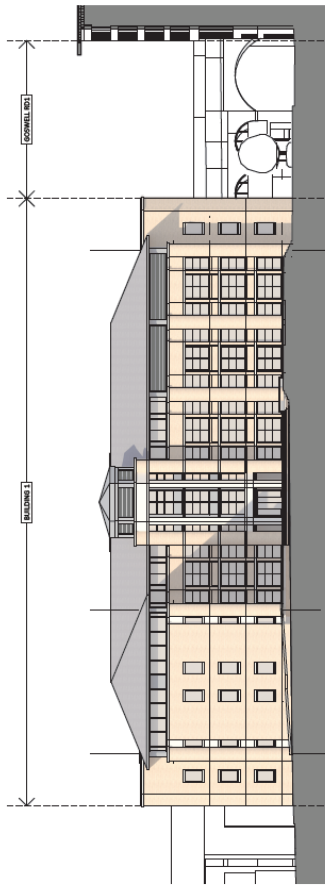
19/02416/FULL - Windsor Dials, Arthur Road, Windsor.



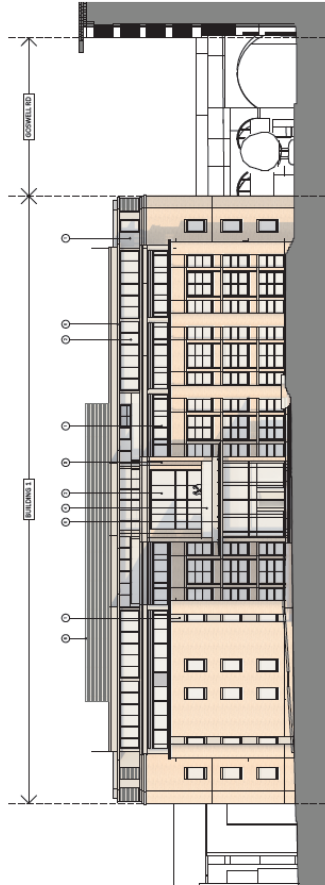
APPENDIX B

19/02416/FULL – Windsor Dials, Arthur Road, Windsor

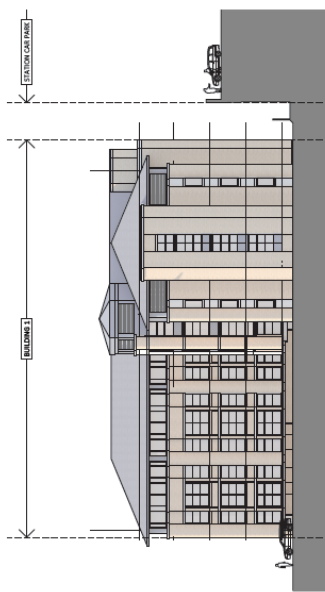
Building 1



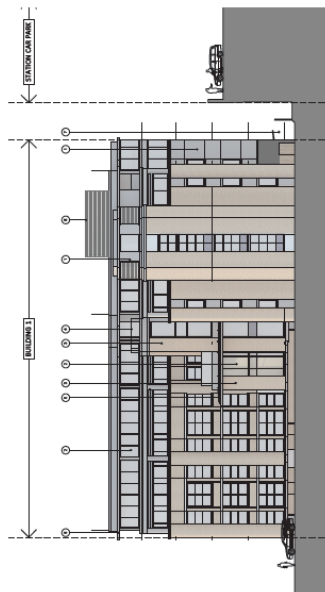
02 Building 1 - Existing South Facing Elevation
Scale 1:200 @ A1



02 Building 1 - Proposed South Facing Elevation
Scale 1:200 @ A1



01 Building 1 - Existing East Facing Elevation
Scale 1:200 @ A1



01 Building 1 - Proposed East Facing Elevation
Scale 1:200 @ A1

<p>Project Name: Windsor Dials</p> <p>Project Location: Windsor Dials, Arthur Road, Windsor</p> <p>Project Status: Existing & Proposed</p> <p>Client: 1907-HALES SZORAR (1301)</p> <p>Scale: 1:200</p> <p>Sheet: P1</p>	<p>Project Name: Windsor Dials</p> <p>Project Location: Windsor Dials, Arthur Road, Windsor</p> <p>Project Status: Existing & Proposed</p> <p>Client: 1907-HALES SZORAR (1301)</p> <p>Scale: 1:200</p> <p>Sheet: P1</p>
<p>Project Name: Windsor Dials</p> <p>Project Location: Windsor Dials, Arthur Road, Windsor</p> <p>Project Status: Existing & Proposed</p> <p>Client: 1907-HALES SZORAR (1301)</p> <p>Scale: 1:200</p> <p>Sheet: P1</p>	<p>Project Name: Windsor Dials</p> <p>Project Location: Windsor Dials, Arthur Road, Windsor</p> <p>Project Status: Existing & Proposed</p> <p>Client: 1907-HALES SZORAR (1301)</p> <p>Scale: 1:200</p> <p>Sheet: P1</p>

Materials Key:
 1. Aluminum Resonance Cladding (Mid-Gray)
 2. Customized Cladding
 3. Glass (existing door) - to be replaced with existing glass
 4. Glass (existing door) - to be replaced with existing glass
 5. Aluminum (Mid-Gray) (Mid-Gray)
 6. Metal Louvre (Light Gray) (Light-Gray)

7. New Glass entrance door & glass canopy
 8. Glass meeting door - to be replaced with existing glass
 9. Existing glass meeting door - to be replaced with existing glass

Date: 20/02/2024
 Drawn by: P1
 Scale: 1:200 @ A1

Building 1

01 Building 1 - Existing West Facing Elevation
Scale 1:500

01 Building 1 - Proposed West Facing Elevation
Scale 1:500

02 Building 1 - Existing North Facing Elevation
Scale 1:500

02 Building 1 - Proposed North Facing Elevation
Scale 1:500

MATERIALS KEY:

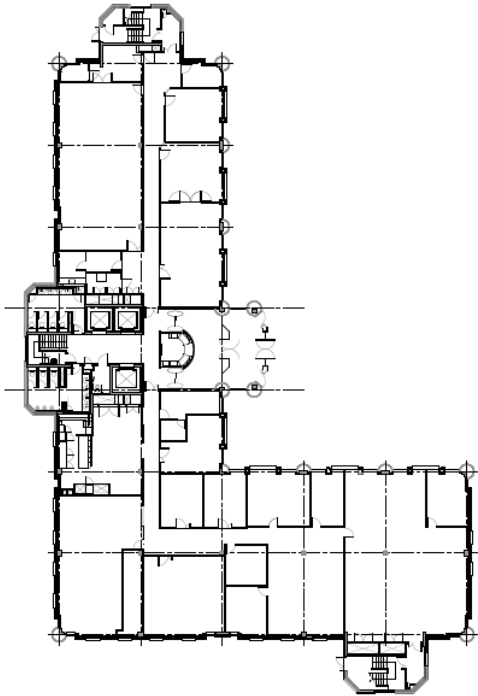
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2. Customized Cladding
3. New Finishes to match Building
4. Aluminum Sill canopy (Mid-Grey)
5. Metal Lorry (pink screen, Light-Grey)
7. New Glass entrance door & glass canopy
8. Glass working door
9. New extended cantilever steps to replace existing concrete cantilever panels

Client: Wincor Dixie
Project Name: Building 1 Existing & Proposed
Project Address: 10027-HALE-B-22-DR-PL 1030
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Sheet: P1

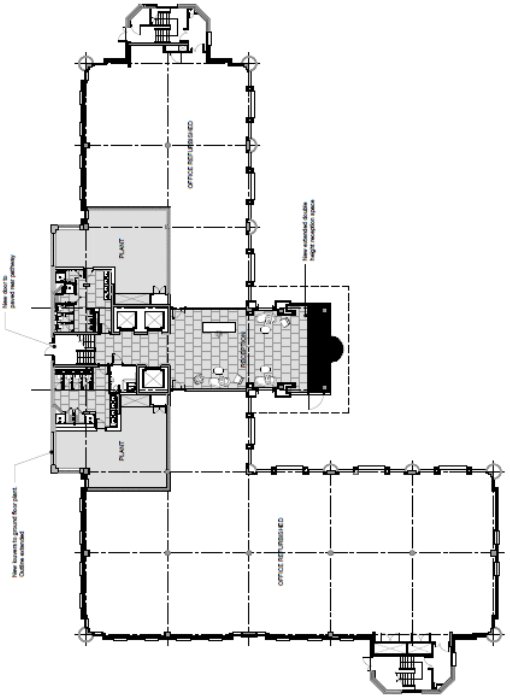
Architect: hale ARCHITECTURE DESIGN MANAGEMENT
 26 Lakeshore Drive, Suite 401 2P
 Oakville, Ontario L6M 6K9
Logo: CANADIAN ARCHITECTURE ASSOCIATION

Building 1

<p>Client: Windsor Dial</p> <p>Date: 10/05/2018</p>	<p>Project: 10057-HALES 1-00-DR-APL 010 P1</p> <p>Phase: 01</p> <p>Scale: 1:200</p> <p>Author: P1</p> <p>Check: M1</p> <p>Drawn: M1</p> <p>Date: 10/05/2018</p>			<p>hale ARCHITECTURE DESIGN MANAGEMENT 25 Abchurch Lane, London, EC4A 3DF</p> <p>Windsor Dial</p>	<p>Drawing Title: Building 1 Ground Floor plan Existing & Proposed</p> <p>Scale: 1:200</p> <p>Drawing No: 10057-HALES 1-00-DR-APL 010 P1</p>
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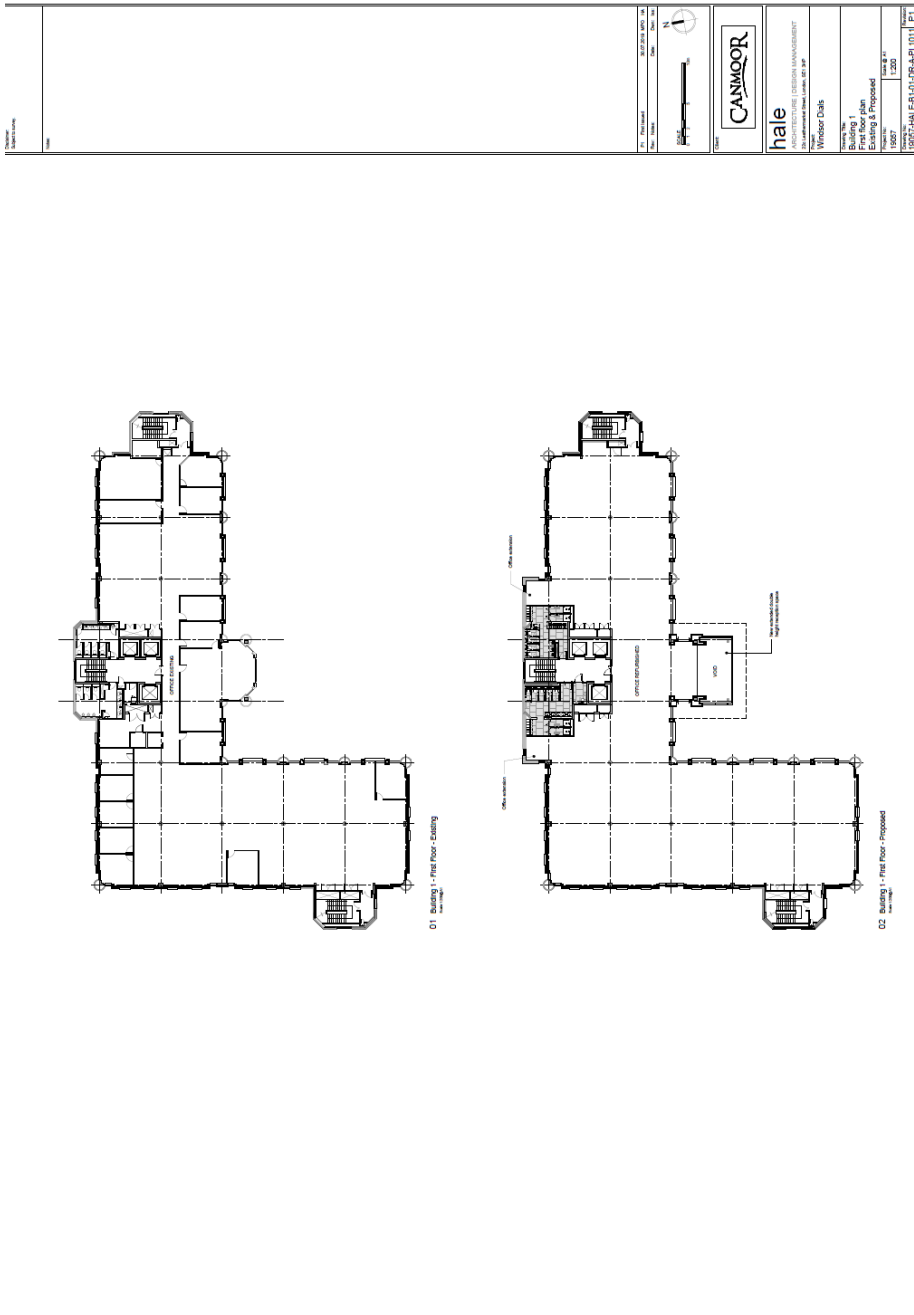


01 Building 1 - Ground Floor - Existing
10/05/2018



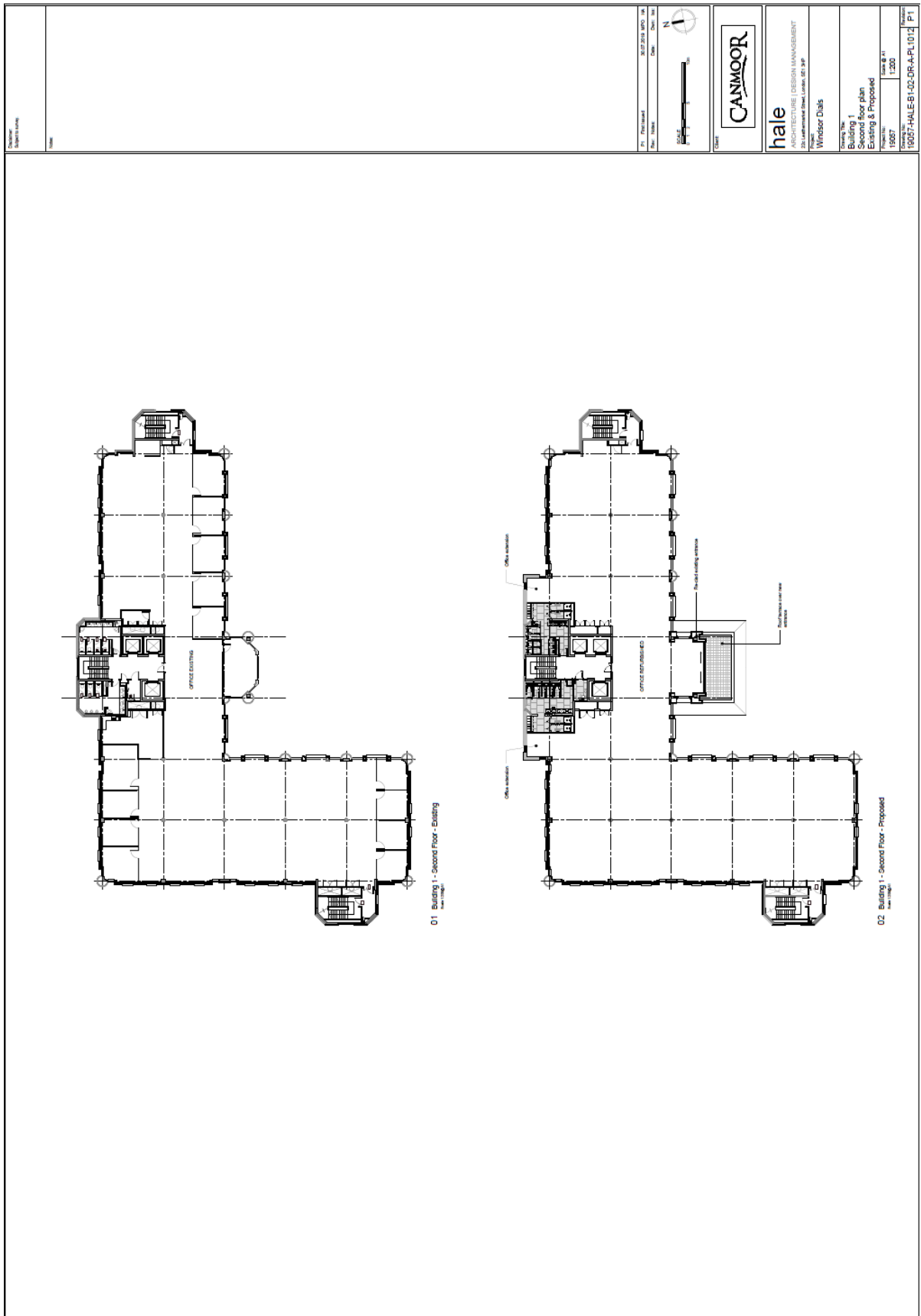
02 Building 1 - Ground Floor - Proposed
10/05/2018

Building 1





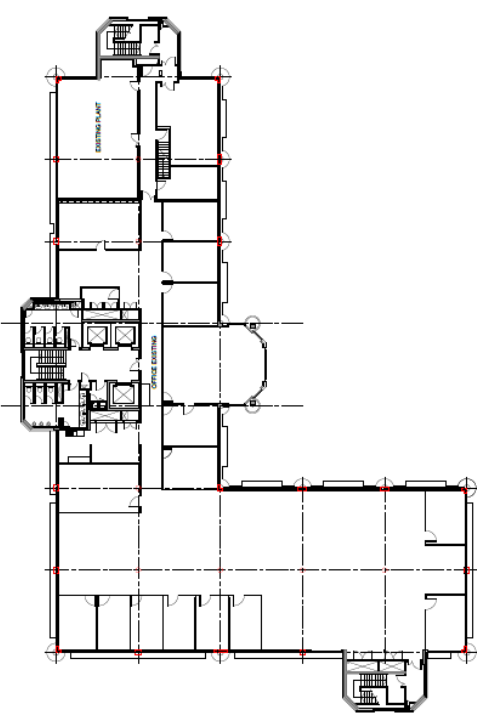
CANMOOR	
hale	
ARCHITECTURE DESIGN MANAGEMENT	
125 UNIVERSITY AVENUE, 10TH FLOOR	
WINSTON SALEM, NC 27101	
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PROJECT TYPE: Existing & Proposed	
DATE: 10/20/20	SCALE: AS SHOWN
1000-1000-0000-01-01	

Building 1

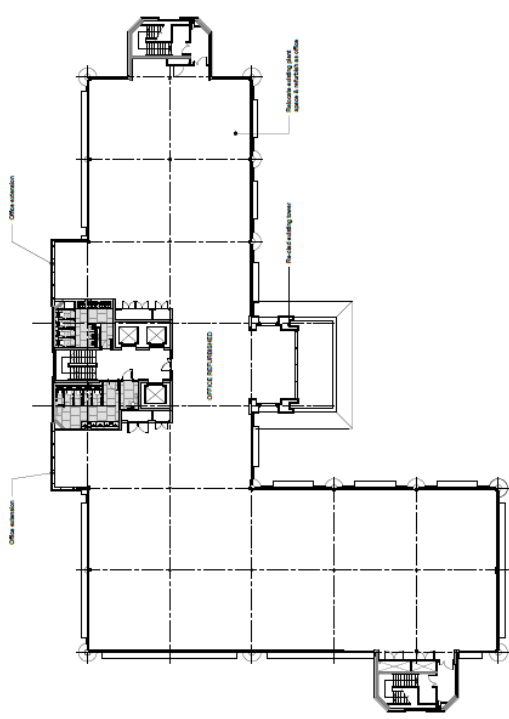


Building 1

Drawing No. Subject Name Date	P1 Performed Date Drawn Checked Date	30.07.2018 MDO JK 2018 JK JK JK			hale ARCHITECTURE DESIGN MANAGEMENT 10007-HALE-B1-03-DR-AR-PL013 P1 Windsor Dale	Drawing Title Building 1 Third Floor Existing & Proposed 1:200 1:200 10007-HALE-B1-03-DR-AR-PL013 P1
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01 Building 1 - Third Floor - Existing
See 10007-01



02 Building 1 - Third Floor - Proposed
See 10007-01

Building 1

<p>Client: hale</p> <p>Project: Winiford Dials</p> <p>Location: Building 1</p> <p>Phase: Fourth floor plan</p> <p>Scale: 1:200</p> <p>Drawn: 19/07</p> <p>Checked: 19/07</p> <p>Project No: 104-DR-WFL-014</p> <p>Sheet No: PT</p>	<p>Client: hale</p> <p>Project: Winiford Dials</p> <p>Location: Building 1</p> <p>Phase: Fourth floor plan</p> <p>Scale: 1:200</p> <p>Drawn: 19/07</p> <p>Checked: 19/07</p> <p>Project No: 104-DR-WFL-014</p> <p>Sheet No: PT</p>	
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Building 1

01 Building 1 - Roof plan - Existing

02 Building 1 - Floor plan - Proposed

Project Information:
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 Date: 2023-09-14
 Scale: 1:200
 Drawing No: 1002-HALE-B1-00-DR-A-PL1.01
 Part: PT 1

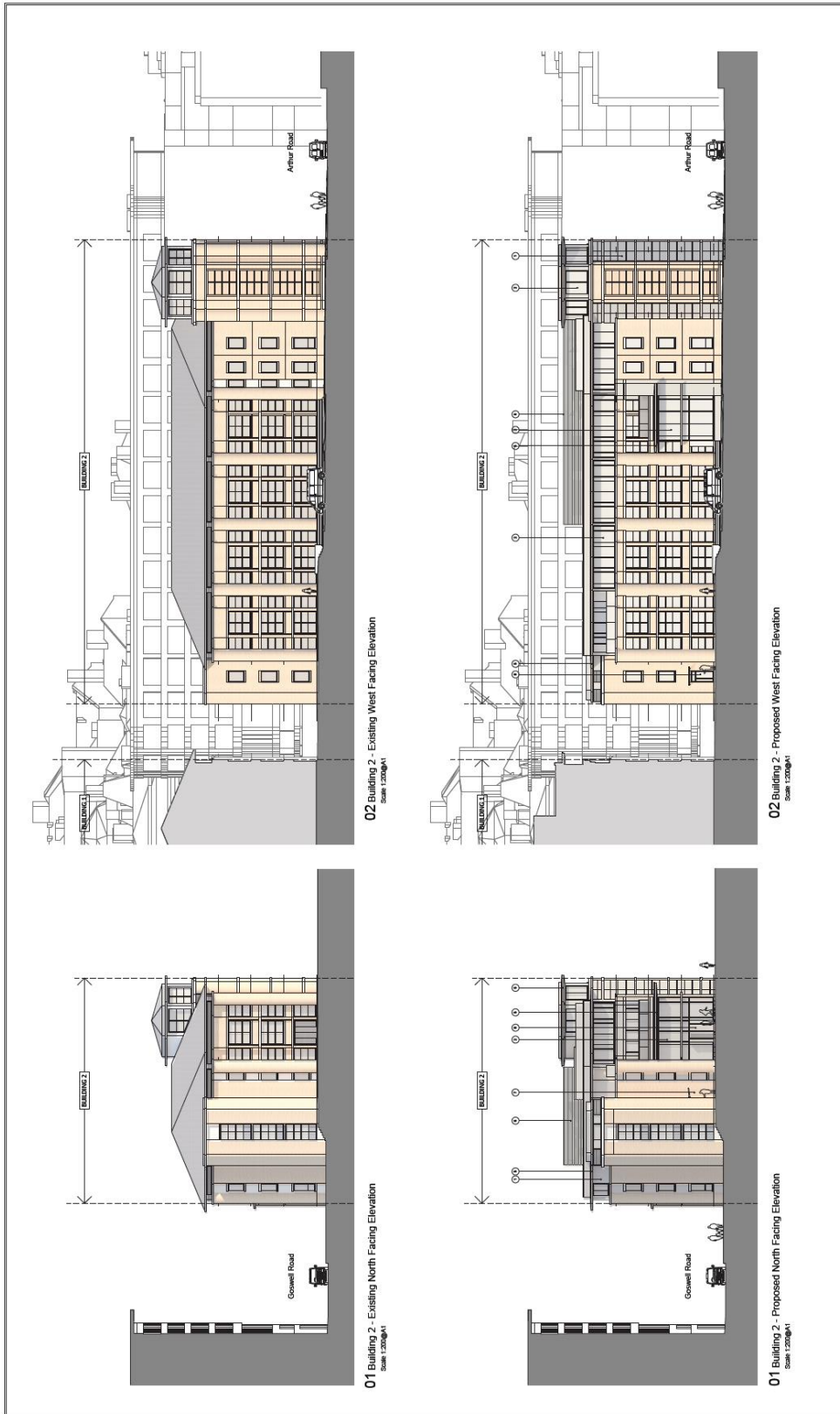
Logos:
CANMOOR
hale

Company Information:
 ARCHITECTURE | DESIGN | MANAGEMENT
 1000 West 10th Street, Suite 100
 Vancouver, BC V6Z 1Y4
 Telephone: 604.681.1111
 Website: www.canmoor.com

Revision Table:

Rev	Description	Date
1	Issue for Review	2023-09-14
2	Issue for Construction	2023-09-14

Building 2



Building 2

01 Building 2 - Existing East Facing Elevation
Scale: 1/8"=1'-0"

02 Building 2 - Existing South Facing Elevation
Scale: 1/8"=1'-0"

01 Building 2 - Proposed East Facing Elevation
Scale: 1/8"=1'-0"

02 Building 2 - Proposed South Facing Elevation
Scale: 1/8"=1'-0"

hale ARCHITECTURAL MANAGEMENT
125 Commercial Street, Suite 400, Portland, ME 04101
Tel: 603.733.1111
www.halearchitect.com

CANBOR

MATERIALS KEY:

1. Existing masonry (shaded)
2. New masonry (shaded)
3. New brickwork (shaded)
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PROJECT: Windsor Oaks
CLIENT: Windsor Oaks
PROJECT NO.: 2020-01-01
DATE: 10/27/2020
SCALE: 1/8"=1'-0"
PROJECT NO.: 2020-01-01
DATE: 10/27/2020
SCALE: 1/8"=1'-0"

Building 2

1. Title Block	14/07/2018	DWG	DWG	DWG	DWG	DWG	DWG
2. Date	3. Scale	4. Status	5. Author	6. Checker	7. Approver	8. Date	9. Scale

hale
 ARCHITECTURE | DESIGN MANAGEMENT
 25 Leadenhall Street, London, EC3A 3BP
 Phone: +44 (0)20 7424 4000
 Email: info@hale-architects.co.uk
 Website: www.hale-architects.co.uk

Client: **Windsor Dubs**

Project: **Building 2**

Ground floor plan
 Existing & Proposed

Scale: 1:200
 Date: 14/07/2018

Drawing No: **18057-HALE-S2-GF-OR-AR-1010**


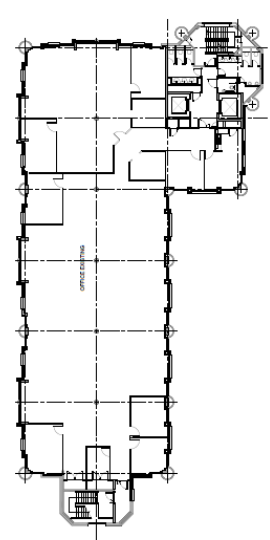
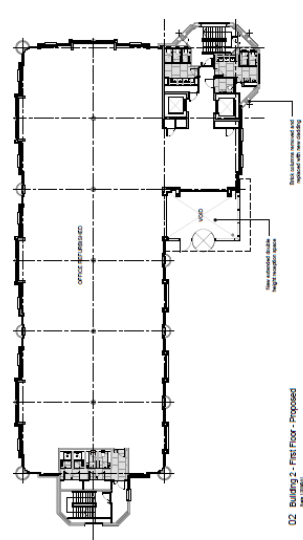
01 Building 2 - Ground Floor - Existing

Scale: 1:200

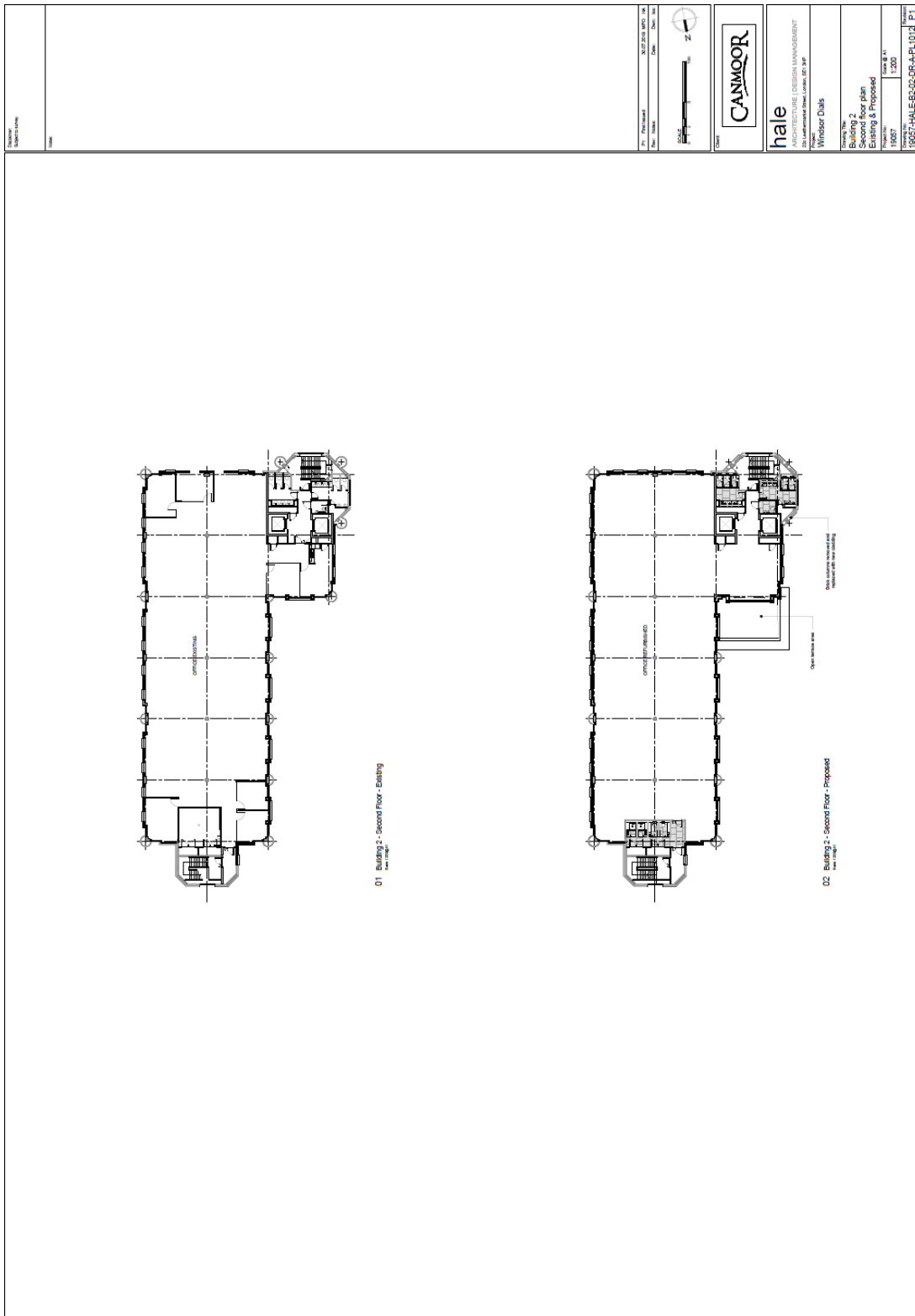
02 Building 2 - Ground Floor - Proposed

Scale: 1:200

Building 2

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<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p style="font-size: 10px;">01 Building 2 - First Floor - Existing DATE: 11/11/2011</p> </div> <div style="text-align: center;">  <p style="font-size: 10px;">02 Building 2 - First Floor - Proposed DATE: 11/11/2011</p> </div> </div>				

Building 2



Building 2

<p style="text-align: center;">01 Building 2 - Third Floor - Existing Date: 11/20/17</p>	<p style="text-align: center;">02 Building 2 - Third Floor - Proposed Date: 11/20/17</p>
<p>Client: CANMOOR</p> <p>Project: hale</p> <p>ARCHITECTURE DESIGN MANAGEMENT 23 Lambeth Road London SE1 8PP</p> <p>Project Name: Windsor Mills</p> <p>Building: Building 2</p> <p>Third floor plan Existing & Proposed</p> <p>Scale: 1:200</p> <p>Drawn by: 15627</p> <p>Checked by: 15627</p> <p>Project No: 15627-HALE-03-03-04-PL-013</p> <p>Sheet No: P1</p>	

Building 2

D1 Building 2 - Fourth Floor - Existing
Existing

D2 Building 2 - Fourth Floor - Proposed
Proposed

Client:	hale
Project:	WATERLOO COMMUNITY MANAGEMENT
Location:	1000 HALE STREET, WATLOO, ONTARIO
Phase:	WATERLOO
Scale:	1:500
Author:	1000 HALE STREET, WATLOO, ONTARIO
Check:	
Drawn:	
Date:	



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Appeal Decision Report

29 October 2019 - 25 November 2019

WINDSOR

Appeal Ref.: 19/60044/REF **Planning Ref.:** 18/03418/FULL **Plns Ref.:** APP/T0355/D/19/3226877

Appellant: Mrs Alison Keenan **c/o Agent:** Mr Tony Covey The Design Works 32 Grange Road Plympton PL7 2HY

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

Description: Two storey front and rear extensions, extend existing first floor rear balcony, side chimney and alterations to fenestration to include new windows.

Location: **Foxley Green Cottage Ascot Road Holyport Maidenhead SL6 3LD**

Appeal Decision: Dismissed **Decision Date:** 11 November 2019

Main Issue: The Inspector considered all of the matters raised in support of the development and concluded that collectively, they do not outweigh the totality of the harm she identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development would be contrary to the very clear intention of the Framework to protect the Green Belt by, amongst other means, preventing development that is inappropriate within it.

Appeal Ref.: 19/60051/PRPA **Planning Ref.:** 19/00984/TPO **Plns Ref.:** APP/TPO/T0355/7457

Appellant: Mrs Sheila Turner **c/o Agent:** Mrs Celia Goddard Out There Trees Ltd Penny Farthing Cottage Foxhills Road Ottershaw Chertsey Surrey KT16 0ES

Decision Type: **Officer Recommendation:** Partial Refusal/Partial Approval

Description: T1 Silver Birch: Fell and replant with Maple. T2 Tulip: Reduce canopy by 2m.

Location: **17 Woodlands Close Ascot SL5 9HU**

Appeal Decision: Dismissed **Decision Date:** 19 November 2019

Main Issue: The need for the works applied for must be weighed against the resultant substantial loss of amenity to the locality. There is insufficient justification for the felling and the pruning works.

Appeal Ref.: 19/60058/REF **Planning Ref.:** 19/00430/FULL **Plns Ref.:** APP/T0355/D/19/3229921

Appellant: Mrs Lesley Bushnell **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor Berkshire SL4 5EN

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

Description: Single storey rear and first floor rear extensions, following part demolition of the existing conservatory

Location: **3 Garfield Place Windsor SL4 3BT**

Appeal Decision: Dismissed **Decision Date:** 19 November 2019

Main Issue: The Council did not object to the proposed ground floor rear extension and the Inspector does not disagree with this. The main issue is the effect of the first floor extension on the character and appearance of the area, including the Inner Windsor Conservation Area. It is recognised that the properties within the terrace are relatively unaltered and their identical two storey rear projections create distinctive U shapes. This gives the properties visual symmetry, an attractive feature that positively contributes to the terrace as a whole and this part of the Conservation Area. The Inspector considers the proposed first floor extension would fundamentally alter the U shaped feature and disrupt the existing balance and arrangement of the terrace. Exacerbated by the change to the eaves line, this would harm the character and appearance of the terrace and detract from the visual qualities of the Conservation Area. Although views of the proposed works from public vantage points would be limited, they would still be visible from Alexandra Court's car park and from neighbouring properties. It is concluded that the proposal does not preserve or enhance the Conservation Area and it causes less than substantial harm to this heritage asset. There are no public benefits to outweigh the harm caused. The proposal is contrary to saved policies CA2, DG1 and H14 of the RBWM Local Plan 1999, emerging policies HE1, HE3, SP2 and SP3 of BLP Submission Version, as well as Paragraph 196 of the National Planning Policy Framework 2019.

Appeal Ref.: 19/60077/REF **Planning Ref.:** 19/00351/FULL **Plns Ref.:** APP/T0355/W/19/3234314

Appellant: Mr Candido Rodrigues **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

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

Description: Replacement dwelling

Location: **Garden Cottage Dry Arch Road Sunningdale Ascot SL5 0DB**

Appeal Decision: Dismissed **Decision Date:** 5 November 2019

Main Issue: The inspector considered that the scheme represents inappropriate development in the Green Belt, which is given substantial weight. As well as the harm by reason of inappropriateness, the inspector considers that the development causes an additional small loss of spatial and visual openness of the Green Belt when compared to the approved development. The inspector concludes that limited weight should be given to the fall-back position of the approved development and that other considerations such as the proposed access improvements do not clearly outweigh the harm the development would cause to the Green Belt.

Appeal Ref.: 19/60092/REF **Planning Ref.:** 19/01427/FULL **Plns Ref.:** APP/T0355/D/19/3234893

Appellant: Mr Manjit Jaswal **c/o Agent:** Mr Mav Sandhu Landmark Architecture And Planning The Pillars Slade Oak Lane Gerrards Cross SL9 0QE

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

Description: New front canopy, single storey front extension, two storey rear extension, x2 front rooflights, x1 rear rooflight, x2 rear dormers and alterations to fenestration (retrospective).

Location: **18 Waylands Wraysbury Staines TW19 5DZ**

Appeal Decision: Dismissed **Decision Date:** 8 November 2019

Main Issue: The Inspector concluded that the factors in support of the proposal and all other relevant considerations do not clearly outweigh the harm the development causes to the Green Belt. Consequently, very special circumstances necessary to justify the development do not exist. As such, the development conflicts with policies GB1, GB2 and GB4 of the Local Plan and the Framework which, amongst other things, seek to protect the Green Belt from inappropriate development.

Appeal Ref.: 19/60101/REF **Planning Ref.:** 19/01107/FULL **Plns Ref.:** APP/T0355/D/19/3235624

Appellant: Mrs C Curtis **c/o Agent:** Mr Kieran Rafferty KR Planning 183 Seafield Road Bournemouth BH6 5LJ

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

Description: Part two storey part single storey rear extension with 2no. rear dormers.

Location: **Meadow View Bedford Lane Sunningdale Ascot SL5 0NP**

Appeal Decision: Allowed **Decision Date:** 14 November 2019

Main Issue: The Inspector concluded that the proposed development would not be unduly harmful to the character and appearance of the host property or the area and would therefore comply with Policies H14 and DG1 of the Local Plan. It would also comply with the aims of Policy DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011 – 2026 (2014) which requires all new development to demonstrate good quality design and respect the character and appearance of the surrounding area, amongst other things. In addition to the standard time limit condition the Inspector imposed a condition for the external materials to match the existing dwelling in the interests of the visual character of the site and surroundings.

Appeal Ref.: 19/60102/REF **Planning Ref.:** 19/00503/FULL **Plns Ref.:** APP/T0355/D/19/3228121

Appellant: Mr Jeff Blight **c/o Agent:** Mr Philip Hurdwell PJH Design 41 Upcroft Windsor SL43NH

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

Description: x2 front rooflights, part single part two storey side/rear extension, x1 rear L-shaped dormer and alterations to fenestration.

Location: 1 Elm Road Windsor SL4 3NB

Appeal Decision: Allowed **Decision Date:** 20 November 2019

Main Issue: The application seeks to extend a previously approved dormer and side extension. The side extension would enclose the existing outrigger which is an original feature of the property and which is replicated along the adjoining terraced properties. However, taking into consideration the single storey extension which would substantially obscure the lower part of the outrigger leaving only a small amount visible and which would therefore significantly alter the character of the dwelling and this feature. It is considered that the first-floor extension would not be unduly harmful to the appearance of the property or surrounding area. Furthermore, whilst the side and rear of the appeal site is partially visible from the public realm as a result of the open access to the side, the loss of the outrigger would not be particularly apparent from Elm Road. The originally permitted dormer would extend only part way along the roof of the existing property. The proposed dormer would extend out level with the rear elevation. Whilst this would increase the projection and overall scale of the dormer extension, it would retain a setback position from the side elevation of the dwelling. This would result in a staggered arrangement at roof level, which would reduce the overall bulk and dominance of the proposed dormer. The proposal is therefore likely to represent a reasonably limited increase over and above that previously approved and would therefore not be harmful to the visual character of the dwelling or area. The proposed first floor extension would sit in line with the existing side elevation and the set in of the dormer would retain a degree of subservience to the main property. Taking into consideration the mentioned fall-back position and the assessment above, the proposed development would not adversely affect the character and appearance of the host dwelling or the area. It would therefore comply with saved Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan (2003). It would also comply with Section 12 of the National Planning Policy Framework (2019) which aims to ensure development is well-designed.

Appeal Ref.: 19/60105/REF **Planning Ref.:** 19/01654/FULL **Plns Ref.:** APP/T0355/D/19/3238244

Appellant: Mr Mark Bromley **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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

Description: Single storey front and rear and two storey side extension with side facing window. Alterations to fenestration and new brickwork to front and rear elevations.

Location: 6 Ash Lane Windsor SL4 4PS

Appeal Decision: Allowed **Decision Date:** 20 November 2019

Main Issue: The Inspector concluded that the proposed scheme would have no material adverse effect on the living conditions of future occupiers of the host property with regard to private amenity space. Nor would it create an overbearing development that would have a detrimental effect on amenity in the local area for users of the adjacent footway. As a result, the proposal would comply with Policies DG1 and H14 of the Local Plan and emerging Policy SP3 of the Submission Local Plan to which the Inspector gave only moderate weight. In addition to the standard time condition, the Inspector imposed conditions about compliance with approved plans and the provision of external materials to match the existing building.

Planning Appeals Received

29 October 2019 - 25 November 2019

WINDSOR

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60109/REF **Planning Ref.:** 15/01655/FULL **Plns Ref.:** APP/T0355/W/19/3238358
Date Received: 4 November 2019 **Comments Due:** 9 December 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Proposed detached dwelling with integral double garage following demolition of existing dwelling
Location: **The Chalet Ravensdale Road Ascot SL5 9HJ**
Appellant: Mr Stephen Bennett **c/o Agent:** ET Planning 200 Dukes Ride Crowthorne RG45 6DS

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 19/60110/REF **Planning Ref.:** 19/00197/VAR **Plns Ref.:** APP/T0355/W/19/3233111
Date Received: 4 November 2019 **Comments Due:** 9 December 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Variation of Condition 15 (under Section 73A) to 17/01066/VAR to substitute the approved plans for the amended plans for the redevelopment of site to provide 6 x 3 bedroom apartments under planning permission 15/03090/FULL (allowed on appeal).
Location: **Former The Little House Charters Road Sunningdale Ascot SL5 9QF**
Appellant: Kebbell Homes Ltd **c/o Agent:** Mr Patrick Barry Nova Planning Limited Regus Building 1000 Lakeside North Harbour Western Road Portsmouth PO6 3EZ

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60112/REF **Planning Ref.:** 18/03705/CONDI T **Plns Ref.:** APP/T0355/W/19/3235884
Date Received: 6 November 2019 **Comments Due:** 11 December 2019
Type: Refusal **Appeal Type:** Hearing

Description: Details required by condition 4 (finished slab and floor levels) 5 (tree protection) 6 (retaining wall) 7 (siting and design of means of enclosure) 8 (underground utilities) 9 (hard and soft landscaping) 10 (construction environmental management plan) 12 (sustainability measures) 13 (water butt) 15 (fixed and obscure windows) 16 (construction management plan) 19 (porous hard surface) 20 (rooflights) of planning permission 16/03736/VAR as approved under (15/02893/FULL) for construction of 2 detached dwellings following demolition of existing dwelling and outbuildings

Location: **Former Missanda Wells Lane Ascot SL5 7DY**

Appellant: Pipeline Worldwide SA. **c/o Agent:** Mr Douglas Bond Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

Ward:

Parish: Sunninghill And Ascot Parish

Appeal Ref.: 19/60113/REF **Planning Ref.:** 18/03634/CONDI **Plns Ref.:** APP/T0355/W/19/
T 3235880

Date Received: 6 November 2019

Comments Due: 11 December 2019

Type: Refusal

Appeal Type: Hearing

Description: Details required by condition 2 (SANG and SAMM) 3 (external materials) of planning permission 15/02893 for the construction of 2 detached dwellings following demolition of existing dwelling and outbuildings

Location: **Former Missanda Wells Lane Ascot SL5 7DY**

Appellant: Pipeline Worldwide SA **c/o Agent:** Mr D Bond Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT