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NOTICE OF MEETING



ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 21ST OCTOBER, 2020

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS

**THE MEETING WILL BE AVAILABLE ON OUR WEBSITE PRIOR TO THE MEETING
TO VIEW THE MEETING PLEASE GO TO OUR RBWM YOUTUBE PAGE –
[HTTPS://WWW.YOUTUBE.COM/USER/WINDSORMAIDENHEAD](https://www.youtube.com/user/windsormaidenhead)**

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), JOHN BOWDEN, DAVID CANNON
(VICE-CHAIRMAN), GEOFF HILL, DAVID HILTON, NEIL KNOWLES,
JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS GURPREET BHANGRA, MANDY BRAR, KAREN DAVIES,
ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELMIM AND
HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 13 October 2020

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 **Shilpa Manek** 01628 796310

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

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>	5 - 6
3.	<p><u>MINUTES FROM 16 SEPTEMBER 2020</u></p> <p>Panel to agree the minutes of the last meeting held on 16 September 2020 to be a true and accurate record.</p>	7 - 8
4.	<p><u>19/03287/FULL - RUDDLES POOL - MAIDENHEAD ROAD - WINDSOR - SL4 5TW</u></p> <p><i>PROPOSAL: Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated cycle parking.</i></p> <p>RECOMMENDATION: Refuse</p> <p>APPLICANT: Mr Ariff</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 2 JUNE 2020</p>	9 - 28
5.	<p><u>20/00313/FULL - ZAMAN HOUSE - CHURCH ROAD - MAIDENHEAD - SL6 1UR</u></p> <p>PROPOSAL: Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.</p> <p>RECOMMENDATION: Permit</p> <p>APPLICANT: Mr T Iqbal</p> <p>MEMBER CALL-IN: Councillor Geoff Hill</p> <p>EXPIRY DATE: 18 September 2020</p>	29 - 52
6.	<p><u>20/01145/FULL - WINDSOR GARDEN CENTRE - DEDWORTH ROAD - WINDSOR - SL4 4LH</u></p> <p><i>PROPOSAL: The demolition of the existing buildings and structures, and the construction of a Class A1 discount food store with associated access, car parking and landscaping.</i></p> <p>RECOMMENDATION: Permit</p>	53 - 88

APPLICANT: Aldi Stores Limited

MEMBER CALL-IN: N/A

EXPIRY DATE: 23 October 2020

7. 20/01207/FULL - LAND TO THE NORTH OF CRUCHFIELD MANOR -
ASCOT ROAD - WARFIELD - BRACKNELL 89 - 100

PROPOSAL: Levelling of a field

RECOMMENDATION: Permit

APPLICANT: Mr And Mrs Brunander

MEMBER CALL-IN: N/A

EXPIRY DATE: 28 October 2020

8. ESSENTIAL MONITORING REPORTS (MONITORING) 101 - 108

The Panel to note the reports.

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

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 16 SEPTEMBER 2020

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), John Bowden, Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Councillors Baldwin, Coppinger, Singh, Stimson and Taylor

Officers: Tony Franklin, Charlotte Goff, Lyndsay Jennings, Shilpa Manek, Fatima Rehman and Adrien Waite

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

No Declarations of Interest received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 19 August 2020 were a true and accurate record of the meeting.

20/00313/FULL - ZAMAN HOUSE - CHURCH ROAD - MAIDENHEAD - SL6 1UR

A motion was put forward by Councillor Bowden to DEFER the application for one cycle to get more detailed information on townscape and tree information from officers. This was seconded by Councillor Reynolds.

A named vote was carried out.

20/00313/FULL - ZAMAN HOUSE - CHURCH ROAD - MAIDENHEAD - SL6 1UR (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was Unanimously Agreed to DEFER the application for one cycle.

20/00936/FULL - 17 CASTLE HILL - MAIDENHEAD - SL6 4AD

A motion was put forward by Councillor Hilton to PERMIT the application as per Officers recommendation. This was seconded by Councillor Cannon.

A named vote was carried out.

20/00936/FULL - 17 CASTLE HILL - MAIDENHEAD - SL6 4AD (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Carried	

It was agreed to PERMIT the application.

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel Members noted the reports.

The meeting, which began at 6.15 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PANEL

21 October 2020

Item: 1

Application No.:	19/03287/FULL
Location:	Ruddles Pool Maidenhead Road Windsor SL4 5TW
Proposal:	Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated cycle parking.
Applicant:	Mr Ariff
Agent:	Mr George Bathurst
Parish/Ward:	Windsor Unparished/Clewer And Dedworth West
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 The proposal would be inappropriate development in the Green Belt which would also harm to openness. Furthermore, the new use would not be in keeping with surrounding land uses and would cause harm to the character of the area, amenities of neighbouring properties, as well as the local highways network. No very special circumstances have been demonstrated to outweigh the development's harm to the Green Belt and other harm identified. Whilst the LPA seeks to support its local communities and their needs, the form of development proposed is unacceptable and contrary to Local Plan Policies GB1, GB2(A), GB8(1), DG1, NAP3, CF3, T5 and paragraphs 109, 127, 133, 134, 143, 144, 145, 146 of the NPPF (2019); warranting refusal of this application.

It is recommended the Panel refuse planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposed development is considered to be inappropriate development in the Green Belt, which would also cause harm to the openness of the Green Belt and would conflict with its purposes of limiting sprawl. No very special circumstances have been demonstrated which outweigh the development's harm to the Green Belt (and other harm identified in this report).
2.	In the absence of robust controls, the proposed use and its future growth could lead to vehicles being displaced onto the public highway or neighbouring roads detrimental to highway safety and the free flow of traffic on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail how growth will be safely managed in a way that does not impact adversely on the highway network. Furthermore, harm would be caused to pedestrians as cyclists are forced to use public footpaths to access the site, cyclists using the road would also be at an increased risk of collisions with vehicles as there are no cycle paths to the site.
3.	Due to the increase in people and vehicle movements at the site, the proposed development is likely to cause a significant increase in noise pollution in this quiet residential location. Additionally, the intensification of activity at the site caused by constant people and vehicle movements is likely to disturb the day to day activities of Riverside Lodge and Sutherlea (nearest neighbours). For these reasons the proposal is considered to be contrary to Local Plan Policy NAP3 and paragraph 127 of the NPPF which seeks to achieve a high standard of amenity for all.

4.	Policy CF3 states that proposals involving the change of use of a residential property to a community facility will be permitted where: 1) it is essential that the facility is located within a residential area, and 2) the criteria in Policy CF2 are satisfied. No evidence has been provided to suggest that it is essential for the proposed development to be located in this residential area. Especially as its siting is likely to have an adverse impact on the Green Belt, neighbouring amenity, the areas character and the local highway networks.
5.	The development site is located along the river bank where land use is residential, the proposed place of worship would therefore be out of character. Additionally, the new facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling and other services. The more intense use of the site and increased activity caused by vehicle and people movements would be out of character with the tranquil use of surrounding residential land. For the reasons mentioned above the proposed development is considered to be harmful to the areas character.

2. REASON FOR DETERMINATION UNDER TEMPORARY PROCEDURE

- The Head of Planning considers that this application should be determined by Panel due to the number of representations received both in objection and in support.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The development site is located on the north side of Maidenhead Road, which is a low density residential area. The site is approximately 0.4Ha and comprises a detached two storey dwelling with integral garage, mature trees and some hardstanding for driveway and vehicle parking. The property is one of many detached dwellings set back from the banks of the river. Due to the spaciousness of the plot and those neighbouring, their riverside setting and their green and wooded landscapes the area has a tranquil and rural character.
- 3.2 The south side of Maidenhead Road (opposite to the site) is not in the Green Belt , the area is heavily paved, more urbanised, built up, less spacious and is predominantly residential; comprising of two storey detached, semi-detached and terraced properties on much smaller plots.

4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt, setting of the River Thames, as well as Flood Zones 2 and 3. Several protected trees are also located within the site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission to partly change the use of an existing residential unit, into a place of worship. A flat would be created at first floor. The works would include a new vehicular access, car parking and cycle parking facilities.

5.2

Application No.	Description	Decision
19/00906/FULL	Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated car parking	Refused – 29.07.2019
08/02536/FULL	Repair of collapsed river bank	Granted - 09.12.2008
89/02009/FULL	Conversion of existing garage into kitchen and erection of a new double garage, plus internal alterations and a part two storey part single storey side extension to create additional accommodation	Granted - 23.06.1989

- 5.3 During the process of the application the proposed site layout plan has been amended to include car parking space and landscaping.
- 5.4 It should also be noted that in 2019 an almost identical application was submitted (19/00906/FULL). The application was refused due to its adverse impacts on the Green Belt, highway safety, the character and appearance of the area and riverside, neighbouring amenity and the unfavourable and unjustified location of the community facility in an area of poor accessibility. As the proposed development is almost identical to the aforementioned application, the applicant has requested that this application be read in association with the previously submitted documents. The previously submitted Flood Risk Assessment, Tree Protection Plan, Tree impact assessment, facility use schedule and other relevant documents have therefore been taken into consideration in the processing of this application.
- 5.5 It is also worth noting that that in 2015 the applicants (Windsor Muslim Association) applied for a place of worship at another site within the Borough, however that application was withdrawn prior to its recommended refusal on parking and amenity grounds (15/03789/FULL).

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, H7
Highways	P4 AND T5
Impact on flooding and flood risk	F1
Trees	N6
Preservation of the setting of the Thames	N2
Provision of Community facilities where there is evidenced need	CF2/CF3
Appropriate Development in Green Belt and acceptable impact on Green Belt	GB1, GB2, GB8

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

7.1 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

7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Trees, Woodlands and Hedgerows	NR2	NR3
River Thames Corridor	SP4	QP4
Flooding	NR1	NR1
Supporting community facilities	IF7	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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. In October 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.3 **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

7.4 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

122 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on **06/01/2020** and the application was advertised in the Local Press on **20/12/2019**.

Following the submission of an amended site layout plan (18-016-0100, Rev A), neighbouring occupiers and relevant consultees were re-consulted on **04/09/2020**.

The following responses were received.

- 8.1 **A petition in support of the application has been submitted with 108 signatories.** The petition states that the proposed development includes no external changes to the building and hardstanding and therefore would have no impact on the character and appearance of the area, or on the flood plain. Windsor has approximately 100-110 families, the WMA represents 30 families and the facility is of appropriate size. Only a few people would drive as the place of worship is to be predominantly a walk and cycle centre. Prayer calls will be internal, and noise from vehicle movements would be limited due to reduction of onsite parking, as such there would be no noise impact. No external changes or additional parking means that protected trees would remain protected. The centre is for worship and not events. The facility could also be used for other services and groups so would be a valuable resource for the community. It would also open up the river to the community. Also children could play on the grounds as well as use it for recreational and educational purposes. Responses to all of the above have been addressed throughout this consultation section and in the main body of the report.

8.2 **17** letters were received **in support** of the application, those letters have been summarised below:

Comment	Officer Response
The new mosque will allow for all daily and night time prayers to take place including those relevant to Ramadan.	Noted – see paragraphs 6.1 – 6.6 of the report, as well as the conclusion.
The Windsor Muslim Association represents around 30 plus Muslim family in this area and the site could accommodate the society's needs.	
The WMA charity has helped the wider community with refugee relief, child and mother educational support.	
The WMA have been looking for alternative sites for years.	
We welcome the WMA's aims of supporting the elderly, young, vulnerable and improving community cohesion through understanding	Noted, however these statements are not material planning considerations, nor are they covered or supported by adopted planning policy.
It is a Human Right that British citizens should have the freedom to pray in their country.	
Approval of the proposed development would give the community more faith in its representative administration and would show that RBWM is leading the way against Islamophobia and bigotry.	
The Muslim community pay taxes and support the government as well as Windsor's economy.	
The character of the area is mixed, meaning the proposal would not be out of character.	See 9.21- 9.25.
All Saints Church: We support the proposed development and WMA	Noted.
Windsor Baptist Church: We support the proposed development and WMA who in turn support the community. They group have been renting a nearby facility for 18 months and require a new home.	
St Edward and Marks Catholic Church: We support the proposal as a facility is needed for the WMA.	
United Reformed Church: We support the proposed development and WMA are an asset to the community because of the work they do.	

8.3 **92** comments have been received **in objection** to the proposal and are summarised below.

Comment	Officer Response
The site is not suitable for use as a walk and cycle community centre, it has poor foot and cycle path access. The elderly, children, and less abled bodies would struggle to access the site without a car.	For responses regarding growth, traffic, and congestion see paragraphs 9.33- 9.40.
The proposal will cause traffic build up and road congestion	
The new facility will attract a wider audience (as set out in the applicants statement) and eventually people will begin parking on roads causing a more hazardous environment for road users and pedestrians	
Insufficient parking has been provided for the new development	
The new access will cut across pedestrian and any cycle route to the site, potentially causing harm to their users as vehicles enter and leave the site	
It is unlikely that people will walk or cycle to the site due to its unfavourable location. The proposal would therefore cause harm to the highways network.	
Call for prayers start at the sunset and happen throughout the day, 5 or 6 times a day. The proposal will lead to excessive noise disturbance for neighbouring dwellings. Further noise impact would be caused by people movements	The LPA could control external noise with a condition if the application were recommended

	for approval.
The place of worship would be out of keeping with the character of the surrounding area, which is residential	See section 9.21 – 9.25
The development would be out of keeping with the areas rural character, the setting of the river Thames and the properties riverside garden would become a car park	
Along with other developments nearby (Squires garden centre) the proposal would severely harm vehicle movements on Maidenhead Road.	Noted. See section 9.33 – 9.40.
The proposal would put additional people at risk during a flood event, as per the comments of the Environmental Agency. No FRA has been submitted to support the development.	See section 9.17 – 9.20
Sutherland Grange were not notified of the proposal	The statutory consultation process was carried out correctly by the LPA.
Proposal will lead to air and light pollution increases	The air and light pollution generated from the development would not be significantly harmful.
The need for a centre is acknowledged, however like other religious centres it will need to expand and the location is poor for expansion.	Noted.
The proposed change of use could set a precedent, which would lead to the erosion of the green belt and Thames setting.	See paragraphs 9.11 – 9.16 and . 9.21 – 9.25 of this report.
The development would be harmful to protected trees within and surrounding the site.	See paragraphs 9.26-9.30 of this report.
The proposed development would have an adverse impact on the openness of the Green Belt and would urbanise the site. No very special circumstances have been demonstrated to outweigh the developments harm to the Green Belt.	See paragraphs 9.11 – 9.16 of this report and paragraph 10 of this report.
Many of the comments received are not from local residents and are instead from people who wish to use the facility but do not live in the area.	Noted. Comments can be submitted from any interested parties and are not limited to only local residents.
There are likely to be many birds and other fauna species within the site that could be harmed or displaced by the development	Noted. Due the nature of the development (change of use, with hard standing for parking) the impact on wildlife is likely to be limited.
This resubmission is almost identical to the previously refused application	Noted.

- 8.4 1 comment was received neither objecting to nor supporting the application. The comment suggested that additional consultation should be carried out on a development of this nature. A new consultation period ran from 04/09/2020 to 25/09/2020. The neighbouring properties and over 100 previously interested parties were notified of the development directly. A site notice was also placed at the site. The council's statutory consultation measures have therefore been fulfilled and exceeded.

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection subject to a condition requiring that 'the development hereby permitted be carried out in accordance with the Flood Risk Assessment Report reference: 71252R2 dated 29/03/2019, GeoSmart Information Ltd and site plan drawing by iNHABiTAT dated November 2019, reference 18-016-0100 and the following mitigation measures detailed within the FRA and drawing: 1. All finished floor levels of the proposed developments will be set at 22.08m AOD. 2. Construction and design as per updated site plan drawing by Inhabitant dated November 2019, reference 18-016-0100.	Had the application been recommended for approval, any necessary conditions would have been added.
Bray Parish Council	The applicant has failed to provide sufficient parking spaces for a development of this size. BPC are concerned that users of the facilities may choose to drive instead of walking or cycling. As there are no parking restriction on this stretch of the Maidenhead Road users may choose to park on the road which in turn will cause congestion on the A308. The new vehicular access will enter and exit directly on to the A308. This is an extremely busy road and would be hazardous to other road users.	See paragraphs 9.33 – 9.40.
Tree Officer	No objection subject to a condition which requires the development to be carried out in accordance with the submitted tree protection plan.	Had the application been recommended for approval the recommended conditions would have been added.
Environmental Protection:	No objection subject to a condition requiring the submission of noise containment measures.	
Highways officer:	Adequate parking would be provided for the proposed development. However, the development site is not considered to be in a suitable location. The site has an existing access, as such the new access is not necessary. Furthermore it has not been proven that the new access can provide adequate visibility splays. The proposal would provide adequate cycle facilities, although they should be secure and enclosed to encourage their use. Anticipated growth of the facility would be harmful to the highways network.	Noted. See paragraphs 9.33 – 9.40 of this report.

	Overall, given the nature of the proposal, the surrounding highway network and our previous experiences of similar D1 community facilities, it is concluded that the proposal would attract a significant increase in vehicular activity in the area and lead to on-street parking along the access road and surrounding areas to the detriment of those that currently reside and commute in the area.	
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Others

Group	Comment	Where in the report this is considered
Windsor and Eton Society	The proposal would cause harm to the openness of the green belt. The new parking area would harm views from the river bank and Thames path. The proposal is also likely to cause parking to overflow onto residential roads and increased traffic. The safety of pedestrian would also be reduced. The development would be contrary to the relevant borough submission plan and Adopted Local Plan Policies.	Noted. The adverse impact of the proposal have been discussed throughout this report as has its potential benefits.
Willows residents association	Development is out of keeping with the areas residential character, inadequate parking will be provided. Car park near the river could increase flood risk and traffic conditions on the A308 will be worsened.	
Oakley Green residents association	Proposal would be harmful to the green belt, would elevate flood risk in the area and is likely to worsen parking conditions in the area. The new access could also cause concerns regarding highway safety.	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the development
- ii Impact on the Green Belt
- iii Impact of the proposal on Flooding
- iv The impact of the proposal on the character and appearance of the area and setting of the Thames
- v Impact of the proposal on important trees
- vi Impact on amenity
- vii Highways impacts

Principle of the proposed development

9.2 The proposal seeks to change the use of a dwelling (C3) to a place of worship with accommodation for the religious leader and their family (D1 and C3 use). The site is located on the north side of Maidenhead Road in a green, sparsely built up residential area that backs on to the River Thames. The other side of the road is much denser and more urban. The proposal includes car parking space, cycle storage facilities and a new vehicular access, within the sites 0.4ha grounds.

- 9.3 Local Plan Policy CF2 supports the provision of new community facilities so long as they meet the needs of local residents and provide adequate access and parking facilities (including facilities required for people with disabilities).
- 9.4 Emerging Borough Local Plan Policy IF7 provides similar guidance stating that 'proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors will be supported, where an assessment identifies specific needs in the local area, proposals to meet that local need will be supported when they are located in areas that are accessible by walking, cycling or public transport'.
- 9.5 Paragraph 92 (a) of the NPPF supports the provision of community facilities stating that 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'.
- 9.6 According to the guidelines set out within the borough's parking strategy, the site is not in a sustainable location, however it is accessible via bike, car and is 25-35 minutes' walk from Windsor town centre and 15-20 minutes' walk from shops and services on Dedworth Road. Notwithstanding the above, the nearest pedestrian crossings are 175m and 250m, east and west of the site. This is not ideal for those walking to the site. There are no safe cycle routes along this busy part of the A308, meaning cyclists would come into conflict with pedestrians on the footpath or cars on the road, which is hazardous. No robust travel plan has been submitted detailing how growth will be managed. Taking into consideration these points the development is not considered to be in a favourable location.
- 9.7 Based on the support received for the application (from local residents, religious societies and others), the fact that the WMA have submitted similar applications within the borough in the aim of securing a permanent place of worship, and that the group itself is formed of 30 families (some of which have been evidenced to be local residents); it can be argued that the facility is for local needs.
- 9.8 Local Plan Policy H7 is aimed at protecting the borough's housing stock. The policy states that the loss of residential properties will only be acceptable where the proposal would provide essential community services. The proposal seeks to make the site mixed use (D1 and C3). The new flat would have independent access, private amenity space and 1 parking space could be provided for the flat. For these reasons it is considered that the development would lead to no loss in the borough's overall housing supply. Rather a large property would be replaced with a smaller one which is not contrary to current local plan policy. The applicants have also suggested that a religious leader or member of the group would take up the property allowing for the uses to work side by side. However, the plans demonstrate that the retained residential unit could be occupied separately to the community use and would not have to be an ancillary use at the site.
- 9.9 Policy CF3 states that proposals involving the change of use of residential property to a community facility will be permitted where: 1) it is essential that the facility is located within a residential area, and 2) the criteria in Policy CF2 are satisfied.
- 9.10 The applicant has stated that the development is not designed to support the entire town, rather a small group (30 families) within the town and thus should be considered as acceptable in the proposed location. No evidence has been provided which suggests that it is essential for the proposed place of worship to be located in this residential area. Places of worship are better located in sustainable centres, where their users can access them with ease via foot, cycle, public transport and car (if necessary). Noise and activity levels are also higher in such locations, so the proposed use would not be out of place. The new place of worship is to be located in a quiet residential area with very limited accessibility. It would not be easily accessed via foot, cycle or public transport (see paragraphs 9.33 -9.40). Additionally, it would have an adverse impact on the character of this riverside residential area due to the increased level of activity it would introduce. It would also cause harm to the local highway networks, amenities of neighbours and Green Belt (discussed later on in this report). For the reasons mentioned above it is not

considered essential or suitable for the development to be in its proposed location; it is therefore contrary to Local Plan Policy CF3 and the development is considered to be unacceptable in principle.

Green Belt

- 9.11 The site lies within the 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, while paragraph 146 of the NPPF also lists other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Local Plan policy GB1 and emerging BLPSV policy SP5 also set out appropriate development in the Green Belt, however the Local Plan was prepared in accordance with the cancelled PPG2 and the BLPSV was prepared in accordance with the NPPF (2012). As such neither of the assessment criteria's are entirely consistent with the Governments Green Belt Objective. Taking into consideration the above, the 2019 NPPF is considered to be a more up-to-date expression of the Governments intent and it has been afforded significant weight as a material consideration in the assessment of this application.
- 9.12 Paragraph 146 of the NPPF advises that the reuse of buildings and the material change of use of land is appropriate development so long as the works would not conflict with the purposes of the Green Belt and would preserve its openness. Similarly Local Plan Policy GB8 suggests that the change of use of buildings within the Green Belt would be acceptable where the proposed use (including its associated external activities) would have no greater impact on the openness of the Green Belt than the existing use.
- 9.13 The introduction of a large cycle storage area would reduce the visual openness of the site. Extensive hard surfacing (to create drive ways and car parking areas) would replace open green garden space with gravel, subsequently urbanising the site and reducing its openness through loss of its rural character. Furthermore and although not a reason for refusal (because cars come and go), if the external parking spaces were occupied by vehicles at any one time they would further reduce the visual openness of the site. Additionally, the design and access statement (which includes a use schedule) suggests that prayers will be held at different times every day. A sermon will be held on Fridays (which is likely to attract a larger congregation), after school clubs Monday to Thursday, language classes on the weekend and a ladies meeting on Monday mornings. The proposal would therefore result in a significant increase in vehicle and pedestrian movements at and around the site, this in turn means that the site would be physically occupied by more people, more objects and more activity, which would cause visual and spatial harm to the openness of the Green Belt. For the reasons mentioned above, the proposed development is not considered to preserve the openness of the Green Belt.
- 9.14 As the proposal would not preserve the openness of the Green Belt, it would not comply with paragraph 146 of the NPPF or Policy GB8 and would therefore form inappropriate development. Inappropriate development is by definition harmful to the Green Belt.
- 9.15 Additionally, the development would be contrary to one of the Green Belt's purposes which is to check the unrestricted sprawl of large built up areas. The north side of Maidenhead Road is within the Green Belt (where the development site is), the south side is not. Allowing a more intense use within the Green Belt and upon its boundary would constitute encroachment and arguably sprawl.
- 9.16 For the reasons mentioned above the proposal is considered to be inappropriate development and harmful to the openness of the Green Belt as well as its purposes. The proposal could only be acceptable if there was a case for Very Special Circumstances which outweighed the harm to the Green Belt and any other harm arising from the proposal. The case for very special circumstances is considered later in this report.

Flooding

- 9.17 The development site is located within Flood Zones 2 and 3, however the building and flat are solely within Flood Zone 2. Local Plan Policy F1 states that development should not be approved where it would increase the number of people or properties at risk from flooding, impede the flow of flood water or reduce the water storage capacity of the flood plain.
- 9.18 Paragraph 164 of NPPF (2019) and guidance within the NPPG suggests that the change of use proposed does not require the sequential or exceptions test, rather the applicants should submit a site specific flood risk assessment which accords with paragraph 163 of the NPPF which is set out below.

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:

- a) 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;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

- 9.19 The previously submitted FRA (Ref: 71252R2, created by Geo Smart Info) has been submitted in support of this application along with an addendum report (created by Bee.Net Services Limited, Date 18/02/20). The addendum is no longer accurate as the applicant has reintroduced parking since its submission. The original FRA is still considered to be relevant considering the short time frame between the applications and the fact that the schemes are almost identical. The FRA states that existing finished ground floor levels are 22.13 AOD. The maximum flood level at the site during the 1 in 100 year plus a 70% climate change allowance would be 21.78 AOD. In line with NPPG Guidance the floor levels should be 300m above this figure at 22.08 AOD in order to be safe from flooding. Taking into consideration that the ground floor of the building is already above this level the development would be safe from surface water in a flood event.
- 9.20 The development site includes no extensions or additional structures and thus is unlikely to reduce the capacity of the flood plain to store water. The EA has suggested that subject to a condition requiring the development to be carried out in accordance with the submitted plans, FRA and floor levels being above 22.08D, the development would have an acceptable flooding impact. Had the application been recommended for approval a condition to this effect would have been added. It should also be noted that Users of the new religious centre would be using the facility during the day and are therefore unlikely to be startled by any sudden flood events. The FRA also states that occupants of the site could be signed up to the EA's flood warning direct service to receive Flood Alerts and Flood Warnings, this would again help to reduce harm to the sites users during a flood event. A statement describing the safe path of access and egress from the site has been supplied In the FRA. Had the application been recommended for approval a scaled plan of the escape route would have been requested. For these reasons it is considered that the proposal would be acceptable on flooding grounds subject to conditions.

Impact on the character and appearance of the area and setting of the Thames

- 9.21 National Planning Policy Framework, Section 12 (Achieving well-designed places) and Local Plan Policy DG1, advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy DG1 states that 'harm should not be caused

to the character of the surrounding area through development that is cramped or which results in the loss of important features which contribute to that character'. Paragraphs 127 (a) and (c) of the NPPF (2019) state:

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'

- 9.22 Local Plan Policy N2 suggests that development will not be permitted where it would 'adversely affect the character and setting of the river in both urban and rural locations' and that proposals should seek to 'conserve or enhance' such areas. The policy also states that new developments should protect views of and from the river, and that the character, height; scale and bulk of developments should respect those adjoining.
- 9.23 The north side of Maidenhead Road is a low density residential area. Properties are uniquely designed, detached and located within reasonably spacious plots which include trees, hedges and other greenery. Due to their greenery and spaciousness each property has a quiet rural feel. The spacious, rural and tranquil character of this residential area is complemented by its riverside location. There are no community facilities or intensive residential uses, such as flats along this stretch of the river bank. At present the existing dwelling integrates well with this area's character.
- 9.24 In order to create new external parking spaces for the place of worship, the development includes extensive resurfacing of the plot's green landscape. At any one time vehicles could be clustered within the site, cluttering its open character. Despite these points, landscaping is proposed around the parking area, helping it to integrate with the site, whilst protecting riverside views. The new parking area is therefore unlikely to be visually harmful. The proposal also includes new gates, an access from the main road and cycle storage facilities (to be sited next to the main house). The new entrance gates could be conditioned to be similar to others on this section of the A308. The new access would be one of many leading from the main road. The cycle storage facilities are located next to the house and would be hidden from the street by the sites brick boundary wall. No extensions to the building are proposed. It is therefore considered that the proposal would cause no harm to the street scene or general appearance of the area.
- 9.25 Notwithstanding the above, the introduction of a new community facility would in itself be out of character with the surrounding land uses along the river bank which are residential. The more intense use of the site (caused by the place of worship) could lead to up to 30 families, as well as the family of the flat owner using the building and its grounds at one time. This intense use would be out of character with the relaxed residential uses surrounding the site and the tranquil river Thames setting. For these reasons the proposal is considered to harmful to and out of keeping with the character of the surrounding area and is therefore contrary to Local Plan Policies DG1 and N2 of the Local Plan, as well as paragraph 127 of the NPPF (2019).

Impact on important Trees

- 9.26 Local Plan Policy N6 suggests 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.
- 9.27 At present several protected trees exist within the grounds of Ruddles Pool. Trees T16, T15, T6, T7 and T8 are significant landscape features within the site, which add to the site's green character and suburban feel. Due to their size and siting some of the trees are also visible from the street and contribute to the area's character.

- 9.28 The proposal includes no extension of the building. The development would reduce the amount of hardstanding around tree T16, improving its rooting environment. The proposed cycle storage would be sited on top of or in the location of an existing paved area next to the building as such it would not incur into the RPA of any tree. The proposed driveway runs through the RPA of T15, however it is to be non-dig and porous. It is therefore unlikely to cause harm to the trees rooting environment nor would it reduce its ability to uptake nutrients from the ground.
- 9.29 The previously submitted tree protection plan has been submitted in support of this application (Land Arb Solution Arboricultural Survey and Impact Assessment, dated June 2019). It details the location of protective barriers and other measures to ensure that trees on the site are protected. Subject to compliance with the measures set out in the document, none of the mentioned trees would be harmed by the proposed development. Had the application been recommended for approval a condition would have been added requiring the development to be carried out in accordance with the document. A condition would also have been recommended requiring full landscaping details to be submitted, this would ensure that new trees visually integrate with the site and soft landscaping is reinstated appropriately.
- 9.30 The Borough's Tree Officer has no objection to the proposed development subject to the mentioned conditions and overall it is considered that the proposed development would have an acceptable impact on protected tree within the site.

Impact on the amenities of neighbouring properties

- 9.31 Local Plan Policy NAP3 advises that development should not have an adverse impact on noise, air, and smell pollution. Paragraph 127 of the NPPF (2018) advises that new 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'. SP3 of the emerging Borough Local Plan also promotes good amenity for surrounding properties and future occupants.
- 9.32 The new community facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling and other services. As such the development will lead to frequent vehicle and people movements in and around the site, a large increase in external activity and inevitably an increase in noise. The noise generated will be further supplemented by the day to day activities of the flat owners and although the prayer hall could be conditioned to be noise insulated, the increased activity, increased frequency of activity and comings and goings of vehicles would be out of character with the residential area and would lead to noise disturbance for local residents. Furthermore the constant comings and goings of vehicles is likely to cause nuisance to neighbours, as they are subjects to more vehicles on the road, more people going in and out of the site, on a daily basis. For the reasons mentioned above the proposal is considered to be harmful to the amenities of neighbouring properties.

Highways Impact

- 9.33 Local Plan 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. Policy DG1 of the Local Plan states that developments should provide convenient access, parking, and facilities for people with disabilities' and that 'traffic generated by the proposed development should not have an unacceptable effect on the local road network and the environment of the locality'.
- 9.34 The NPPF(2019) is a material planning consideration and paragraph 109 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.

- 9.35 The submitted plans convey that the prayer room including its entrance (not including the “Sitting Room”) covers 103m². The Local Authorities current Parking Strategy (May 2004) requires 1 space per 10sqm of open hall. Therefore the 11 car parking spaces shown are considered sufficient for the hall. An additional 2 parking spaces would be available, providing sufficient parking for the new flat. The proposed development would therefore meet the Borough’s Parking standards.
- 9.36 14 cycle storage facilities would be provided at the site and the proposal would therefore provide adequate cycle storage.
- 9.37 Notwithstanding the above, the applicants have suggested that the site will be predominantly accessed via foot or cycling. The nearest pedestrian crossings are 175m and 250m, east and west of the site. This is not ideal for a site which is to be used daily by all. There are no safe cycle routes along this busy part of the A308, meaning cyclists will be at conflict with pedestrians on the footpath or cars on the road, which is hazardous. Taking into consideration these points the development is not considered to be sustainably located for access via cycling or foot and it is likely to cause harm to both pedestrian and highway safety.
- 9.38 In addition to the above, the submitted planning statement states that ‘the main worship hall of about 54m² is aimed primarily at serving the existing community of about 30 families. This is expected (and hoped) to grow organically, in line with UK-wide and general social trends’. Officers have voiced significant reservations regarding the adverse impacts of the growth of the facility in this unsustainable location, as although the facility is for 30 families, in the future other parts of the building could be converted to increase prayer facilities, other areas within the site could be converted to increase the sites parking capacity and ancillary uses could take place at the site should the change of use be granted. All of the above would result in an unrestricted amount of people on the site, to the detriment of the highways network. .
- 9.39 The LPA cannot and does not wish to prohibit the growth of the WMA community. However anticipated growth could lead to vehicles being displaced onto the public highway or neighbouring roads causing a more hazardous environment for road users, as well as traffic build up and congestion on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail what levels of growth are anticipated nor how growth will be safely managed in a way that does not impact adversely on the highways network.
- 9.40 For these reasons the proposal does not comply with Local Plan Policies T5 and Paragraph 109 of the NPPF.

Archelogy

- 9.41 The site lies within an area of potential archaeological significance. The proposed parking SUDS system is stated to impact between 800mm and 1200mm below existing ground levels which is deep enough that it could potentially fully truncate any surviving archaeological deposits. For these reasons Berkshire Archaeology have suggested that conditions be added to ensure excavation is carried out appropriately. Had the application been recommended for approval the recommended conditions would have been added.

10. Very special circumstances test, Planning Balance and Conclusion

- 10.1 Paragraph 143 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.
- 10.2 The design and access statement suggests that very special circumstances exist for the following reasons:
- the change of use would provide a permanent home for the WMA congregation, thus benefiting some members of the local community.

This point is afforded significant weight in favour of the development, however it should be noted, at this stage no evidence has been submitted to suggest that the 30 families

are all local residents of RBWM, so it is still in question whether the facility will benefit the local community or wider community.

- the site in question is located in a less densely populated area, reducing its impact on the amenities of neighbouring properties (from a noise and disturbance perspective).

This point is afforded limited weight in favour of the development as it is likely that the place of worship would disturb and adversely impact on the amenities of both immediate neighbouring properties due to associated noise and vehicle movements. More importantly there may be other available sites within town centres, around other D1 uses, which are better suited to the development and would have less of an impact on neighbouring amenities. This point also conflicts with policy CF3 where it needs to be demonstrated that it is essential for a community facility to be located in a residential area (where change of use from residential is occurring).

- The congregation undertakes a great deal of good work for the local population, and the establishment of a permanent venue would allow for WMA to operate more efficiently, in a better environment and allow for their work to positively expand to the betterment of the local Muslim and wider community.

This point is afforded limited weight in favour of the development. It is not demonstrated that the proposed development is required for this benefit to be realised.

- Other venues have been explored and have been found lacking, these include:

- a) *The Manor Youth Centre, Hanover Way, Windsor SL4 5NW (WMA unable to obtain a long-term lease from the owner)*
- b) *Vestol House 94 - 94a Dedworth Road, Windsor SL4 5AY (subject of Withdrawn application based on a lack of parking – only 15 spaces)*
- c) *Duke of York Pub 198 St Leonard's Road, Windsor SL4 3DL (parking only available for 20 spaces and therefore unsuitable)*
- d) *"The Hope" Ward Royal Parade No: 6 - 7, Alma Road, Ward Royal, Windsor SL4 3HR (listed building with change of use and other necessary changes not permitted).*

This point is afforded limited weight. It is not considered that the evidence provided has sufficiently demonstrated the lack of suitable alternatives and that it is essential that the proposal is located at the application site.

- The proposal would add to the social amenity of the area, therefore enhancing the Green Belt. Furthermore the proposal includes no extension to the building, hard standing could be done under the properties existing residential PD rights, and this particular part of the Green Belt is surrounded by development. Therefore the proposal would cause no harm to the purposes or openness of the Green Belt.

This point is afforded limited weight in favour of the development. As set out above intensification of the sites use would cause harm to openness, the location of the site and its new use would encroach into the green belts boundaries.

- It is difficult to find a suitable property due to current market conditions

This point is afforded limited weight. Temporary market conditions are not considered to outweigh the developments permanent harm to the Green Belt, highway network, amenities of neighbouring properties and character of the area.

- 10.3 Paragraph 144 states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

10.4 The harm caused by the inappropriateness of the development is accordingly afforded substantial weight. As is the harm caused to the openness of the Green Belt and purposes of the Green Belt (sprawl).

Further significant weight is given to:

- the developments harm to the character and appearance of the area
- the harm to the local highway network
- harm to amenities of nearest neighbours

10.5 For these reasons it is considered that no other considerations exist which would clearly outweigh the harm to the Green Belt (and any other harm) identified within this report. Therefore no very special circumstances exist which are sufficient to outweigh the identified harms and the proposal is contrary to Local Plan policies GB1 and GB2(a), GB8(1) and paragraph 133, 134 ,143, 144, 145 and 146 of the NPPF (2019).

Conclusion

10.6 The proposal is not considered to be sustainable development. Furthermore it would constitute inappropriate and harmful development in the Green Belt and no 'other considerations' have been demonstrated to outweigh the harm identified in this report, therefore no very special circumstances exist warranting refusal of the application. In addition to the above, the development would cause significant harm to the character of the area, neighbouring amenities and the local highway network. The proposal would therefore be contrary to Local Plan policies GB1 GB2(a),GB8(1), DG1, CF3, NAP3, T5 as well as paragraphs 109, 127, 133, 134 ,143, 144, 145, 146, 163 of the NPPF (2019).

11. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B – Proposed Layout Plan
- Appendix C – Proposed elevation and internal layout

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

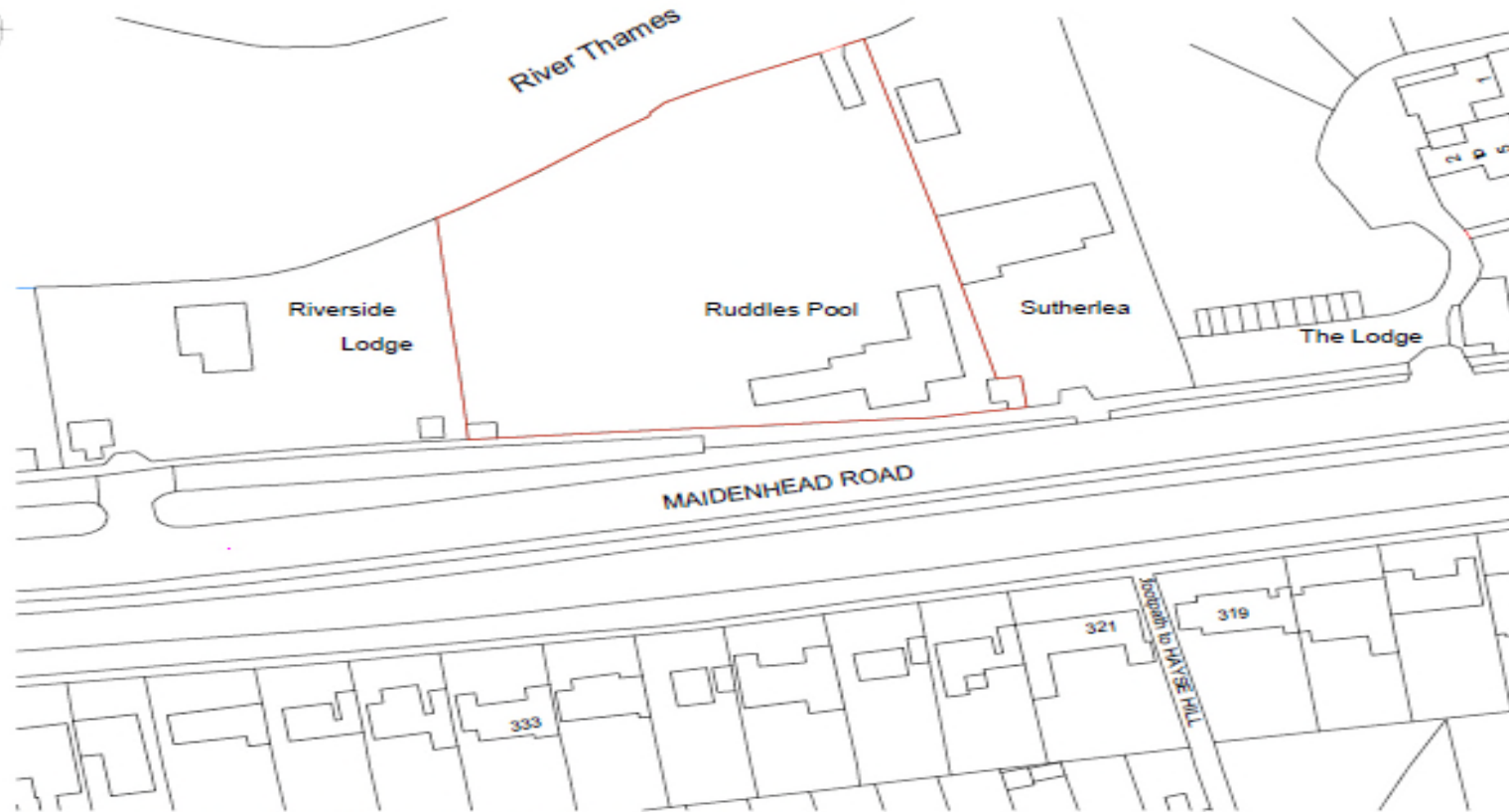
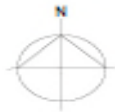
1 Due to the intensification caused by the sites mixed use, additional parking areas and new cycle storage facilities the proposed development would cause harm to the openness of the Green Belt, subsequently the proposal would constitute inappropriate development in the Green Belt. Due to its more intense use when compared with surrounding land uses and its location on the boundary of the Green Belt, the development would also constitute sprawl. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt and other harm identified (character, highways, neighbouring amenity). The proposal is therefore contrary to Local Plan policies GB1 and GB2(a),GB8(1), and paragraphs 133, 134 ,143, 144, 145 and 146 of the NPPF (2019).

2 In the absence of robust controls, the proposed use and its future growth could lead to vehicles being displaced onto the public highway or neighbouring roads causing a more hazardous environment for road users, as well as traffic build up and congestion on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail how growth will be safely managed in a way that does not impact adversely on the highways network. Furthermore, harm would be caused to pedestrians as cyclists are forced to use public footpaths to access the site, cyclists using the road would also be at an increased risk of collisions with vehicles as there are no cycle paths to the site. For these reasons the proposal does not comply with Local Plan Policies T5 or DG1, it would also be contrary to paragraph 109 of the NPPF (2019).

3 The development site is located along the river bank where land use is residential, the proposed place of worship would therefore be out of place and out of character. Additionally, the new facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling, other services as well as the family of the new upstairs flat. The more intense use of the site and increased activity caused by vehicle and people movements would be

out of character with the lax and tranquil use of surrounding residential land. For the reasons mentioned above the proposed development is considered to be harmful to the areas character and contrary to Local Plan policies DG1 and N2, as well as chapter 12 of the NPPF (2019) which seeks to achieve development of high quality design that integrates with and improves the character and appearance of an area.

- 4 No robust evidence has been submitted which suggests that the proposed development site is the only site in RBWM appropriate for the place of worship, nor has evidence been submitted to show that members of the WMA community (the mentioned 30 families) live within close proximity to the site and that it is therefore essential for the site to be in its proposed location. Places of worship are better located in sustainable centres, where their users can access them with ease via foot, cycle, public transport and car (if necessary). Noise and activity levels are also higher in such locations, so the proposed use would not be out of place. The new place of worship is to be located in a quiet residential area with very limited accessibility. For the reasons mentioned above, it has not been proven that it is essential for the proposed place of worship to be in the proposed residential area, the proposal is therefore contrary to Local Plan Policy CF3.
- 5 Due to the increase in people and vehicle movements at the site, the proposed development is likely to cause a significant increase in noise pollution in this quiet residential location. Additionally the physical intensification of activity at the (site caused by constant people and vehicle movement) is likely to disturb the day to day activities of Riverside Lodge and Sutherlea (nearest neighbours). For these reasons the proposal is considered to be contrary to Local Plan Policy NAP3 and paragraph 127 of the NPPF which seeks to achieve a high standard of amenity for all.



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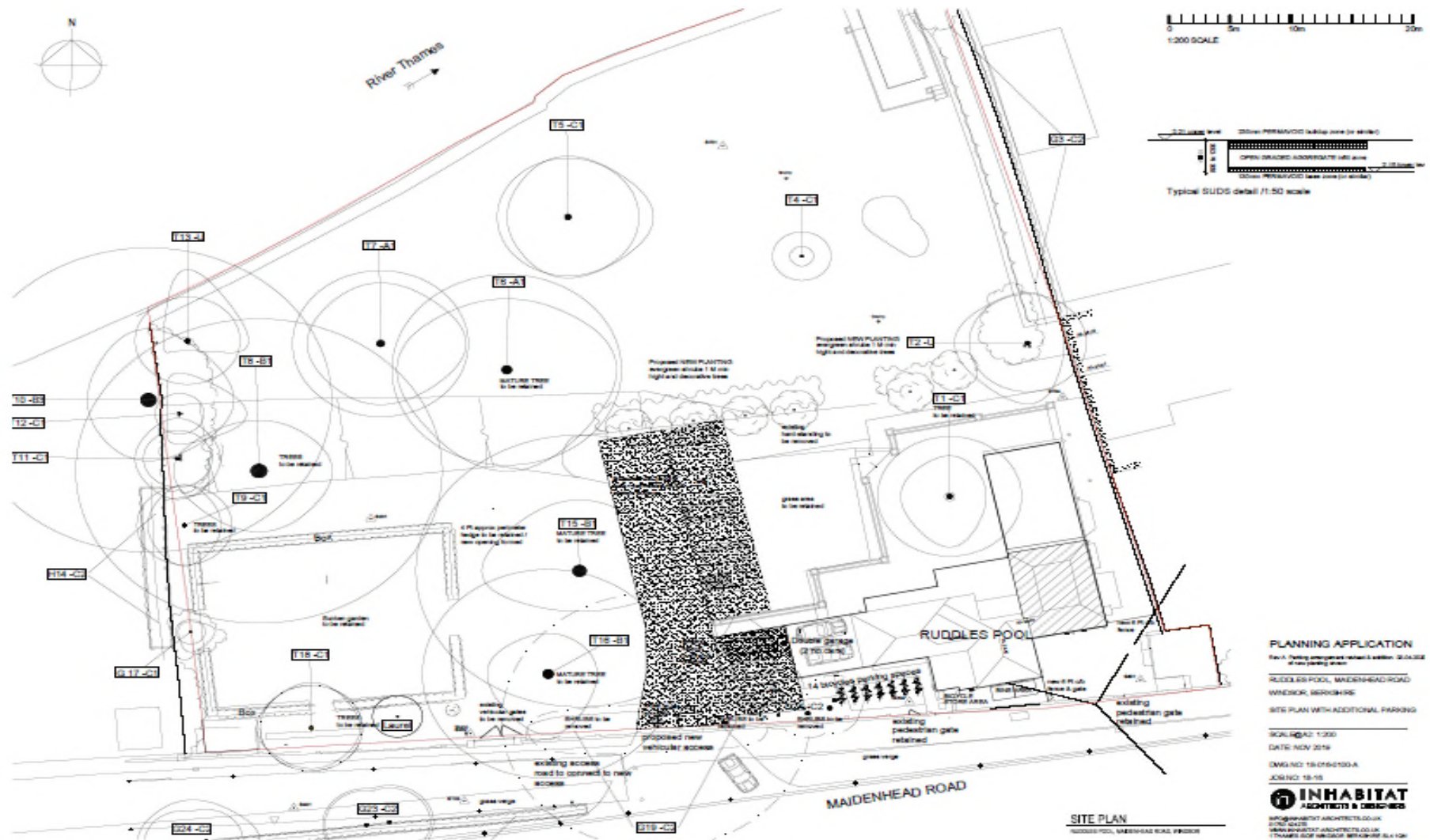
LOCATION PLAN

RUDDLES POOL, MAIDENHEAD ROAD, WINDSOR

Ruddles Pool - location plan

Appendix B – Proposed Layout Plan

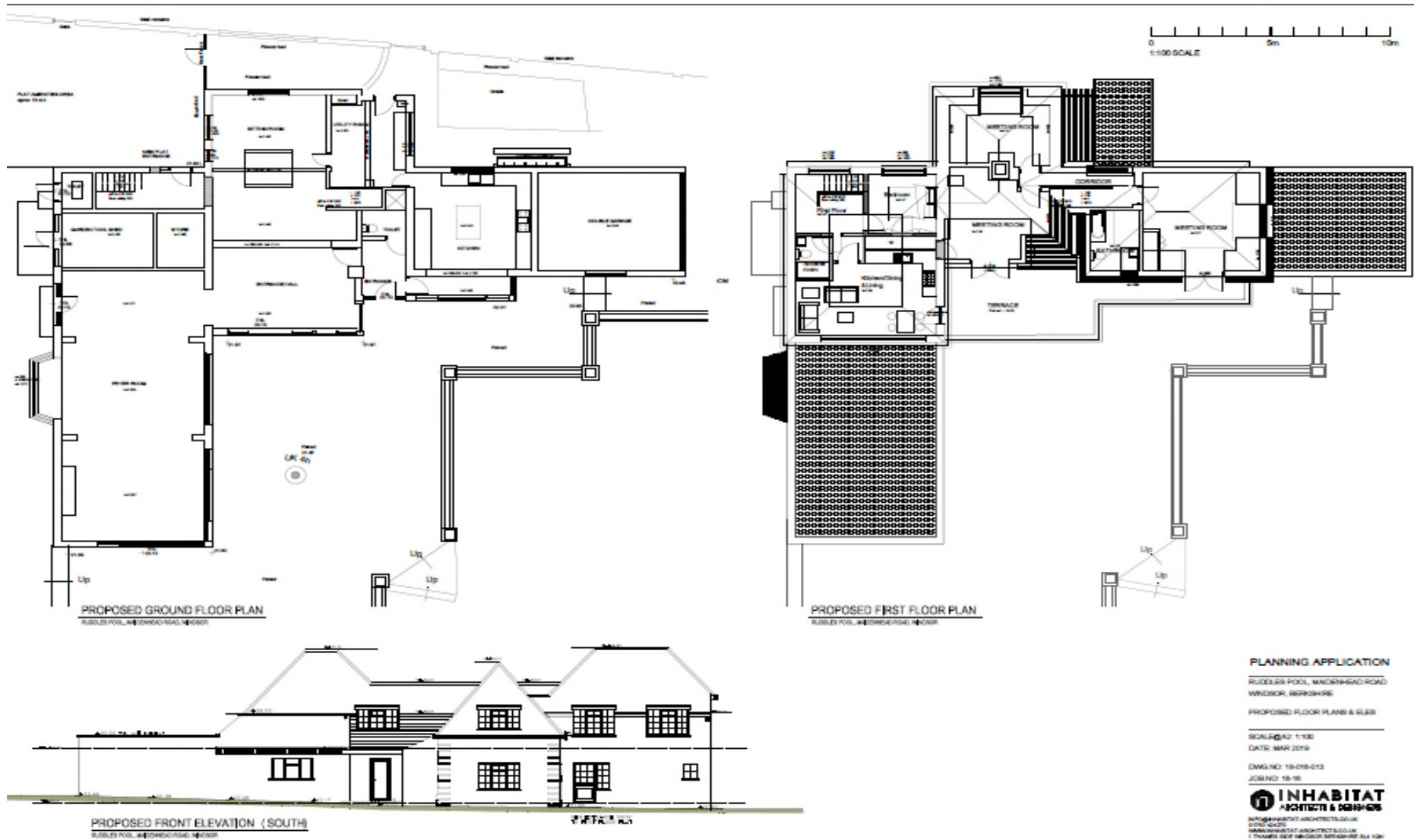
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PLANNING APPLICATION
 Ruddle's Pool, Maidenhead Road, Windsor, Berkshire
 SITE PLAN WITH ADDITIONAL PARKING
 SCALE: 1:200
 DATE: NOV 2019
 DWG NO: 19-0164100-A
 JOB NO: 19-19
INHABITAT
 ARCHITECTS & DESIGNERS
 17 THAMES GOLF WINDSOR, BERKSHIRE SL4 4DE

Appendix C – Proposed elevations and floorplans

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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PANEL

21 October 2020

Item: 2

Application No.:	20/00313/FULL
Location:	Zaman House Church Road Maidenhead SL6 1UR
Proposal:	Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.
Applicant:	Mr T Iqbal
Agent:	Mr Matt Taylor
Parish/Ward:	Bray Parish/Oldfield
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application was previously considered by the Planning Panel on 16th September and deferred pending the formal consultation response from the Tree Officer in relation to the submission of additional arboricultural information, and to clarify the weight attributed to the Royal Borough of Windsor and Maidenhead (RBWM) Townscape Assessment 2010, in assessing the impact of the proposal on the character and appearance of the area. The report has been amended to address these points and to provide further clarification on the main issues for consideration.
- 1.2 The Tree Officer has advised that the additional arboricultural information submitted demonstrates that the proposed development can be completed without significantly impacting the retained trees on site. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas of retained trees or within the footprint of existing structures. The Tree Officer has advised that they have no objection to the proposal subject to conditions in relation to landscaping and tree protection.
- 1.3 The RBWM Townscape Assessment was published in 2010 and comprises three volumes covering the urban settlements within the Maidenhead and Cookham Areas (Vol 1), Windsor Group (Vol 2) and Ascot Group (Vol 3). The Townscape Assessment provides a broad description of the urban form and character of a built up area. For example, the application site is located within a character area described as a 'Leafy Residential Suburb'. The document itself is not adopted policy, however, it is capable of carrying weight in the consideration of planning applications where, for example, it is specifically referred to in adopted neighbourhood plan policies that form part of the development plan for the borough. There is no adopted Neighbourhood Plan of relevance to this application and as such only limited weight can be given to the Townscape Assessment for this application
- 1.4 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area by reason of its siting and bulk, amount of hardsurfacing across the site and loss of trees; highway safety due to insufficient visibility splays; failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species). As the current application is a resubmission for a similar proposal, it is incumbent on the Planning Authority to only consider whether the current proposal sufficiently overcomes the previous reasons for refusal, unless there has been a material change in circumstances since the previous decision was taken that would indicate taking a different approach.

- 1.5 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal would not be detrimental to the character and appearance of the area.
- 1.6 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site, within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 1.7 The current proposal would not have an unacceptable impact on highway safety nor, cumulatively, result in a severe impact on the road network. The application demonstrates that the development would not harm bats (a protected species). In all other respects, the proposal is acceptable.
- 1.8 When having regard to the reasons for the previous refusal, together with the extant permission relating to the site and the lack of a five year housing supply, the proposed development complies with the relevant adopted Local Plan policies and the National Planning Policy Framework.

<p>It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.</p>

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr. G. Hill as residents have requested the application be considered by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Church Road within The Fisheries Estate. It occupies a circa 0.2 hectare corner plot at the west end of Church Road at its junction with Bray Road, and is currently occupied by a two-storey detached house and two large outbuildings along the western boundary. The existing dwelling is positioned behind a mainly solid 2m high wall and gate, with the front of the site predominantly hard-surfaced. There is currently no physical boundary separating Zaman House and Rivermead (formerly Awan House) to the east. The application site includes some land that currently forms part of the plot associated with Rivermead (formerly Awan House).
- 3.2 The application site is surrounded to the north, east and south by detached, individually designed and predominantly two-storey, dwellings. These properties are set within fairly spacious plots and positioned back from the highway. Church Road itself is akin to a small lane, with no pavements and serving only four properties. The application site is within an established residential area where low-density development, (the density of development for the area is approximately 7 dwellings per hectare), mature vegetation and trees are key features.
- 3.3 The majority of the site is within Flood Zone 3, where there is a high probability of flooding, (with the exception of an area of land within the centre of the plot and a corner of the site that are within Flood Zone 2). The land surrounding the site is all within Flood Zone 3. The whole of the site, (including land associated with Rivermead) is covered by a Tree Preservation Order. The application site lies outside the Maidenhead Riverside Conservation Area, the boundary for which runs between Rivermead and Hampton Lodge to the east.

4. KEY CONSTRAINTS

4.1 The main planning policy constraint to development relates to the site's location within an area where there is a high risk of flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The application seeks full planning permission to demolish the existing dwelling, Zaman House, and replace it with a new building comprising 8 apartments.

5.2 The proposal involves extending the current plot associated with Zaman House by approximately 270 m² by taking land previously associated with Rivermead. A new two-and-a half storey building, that would be approximately 22.6m wide, by 19.7m deep and with a maximum ridge height of 9.5m (including voids), is proposed to be constructed roughly within the centre of the plot.

5.3 The block of flats would be raised 0.9m above ground level and have a fairly traditional appearance, featuring dormer and bay windows, and gable features. The submitted application form indicates that finished materials would include red brick and render and welsh slate.

5.4 The existing vehicular access off Church Road would be slightly repositioned along the road. This would lead to a driveway that would extend along the sides of the new building providing access to 15 car parking spaces. A cycle store building is proposed in the north-west corner of the site, while a refuse store would be positioned towards the southern boundary, close to Church Road. An amenity area for future residents of the apartments would be to the rear and north-east of the building.

5.5 The ground and first floors of the proposed development would each comprise three, two bedroom flats. The second floor would have a 2 bed flat and a single bedroom flat. The density of the development is 40 dwellings per hectare.

5.6 Planning history:

Reference	Description	Decision
19/00674/FULL	Construction of a new building comprising x8 apartments refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.	Refused 17.10.2019 Appeal withdrawn.
18/01785/OUT	Outline application, with access, appearance, layout and scale only to be considered at this stage, (with all other matters reserved), for the erection of eight apartments with access, parking, landscaping and amenity following demolition of existing dwelling.	Withdrawn 15.11.2018
16/03553/FULL	Construction of 16 x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2 x dwellings.	Withdrawn 07.02.2017
15/02530/CONDIT	Details required by condition 2 of 15/01887.	Approved – 18.09.2015
15/01887/FULL	Part two storey, part first floor front extension , and part two storey, part first floor rear extension, with raising of existing roof to facilitate loft conversion with addition of two front dormers.	Approved – 20.07.2015
14/03355/FULL	Two storey and part first floor front	Approved - 08.01.2015

	extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
10/00709/CLU	Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	Refused – 03.06.2010
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground floor extension with bay	Approved – 06.05.2003
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002
00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997

5.7 There are two previous planning applications that are particularly relevant to the consideration of the current application; Planning permission granted under application 15/01887/FULL remains extant, as the development has commenced, and application 19/00674/FULL, which was refused on the grounds of harm to the character of the area arising from the bulk of the development, amount of hardsurfacing across the site and loss of trees; flooding (failure of the Sequential Test); substandard visibility splays and potential adverse impact on bats (protected species). The appeal in respect of the latter application has been withdrawn. Comparisons between the current proposal, previously refused scheme and extant scheme are set out in Section 9 of this report.

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

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

- 7.1 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 (2018) and Proposed Changes (2019)

Issue	Submission Version	Proposed Changes
Design in keeping with character and appearance of area	SP2, SP3	QP1, QP3
Sustainable Transport	IF2	IF2
Housing mix and type	HO2	HO2
Housing Density	HO5	HO5
Flood risk	NR1	NR1

- 7.2 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.
- 7.3 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. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council resulting in the proposed changes to the submission document, which have been submitted to the Examination 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 stage of preparation both should be given limited weight.
- 7.4 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- RBWM Borough Wide Design Guide

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies/draft-borough-local-plan>

Other Local Strategies or Publications

7.5 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://www.rbwm.gov.uk/home/planning/planning-policy/non-development-plan/design>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

45 local residents were directly notified of the application.

The application was advertised in the Local Press on 27th February 2020.

No letters were received supporting the application.

35 letters were received objecting to the application, including from The Fisheries Residents Association, summarised as:

Comment	Where in the report this is considered
1. The proposal will totally change the character of the area, due to mass, bulk, density and amount of hardsurfacing – this is out of character with the leafy suburban character area. The Fisheries is characterised by large detached dwellings of single households.	9.16 – 9.27
2. The development will look directly into our house (Church House) and garden causing serious loss of privacy.	9.31
3. Totally reject the submitted traffic report. The development will lead to more traffic in Bray Road, at a point where it is difficult to pull-out – will make entering and existing Church Road more difficult Will lead to serious traffic generation and highway safety concerns. Will lead to congestion on surrounding roads.	9.28 – 9.30
4. The site is adjacent to the conservation area and should be included in this.	9.20
5. Disturbance during construction and increased risk to children from construction traffic/activities.	Construction management plan condition to be attached – section 13
6. Noise from additional cars – doors slamming and starting up.	9.32
7. Building in Flood Zone 2 and all the hardsurfacing is impermeable. Will lead to an increase in flood risk, contrary to national and local planning policies. This should not be built in the flood plain.	9.4 – 9.15
8. The owners ignored regulations and built perimeter wall that had to be taken down.	Noted
9. Fails the Sequential Test – Dismissed alternative sites are not reasonable.	9.5 – 9.7

10.	Does not assess the impact on Bray Meadows SSSI.	Not needed given existing use of the site and separation from SSSI by highway.
11.	The submitted statement incorrectly indicates a need for one and two bedroom flats, implying that the proposed flats would be affordable. The pending BLP shows that the majority of new dwellings in Maidenhead Town Centre will be flats and over 30% affordable. Therefore there is no shortage of flats, but instead a need for a mix of dwellings particularly family homes with gardens in suburban settings. These types are increasing in short-supply in the borough due to Green Belt and flooding constraints.	9.2
12.	Will set a precedent for similar development in the Fisheries. This breaches the rights of existing householders.	Each application is treated on its own merits.
13.	8 bins will need to be left on the road in a continuous line leading to smells, noise and disturbance.	Any bins on the highway will be temporary and managed by the apartment management company.
14.	The drains are unlikely to cope with the additional load.	No objection/comments received from Thames Water.
15.	The site is already over-developed. The density proposed is far greater than the rest of the estate	9.3, 9.26
16.	Maidenhead is already awash with flats. Shoppenhangers used to be a road of large detached houses, but all now two-bedroom apartments. Maidenhead needs family homes.	9.2
17.	The impact of traffic and deliveries associated with the development would be detrimental to the private road, the upkeep of which is paid for by subscriptions to the Fisheries Residents Association. The owners of Zaman House have never contributed.	9.23 – 9.26 As a private road, the residents of Church Road are responsible for its upkeep.
18.	The proposed height of the building will mean the property will be visible from other properties. The height and number of windows will result in overlooking.	9.31
19.	The development will dominate the entrance to The Fisheries and increase light pollution harmful to the character of the area.	9.16 – 9.27
20.	The proposal will harm protected species.	9.36
21.	The comparison drawings submitted should show the proposed development in relation to the existing dwelling, not as extended.	9.21
22.	The width of Bray Road, close to Church Road, is significantly below that recommended in Manual for Streets, resulting in large vehicles mounting the kerbs and all close to Oldfield School. There are very serious traffic generation and highway safety reasons to object to the application.	This relates to an existing situation on Bray Road not made worse by the proposal. Traffic generation and highway safety covered in paragraphs 9.28 – 9.30

Consultee responses

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Object. The introduction of a block of flats in this location is completely out of character with	9.2 – 9.3 9.16 – 9.27

	the streetscape of The Fisheries. The new access arrangements via Church Road are an improvement. However, the overall scale, bulk, height and mass of the proposed apartment block is unsuitable for the location.	
Bray Parish Council	Recommends refusal: The proposal by reason of its siting in close proximity to the conservation area sets an unwelcome precedent. BPC have concerns with the amount of traffic the development will generate. Contrary to policies DG1, H10, H11, N6 and T5.	Comments noted.
Highway Authority	Church Road is a private road. No objections to the design and position of the access and no objections to the parking. Traffic generated from the proposal is acceptable. Recommends conditions if approved in relation to enclosed parking bays (minimum size) and cycle parking.	9.28 – 9.30
Trees	<p>The entire site is subject to Tree Preservation Orders. No detailed arboricultural information has been submitted and therefore an assessment of the full impact of the proposal on trees cannot be undertaken. The new building will be located closer to a group of trees on the northern boundary and appears to be within the minimum root protection areas for these trees. No objection to the proposed new entrance on Church Road. The retention of the trees and planting area along the verge on the western boundary of the site is beneficial and would provide some screening and softening of the proposed new development.</p> <p>In response to the additional detailed arboricultural information: Agrees that the propose development can be completed without significantly impacting the retained trees. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas or retained trees or within the footprint of existing structures.</p> <p>No objection to the proposal subject to landscaping and tree protection details to be conditioned.</p>	9.34 – 9.35
Environmental Protection	Recommends conditions in respect of a construction management plan, construction hours and deliveries, air quality assessment, plus informatives in relation to dust and smoke.	Agree to CMP. Other conditions in relation to hours and deliveries are unnecessary. As the previous application was not refused in respect of air quality it would be unreasonable to require an air quality assessment in this case.

9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:
- i The Principle of Development;
 - ii Flood Risk;
 - iii The Impact on the Character and Appearance of the Area;
 - iv Highway safety and parking provision;
 - v The Impact on Residential Amenities;
 - vi Trees;
 - vii Ecology;
 - viii Other Material Considerations.

The Principle of Development

- 9.2 As the application site lies outside the Green Belt within an existing residential area, there is no objection in principle to the loss of the existing dwelling and redevelopment of the site for flats. Concerns have been raised from local residents over the loss of family housing and the provision of mainly 2-bed flats, however the Council's Strategic Housing Market Assessment (2016) and the more recent Local Housing Needs Assessment (October 2019) identified that the highest need in the Borough is for 2 to 3 bedroom units, which the proposal (in respect of two-bedroom units) would contribute towards.
- 9.3 Concerns have also been raised by local residents over the proposed density which would be higher than the low density of development of the surrounding area. However, within the context of the Government's stated aim to significantly boost the supply of homes (paragraph 59 of the NPPF), the proposed density would be a clear benefit of the scheme and may be acceptable provided that there are no adverse impacts arising from the proposal, contrary to the adopted local plan policies, which are consistent with the National Planning Policy Framework (NPPF). It is important to also note that density was not included in the reasons for the refusal of the previous application.

Flood Risk

- 9.4 The majority of the application site and wider surrounding area is in Flood Zone 3, where there is a high risk of flooding. The proposed development (residential) is classified as a 'more vulnerable' land use and is only acceptable in areas at high risk of flooding on passing the sequential and exception Tests.

The Sequential Test

- 9.5 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved by applying a sequential test. Paragraph 158 of the NPPF goes on to state that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.6 The previous application for the site (19/00674) was refused on the grounds (amongst others) that it failed the sequential test, having limited the site search area to within 3 miles of the application site only, rather than including all sites within the urban areas of the whole of the borough. For this current application, a sequential test has been undertaken by the applicant looking at similar sized sites to the application site, (small sites between 0.09 and 0.25 hectares) that are developable or potentially developable and reasonably available within the urban areas

of the borough, as identified in the RBWM Housing and Economic Land Availability Assessment (HELAA) 2019.

- 9.7 The correct data source and methodology for the sequential test have been applied in this case. The applicant has demonstrated that there are no “reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding” than the application site, and therefore the sequential test is passed.

The Exception Test

- 9.8 Paragraphs 160 and 161 of the NPPF state that “For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.”
- 9.9 Paragraph 163 of the NPPF adds 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 from flooding where, in light of this assessment (and the sequential and exception tests as applicable) it can be demonstrated that a) 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; b) the development is appropriately flood resistant and resilient; c) incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”
- 9.10 Wider sustainability benefits to the community should be proportionate to the scale of development being proposed. In this case social and economic benefits of the proposal are that it would contribute to the housing supply in the borough and help meet an identified local need for two bedroom units. Further economic benefits arise from the construction of the development itself, which would help support local trades and services, and from the occupation of the development attracting new residents that will use local shops and facilities further supporting the local economy. In terms of environmental benefits, the scheme would make more efficient use of land within an existing built-up area, helping to relieve pressure to build on greenfield sites. In addition, and in contrast to the existing and extant permission situations, in the event of a flood the proposed development would enable the free flow of flood water, (due to the voids underneath the building), and significantly increase the flood storage capacity of the site, (by removing 41% of the existing impermeable hardsurfacing), with the benefit of reducing flood risk to properties and people in the surrounding area. Relative to the scale of development being proposed, the scheme would provide wider sustainability benefits to the community.
- 9.11 With regard to part b) of the Exception Test and having regard to the requirements set out in paragraph 163 of the NPPF, the most vulnerable part of the development (the main building of apartments) would be positioned on the part of the site that is within Flood Zone 2, i.e. where there is a lower risk from flooding. In addition, the submitted Flood Risk Assessment states the flood level for the site for the 1 in 100 year annual probability plus 35% allowance for climate change is 23.59 AOD so, including a minimum 300mm freeboard, the internal floor levels would be set at 23.90 AOD, ensuring the building would be flood resistant and resilient.
- 9.12 The submitted FRA advises that the majority of surface water from the existing buildings and hardsurfacing currently drains to soakaways. As the existing site drains by infiltration, which is one of the most sustainable techniques of surface water drainage, it is proposed to use infiltration measures to drain surface water from the proposed development. This is acceptable.
- 9.13 The majority of the site is located in Flood Zone 3 with external ground levels adjacent to the existing house below the present day 1 in 100 year peak flood level. The main access and egress route is Bray Road to the west which is also in Flood Zone 3 and therefore it is not possible to provide a safe escape route above the 1 in 100 year annual probability plus allowance

for climate change flood level, as the flood hazard rating is greater than the Environment Agency guideline of 'very low'. It is therefore proposed to include a Flood Warning and Evacuation Plan as part of an information pack to future residents of the development. Part of the Council's own submissions to the Borough Local Plan Examination in Public points out that "the approach of identifying the need for an emergency evacuation plan is recognised by the Environment Agency as an acceptable means of satisfying the second part of the Exception Test for sites which demonstrate wider sustainability benefits to the community that outweigh flood risk." In addition, the planning authority has approved applications 17/02698 and 17/02812, for 37 and 67 apartments respectively where both sites are in Flood Zone 3 and Oldfield Ward, subject to a flood evacuation plans to ensure the respective developments would be safe for their lifetime.

- 9.14 Given the proposed mitigation measures, any residual risk arising from the development is considered to be low.
- 9.15 For the reasons outlined above the proposal passes the Sequential and Exception tests and would not increase flood risk to future occupiers of the development nor to people or properties elsewhere.

The Impact on the Character and Appearance of the Area

- 9.16 Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance, and indeed the area is identified in the RBWM Townscape Assessment as being a 'Leafy Residential Suburb'.
- 9.17 The Townscape Assessment (TA) provides a broad description of the urban form and character of a built up area. The key characteristics of the 'Leafy Residential Suburbs' as set out in the TA, are:
- Low to medium density residential suburbs with characteristic 'leafy' streets.
 - Urban form is defined by wide streets (curvilinear and straight) with secondary streets culminating in 'dead ends', cul-de-sacs or vegetated 'turning circles'.
 - Built form is defined by suburban style detached two storey houses, on medium to large plots.
 - A variety of architectural styles, reflecting a range of periods, includes early 20th century houses (including Victorian, Edwardian and Arts and Crafts style), plus more recent development. The type is defined by a broad consistency of built form, spacing between buildings and lack of on street parking.
 - The leafy suburban character is reinforced by well-established private gardens (including mature trees/shrubs), that are often bounded by tall beech and laurel hedges. This provides a strong sense of enclosure and privacy to dwellings.
 - Mature oaks and scots pines reflect the underlying geology, while other large scale ornamental trees such as cedar and conifers contribute to the leafy character.
 - There is a well-defined interface between public/private realm –marked by tall hedges or fences with entrance gates.
 - Views are framed along leafy streets – street tree planting and/or trees and shrubs within front gardens allow only occasional glimpses to dwellings.
 - A quiet and peaceful residential suburb.
- 9.18 The TA identifies that the 'Forces for Change' in Leafy Residential Suburbs comes from development intensification including subdivision of plots and extensions to dwellings or subdivision of properties into flats, and from modern development with open or 'urbanised' frontage such as parapet walls, open garden frontages and extensive hardstanding, which detract from the 'leafy character'. The TA recommends that the following principles are taken into account in the development design process:
- Retain mature trees and woodland belts. The active management of woodlands and other treed areas is encouraged, including planning for future planting.

- Conserve and use trees as part of a leafy streetscape. The design should allow space for planting to mature.
 - Use a coordinated approach to new tree planting in terms of species and stature. Consider the planting of larger trees at key visual locations.
 - Conserve (and promote the use of) hedging for boundaries, in preference to other boundary treatments such as walls, fences, gates and railings.
 - Retain remaining Victorian, Edwardian and Arts and Crafts style buildings. Renovations should be sensitive with particular regard to roof heights, pitches, materials and detailing.
 - Sensitive contemporary design responding to its immediate context will be appropriate, where it makes reference to existing building heights.
- 9.19 The Townscape Assessment is a useful document in assessing the impact of a proposed development on the character of an area in which it is proposed to be located. However, it is not in itself adopted policy and does not form part of the development plan for the borough, unless it is, for example, specifically referenced in policy such as in an adopted neighbourhood plan. Accordingly, in this case, the proposal could not be refused on the grounds that it may be contrary to the TA for example. It is, however, material to the consideration of the proposal, that it is assessed in terms of its impact on the character and appearance of the area, (which the TA describes in broad terms), as required by adopted policies DG1, H10 and H11 and the NPPF.
- 9.20 The existing house is not considered to be of any particular historic or architectural merit, and is neither in, nor adjacent to, the Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection to the loss of Zaman House.
- 9.21 With regard to the proposed building, it is material to the assessment that consideration be given to any extant planning permissions that could be implemented and affect the scale and appearance of the existing development on site, against which a comparison of the proposed development can be made. In this case, permission was granted under application 15/01887 for a part two storey, part first floor front extension and part two storey, part first floor rear extension, with raising of the existing roof to facilitate loft conversion with the addition of two front dormers and two rear dormers. Building Regulations application 18/00541/DEXBN was approved in May 2018 for a single storey rear extension and Building Control has confirmed that the foundations are sufficient for a two storey extension, in line with that approved under planning permission 15/01887. This development has therefore commenced and the permission remains extant, representing a 'fallback' position in planning terms, relevant to the consideration of the current application.
- 9.22 The reasons for refusal of the previous application, 19/00674/FULL, included that the development would harm the character of the area due to its bulk, the amount of hardsurfacing across the site and loss of trees. Accordingly, the current proposal seeks to address these elements of the reason for refusal whilst having regard to the fallback position.
- 9.23 Compared to the previous scheme (19/00674), the current proposal has removed a large front gable from the design, which has reduced the building's bulk, in particular its verticality, when viewed from the front and side. The gable feature on the rear elevation of the previous scheme has now been changed to a hipped roof and the dormer windows in the front elevation are smaller. The height of the building has been reduced by 0.5m and the width and depth of the building are slightly less than the previous scheme. The overall design remains of a traditional appearance but is much simpler, with features such as chimneys having now been removed.
- 9.24 Compared to the extant permission (15/01887), the proposal would be 1.3m deeper, but narrower and no higher than the approved extended property.
- 9.25 The previous refused scheme proposed a new access to be taken off Bray Road, which would have resulted in loss of trees along the highway verge, harmful to the verdant character of the area. The current scheme proposes to reposition the existing access off Church Road, avoiding the need to remove any trees and allowing further supplementary tree planting within the site along the west and south-west boundaries. The front of the existing site is all hard-surfaced and there are outbuildings in the north-west and south-west corners of the site. Currently, there is 901sqm of hardsurfacing, which the new proposal would reduce by 41%. In addition, the main

building is set back a further 2m into the site to allow for a larger and more meaningful area for landscaping and tree planting adjacent to Church Road. Thus the proposals incorporate the principles of the Townscape Assessment through maintaining and supplementing the existing landscaping at the site and therefore providing a betterment in this respect.

- 9.26 Although the proposal would result in a higher density of development than the surrounding area, 40 dwellings per hectare is within the medium range of density of development. By comparison, residential development within Maidenhead Town Centre is at a high density ranging from 280 to 580 dwellings per hectare. The density of the proposed development is in-keeping with the medium density range referred to in the key characteristics of 'leafy residential suburbs', was not included in the previous reasons for refusal and demonstrates the proposal is seeking to make the most effective use of the available land, which is strongly supported by the Government as set out in Section 11 of the NPPF.
- 9.27 Accordingly, when having regard to this and the extant permission relating to the site, the proposed changes to the scheme, when taken together, are considered to sufficiently address the previous reason for refusal and the scheme will not harm the character and appearance of the area.

Highway safety and parking provision

- 9.28 Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 9.29 The proposal complies with the Council's adopted parking standards, thus avoiding any need for on-street parking that may be detrimental to highway safety. In addition, the proposal involves a slight repositioning of the existing access from Church Road, which is a sufficient distance from the junction with Bray Road and which provides adequate visibility splays. The accompanying Transport Statement advises that the development could lead to an increase of 4 trips during the peak periods and a total of 38 trips per day. Given that there have been no reported injury accidents at the Church Road junction with Bray Road during the past five years, the Highway Authority has advised that the increase in vehicular activity through the junction is unlikely to harm those that reside or commute in the area.
- 9.30 The Highway Authority has raised no objections to the proposal subject to conditions in respect of parking, cycle parking and stopping-up of the existing access.

The Impact on Residential Amenities

- 9.31 Paragraph 127 of the NPPF advises that planning decisions should ensure new development provides a high standard of amenity for existing and future users. In this case, the proposed apartment building would be a minimum distance of approximately 34m from the house on the opposite side of Church Road and approximately 34m from September House to the north of the site. As there are no significant differences in site levels between the application site and neighbouring properties, the proposed development would not harm the living conditions of neighbours as a result of loss of privacy, by appearing overbearing or from causing loss of sun or day light. A reasonable sized gap (of approximately 22m) between the proposed first floor living room windows and Rivermead to the east would be maintained, such that the development would also not harm the living conditions of occupiers of this neighbouring property.
- 9.32 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenities.
- 9.33 Future residents of the proposed flats would have good sized accommodation and would receive adequate levels of light to, and an acceptable outlook from, habitable rooms. The proposed amenity space exceeds the minimum guideline for this type of development as set out in the Borough Wide Design Guide and new occupiers would be within walking distance of Braywick Park.

Trees

- 9.34 The entire site is subject to Tree Preservation Orders. The initial response from the Tree Officer advised that as no detailed arboricultural information had been submitted with the application an assessment of the full impact of the proposal on trees could not be undertaken. The Tree Officer noted that the new building would be positioned closer to a group of trees on the northern boundary and suggested this may be within the minimum root protection areas for these trees. However, no objection was raised to the proposed new entrance on Church Road, and the retention of the trees and planting area along the verge on the western boundary of the site was welcomed as beneficial in providing some screening and softening of the proposed new development.
- 9.35 A further response from the Tree Officer, in relation to additional arboricultural information submitted, confirms that the proposed development can be completed without significantly impacting the retained trees on site. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas of retained trees or within the footprint of existing structures. The Tree Officer has advised that they have no objection to the proposal subject to conditions in relation to landscaping and tree protection.

Ecology

- 9.36 As the application site is surrounded by trees and the proposal involves the demolition of the existing dwelling on site, there is the potential for bats, (which are a protected species) to be affected by the development. A Phase 1 Bat Survey was undertaken in accordance with the required methodology and the submitted report concludes that there was no evidence of bats having used the existing house and no access points are present on areas likely to be impacted. As such a Phase 2 survey was not required. The scheme represents an opportunity to provide biodiversity enhancement measures which can be secured via condition.

Other Material Considerations

Housing Land Supply

- 9.37 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 (footnote 7), granting permission unless:

- i. 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*
- ii. 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.*

- 9.38 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..).'

- 9.39 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 (5hyr hls) is the 'standard method' as set out in the NPPF (2019). Therefore, for the purpose of considering this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.40 Although the application site is located within an area at high risk from flooding where relevant policies are generally restrictive to new development, the proposal has successfully demonstrated that it would not lead to an increase in flood risk. Even if this is not accepted by the Panel, in the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations it is not advised that any harm from the proposal would significantly and demonstrably outweigh its benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable and will become due if planning permission is granted. No CIL information has been submitted, but the application indicates that the development would lead to a net increase of 97sqm in floorspace over the existing. This will be checked and verified and the applicant invoiced accordingly if relevant.

11. CONCLUSION

11.1 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area, highway safety due to insufficient visibility splays, failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species).

11.2 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal will not be detrimental to the character and appearance of the area.

11.3 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime without increasing flood risk elsewhere.

11.4 The current proposal will not have an unacceptable impact on highway safety or, cumulatively, result in a severe impact on the road network. The application demonstrates that the development will not harm bats (a protected species). In all other respects, the proposal is acceptable.

11.5 When having regard to the reasons for the previous refusal, the extant permission relating to the site and a lack of a five year housing land supply, the proposed development complies with national and local planning policies and should be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site plan
- Appendix C – Floor plans
- Appendix D - Elevations
- Appendix E – Street elevations

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
2 permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990
(as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the
external surfaces of the development have first been submitted to and approved in writing by the
Local Planning Authority. The development shall be carried out and maintained in accordance
with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 No development shall take place until a specification of all the finishing materials to be used in
the hard surfacing on the application site have been submitted to and approved in writing by the
Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area and flood risk Relevant Policies -
Local Plan DG1, F1.
- 4 No development shall commence until details of the locations and size of any area to be used for
the storage of site materials, construction/operative parking and any ancillary temporary buildings
have been submitted to and approved in writing by the Local Planning Authority. There shall be
no storage, parking or siting of buildings outside the agreed areas.
Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and
reduction of flood water storage capacity. Relevant Policy - Local Plan F1.
- 5 Any walls or fencing constructed within or around the site shall be designed to be permeable to
flood water in accordance with details that have first been submitted to and approved in writing by
the Local Planning Authority. Such walls or fencing shall be erected and permanently maintained
prior to the occupation of the development and in accordance with the approved details.
Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and
reduction of floodwater storage capacity. Relevant Policies - Local Plan F1
- 6 No development shall commence until details of all finished slab levels in relation to ground level
(against OD Newlyn) have been submitted to and approved in writing by the Local Planning
Authority. The development shall be carried out and maintained in accordance with the approved
details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 7 Prior to the commencement of any works of demolition or construction a management plan
showing how demolition and construction traffic, (including cranes), materials storage, facilities
for operatives and vehicle parking and manoeuvring will be accommodated during the works
period shall be submitted to and approved in writing by the Local Planning Authority. The plan
shall be implemented as approved and maintained for the duration of the works or as may be
agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local
Plan T5.
- 8 No part of the development shall be occupied until vehicle parking and turning space has been
provided, surfaced and marked out in accordance with a layout that has first been submitted to
and approved in writing by the Local Planning Authority. The layout shall include increasing the
width of the parking bays that are enclosed or bounded on one side from 2.4m to 2.7m. 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 and turning 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.
- 9 No part of the development shall be occupied until covered and secure cycle parking facilities
have been provided in accordance with details that have first been submitted to and approved in
writing by the Local Planning Authority. These facilities shall thereafter be kept available for the
parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to
encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 10 The existing access to the site of the development shall be stopped up and abandoned
immediately upon the new access being first brought into use. The footways and verge shall be

reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

- 11 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.

- 12 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved 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 a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 13 The development hereby permitted shall not be occupied until the locations and specifications of biodiversity enhancements - to include, but not be limited to, bat and bird boxes, have been submitted and approved in writing by the council. The biodiversity enhancements shall be installed and thereafter maintained as agreed.

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

- 14 Prior to occupation, a flood warning and evacuation plan (FWEP) for the development shall be submitted to and approved in writing by the local planning authority. The FWEP shall include, but not be limited to, measures to inform occupiers of the development of a safe escape route to be taken ahead of a major flood event, following announcements of flood warnings. The measures shall be implemented and thereafter maintained as approved.

Reason: To reduce the risk from flooding to occupiers of the development. Relevant Policies - Local Plan F1.

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

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

Informatives

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

- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All

construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

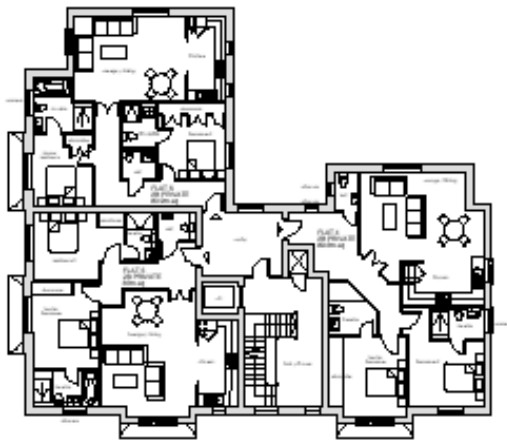
- 3 The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. 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 No working on Sundays or Bank Holidays.



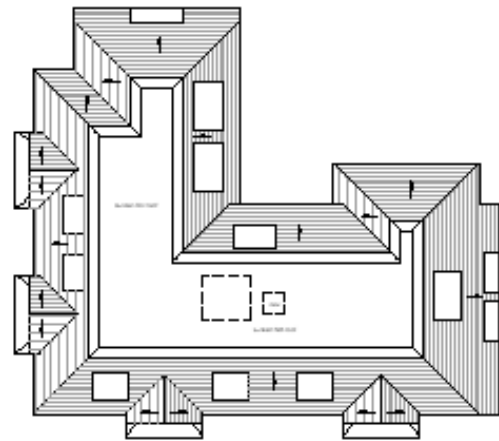
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Location Plan

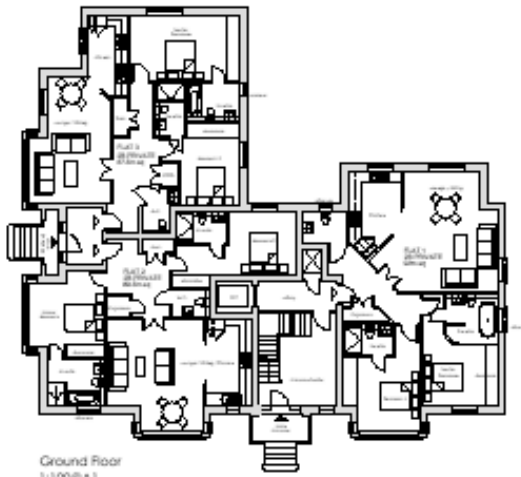




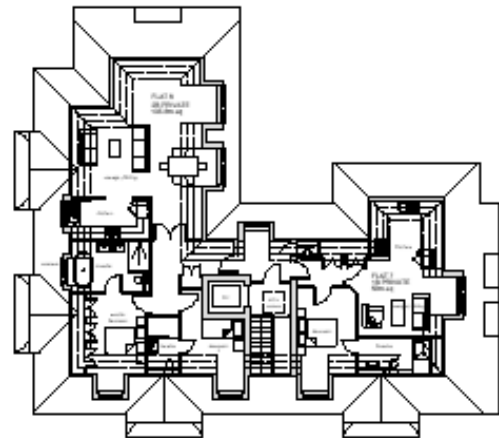
First Floor Plan
1:100(A1)



Roof Plan
1:100(A1)



Ground Floor
1:100(A1)



Second Floor
1:100(A1)



South Elevation from Church Road
1:100(BA)



West Elevation from Bray Road
1:100(BA)



East Elevation
1:100(BA)



North Elevation
1:100(BA)



West Elevation (along Bray Road)
1:100(A1)



South Elevation (along Church Road)
1:100(A1)

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Agenda Item 6

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PANEL

21 October 2020

Item: 3

Application No.:	20/01145/FULL
Location:	Windsor Garden Centre Dedworth Road Windsor SL4 4LH
Proposal:	The demolition of the existing buildings and structures, and the construction of a Class A1 discount food store with associated access, car parking and landscaping.
Applicant:	Aldi Stores Limited
Agent:	Alan Williams
Parish/Ward:	Bray Parish/Clewer And Dedworth West
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 The redevelopment of the existing garden centre with a food store is considered to be acceptable in principle and the proposal would constitute appropriate development in the Green Belt.
- 1.2 The building has been sympathetically designed and the majority of the landscaping is to be retained with some additional tree planting/ landscaping provided. The proposal would not detract from the character and appearance of the site itself or the locality in general and would adequately preserve the setting of the adjacent grade II * listed building.
- 1.3 The proposal would incorporate mitigation measures to help limit the amount of noise and disturbance to the adjoining properties and would have no adverse impact on their amenities.
- 1.4 It has been adequately demonstrated that the proposal would have no adverse impact on the surrounding highway network or highway safety. The proposal is also deemed to be acceptable in terms of ecology, flood risk and drainage.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission with the conditions listed in Section 13 of this report following the satisfactory completion of a s106 agreement to 1) secure an appropriate financial contribution towards sustainable transport measures to improve public transport accessibility 2) secure an appropriate financial contribution towards highway infrastructure improvements on the local highway network and 3) secure a Travel Plan.
2	To refuse planning permission if an undertaking to secure the necessary highway improvements and travel plan is not secured by 13th January 2021 (12 weeks), unless an extension is agreed in writing with the LPA, for the reason that the proposal would be harmful to highway safety and the free flow of traffic and would not be a sustainable form of development contrary to policy T5 of the Local Plan and paragraphs 108, 109, 110 and 111 of the NPPF.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the northern side of Dedworth Road (B3024) to the west of Windsor. The site measures 0.85 hectares and currently comprises a garden centre with outdoor display areas and car parking for approximately 100 cars, served by an existing vehicular access onto

Dedworth Road. The main building has vertical timber cladding and a corrugated iron roof. As well as a garden centre the building accommodates Maidenhead Aquatics and Pets Corner, a cafe and small indoor children's play area. A hand car wash operates at the front of the car park.

- 3.2 The periphery of the site is reasonably well screened by trees and vegetation and a landscaped embankment runs along the site frontage. To the east of the site lies a private access road and the suburban residential area of Dedworth. To the north lies open fields. To the west lies The Old Farmhouse, a grade II* listed building (a B & B), The Old Farmhouse Cottage (used as staff accommodation) and Bishops Hall (a barn used as outpatients consulting rooms) which form part of the Cardinal Clinic, an independent psychiatric hospital/clinic. To the south of Dedworth Road lies Fair Acres Farm which comprises several small business units and residential properties. This part of Dedworth Road is semi-rural in character.

4. KEY CONSTRAINTS

- 4.1 The site lies within the designated Green Belt and adjacent to a Grade II* listed building, 'The Old Farmhouse'. The site lies within Flood Zone 1.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish the existing garden centre buildings and structures and the construction of an 1,864 sq.m (GEA) Class A1 food store (net retail sales area of 1,315 sq.m). The car park would provide 113 parking spaces including 4no. spaces for disabled users, 9no. parent and child designated spaces, 2no. electric car parking spaces with infrastructure to be installed for a further 20 electric parking spaces in the future. There are 5no. Sheffield hoops to provide cycle parking for 10 bicycles under the store canopy. The car park would be served by the existing vehicular and pedestrian access and would remain unchanged. Most of the trees and planting around the periphery of the site would be retained with some additional planting.
- 5.2 The proposed building would be sited in a similar position to the existing building and would be set well back from the site frontage. The building would have a flat roof with an overall height of 5.5m. The proposed building would have a greater width than the existing building and a reduced depth. The building would comprise retail floor area (1,315 sq.m), a warehouse, plant room, staff room, manager's office, meeting room and toilets. The delivery loading bay and plant compound would be enclosed by a 4m high acoustic fence and would be sited on the western side of the building. Some of the plant equipment is located internally in order to minimise noise and ensure external landscaping along the western boundary can be maximised. The main store entrance would be sited on the south eastern corner of the building and would look out across the car park and face the site entrance. The store is proposed to operate between the hours of 0800 to 2200 Monday to Saturday and between 1000 and 1800 on Sundays. Deliveries would be a maximum of 2 per day between the hours of 0700 and 2200 Monday to Saturday and one delivery between 0900 and 1700 on a Sunday.
- 5.3 During the course of the application some revisions have been made which include:
- The relocation of the 4m high acoustic fence away from the western boundary of the site.
 - Inclusion of timber cladding to the external elevations of the store building.
 - Revisions of the external plant compound.
 - A more robust landscape scheme.
 - Relocation of cycle parking closer to the store entrance
 - Slight re-configuration of the car parking layout.
- 5.4 The application has been accompanied by supporting documents including a Design and Access Statement, a Planning Statement and Statement of Community Involvement.

5.5 The relevant planning history relating to this site is set out below:

Application Ref	Description of Works	Decision and Date
466203	Erection of a garden centre building with ancillary cafe, outdoor display areas and associated car parking. An appeal against the imposition of conditions 1 & 2 (landscaping conditions) attached to 466203	Planning Permission granted 27 th April 1990 Dismissed February 1991
10/00529/FULL	Demolition of existing canopy (422 metres square), erection of a covered walkway (334 metres square), replacement of existing gates.	Permission granted April 2010.

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
Parking & Highways	P4, T5, T7
Trees & Hedgerows	N6 & N7
Green Belt	GB1, GB2
Setting of Listed building	LB2
Retail Development	S5
Noise	NAP3

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4 - Decision-making

Section 7 - Ensuring the vitality of town centres

Section 9 - Promoting Sustainable Transport

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Borough Local Plan: Submission Version and Proposed Changes (2019)

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Housing Development Sites	HO1	HO1
Sustainable Transport	IF2	IF2
Shops outside defined centres	TR6 & TR7	TR6 & TR7
Historic Environment	HE1	HE1
Managing Flood Risk	NR1	NR1
Trees, Woodlands and Hedgerows	NR2	NR3
Nature Conservation	NR3	NR2
Environmental Protection	EP1, EP2, EP3 & EP4	EP1, EP2, EP3 & EP4
Infrastructure and Developer Contribution	IF1	IF1

- 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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. In October 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- 7.4
- Borough Wide Design Guide (June 2020)

Other Local Strategies or Publications

- 7.5 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

30 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 22.5.20 and 30.6.20 and the application was advertised in the Local Press on the 28.5.20 and 2.7.20.

214 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. There is a need for another supermarket	Not a material planning consideration
2. The scheme is sensitively designed	Noted
3. Aldi would be a welcome addition and create more jobs	Noted
4. Will provide healthy competition	Not a material planning consideration
5. Traffic generated by supermarket will be nothing compared to traffic congestion from housing development.	Needs to be assessed on its own highway considerations
6. A low-cost supermarket will benefit local families.	Not a material planning consideration
7. Opening hours will benefit local community especially those working shifts.	Noted
8. Secure jobs will be a boon to local economy.	Noted
9. Nearest Aldi store 10 miles away	Not a material planning consideration
10 Many residents live within easy walking distance of the new store	Noted

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

Comment	Where in the report this is considered
1. The Cardinal Clinic, an independent psychiatric hospital borders the site and is set within extensive grounds. The extended opening hours and noise from lorries and customer traffic will have a detrimental effect on the tranquillity of the environment which is essential to the wellbeing of patients.	See paragraphs 9.34-9.43
2. The car wash facility at the garden centre has caused noise issues to The Old Farmhouse B & B and the outpatients department at Bishops Hall.	9.34-9.43
3. Aldi's trading hours and the delivery ramp next to the boundary with The Old Farmhouse and the Cottage (staff accommodation) and Bishops Hall will be intrusive and could affect the viability of the businesses.	9.34-9.43
4. Noise and disturbance will disrupt outpatients' consultations at Bishops Hall.	9.34-9.43
5. Many more car movements will cause extra noise and air pollution and cause traffic congestion. The A308 is already overloaded during peak times.	9.27-9.46 & 9.47-9.70
6. The delivery ramp on the boundary between The Garden Centre and The Old Farmhouse will produce extra noise from deliveries.	9.34-9.43
7. A garden centre is acceptable in the Green Belt, but not a retail store.	9.2-9.14
8. The licenced Borehole supplying water to The Cardinal Clinic is sited approx. 50m from the garden centre building. This needs to be considered if new foundations are planned.	9.85
9. Inappropriate development in the Green Belt.	9.2-9.14
10 No very special circumstances to justify large supermarket in Green Belt. Conflicts with NPPF and planning policies	9.2-9.14

11	Already a large supermarket (Tesco) close to the site. Community is already well served with shops.	Not a material planning consideration
12	The Old Farmhouse is a grade II * listed building dating back to the 15 th century and is run as a B & B – siting of a delivery ramp close to this building will damage business.	9.34-9.43
13	Predominantly residential area – development could cause considerable disturbance to local homes.	9.34-9.44
14	Garden centre offers a coffee shop, children's play area and local garden and gift shopping experience with little impact on the local community – residents would have quite a drive to find a similar amenity.	9.5
15	Insufficient parking	9.49-9.50
16	Road is not wide enough or designed to accommodate a high flow business.	9.51-9.62
17	Application needs to be considered in conjunction with the housing allocation site AL21/HA21 in the Borough Local Plan – the awaited A308 survey is long overdue but it is obvious that the levels of noise and pollution would be too excessive.	9.37-9.46 & 9.47-9.70
18	The area needs a garden centre – it is an important community asset	9.5
19	Impact on local small grocery outlets	Not a material planning consideration
20	Proposed retail store will generate significantly more traffic and will have extended opening hours – the existing Tesco store has limited hours and independent access for deliveries.	9.55-9.59
21	No alterations are proposed to the existing vehicle access which is potentially dangerous.	9.51-9.62
22	RBWM recognises that there are already significant traffic issues on the A308 'corridor' and is participating in a government funded study to consider necessary improvements to this key route. A comprehensive assessment of traffic impacts is required.	9.64
23	There are no pedestrian footways on Oakley Green Road and levels of risk to pedestrians walking to and from the supermarket will be exacerbated.	9.65-9.67
24	The garden centre and adjacent land were seriously flooded in 2014 and the Environment Agency maps reveal that the land is susceptible to surface water flooding.	9.77 – 9.80
25	Not the right location for an Aldi store	9.2-9.5
26	Needs to have a dedicated right lane (as with existing Tesco store) and speed limit reduced to 30mph.	9.54
27	Opening hours should be restricted to same hours as garden centre or same hours operated by Tesco. Tesco superstore opens at 9am and closes at 8pm on weekdays, other than Fridays when it closes at 9pm	9.34 – 9.43
28	If permission is allowed the proposed development for housing should be removed from the Borough Local Plan due to the combined traffic and pollution effects of both developments.	9.2-9.5
29	Noise and pollution caused by ramp and cooling plants next to fence between The Old Farmhouse and the site will severely encroach onto The Old Farmhouse (4* silver award B & B), Bishops Hall (an out-patient department for the Cardinal Clinic comprising 8 consulting rooms) and The Cottages occupied by staff and their family.	9.34-9.43
30	Aldi store will attract significantly more customers and more outside activity from vehicles movements, parking, slamming of car doors, trolley parking, shouting etc. Activities would be spread over an additional 40 hours per week.	9.34-9.43
31	Aldi proposal needs planning permission and therefore needs to be assessed against policies relating to Green Belt, traffic, amenity and heritage.	Section 9

32	Delivery and unloading activities could start at 7am and finish at 11pm and vehicles reversing will be accompanied by loud reversing alarms causing noise and disturbance to the adjoining site.	9.34-9.43
33	Increase in air pollution from additional number of customers and heavy vehicles adjacent to neighbouring properties.	9.33
34	Aldi claim to be providing 27 new (full time equivalent) jobs but 60 full time jobs, plus work of 30 additional consultants at the Cardinal Clinic could be jeopardised.	9.34-9.43
35	The Inspector conducting the Examination of the Draft Borough Local Plan has specially referred to concerns which ' have been raised in relation to the effect of this development (housing allocation AL21) upon the well-being of patients being treated at the Cardinal Clinic Mental Health Facility'	9.2-9.5
36	Plant compound directly adjacent to adjacent property – noise from refrigerators and cooling plant would be 24 hours per day.	9.38
37	Light pollution from floodlit car park and service areas.	9.32
38	The site falls within a much larger site allocated for approximately 450 houses, community run, educational facilities as well as sports pitches and open space – the BLP must be given very limited weight. The application pre-empts the BLP and conflicts with its proposals for the site.	9.4
39	Detrimental to the setting and amenity of the grade II* listed building.	9.19-9.24
40	No public transport to the site, very narrow footpath along this narrow stretch of road and no cycle paths.	9.44-9.67
41	Council needs to consider imposing traffic restrictions to lorries along this stretch of road and Aldi should contribute towards these changes to facilitate this safer route.	9.44-9.67
42	2 electric vehicle charging stations is not adequate	9.44-9.67
43	Existing entrance to the site is unsuitable to cater for both entry and exit traffic and will increase the level of danger.	9.44-9.67
44	Concern that store will generate food waste and abandoned trolleys.	9.84
45	Planned buildings, delivery areas and car park would be sited very close to the children's clinic in Bishops Hall – would cause distress and difficulty to children with special needs.	9.34-9.43
46	Drainage problems -drains are regularly blocked. Raw sewage comes up through the drains and drains will not cope with more pressure on them.	9.77-9.80
47	HGV ban on Oakley Green Road came into force in January 2020.	9.44-9.67
48	Light from building will cause disturbance	9.32
49	Increase in footfall could increase crime	9.83
50	Loss of wildlife	9.72-9.76
51	Opening hours of the garden centre are 9am-5pm Monday to Saturday and 10am-5pm on Sunday.	9.34-9.43
52	Traffic analysis conducted on October 23 rd 2019 – this was half term and not representative of 'normal' term time.	9.55
53	Traffic analysis assumes peak time to be 1700-1800 however daily traffic heavy between 1500-1800.	9.44-9.67
54	Replacement community facilities including a cafe and facilities for elderly and young families need to be considered.	9.5
55	Over provision of car parking will encourage car borne trips to the store; lack of sustainable travel options and being located outside the built-up residential area – contrary to NPPF and RBWM Parking Strategy. Full review of the trip generation of the proposal needs to be undertaken and it has not been demonstrated that a servicing vehicle can safely access and egress the site without being required to drive into the path of oncoming vehicles.	9.49-9.50
56	Impact on Windsor Town Centre	9.3

57	In response to the examination Inspector's questions regarding site allocation AL21 in the emerging local plan the Council anticipates a carefully designed, well landscaped, comparatively low density housing development with gardens and open space, on the part of the site adjoining the grade II * heritage asset and the tranquil Cardinal Clinic. It does not anticipate a popular discount store, with daily 16 hour opening hours within metres of the adjacent site. This demonstrates how unsuitable the discount store would be adjacent to the grade II* listed building and highly respected mental health hospital, the Cardinal Clinic and the application should be refused.	9.19-9.43
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In addition, a petition has also been signed by the staff of The Cardinal Clinic (46 signatures) opposing the application for the following reasons:

- Cardinal Clinic's Out-patient suite of 7 rooms (Bishops Hall) is within a few metres of the boundary. It is crucial that a peaceful, quiet and uninterrupted environment is provided for Consultations with patients.
- Cardinal Clinic, established 44 years ago is not a locked hospital. To have a store next door, selling alcohol could present a problem for patients with alcohol dependency.
- The necessary deep foundations and planned ramp adjacent to boundary will almost certainly damage The Old Farmhouse, a grade II* listed building.
- The site is Green Belt land.
- Local roads are already over capacity – frequent tailbacks of traffic at junction.
- Pollution levels are already above recognised limits at some places on the A308 – Aldi will have twice as much traffic as Garden Centre.
- The drains in the Dedworth Road are insufficient to deal with present load – flooded with sewage many times in the past.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Section	No objection on parking or highway grounds subject to appropriate conditions and a section 106 agreement to secure an appropriate financial contribution towards sustainable transport measures to improve public transport accessibility; an appropriate financial contribution towards highway infrastructure improvements on the local highway network and a Staff Travel Plan.	See paragraphs 9.44- 9.67
Lead Local Flood Authority	Recommend that planning permission be granted subject to a suitably worded condition.	Paragraphs 9.77-9.80

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	Revised scheme has overcome original objections.	9.19-9.24
Historic England	No comment – (not required to be consulted)	Noted

Environmental Protection	No objection subject to appropriate conditions.	9.32-9.43
Tree Officer	No objection subject to appropriate conditions	9.68-9.71
Environment Agency	No comment – (not required to be consulted)	Noted
Ecology Officer	No objection subject to suitable conditions	9.72-9.76
Berkshire Archaeology Officer	No requirement for archaeological mitigation	Noted
Crime Prevention Design Advisor	No objection to revised scheme	9.83
Thames Water	No objection. Informative to be added	9.85
Bray Parish Council	<p>Bray Parish Council objects to this planning application, for the reasons listed below.</p> <p>Green Belt GB1</p> <p>The site is in the Green Belt and not a Brownfield Site as indicated by the applicant. Current Planning Policy would allow a Garden Centre but the development of a food store is inappropriate within a Green Belt location.</p> <p>Although the site is shown as being within an area (AL21) in the latest version of the Council's Draft Borough Local Plan (BLP) which is allocated for new housing and is proposed to be removed from the Green Belt, this version of the BLP has not been examined by a Planning Inspector and has therefore not been adopted by the Council. As it stands, the BLP carries very little weight in terms of planning policy and must be disregarded in terms of the decision on this planning application. In any event, neither the BLP nor any other planning policy document allocates this land as a food store.</p> <p>Absence of Very Special Circumstances GB2</p> <p>The applicants put forward an argument that because a garden centre with a larger building exists on the site, this amounts to very special circumstances in favour of the development. Each planning application must be considered on its own merits, and there is no justification for permitting a large food store in the Green Belt.</p> <p>The applicants argue that retailing use in the</p>	See paragraphs 9.6-9.14

	<p>existing building means that there can be no objection to the development of a large retail food store. This ignores the entirely different use of the two shops. The current garden centre is designed for un-rushed, leisurely shopping whereas the proposed food store will be filled with essential goods and designed to accommodate maximum numbers of shoppers. The proposed store will cater for a very significant increase in shoppers who will visit the store over considerably longer hours. The character of these two shops will have little or no similarity between them.</p> <p>The applicants claim this will be the only cut price store in the area but have not taken into consideration the Lidl store in Maidenhead.</p> <p>The applicants argue that this location is central to their expected customer base, but the location is a rural green belt site, with overcrowded roads, poorly served by public transport and poor walking routes.</p> <p>Highways, Traffic, Transport and Access</p> <p>The application site is served by a local road network which is already congested at many times of day and unsuitable for further heavy traffic. The location is poorly served by public transport. No suggestions have been made to how existing traffic conditions or public transport services might be improved as a result of their proposed development.</p> <p>The site is within 0.5 miles of the junction of the B3024 with the A308 and the Parish council has previously made public its concern regarding levels of road traffic on this road and is a partner in a study of this areas. It is also concerned about the effects of pollution and congestion from additional traffic on the already busy Dedworth Road and so does not support the proposal for these reasons.</p> <p>The application does not seek to change the current access points and Councillors are concerned about the dangers, particularly turning right out of the site on this busy and congested road.</p> <p>Impact on Neighbours</p> <p>To the immediate west of the application site is a group of buildings including the Cardinal Clinic, a highly regarded private hospital, renowned for its treatment for mental illness. Its' success is due to its peaceful and attractive setting.</p> <p>Their work would be severely disturbed by the arrival of a busy food store, with customers parking, collecting trolleys, entering and leaving the premises, and heavy delivery vehicles arriving and unloading especially as these activities would take place between the hours of 7am and 11pm, six days</p>	<p>See paragraphs 9.44-9.67</p> <p>See paragraphs 9.25-9.43</p>
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	<p>per week, with reduced opening hours on Sunday. This is not comparable to the presence of the current garden centre, which has far less intensive use and greatly reduced opening hours.</p> <p>It would be disastrous for the patients and specialists if the Cardinal Clinic were to be forced to curtail or cease its activities because of the disturbing and incessant presence of a busy food store on adjacent land.</p> <p>Heritage</p> <p>The Council's constraints list indicated that the development would be within 10 metres of valued heritage asset, the grade II * Listed Old Farmhouse, and the buildings within its curtilage. These buildings form part of the group of buildings of which the Cardinal Clinic is a major part, and are used as bed and breakfast accommodation, staff accommodation, and for outpatients of the Clinic. The grade II* listed Farmhouse is one of the most important historic buildings in the locality and has been excellently maintained by its owners.</p> <p>Historic England have submitted an objection to the Draft BLP which allocated the application site as part of an area for new housing, on grounds of its impact on this heritage asset. A large food store on this land would be considerably more inappropriate, within 10 metres of the listed building, paying no respect or regard for this important and historic structure. Indeed, the applicants have emphasised their disregard for this heritage asset by choosing to locate the heavy vehicle delivery point and loading bay at the closest available point to the listed building.</p> <p>The Parish Council requests that RBWM refuses this application on grounds of:</p> <ol style="list-style-type: none"> i. Unacceptability in a Green Belt location. ii. Absence of very special circumstances for development in a Green Belt iii. Increase in traffic congestion in the A308 corridor iv. Hazardous additional turning movements into and out of Dedworth Road v. Unacceptable detriment to amenities of the Cardinal Clinic and ancillary residences and uses vi. Detrimental impact on heritage asset in close proximity: The Old Farmhouse Grade II * Listed Building. 	<p>See paragraphs 9.19-9.24</p>
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Others

Group	Comment	Where in the report this is considered
Windsor & Eton Society	<p>The Windsor and Eton Society have considered these proposals and object to the design of the building and inadequate landscaping which we see as the urbanisation of this site in the green belt. We request this PA be refused for reconsideration.</p> <p>We do not object, in principle, to the garden centre being replaced by an Aldi store. As the proposed store does not constitute the 'multi-functional community hub' which the Borough have expressed the wish to see provided on this site, we will expect to see plans for this community facility when proposals come forward for the rest of the site.</p> <p>The design of the proposed building is extremely bland, does not convey a positive 'Sense of Place' for the locality as per the National Design Guide, and cannot be said to be an improvement over the existing building, which at least has some character. The proposed building could be in any town, anywhere.</p> <p>Aldi have the opportunity on this site here in the Windsor green belt to develop a building which is unique in terms of community enjoyment, a building that many will use, or may pass every day, as per C1 The National Design Guide. The use of more suitable materials, such as wood, in this location should be considered.</p> <p>The landscaping proposals of the whole site need to be more carefully considered and increased, in particular to soften the unbroken extent of tarmac of the car park. A good example of landscaped parking areas can be seen at Convent Court in Hatch Lane where the parking spaces are surrounded by hedges with trees. In addition to cycle parking for staff at the rear of the building customer cycle parking should be provided at the front entrance for accessibility and natural surveillance.</p> <p>In relation to the boundary planting. We hope that the bund will be retained which is pleasingly planted along the boundary with Dedworth Road. This will help to soften the impact of the development, particularly as the large, high Aldi sign at the entrance would increase the sense of urbanisation. We are also concerned that significant planting and trees will be maintained along the western boundary which borders The Old Farmhouse which is a 15th century Grade II* listed building . This heritage building so close to the boundary and it is important that any building or works do not harm this structure in any way.</p>	<p>See paragraphs 9.15-9.18</p> <p>See paragraphs</p> <p>See paragraphs 9.19-9.24</p>
Windsor Neighbourhood Plan	<p>The site is adjacent to the Windsor Neighbourhood Plan area and the Garden Centre is currently used by many residents in the Windsor area. Any future development of the site will impact on the community of West Windsor and the wider area.</p> <p>The WNP Committee would like to make the following comments on the application.</p>	

	<p>The design of the new store is disappointing. It uses a generic design of many Aldi stores usually found on retail and business parks and has failed to respond to its context which is a rural area in the Green Belt. The proposed building has a wide elevation facing the road and this is emphasised by the horizontal band of windows, the fascia and long flat roof. There is no arrival point. The proposed materials do not reflect those in the wider area where buildings are predominantly brick with tiled pitched roofs. The design should be amended to introduce more appropriate materials, include a corner feature at the entrance by changing to the roof design, possibly a clock feature similar to the current building.</p> <p>Only ten additional trees are proposed over the whole site which is fewer than the number to be felled. The landscaping scheme should include additional new trees and particularly more across the car park. This will better screen the building, provide habitat and shade to vehicles.</p> <p>The cycle parking provision is insufficient (only 5 hoops provided) and poorly located. They should be moved nearer the entrance where they will be more convenient for shoppers who cycle to the store and will have better public surveillance.</p> <p>The amenities of the local community will be diminished by the loss of the cafe on the site which has over many years been used as a meeting place. We would request that consideration is given to replacing this facility on the site.</p> <p>In summary it is considered that the proposal is not of high quality and fails to meet the requirements of Chapter 12 of the National Planning Policy Framework, and particularly paragraph 127. Please take the opportunity to ensure that the application improves the design and landscaping.</p>	<p>See paragraphs 9.15-9.18</p> <p>See paragraphs 9.68-9.71</p> <p>See paragraph 9.48</p>
<p>Oakley Green & Fifield Residents Association</p>	<p>Summary:</p> <p>Oakley Green & Fifield Residents Association (OGFRA) strongly objects to the above application for the following reasons:</p> <ul style="list-style-type: none"> • Conflict with Green Belt policies – construction of retail store is an inappropriate development and contrary to the NPPF and RBWM planning policies. There are no VSC to justify a large retail store in the Green Belt. • Pre-emptive of BLP Examination – the site lies within the proposed AL21 site allocation in the draft BLP for 450 residential units, public open space, football and rugby pitches and educational facilities no mention of retail facilities. The application is premature and the BLP should carry very little weight. • Traffic issues – traffic data does not give meaningful assessment of impact of store and level of traffic it will generate. Retail store will 	<p>See paragraphs 9.6-9.14</p> <p>Paragraph 9.4</p>

	<p>generate significantly more traffic than the existing garden centre. Aldi is seeking extended opening hours. The existing Tesco store located 500m along Dedworth Road has more limited hours and independent access for deliveries. Majority of visits will be by car. Local bus services, pedestrian and cycle access is limited. No alterations to the existing vehicle access is proposed. Significant impact on the surrounding roads. Additional traffic generated by proposed store cannot be justified until the A308 'corridor' study is complete. Comprehensive assessment of traffic impacts required.</p> <ul style="list-style-type: none"> • Air quality and noise – The proposed development, on site activity and associated increase in traffic will exacerbate existing noise and air pollution on roads in the area and have a detrimental impact on surrounding residential and business properties including the Cardinal Clinic and The Old Farmhouse. The position of the loading/unloading bay on the western boundary is adjacent to the outpatient and consulting rooms for the Cardinal Clinic and will have a serious impact on operation. • Heritage Assets – The Old Farmhouse is an important Grade II* listed building and is run as a B & B and the income support helps to support the upkeep of the building. Two other listed buildings located close to the site could be adversely affected by increased noise and pollution. • Flooding – Garden Centre site and adjacent land were seriously flooded in 2014 and the EA maps reveal that the land is susceptible to surface water flooding. Further assessment of flood risk of the whole of the AL21 site allocation should be looked out. The current main drains are also at capacity. <p>Aldi claim to be creating 40 jobs, but in reality this is simply replacing jobs lost at the Garden Centre and could lead to other job losses in small business along Dedworth Road.</p> <p>Aldi claim that their store has unique characteristics as a 'discount store' and that this constitutes very special circumstances that could allow development on this Green Belt site. However, whilst many residents may welcome the availability of a 'discount store' in the Windsor/Maidenhead area, this is not relevant from a planning perspective, and this is not the right location.</p>	<p>Paragraphs 9.43-9.67</p> <p>Paragraphs 9.33-9.43</p> <p>Paragraphs 9.19-9.24</p> <p>Paragraphs 9.77-9.80</p> <p>Paragraphs 9.6-9.14</p>
<p>The West Windsor Residents Association</p>	<p>Summary:</p> <p>The West Windsor Residents Association (WWRA) oppose the planning application based on unique planning issues of this particular site. We recognise that there is strong support for an alternative food retail choice and employment prospects and support residents on low income that are looking for more affordable food shopping. We would therefore be interested in supporting the developer to find an alternative more appropriate site.</p>	

	<p>Traffic levels are a major concern in this area. Deliveries and access directly affect The Old Farmhouse and the Saxon Barn and is unacceptable. Excessive opening times would result in excessive volumes of traffic mostly affecting Oakley Green Road, Dedworth Road, Ruddlesway, Gallys Road and Smiths Lane. Supermarket would mean greater volumes of traffic, with accompanying pollution, especially when considered in the unique context of the Cardinal Clinic which relies on tranquillity for rehabilitation of their patients.</p> <p>A supermarket is not acceptable on green belt land. The proposal adversely affects the openness impact test. The precious Green Belt should be protected and request that the application is refused for being contrary to policies GB1 and GB2 and cite concerns on highways, flood risk and protection of heritage assets.</p> <p>If the application is to be granted, we urge the Planning Authority to consider the following:</p> <ul style="list-style-type: none"> • Guarantees on traffic flow – only main roads (A roads) to be used. • Delivery times to be restricted to normal working hours with further restrictions on Sundays. • Local employment priority • Sight lines must not exceed the existing structure • Existing weight limits on local roads must be adhered to • Development must be as ‘green’ as possible. • Electric charging points should be considered. • Replacement community facilities including cafe and facilities for elderly residents and young families. 	<p>See paragraphs 9.34-9.43</p> <p>See paragraphs 9.6-9.14, 9.29-9.24</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Principle of development

9.2 The original planning permission for the garden centre was granted in 1990 (reference number 466203) for the erection of a garden centre building with ancillary cafe, outdoor display areas and associated car parking. It is generally accepted that garden centres fall within a retail use and would fall within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020, formerly Class A1 (retail) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing garden centre includes several retail concessions including Bonmarche, Maidenhead Aquatics, Pets Corner and Regatta Great Outdoors. There is also a cafe and a small children’s play area within the building and a car wash which operates at the front of the site. It is accepted that these are ancillary to the primary activity of the garden centre which is retail sales and that the lawful use of the site falls within Class E (formerly Class A1). The existing retail use is not subject to any use/opening hour restrictions.

9.3 Typically it would be expected that new retail development should be located within a town centre location to accord with the guidance set out in paragraphs 86-89 of NPPF and Local Plan policy S5 and emerging policy TR6. However the existing lawful use of the site falls within Class E (formerly Class A1 retail) and the existing retail use is not subject to any use/opening hours restrictions and there are no restrictions that limit the goods that can be sold from the premises. The provision of a new food store would also fall within Class E and there would therefore be no material change in the use of the site. In addition, the floor area of the proposed store would be

less than the existing floor area. As a result, neither a sequential test nor an assessment of the impact on the vitality and viability of the town centre is required in this case.

- 9.4 The site falls within the draft allocation site AL21 ‘Land west of Windsor, north and south of the A308’ which is allocated for approximately 450 residential units, strategic public open space, formal pitch provision for football and rugby, multifunctional community hub and educational facilities. Only limited weight can be given to the emerging Borough Plan at this time however it is considered that the policy aspirations for this site could still be delivered.
- 9.5 Whilst some of the representations have referred to the existing garden centre as a community asset/ hub, no policy objection can be raised to the loss of the existing garden centre. The principle of the re-development of the site as a food store is acceptable, subject all other issues set out below.

ii Impact on Green Belt

- 9.6 The site lies within the designated Green Belt and the government attaches great importance to Green Belts. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to ‘prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.7 Furthermore paragraph 145 of NPPF states that a local planning authority should regard the construction of new building as inappropriate in the Green Belt unless it falls within the list of exceptions which includes:
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- g) 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;*
 - or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’*
- 9.8 Further guidance published on the 22nd July 2019 clarifies what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt and includes the visual impact and volume of a proposal and the degree of activity likely to be generated such as traffic generation.
- 9.9 The proposal needs to be assessed against adopted Local Plan policies GB1 and GB2 and emerging policy QP5, which are generally consistent with the guidance set out in the NPPF.
- 9.10 The replacement building is proposed to be sited in a similar position to the existing building and a comparison between the existing building and proposed building is set out below:

	Existing	Proposed
Gross external Area	2,167 sq.m	1,864 sq.m
Height –central ridge	8.3m	5.5m
main ridge	5.7m	5.5m
Eaves	3.6m	5.5m
Width	48.8m	55-64m
Depth	45m	32-34m
Volume	11,181 cu m	10,244 cu m

- 9.11 From the calculations the footprint and the volume of the proposed building would be less than the existing building. The hipped roofs have been replaced with a flat roof, but overall, the height and massing would be less than the existing building. The proposal would result in a reduction in footprint and volume and as such, the proposed built form would not result in a greater impact on the openness of the Green Belt or be materially larger than the building it replaces.
- 9.12 The degree of activity generated by the proposed development should also be considered in relation to the assessment of the impact on the openness of the Green Belt. Given there is no change in the use of the site or an increase in proposed floorspace it would not be considered reasonable to suggest that there would be an increase in the level of activity proposed that would harm the openness of the Green Belt.
- 9.13 Overall it is considered that the proposed development would have no greater impact on the openness of the Green Belt and the proposal would constitute appropriate development in the Green Belt and accord with the guidance set out in the NPPF and Local Plan policies GB1 and GB2.
- 9.14 Whilst it is noted that the emerging Borough Plan seeks to remove the site and the wider allocation site from the Green Belt this can only be given limited weight at this time.

iii Impact on the character and appearance of the site itself and locality in general

- 9.15 Paragraph 127 of the NPPF and Local Plan policy DG1 set out the design guidelines and seek to ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The application has been accompanied by a Landscape and Visual Impact Appraisal.
- 9.16 As set out above the overall height, footprint and volume is less than the existing building and the store would be in a similar position to the existing garden centre building. The height has been kept to a minimum and the overall height and massing is considered to be acceptable. The store entrance would look out across the car park and face the site entrance. The proposed store is contemporary in design, having simple form and a flat roof. The elevations would be white rendered and during the course of the application the materials have been revised to include vertical timber cladding to help soften and improve the aesthetics of the building in this semi-rural location. The whole of the western elevation would be timber clad to help soften its appearances along the landscaped boundary facing 'The Old Farmhouse'. The window frames, doors and cantilevered canopy would be dark grey in colour. The simple cantilevered canopy at the store entrance would provide cover for the cycle parking and the trolley bay area.
- 9.17 The majority of the landscaping and planting around the periphery of the site would be retained and some additional planting is proposed. The retention and provision of landscaping is considered important in order to maintain the character and appearance of the site itself and the locality in general. The car park would be surfaced in black macadam and broken up with some tree planting which would also help to improve the appearance of the car park.
- 9.18 The layout of the site would remain similar to the existing site layout and no alterations are proposed to the existing vehicular access. The proposed building has been sympathetically designed and is set well back from the road frontage. The building would sit comfortably within the site and it is not considered that the proposal would detract from the overall character and appearance of the site itself or the locality in general. The proposal would accord with paragraph 127 of the NPPF and Local Plan policy DG1.

iv Impact on the setting of the adjacent listed building

- 9.19 The site lies adjacent to a grade II * listed building, The Old Farmhouse, a 15th century hall house which lies immediately to the west of the site. The impact on the setting of this listed building needs to be assessed. Local plan policy LB2 states that the Council will have special

regard to the preservation of listed buildings and their settings and will ensure that proposals do not adversely affect the grounds and/or setting of listed buildings. The application has been accompanied by a Heritage Statement and Archaeological Desk-Based Assessment.

- 9.20 As a grade II * designated heritage asset considerable importance and weight should be given to preserve or enhance its setting. The original rural setting of the Old Farmhouse has long since been lost, however it does retain a sense of detachment from the surrounding development. It sits within a large plot and is partially screened from the existing garden centre building and car park by mature and semi-mature deciduous and evergreen trees and shrubs, although there are currently some gaps in the vegetation/screening between The Old Farmhouse and the garden centre building.
- 9.21 Whilst the overall height and massing of the proposed building is considered acceptable, the Conservation Officer raised initial concerns regarding the design of the building and the siting of the delivery loading bay and plant close to the western boundary of the site. It was considered that by placing these services at this point, the proposal would have an impact on the aesthetic and function of the heritage asset and an increased sense of urbanisation. The proposed 4m high acoustic fence, originally to be sited along the western boundary, was also considered to have a detrimental impact on the setting of the Old Farmhouse and concern was raised that light pollution could also further erode the setting of the listed building.
- 9.22 The possibility of flipping the store round in order to relocate the loading bay on the eastern side of the building was explored during the course of the application. However the relocation of the loading bay to the eastern side of the store would have resulted in operational and circulation issues within the car park and the customer entrance and exit would have had to have been relocated to the western end of the site which would have caused significantly more noise and disturbance to the adjacent properties and created a less attractive appearance from the site entrance.
- 9.23 The proposal has however been revised to include the repositioning and reduction in the size of the external plant compound and the acoustic fence has been pulled away from the western boundary and is now sited alongside the loading bay to help minimise its aesthetic impact. In addition, a more robust tree planting and landscaping scheme is proposed to fill in the gaps along the western boundary. The lighting layout has also been revised to minimise the lighting levels along the western boundary. Timber cladding has also been added to the external elevations to help improve the overall design and appearance of the proposed store.
- 9.24 Overall the mitigation measures put forward in the revised scheme are considered to remove the previous objections and it is considered that the amended proposal would adequately preserve the setting of the adjacent listed building and the proposal would accord with Local Plan policy LB2.

v Impact on the amenities of the neighbouring properties including noise and disturbance

- 9.25 Paragraph 180 of the NPPF states *'Planning policies and decisions should also 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. In doing so they should:*
- a) Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) Limit the impact on light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

- 9.26 Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries. Emerging policies EP3 and EP4 refer to light and noise pollution. Development proposals should seek to avoid generating artificial light pollution where possible and proposals that are likely to have a detrimental impact on neighbouring residents, the rural character of an area or biodiversity should provide effective mitigation measures. Development proposals that generate unacceptable levels of noise and affect quality of life will not be permitted. The application has been accompanied by an Environmental Noise Assessment and Proposed External Lighting and Luxplot details.
- 9.27 In this case it is important to consider the proposals impact on the amenities of the neighbouring properties in terms of light, outlook, privacy, light pollution, noise and disturbance and in particular in terms of the immediate neighbours to the west of the site, 'The Old Farmhouse' (B & B), The Old Farmhouse Cottage (staff accommodation) and 'Bishops Hall' which provides consulting rooms in association with the Cardinal Clinic.

Impact on light, outlook and privacy

- 9.28 The existing garden centre building is currently sited between 5m and 8m from the western boundary of the site and has a hipped roof measuring 3.6m at eaves, rising to 5.7m in height. The western boundary is partially screened by an existing 3m high fence and trellis and some trees and planting.
- 9.29 The proposed store building would be sited in a similar position to the existing building, between 5.5m and 7.5m from the western boundary. It is designed with a flat roof, with an overall height of 5.5m. A 4m high acoustic fence is proposed to run alongside the loading bay and plant compound and would be sited between 1m and 5.8m from the western boundary. A distance of approximately 20m and 27m would be maintained between the proposed acoustic fence and building and the neighbouring B & B, The Old Farmhouse. Greater distances of between 22m and 32m would be maintained between the acoustic fence/plant compound and the proposed store and the neighbouring residential property, The Old Farmhouse Cottages (staff accommodation). A distance of approximately 16m and 17m would be maintained between the acoustic fence/plant compound and corner of the proposed store and Bishops Hall, the consulting rooms used in connection with the cardinal clinic.
- 9.30 The proposed flank elevation facing the neighbouring site would be clad in timber and no windows are proposed in this elevation. Additional planting is proposed to be provided between the store/ loading bay and the western boundary to help enhance and fill in the gaps in the existing screening.
- 9.31 Overall it is considered that sufficient distance would be maintained between the proposal and the neighbouring properties and the siting, height, scale and design of the proposal would not appear unduly prominent or obtrusive when viewed from the neighbouring site and the proposal would not result in an unacceptable loss of light, outlook or privacy to these properties.

Light pollution

- 9.32 During the course of the application a revised external lighting scheme has been submitted to reflect the amended site layout, to minimise the light levels along the western boundary and to deliver appropriate lighting levels at the site access. The scheme includes 6m high columns within the car park which are proposed to be switched off between the hours of 2200 and 0700. Other lights include loading bay lights which would be controlled by detectors and wall downlights on the store building itself, which would operate during darkness for low level security. The external lighting has been designed in accordance with guidance set out by the Institute of Lighting Engineers to help reduce nighttime light pollution. The lux levels have been plotted and it has been adequately demonstrated that there would be no unacceptable level of artificial light pollution which would be detrimental to neighbouring properties or the character of the locality in general.

Air quality

- 9.33 Some concern has been raised regarding the potential impact of the proposal on air quality particularly in terms of the increase in traffic movements. The proposed development site is not within or close to an air quality management area and based on the existing local air quality conditions (nearest monitoring site is WM1 in Longmead) the risk of the air quality objectives being exceeded as a result of the proposed development is low.

Noise and Disturbance

- 9.34 A significant amount of concern has been raised to the potential for noise and disturbance to the adjacent site and in particular in terms of The Old Farmhouse (a B & B), The Old Farmhouse Cottage (staff accommodation) and 'Bishops Hall' which provides consulting rooms in association with the Cardinal Clinic. Concern has been raised that the tranquillity of the neighbouring site will be unduly affected.
- 9.35 The proposed store would have a similar car parking layout to the existing site, with car parking being provided at the front. The loading bay and plant compound is proposed to be sited on the western side of the store building approximately 20m and 25m respectively from 'The Old Farmhouse', the nearest noise sensitive receptor. The existing garden centre is currently open between the hours of 0900 and 1700 Monday to Saturday and between 1000 and 1630 on Sunday. A Hand Car Wash currently operates from the car park. The Tesco store in Dedworth Road is surrounded by residential properties and the store is open between the hours of 9am and 8pm every day except on a Friday when it is open between 9am and 9pm and on a Sunday between 10am and 4pm.
- 9.36 The proposed store is to operate between the hours of 0800 and 2200 Monday to Saturday and between 1000 and 1800 on Sundays. Deliveries by articulated lorries would be a maximum of 2 per day between the hours of 0700 and 2200 Monday to Saturday and one delivery on a Sunday between the hours of 0900 and 1700. The application has been accompanied by an Environmental Noise Assessment which has been updated to reflect the latest changes to the scheme and includes the 4m high acoustic fence alongside the loading bay and the plant compound. The size of the external plant compound has also been reduced. The object of the assessment is to determine how noise that may be generated from the proposal would affect residential amenity. The main impacts have been identified as noise from fixed mechanical plant, noise from servicing activity and noise from trading activity.
- 9.37 A noise survey was carried out at the site between Wednesday 11th and Thursday 12th September 2019 to establish the existing noise climate in the vicinity of the site, at a position representative of the closest residential properties to the proposed store. The noise levels measured during the survey were noted to be principally caused by road traffic and aircraft sources. The Environmental Protection team has confirmed that the methodology and the details provided in the noise assessment are satisfactory.

Noise from mechanical service plant

- 9.38 The fixed plant would comprise refrigeration and ventilation equipment. During the course of the application the plant compound has been reduced in size and moved further away from the western boundary. The gas cooler unit is to be provided externally and the compressor packs are to be located internally within the back of house area of the proposed store building. It is considered appropriate to set plant noise limits through the imposition of a suitably worded condition based on the survey of background sound levels. In this case the noise rating level limits of 44 dB between the hours of 0700 and 2300 hours and 32 dB at all other times is considered appropriate and this can be secured by condition. In addition, a scheme for the insulation of plant in order to minimise the level of noise emulating for the plant can be secured by condition, as well as restricting the hours of repair and maintenance of plant.

Noise from customer car parking activity

- 9.39 The noise from customer car parking activity has been assessed and the predicted car park noise levels are significantly below the existing daytime ambient noise climate. The closest proposed car parking spaces are approximately 17 metres from the nearest property at The Old Farmhouse. The predicted levels at The Old Farmhouse would be 42 dB LAeq,1hr (peak time) and 37 dB LAeq,1hr (off peak). The car parking would be the dominant noise and noise from the use of trolleys would be within the predicted levels. From the data it is concluded that the store could trade between 0700 and 2300 hours without giving rise to significant adverse impact. However, the store opening hours are proposed to be between 0800 and 2200 hours.

Noise from delivery activity

- 9.40 Service vehicles would enter the site from Dedworth Road and then manoeuvre in the car park so that they would reverse into the loading bay which would be located on the western side of the store. Two deliveries by articulated lorry per day are proposed, Monday to Saturday with one delivery on a Sunday. The loading bay would be located 5.8m from the western boundary of the site and 21m from the nearest sensitive noise receptor. Noise levels of the different components of service activity have been measured in the report using data from similar Aldi stores. The calculations have been revised to take account of the installation of the 4 metres high acoustic grade fence alongside the loading bay/plant area. Overall, the report concludes that deliveries could be made between 0700 and 2300 hours without associated noise giving rise to significant adverse impact.
- 9.41 The Environmental Protection team is satisfied that the methodology and details of the assessment are acceptable and concludes that the noise emissions from the operations of the proposed development would not cause significant adverse impact. Despite this conclusion and given the amount of local concern raised to potential noise and disturbance it was considered appropriate to explore the possibility of reducing the delivery times to between 0800 and 2200 Monday to Saturday and to between 1000 and 1700 on a Sunday. The applicant has however indicated that these reduced hours would cause operational issues as it is important that Aldi has a window of opportunity to get fresh produce into store before the store opens at 8am. They have therefore indicated that they would be prepared to reduce the delivery hours to between 0700 and 2200 Monday to Saturday and 0900 to 1700 on Sundays.
- 9.42 In addition, the application has been accompanied by a Quiet Delivery Scheme in help provide some additional comfort that the deliveries would not cause unacceptable impacts on amenity. The scheme provides a guide for delivery operations for the proposed store and sets out specific measures to ensure that the store deliveries will be carried out in a quiet manner and would not result in any detriment to amenity. The proposed method of deliveries would comprise vehicles docking directly onto the building with a seal between the vehicle and store. This means that goods are transferred from the lorry trailer to the warehouse without travelling outside and this contains the noise within the building and the lorry trailer. No external cages are required. Other measures include switching off the vehicles reversing alarm outside store opening hours. Appropriate conditions can be secured to restrict the hours of delivery and to ensure that the Quiet Delivery Scheme is implemented in order to protect the amenities of the neighbouring properties.
- 9.43 Based on an assessment of the noise standards it is not considered that the noise generated by the proposal would have a significant impact on the adjoining properties in terms of noise and disturbance. On this basis and subject to the imposition of suitable conditions the application is considered to comply with paragraph 180 of the NPPF, Local Plan policy NAP3 and emerging policies EP3 and EP4.

vi Highways & Parking

- 9.44 The site is located to the north of the B3024 Dedworth Road and is currently served by a vehicular access off Dedworth Road. The site lies approximately 4.3km to the west of Windsor Town Centre. The application has been accompanied by a Transport Statement which provides

an assessment of the Transport matters and includes delivery and servicing details and trip generation data. Swept path analysis and a Draft Staff Travel Plan have also been supplied.

- 9.45 Paragraph 108 and 109 of the NPPF states that in assessing specific applications for development it should be ensured that:
- *Appropriate opportunities of promote sustainable transport modes can be – or have been – taken up given the type of development and its location;*
 - *Safe and suitable access to the site can be achieved for all users; and*
 - *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Development should only be prevented or refused on highway grounds if there would be in unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.46 Local Plan Policy T5 states that all development proposals will be expected to comply with the Council's adopted highway design standards. Local Plan policy P4 requires all development proposals to provide car parking in accordance with the Council's parking standards and Local Plan policy T7 requires adequate provision for cyclists.

- 9.47 The existing site is in Class A1 use and has a GFA of 2,167 sq.m and over 100 car parking spaces. A hand car wash operates from the front of the site. Vehicle access to the site is via a standard priority junction measuring approximately 9.2m in width. A footpath runs along the northern side of Dedworth Road and there is a pedestrian crossing to the east of the site. There is no footpath on the southern side of Dedworth Road in the vicinity of the site. The road is subject to a 40-mph speed limit changing to 30mph approximately 30m to the east of the site entrance. There are bus stops on Dedworth Road within 300m of the application site (route 16).

- 9.48 The site access is proposed to remain unchanged. During the course of the application the parking layout has been adjusted and the number of car parking spaces revised from 117 to 113 which includes 9 parent and child spaces, 4 disabled spaces and 2no electric charging spaces. A further 20 passive spaces are shown to be provided to meet future demand when ownership of electric vehicles increases. Five cycle hoops, providing a total of 10 cycle parking spaces have been re-sited closer to the store entrance and the store canopy provides shelter for the cycle parking. A pedestrian route through the car park from the south eastern corner of the site to the store entrance will be demarcated to help improve pedestrian access. Tactile paving is to be provided on both sides of the existing bell-mouth access. Servicing would be via the existing site access and through the car park and swept path analysis has been provided.

Parking

- 9.49 The Borough's Parking Strategy (2004) for A1 food retail units sets a maximum standard of 1 space per 14 sq.m which would equate to a total (based on net sales area of 1,315 sq.m) of 94 car parking spaces. A total of 113 parking spaces are shown to be provided and whilst this would exceed the maximum standards, based on Aldi's own experience with stores of similar size, the proposed provision would ensure displaced parking is avoided. It is therefore concluded that the additional 19 spaces above the Borough's maximum standard would be acceptable and the proposal is acceptable in terms of parking.

- 9.50 The provision of 2 electric charging spaces with the possibility of providing a further 20 spaces in the future is acceptable and the revised cycle parking is also acceptable.

Servicing and access

- 9.51 Two deliveries per day by articulated lorry with one delivery on a Sunday is proposed and it is anticipated that these deliveries would be undertaken during off peak times. One or two smaller vehicle deliveries per day such as local milk deliveries are also proposed. This would be substantially less than would be expected for larger supermarkets where an average of 6-10 lorries per day could be expected.

- 9.52 Swept path analysis has been provided to show the tracking of an articulated lorry and to show how it would leave the loading bay and exit the site. Following some amendments to the parking layout it has now been demonstrated that there is adequate manoeuvring and turning space within the site.
- 9.53 It is acknowledged that the site access does not facilitate two-way opposing movements across the site access whilst lorries are manoeuvring into and out of the site. Given however the number of articulated lorries that would be manoeuvring in and out of the site (a maximum of 2 per day) and that these movements are likely to be during off peak times it is not anticipated that the level of impact on the safe free flow of traffic would be significant and no objection is raised on this ground.
- 9.54 Some of the representations have suggested a right-hand turn lane is provided. However right-hand turn lanes are only considered necessary on a trunk road where there is an emphasis on providing an unimpeded route for through traffic. The level of vehicular activity generated by the proposal would not warrant a right-hand turn lane in this location.

Traffic Generation

- 9.55 Full TRICS data has been provided for the existing garden centre and proposed development. The original traffic survey was conducted on Wednesday October 23rd, 2019, the week before half term. The TRICS data has been amended to include trips undertaken on a weekend (Saturday). To derive the number of peak hour trips, the TRICS database was used to predict the traffic generated by the development and then compared with the survey results for the existing garden centre, as well as the TRICS analysis of a typical garden centre.
- 9.56 At a high level (on Saturdays), the proposals will generate over 190 and 175 trips across the AM and PM peak periods, respectively. During the weekdays, the proposal is predicted to generate a net increase of 23 trips in the AM peak and 110 trips in the PM peak. It is therefore concluded that the proposal would lead to an increase in vehicular activity when compared to the existing garden centre. However, it is acknowledged that the site already falls within a Class A1 use and allowing for such use, the site could attract similar levels of vehicular activity associated with an A1 food retail use.
- 9.57 The applicant has put forward the case that the store will attract trips that are already on the local highway network, known as pass-by trips. They claim that typically, new food stores only lead to about 10% completely new traffic, with the remainder forming pass-by and diverted trips (secondary trips) which are already on the local highway network.
- 9.58 Furthermore, the site lies around 600m west of a major A1 food retail store, and notwithstanding the above the Council's Highway officer has confirmed that it is expected that between 25-35% of pass-by trips attracted to the development are already present on the local highway network, with a lesser percentage attributed to diverted trips (already present on the surrounding road network, but diverted from their existing route to the site). Given the presence of the existing major retail store, evidence suggests that as a percentage, the pass-by trips are likely to be at the upper range limit.
- 9.59 Having regard to the Transport Statement and taking account of the potential for A1 non-food retail usage on site, in addition to the presence of the nearby food retail unit, it is concluded that the introduction of the proposed food retail store is unlikely to lead to a material effect on the surrounding local highway network.

Highway Safety

- 9.60 The road traffic accident data obtained in the last 5 years shows several slight accidents at the A308/Oakley Green Road junction, 1 serious incident at the Dedworth Road/Oakley Green Road junction, 1 slight accident at the site entrance, 2 slight incidents at the Ruddlesway junction with Dedworth Road and 1 serious incident on Dedworth Road between Tinkers Lane and White Horse Road.

- 9.61 It is understood that the Borough intends to improve the highway infrastructure across the A308 corridor and the B3024 Oakley Green Road. Those familiar with the Oakley Green Road and Dedworth Road junction will note that the visibility splays to the right measured from Dedworth Road offer drivers restricted visibility splays to see and be seen by a car proceeding in a southerly direction along Oakley Green Road.
- 9.62 It is therefore considered reasonable in this case to seek to secure an appropriate S106 contribution to fund highway improvements in the local highway network, which is proportional to the development's impact.

Travel Plan

- 9.63 The core aim of the Staff Travel Plan is to reduce single occupancy vehicle trips to and from the site, and to increase use of public transport, walking and cycling. An amended draft Travel Plan (July 2020) has been submitted but further changes are required before it can be approved. The Travel Plan can be secured prior to occupation of the site by a S106 Agreement.

A308 corridor study

- 9.64 Some of the representations refer to the A308 corridor Study. The purpose of the study is to assess the current performance of the A308 corridor, identify levels of growth and impact from committed development; development mitigation measures to alleviate existing issues and accommodate growth; and identify potential funding sources in delivering new highway infrastructure and transport services. This current application however needs to be assessed on its own merits.

S106 Contributions

- 9.65 The site lies in an area serviced by a bus route that offers a regular, but not frequent service. The pedestrian environment is also quite poor, which in this instance could dissuade staff and customers to readily access the site by sustainable modes of transport. Where levels of accessibility through public transport, cycling and walking are unacceptable it would be expected that developers would either take action or make a financial contribution to promote accessibility by public transport to reduce the need to travel and improve the capacity of the highway network. Therefore, a financial contribution towards sustainable transport measures to improve public transport accessibility will need to be secured.
- 9.66 As stated above there is restricted visibility at the Oakley Green Road and Dedworth Road junction and therefore it would be reasonable to seek a financial contribution in this case to fund highway improvements to the local highway network that is proportional to the development's impact. This can be secured by an appropriate S106 agreement.

- 9.67 Subject to imposing appropriate conditions relating to parking, cycle parking and a construction management plan and securing a s106 agreement for improving public transport accessibility, highway infrastructure improvements and a Travel Plan, it is considered that the proposal is acceptable on highway and parking grounds and would accord with Local Plan policies T5, P4 and T7.

vii Trees & Landscaping

- 9.68 The proposal needs to be assessed in terms of Local Plan policy N6 and emerging policy NR2. There is a significant band of trees and vegetation surrounding the existing site particularly along the southern (front) and western boundaries. The landscape strategy is based around maintaining as much of the existing soft landscaping, trees and boundary treatment as possible and enhancing it with new planting. The application has been accompanied by soft landscape proposals, Arboricultural Impact Assessment & Tree Protection Plan and an Arboricultural Method Statement.

- 9.69 Following some initial concerns some adjustments have been made to the layout and landscape proposal. An updated landscape scheme and AIA and Method Statement have been submitted. Eleven trees are shown to be removed which include one B grade tree, five C grade trees and five trees in very poor condition (category U trees) together with one C-grade hedge. The loss of these trees will be compensated for by planting 17 new trees and the location of these trees are shown on Soft Landscape Proposals Plan 1369-01 Rev E. It includes the additional planting along the western boundary including three evergreen trees (Scots pine, holly and yew) and Portuguese laurel hedge to help screen the acoustic fencing; some tree planting across the car park and some additional planting close to the site entrance. The new trees will provide an age and species diversity that will enhance the resilience of the existing tree canopy cover. The Arboricultural Method Statement includes a specification of the tree protection fencing during the construction phase to protect the retained trees (TPP-1D). It also includes a method statement for installing the new acoustic timber fencing to avoid root damage to the retained trees and a method statement for the installation of the cellular confinement systems to protect the roots and soil of some of the adjacent trees. The plant compound is proposed to be laid on top of the geocell surface using a no-dig methodology so that normal strip foundations are not required.
- 9.70 The more robust evergreen planting along the western boundary in the vicinity of the loading bay and external plant compound should provide good screening. The tree works, protection details and the landscaping proposals are considered acceptable. The only outstanding issue relates to the underground pits for the trees in the car park. However, this detail can be adequately covered by condition.
- 9.71 Subject to the imposition of suitably worded conditions, the proposal would accord with Local Plan policy N6 and emerging policy NR2.

viii Impact on Ecology

- 9.72 It is necessary to demonstrate that the proposal maintains, protects and enhances the biodiversity of the site to accord with emerging policy NR3 and the guidance set out in section 15 'conserving and enhancing the natural environment' of the NPPF. The application has been accompanied by an ecological assessment.
- 9.73 An extended Phase 1 habitat survey was undertaken by Tyler Grange LLP (May 2020) and has been undertaken to an appropriate standard. It concludes that, overall, the site is of low ecological value with the main habitats to be affected by the proposal comprising buildings and hard standing. All the buildings were considered unsuitable for use by roosting bats, along with the majority of trees. Four trees were recorded as having potential to support roosting bats, of which only one is proposed to be removed. This tree has low potential to support roosting bats and therefore, following best practice guidelines, no further surveys are required. The ecologists has however recommended that the tree is soft felled using methodology within the Bat Conservation Trust best practice guidelines in order to ensure bats are not harmed during the tree felling and this can be secured by condition.
- 9.74 The site lies within 2km of several statutory and non-statutory designated sites including Windsor Forest and Great Park Special Area of Conservation (SAC) and lies adjacent to habitat suitable to support protected and priority species such as bats and breeding birds. No direct impacts are considered, however in order to mitigate for the potential indirect impacts such as pollution (noise, dust, runoff, disturbance), the ecology report recommends a Construction Environmental Management Plan (CEMP) is implemented during the works. This can be secured by a planning condition.
- 9.75 Additionally, in accordance with paragraph 175 of the NPPF, which states that "*opportunities to incorporate biodiversity in and around developments should be encouraged*" a condition should be secured to ensure that enhancements for wildlife are provided within the new development. The report provides suitable enhancement measures (native species planting, installation of bird and bat boxes and creation of log piles) and recommends an ecological management plan is implemented. In addition, it is recommended that the close board fence contains gaps at the

base in order for hedgehogs and other wildlife to be able to transverse the site to surrounding areas. These recommendations can be secured via a planning condition.

- 9.76 Overall the proposal is considered to be acceptable on ecological grounds subject to the imposition of appropriate and suitable conditions and would accord with the guidance set out in the NPPF and emerging policy NR3.

ix Drainage and Flood Risk

- 9.77 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment which includes a surface water drainage strategy, flood risk statement, foul water drainage strategy and operation and maintenance details. The site lies within Flood Zone 1 (Low risk of flooding). The EA maps reveal that the site is susceptible to surface water flooding. The proposal needs to incorporate a Sustainable Drainage System in order to restrict or reduce surface water run-off in line with paragraph 165 of the NPPF.
- 9.78 Following initial comments provided by the Lead Local Flood Authority on the surface water drainage strategy further information and appended documents have been provided (dated 15th July 2020). Following this additional information the LLFA has recommended that planning permission is granted subject to a suitably worded condition being secured requiring details of a surface water drainage scheme, based on the submitted sustainable drainage strategy being submitted to and approved in writing by the Local Planning Authority.
- 9.79 Some of the representations have referred to issues relating to blockages and foul discharge/flooding. Thames Water has confirmed that they are aware of the instances of sewer blockages in the area and confirmed that the public sewer in Oakley Green Road is due to undergo planned maintenance (cleaning) in November 2020. They have confirmed that the cleaning programme is under constant review and if the number of instances in Dedworth Road increase this decision will be revisited by Thames Water. In terms of sewer capacity, Thames Water has raised no concerns relating to foul flows discharged from the site as the change in use from a garden centre to a supermarket would only result in a minimal change in flow, hence the impact on capacity would be negligible.
- 9.80 Thames Water has raised no objection to the proposal in terms of the Waste Water Network and Sewage Treatment Works infrastructure capacity. The application is deemed to be acceptable in terms of flood risk and drainage and accords with the guidance set out in the NPPF and emerging policy NR1.

Other Material Considerations

- 9.81 Aldi has confirmed that the store would employ between 30-50 staff and the preference would be to recruit staff locally.
- 9.82 The site lies within an historic contaminative land use and a Phase1 Desk Study Assessment Report has been submitted with the application. The assessment has recommended an appropriate intrusive investigation and further monitoring of the site including an asbestos survey. A contaminated land condition will be imposed.
- 9.83 The proposal corresponds with Secured by Design recommendations including an open and visible car park and cycle parking, appropriate landscaping planting to allow visibility across the site, CCTV to store entrance and secure fencing to back of house areas. The Crime Prevention Design Advisor has raised no objection to the revised scheme.
- 9.84 Trolleys are to be secured via a coin-operated chain, encouraging customers to return trolleys after use.
- 9.85 The applicant has confirmed that procedures will be established to minimise water pollution by following best practice guidance from the Environment Agency's Pollution Prevention Guidance

notes on the Prevention of Pollution, works to watercourses and working at demolition and construction sites.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. CONCLUSION

11.1 The redevelopment of the existing garden centre with a food store is considered to be acceptable in principle and the proposal would constitute appropriate development in the Green Belt.

11.2 During the course of the application amendments have been secured and the building is considered to be sympathetically designed and improvements have been made to the proposed landscape scheme. Overall, the proposal is considered to be in keeping with the character and appearance of the site itself and the locality in general and would adequately preserve the setting of the adjacent grade II * listed building.

a. Additional information/revisions have been obtained to ensure that adequate mitigation measures to help limit the amount of noise and disturbance to the adjoining properties is secured and the proposal should have no adverse impact on their amenities. It has also been adequately demonstrated that the proposal would have no adverse impact on the surrounding local highway network or on highway safety and the proposal is deemed to be acceptable in terms of ecology, flood risk and drainage.

11.4 Overall it is considered that the proposal accords with the policies set out in the development plan and the guidance set out in the NPPF and should be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed site plan
- Appendix C - Proposed floor plan
- Appendix D - Proposed Elevations

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 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

3 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.

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

4 The food store hereby permitted shall only operate between the hours of 0800 and 2200 Mondays to Saturdays and between the hours of 1000 and 1800 on Sundays, Bank or Public Holidays.

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

5 The service deliveries by any vehicle used for commercial purposes shall only be made between the hours of 0700 and 2200 Monday to Saturday and only on a Sunday, Bank or Public Holiday between the hours of 0900 and 1700. Only two deliveries per day shall be carried out by

articulated lorry Monday to Saturday with only one delivery by articulated lorry carried out on a Sunday or Public Bank Holiday.

Reason: To protect the amenities of adjoining occupiers and in the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan NAP3 and T5.

6 The Quiet Delivery Scheme received on the 15th September 2020 shall be implemented in full in conjunction with the proposed use and maintained thereafter.

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

7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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

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

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

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Authority.

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

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

8 Prior to the occupation of the building the 4m high acoustic fencing shall be installed in accordance with the details shown on the proposed site plan, 190201-1300-P12 and the acoustic screen details provided by 'hales sawmills ltd' received on the 15th September and thereafter maintained.

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

9 The rating level of the sound emitted from the site shall not exceed 44 dBA between 0700 and 2300 hours and 32 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014.

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

10 Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

It is recommended that the scheme is in accordance with British Standard (BS) 4142:2014, Method for rating and assessing industrial and commercial sound.

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

11 Works of repair or maintenance of plant, machinery or equipment shall only be carried out at the site between 0800 and 1800 hours Mondays to Fridays, 0800 and 1300 on Saturdays and at no time on Sundays, or Bank Holidays or Public Holidays without the prior written consent of the Local Planning Authority.

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

12 The lighting within the car park shall be switched off between the hours of 2200 and 0700.

Reason: To protect the residential amenities of the area. Relevant Emerging policy EP3

13 The development shall be implemented in accordance with the lighting layout plan P185-402-D received on the 24th September 2020 and thereafter maintained.

Reason: To prevent light pollution and to protect the residential amenities of the area. Relevant Emerging policy EP3

14 No part of the development shall be occupied until vehicle parking spaces (including accessible spaces and the electric vehicle charging points approved) have been provided in accordance with the details shown on drawing number 190201-1300 Rev P10. This provision 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.

15 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.

16 No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP shall include

- a site plan

- confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with RBWM Highways and a commitment to repair any damage caused;

- provision for the parking of vehicles of site operatives and visitors;

- details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements;

- details of vehicle routing from the site to the wider strategic road network;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council

- a scheme for recycling/disposing of waste resulting from demolition and construction works;

- measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access;

- avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway.

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

17 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

18 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. These details shall include the provision of pits underneath the car parking bays to provide optimum rooting volume for the 4 *Carpinus betulus* Frans Fontaine. 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 a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

19 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 (Bosky Trees tree protection plan and arboricultural method statement, dated 2nd September 2020) 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.

20 The development shall be undertaken in accordance with the details set out in the Arboricultural Method Statement (Bosky Trees) dated 2nd September 2020 which includes the method for installing the acoustic timber fencing and the method of installing the cellular confinement

systems.

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

- 21 The tree with low potential to support roosting bats that is scheduled for felling, must be checked by a suitably qualified ecologist immediately prior to tree works, who will then advise whether roosting bats (or evidence of roosting bats) are present. Should bats or evidence of bats be found, no works affecting the roosts are to commence until any relevant licence(s) have been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy submitted to and approved in writing by the local planning authority.

Reason: To ensure that bats, a protected species, are not adversely impacted upon by the development in accordance with Paragraphs 170 and 175 of the NPPF.

- 22 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

- 23 Prior to the commencement of development, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings/ retained trees, creation of log piles and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved. A brief letter report from a suitably qualified ecologist confirming that these enhancements have been installed, including a simple plan showing their location and photographs of the boxes, bricks or tiles, log piles, hedgehog gaps and native planting in situ, is to be submitted to and approved in writing by the local planning authority.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF

- 24 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.

Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components.

Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.

Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible.

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.

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

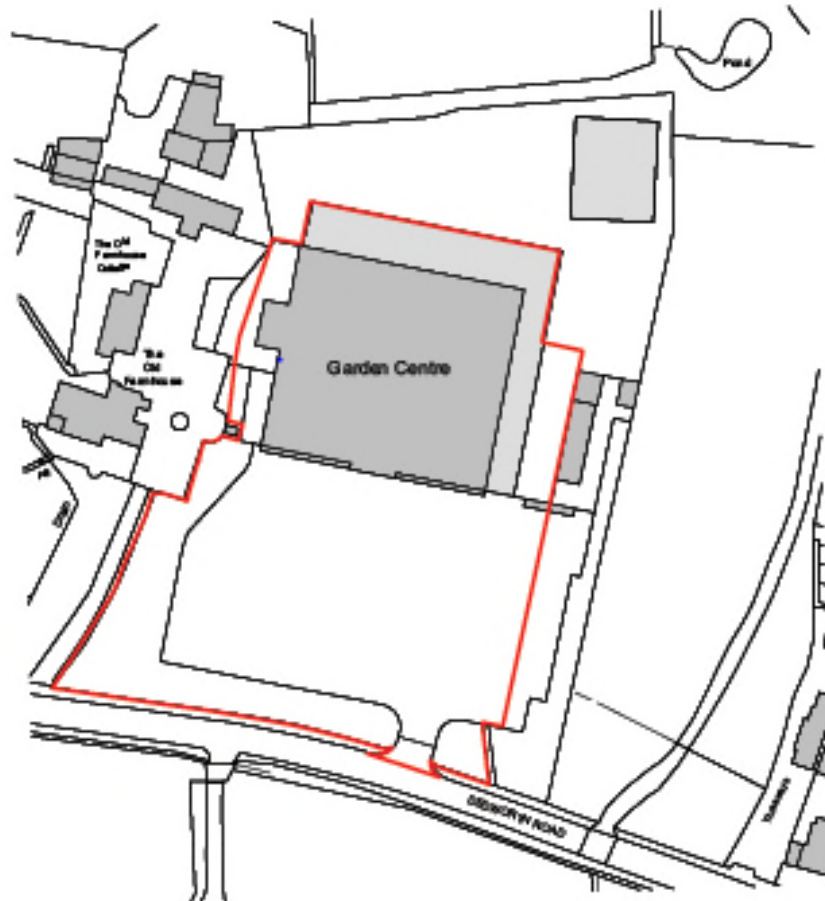
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 3 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. 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 on 01628 683538 before burning and follow good practice.
- 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 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Applications forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

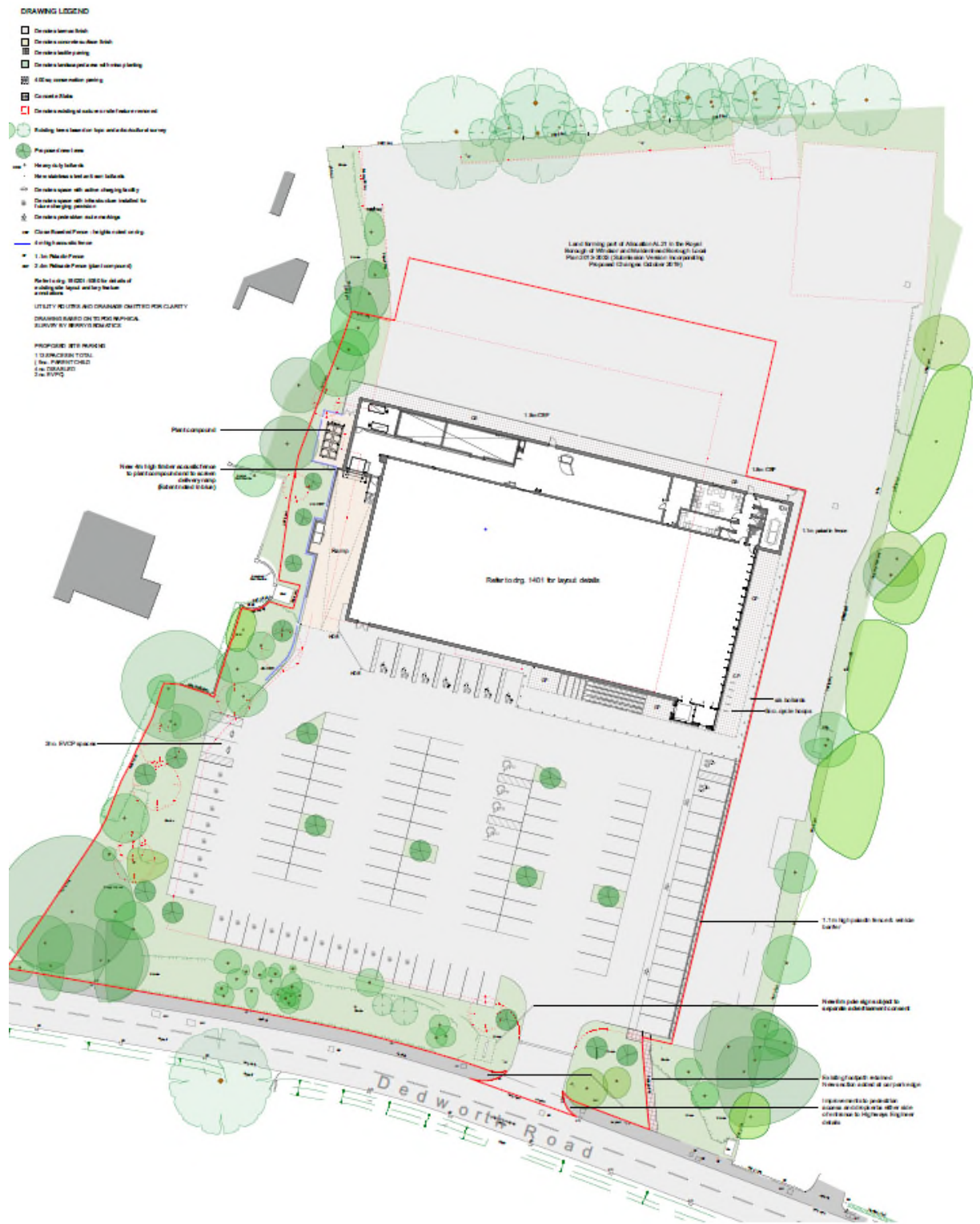
PLANNING APPLICATION 20/01145/FULL – WINDSOR GARDEN CENTRE

APPENDIX A - LOCATION PLAN

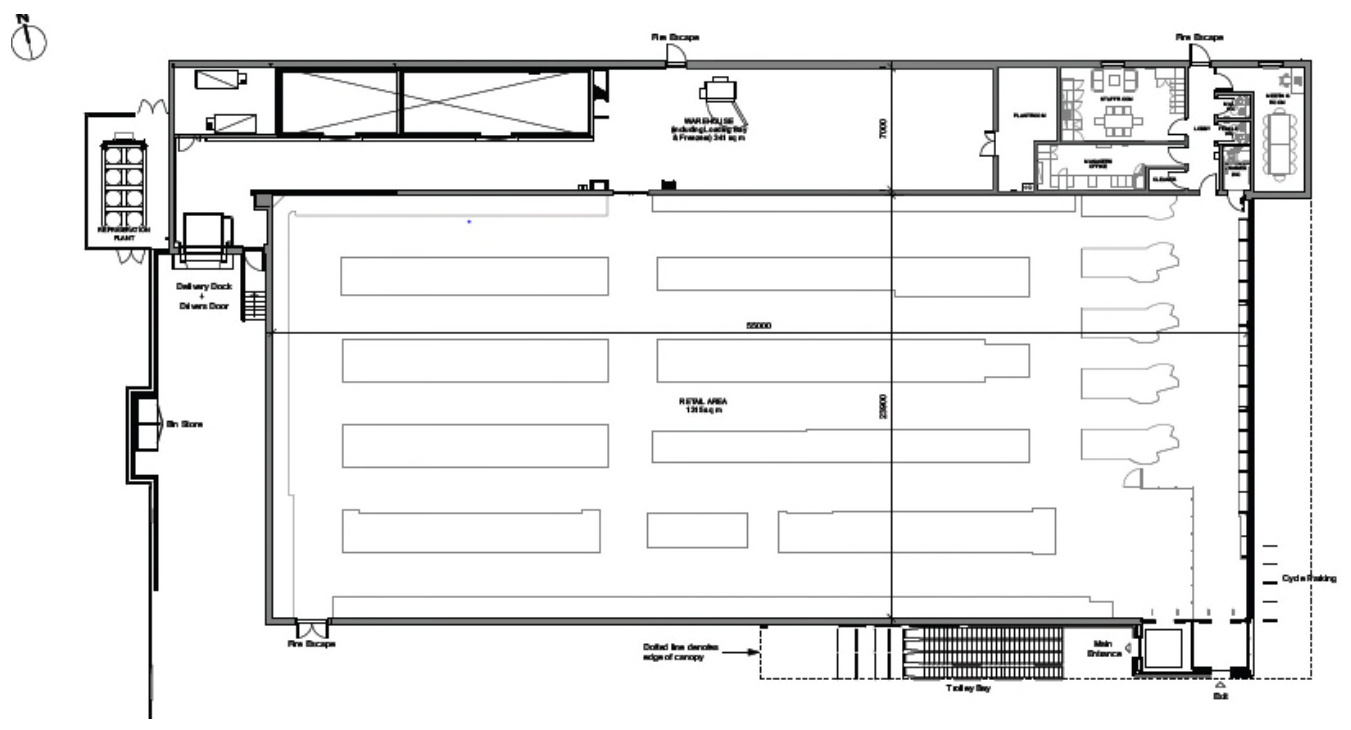


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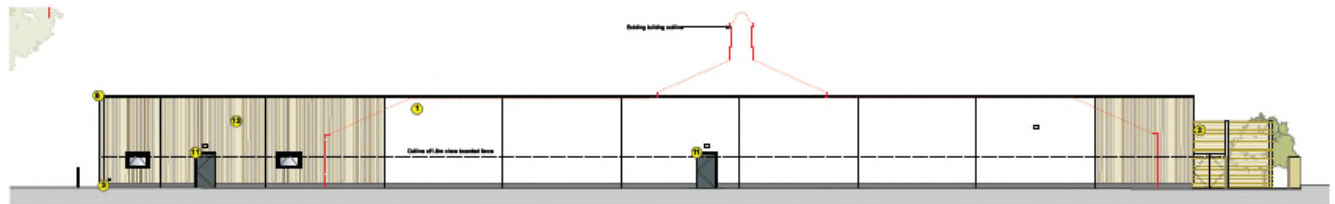
APPENDIX B - PROPOSED SITE PLAN



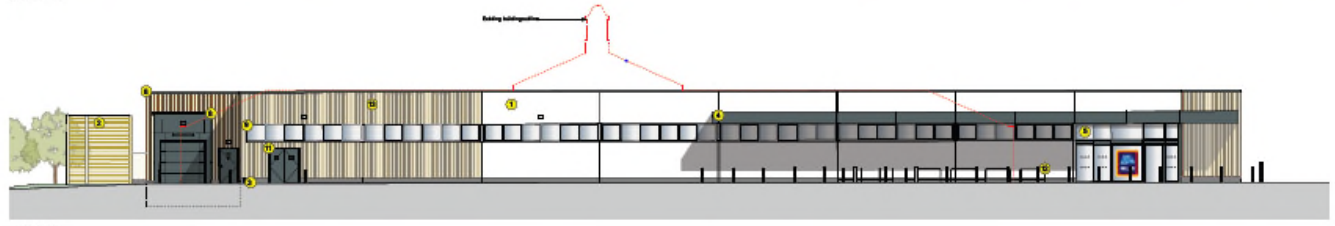
APPENDIX C - PROPOSED FLOOR PLAN



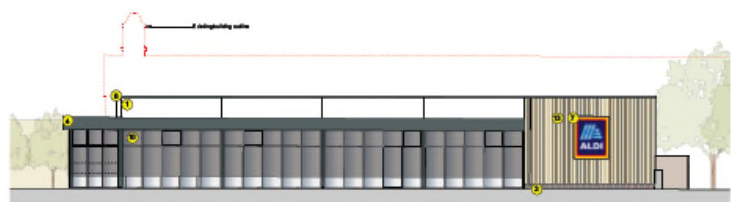
APPENDIX D - PROPOSED ELEVATIONS



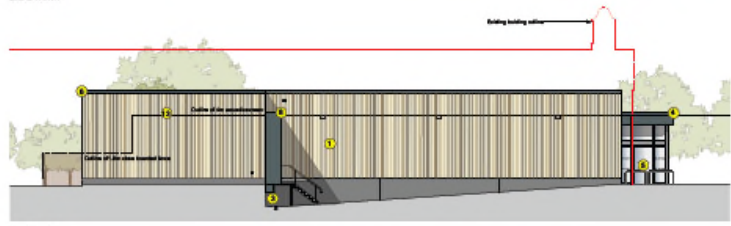
North Elevation



South Elevation



East Elevation



West Elevation

- KEY**
- 1 White render
 - 2 An fabric acoustic screen alongside ramp and plant enclosure
 - 3 Red brick piers
 - 4 Corsey Bricks, 8mm thick Aluminium panels with polyester powder coated finish, colour Anthracite PA6, 7016
 - 5 Silestone - Polyester powder coated aluminium (PA6, 7016) extrusions
 - 6 Pacific Powder coated aluminium to B55416, colour anthracite gray PA6, 7016
 - 7 Wall mounted internally illuminated logo sign - subject to separate advertisement consent application
 - 8 Sectional overhead door - pol coated steel (PA6, 7016)
 - 9 High level ribbon windows
 - 10 Stayford - polyester powder coated aluminium (PA6, 7016)
 - 11 Steel storage doors - polyester powder coated colour gray (PA6, 7016) (Glass colour PA6, 7016)
 - 12 Trolley bay rails - satin finish stainless steel
 - 13 Vertical timber cladding



ALDI

Kendall Kingscott

Architects

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St Albans, WA 6107

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Fax: (08) 9437 1112
Email: info@kendallkingscott.com.au

Windows, Doors & Rld

AGS Stone Ltd

Project: Beaudene

190201-1501 P6

Agenda Item 7

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

DEVELOPMENT MANAGEMENT PANEL

21 October 2020

Item: 4

Application No.:	20/01207/FULL
Location:	Land To The North of Cruchfield Manor Ascot Road Warfield Bracknell
Proposal:	Levelling of a field.
Applicant:	Mr And Mrs Brunander
Agent:	Mr Paul Dickinson
Parish/Ward:	Bray Parish/Bray

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 application is for the levelling of a field off the A330. The proposals overall result in an increase in levels, however would not have a significant visual impact on the character of the area. In addition, the proposal would not impact on the openness of the Green Belt and is therefore considered appropriate as an engineering operation under paragraph 146 of the National Planning Policy Framework.
- 1.2 Details of tree protection fencing have been provided with the application. The creation of the temporary access requires the removal of 4 x elms along the boundary with the A330, however these trees are dead and replacement planting has been shown.
- 1.3 The site is largely of low ecological value and that the proposals are unlikely to affect protected species. There is a low risk that great crested newts and other amphibians could be affected during site clearance and as such a condition has been imposed to ensure site clearance is overseen by a suitably qualified ecologist.
- 1.4 The application site has potential to house archaeological assets, however Berkshire Archaeology are satisfied that archaeological mitigation can be achieved and can be secured by condition.
- 1.5 The proposal includes the creation of a new temporary access onto Ascot Road to facilitate HGV movements. Highways have confirmed they are happy with the temporary access subject to a condition which secures the finer details. The proposal will generate extra traffic along the A330 (0.7% increase in HGVs traffic levels), however this is not likely to have a severe impact on the local highway network.

It is recommended the Panel grants planning permission with the conditions listed in Section 11 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 proposal is for the levelling of a field to the north of Cruchfield Manor, Ascot Road. The field has maximum dimensions of approximately 225m (length) and 200m (wide) and a site area of about 3.7 ha. The high point of the site is 70m AOD in the south east, falling to about 61m AOD in the northwest. Cruchfield Manor is a Grade II Listed Building, and the application site is within

the Green Belt. In addition, Berkshire Archaeology has advised that the site lies within an area of archaeological significance.

4. KEY CONSTRAINTS

- i. Listed Building
- ii. Green Belt
- iii. Archaeological significance

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application proposes the levelling of part of the field. The work involves raising the levels of the field as it gradually falls away towards the northwest corner to create a more level field. The final levels of the main altered part would retain a fall of about 2 metres gradually across the field from 69.50 AOD to 67.50 AOD. The remainder of the field would then continue to drop down close to existing levels at the site boundary. Areas of the field would be raised between 2.5 and 3.5m, although most of the level increases are well below this. The changes in levels are required as the land is used for the exercising of their own horses and ponies for private and recreational purposes. The new levels would create a better and safer surface for the exercising of the horses and ponies. The most significant changes in levels are to the middle of the field where existing levels are lower on average than around the site edges. The change in levels along the south west boundary for example, where the field is visible from the A330, are only minor.
- 5.2 There is no relevant planning history on this site.

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 of the area	DG1
Acceptable impact on the Green Belt	GB1, GB2
Acceptable impact on heritage assets	LB2
Acceptable impact on archaeology	ARCH2
Acceptable impact on important trees	N6
Acceptable impact on highway safety	T5

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 4 - Decision-making
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt land
- Section 16 - Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character of the area	SP2, SP3
Acceptable impact on the Green Belt	SP1, SP5
Acceptable impact on the historic environment	HE1
Acceptable impact on important trees	NR2
Sustainable Transport	IF2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character of the area	QP1, QP3
Acceptable impact on the Green Belt	SP1, QP5
Acceptable impact on the historic environment	HE1
Acceptable impact on important trees	NR3
Sustainable transport	IF2

- 7.2 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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. In October 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

8. CONSULTATIONS CARRIED OUT

Consultees

Consultee	Comment	Where in the report this is considered
Conservation	No objections subject to compliance with the conditions suggested by Berkshire Archaeology. Asked for assurances that the 'haha' is retained unaltered.	See paragraph 9.3
Lead Local Flood Authority	Satisfied that all issues have been addressed and recommends that planning permission is granted.	Noted.
Berkshire Archaeology	Recommends that a condition is imposed securing a programme of archaeological work including a Written Scheme of Investigation.	See paragraph 9.9
Trees	Recommends approval subject to conditions securing tree protection details and replacement planting for the trees being removed to make way for the temporary access.	Noted. These details have now been provided up front. See

		paragraph 9.6
Ecology	No objections subject to conditions relating to site clearance and biodiversity enhancements.	See paragraphs 9.7 and 9.8
Highways	Recommends conditions requiring the submission of a construction management plan, access details and details of any gates.	See paragraphs 9.10 and 9.11
Parish Council	There is no mention of the contaminated land of the ancient woodland. It is estimated that the 45,000m ² of material will need to be imported and that this equates to 5,000 lorry loads over a six-month period (50 per day). This will not have a minor impact and does not consider the weight limit on the Ascot Road.	The site is outside of the area of contaminated land. Part of the site is just within the 500m buffer for ancient woodland, however the Tree Officer has raised no concerns in this regard.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the character of the area/heritage assets
- ii The impact on the Green Belt
- iii The impact on trees and biodiversity
- iv The impact on archaeology
- v The impact on highway safety

The impact on the character of the area/heritage assets

9.2 The application site is located within the Green Belt and is rural in character. Several open fields surround the application site, and opposite to the west is Bird Hills Golf Centre. The existing field and surrounding topography generally reduce in level from south east to north west. The maximum level increases are approximately 3.5m around the pond to the northwest of the field, however within most parts of the field, the level changes are much lower. The levels across the site would gradually reduce across the site from south east. The most significant changes in levels are within the centre of the field and around the existing pond away from public vantage points. Along the site boundaries levels drop away so that they are as close to their existing level as possible. Along the east boundary, level increases will be limited to around 1m, and along the south west boundary, where the site would be visible from the A330, and the north west boundary the level increases are only minor, and levels are very close to their existing levels. It is considered that the level changes would have only a moderate impact on the appearance of the site and the surrounding character and current topography (a reduction in level from southeast to northwest) would be respected.

9.3 The site is adjacent to Cruchfield Manor, which is a Grade II Listed building. Cross-sections have now been provided and the Conservation Officer is happy with the impact on the setting of the listed building. The listed building would remain at the highest point of the site, with the ground slowly sloping away. A plan has also been submitted which demonstrates that the 'haha' to the rear of the Listed Building, which is an important part of the history and of the garden, will not be impacted.

The impact on the Green Belt

- 9.4 The application site is in the Green Belt. Paragraph 146 of the National Planning Policy Framework (NPPF) sets out that engineering operations are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within it. Whilst the application makes changes to and raises the overall ground levels of the site, and therefore has a spatial impact on the openness of the Green Belt, the proposal includes no buildings or structures, and when the works are complete the site would continue to appear as an open field. There would therefore be no visual impact on the openness of the Green Belt, and this mitigates for any minor spatial impact the proposals cause. Overall, the proposal would preserve the openness of the Green Belt.
- 9.5 Paragraph 134 of the NPPF sets out that the Green Belt serves the following 5 purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring town merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development does not conflict with the above purposes.

The impact on trees and biodiversity

- 9.6 There are a number of trees across the site which make a positive contribution to the character and appearance of the area. A tree protection plan has been submitted with the application showing fencing to be erected during the works. This has been conditioned to ensure the plan is adhered to and that there is no harm to or loss of on-site trees. A further condition has also been imposed requiring replacement planting to be provided should any trees shown to be retained be removed or damaged, and in place of the 4 x elm trees to be removed to facilitate the temporary access.
- 9.7 The submitted ecology report (AA Environmental, March 2020) has been undertaken to an appropriate standard and concludes that the site is largely of low ecological value and that the proposals are unlikely to affect protected species. The report does concede that there is a low risk that great crested newts and other amphibians could be affected during site clearance and as such recommends that site clearance works be undertaken by a suitably qualified ecologist. This advice has been incorporated into a condition to ensure there is no harm to protected species.
- 9.8 There are opportunities to enhance the site for wildlife through new landscaping in accordance with paragraph 175 of the National Planning Policy Framework which states that opportunities to incorporate biodiversity in and around developments should be encouraged. A condition has been added to ensure the biodiversity enhancements set out in the ecology survey are implemented.

The impact on archaeology

- 9.9 The archaeological desk-based assessment identified several potential heritage assets that lie within the development area, including a potential round barrow in the south west part of the site. In response to this and the potential harm to archaeological assets, the applicant has produced an updated scheme that removes and protects the round barrow from the development area and has also commissioned a geophysical survey. The results of the geophysical survey are broadly negative for archaeological anomalies, however it did not pick up the potential round barrow feature. Despite this, the geophysical survey does indicate a reduced potential for large significant archaeology and as such Berkshire Archaeology are satisfied that further archaeological mitigation can be achieved and can be secured by condition.

The impact on highway safety

- 9.10 The site is accessed via the A330, Ascot Road and is approximately 150 metres to the east of the junction with to the A330, Ascot Road and the A3095, Maidenhead Road. The proposal includes the creation of a new temporary access onto Ascot Road to facilitate HGV movements. Highways have confirmed they are happy with the temporary access subject to a condition which secures the finer details.
- 9.11 According to the Transport Statement, the importation phase will involve the transportation of 45,000m³ of material to the site. This equates to approximately 5000 lorry loads over a 6-month period, and the developer expects a maximum of 50 lorry loads per day. Annual average daily traffic flows (AADF) on the A330 to the north of the site were 13,797 vehicles for the year of 2018, with HGVs representing 1.4% of all motor vehicles (191 vehicles). The addition of 100 HGV movements (50 vehicles, 2-way movements) per day will increase the proportion of HGVs to 2.1% of the AADF. Although the proposal will generate extra traffic along the A330, a 0.7% increase in HGVs traffic levels is not likely to have a severe impact on the local highway network. Paragraph 109 of the National Planning Policy Framework sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe.

Conclusion

- 9.12 The proposed development is considered to have an acceptable impact on the character and appearance of the area and on heritage assets. The Conservation Officer is satisfied that the setting of the Listed Building on site would not be harmed, nor would the 'haha', which is an important historical feature within the garden. The proposal complies with paragraph 193 of the National Planning Policy Framework and policy LB2 of the Local Plan.
- 9.13 The development is considered appropriate development in the Green Belt as it constitutes an engineering operation and would not have a greater impact on openness. The development therefore complies with paragraph 146 of the National Planning Policy Framework and policies GB1 and GB2 of the Local Plan.
- 9.14 Impacts upon trees are minimal and be addressed via condition, and any potential impacts on biodiversity and archaeology can also be avoided through conditions. The proposal complies with paragraphs 170, 174 and 175 of the National Planning Policy Framework and policy N6 of the Local Plan.
- 9.15 Highways impacts are not considered to be severe and as such the proposal would comply with paragraph 109 of the National Planning Policy Framework. Additional HGV movements would not be material given the current road usage. Conditions have been suggested to secure a suitable construction management plan and details of the temporary access so as to cause as little disruption as possible.

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

11. 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 commencement of any works a construction management plan showing details of the construction traffic haul route, details of wheel washing facilities, and details of how facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be

implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

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

3 Any gates provided shall open away from the highway and be set back a distance of at least 11.5 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Local Plan T5

4 No other part of the development shall commence until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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.

5 The temporary access be stopped up and abandoned immediately upon the completion of the development. 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 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the details set out on the Tree Protection Plan - revision B and in the 'Arboricultural Implication Study and Tree Protection Strategy' and 'Arboricultural and Planning Integration Report' documents. Tree protection measures shall be implemented 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.

7 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

8 Replacement planting shall be provided in accordance with the details set out on the Tree Protection Plan - Revision B following the stopping up of the temporary access.

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

9 Site clearance is to be carried-out under the supervision of a qualified ecologist who will check features such as compost heaps, log piles, and piles of debris for reptiles and other wildlife. If reptiles or other protected or priority species are found, destructive work must cease immediately and a method statement shall be submitted to and approved in writing by the Local Planning Authority before site clearance re-commences. In order to discharge this condition, a brief closing-out report detailing the methods implemented and whether any reptiles or other wildlife were found shall be submitted to the Local Planning Authority for approval in writing within one month of completion of site clearance works.

Reason: To ensure that wildlife is not adversely affected by the proposed development.

10 The development is to incorporate the biodiversity enhancements detailed in figure 3 of the ecology survey report (AA Environmental - dated March 2020 - job no: 193406) unless otherwise agreed in writing by the council. A brief letter report confirming that the biodiversity enhancements have been installed, including their specifications, a simple plan showing their locations, and photographs of the enhancements in situ, is to be submitted to and approved in writing by the Council within 1 month of the completion of works on site.

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

- 11 The development shall be carried out in accordance with the details set out in the Flood Risk Assessment and Surface Water Drainage Strategy dated 4th December 2019 and in the amended covering letter dated 14th August 2020.
Reason: To reduce the flood risk posed by surface water run-off.
- 12 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall take place in accordance with the Written Scheme of Investigation, and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

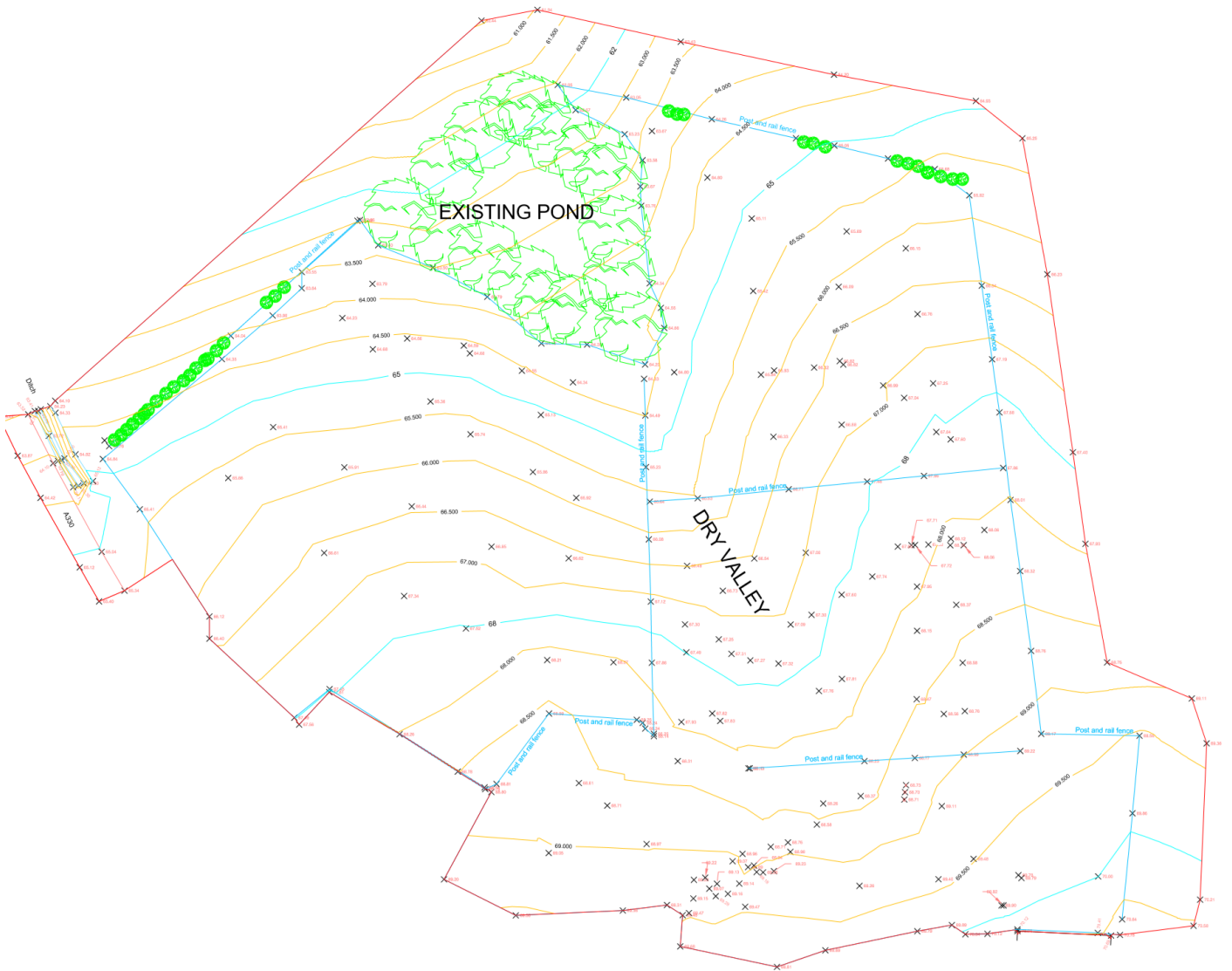
- 13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A— Site location plan and site layout

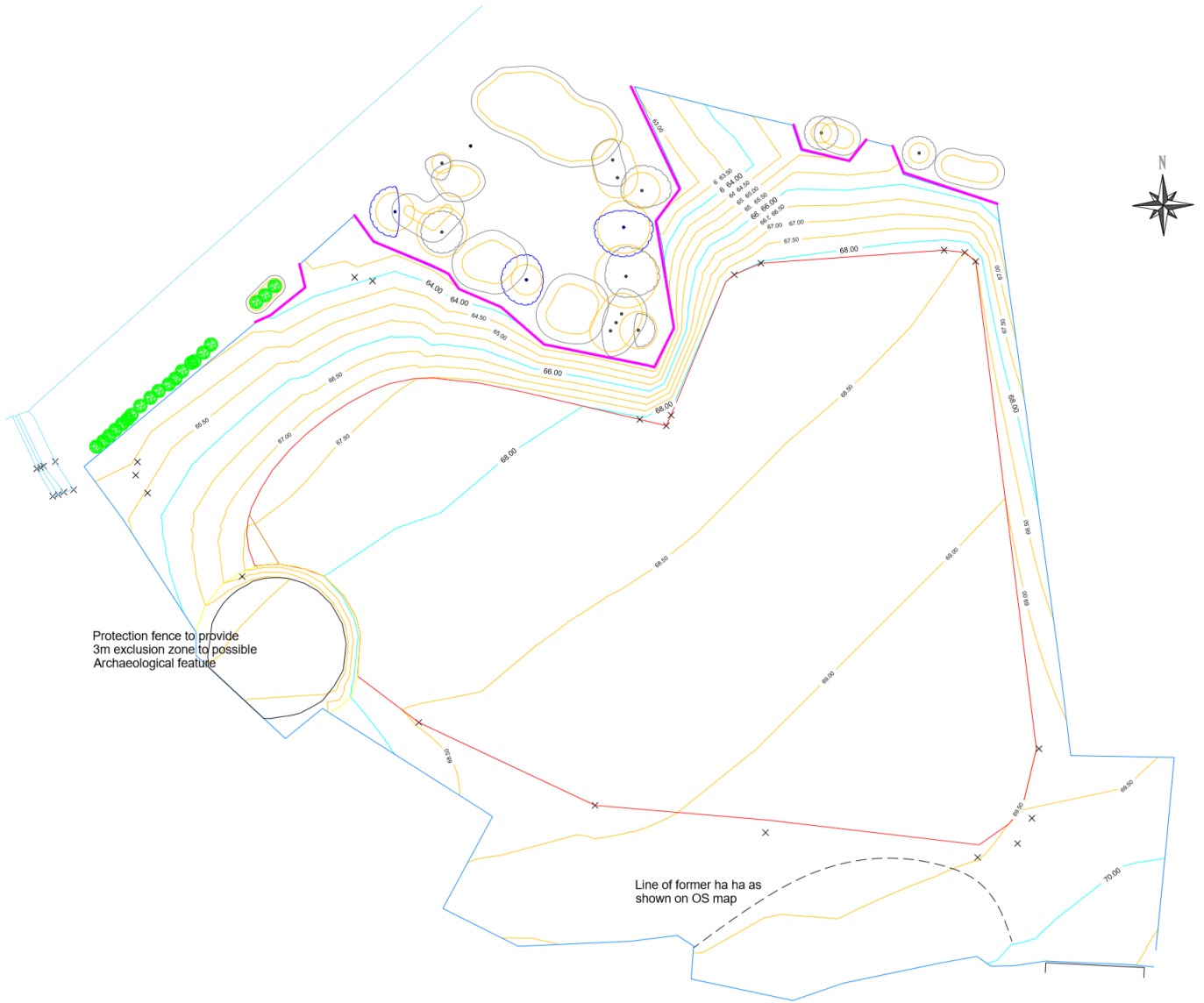
Location Plan



Existing levels



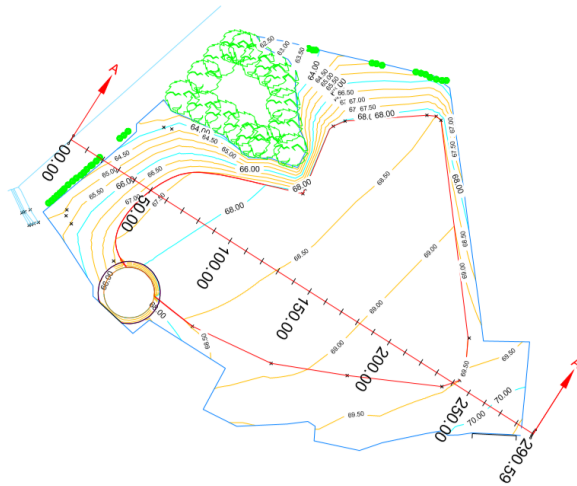
Proposed levels



Proposed levels

ALIGNMENT - (3) - LONGSECTION
SCALE: H 1:1000,V 1:1000. DATUM: 60.000

Chainage	Existing Levels	Proposed Levels	Level Difference	Horizontal Geometry
00.000	63.178			L=290.588
10.000	63.882			
20.000	64.213	65.169	0.952	
30.000	64.607	66.303	1.176	
40.000	65.036	67.306	1.986	
50.000	65.516			
60.000	65.995	67.576	1.884	
70.000	66.886	67.759	1.873	
80.000	66.158	67.529	1.171	
90.000	66.379	68.077	1.698	
100.000	66.529	68.157	1.637	
110.000	66.589	68.291	1.692	
120.000	66.701	68.412	1.712	
130.000	66.953	68.568	1.655	
140.000	67.207	68.558	1.381	
150.000	67.390	68.681	1.291	
160.000	67.395	68.773	1.378	
170.000	67.402	68.877	1.475	
180.000	67.563	68.983	1.419	
190.000	67.890	69.008	1.208	
200.000	68.054	69.183	1.129	
210.000	68.330	69.283	0.934	
220.000	68.738	69.344	0.606	
230.000	69.089	69.418	0.328	
240.000	69.334	69.425	0.141	
250.000	69.552	69.602	0.099	
260.000	69.815	69.919	0.104	
270.000	70.014	70.147	0.133	
280.000	70.418	70.447	0.029	
290.588	70.704			
300.000	70.886			



Appeal Decision Report

3 September 2020 - 8 October 2020

www.rbwm.gov.uk



Appeal Ref.: 19/60089/REF **Planning Ref.:** 16/03297/FULL **Plns Ref.:** APP/T0355/W/19/3223912

Appellant: Arena Racing Company/Galleon Hotels **c/o Agent:** Jessica Buttanshaw CMS Cannon Place 78 Cannon Street London EC4N 6AF

Decision Type: Committee **Officer Recommendation:** Application Permitted

Description: Change of use and alterations of hotel building to create 15 apartments; demolition of annex and replacement with new residential building containing 11 apartments; alterations to Guardhouse building to provide 2 x 2 bed dwelling houses; and provision of associated car parking and landscaping

Location: **Guards House And Waterside Lodge And Thames Riveriera Hotel 162 Bridge Road Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 9 September 2020

Appeal Ref.: 20/60013/REF **Planning Ref.:** 19/00674/FULL **Plns Ref.:** APP/T0355/W/19/3243363

Appellant: Mr Iqbal **c/o Agent:** Mr Matt Taylor Churchgate Premier Homes ID Maidenhead Vanwall Business Park Maidenhead SL6 4UB

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

Description: Construction of a new building comprising x8 apartments with refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.

Location: **Zaman House Church Road Maidenhead SL6 1UR**

Appeal Decision: Withdrawn **Decision Date:** 9 September 2020

Appeal Ref.: 20/60019/REF **Planning Ref.:** 19/02203/FULL **Plns Ref.:** APP/T0355/D/19/3243839

Appellant: Mr D Abduljmbar **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

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

Description: New outbuilding - retrospective.

Location: **Byfield House 16 Dower Park Windsor SL4 4BQ**

Appeal Decision: Dismissed **Decision Date:** 22 September 2020

Main Issue: The Inspector concluded that the development fails to comply with The Royal Borough of Windsor and Maidenhead Local Plan Policy NR6, which seeks to ensure protection of trees during building operations. There would also be conflict with emerging policy NR2, SP2 and SP3 of the Borough Local Plan 2013 - 2033 Submissions Version, insofar as these seek to protect and retain trees; ensure development contributes positively to the places; and, respects and enhances the local or natural environment, paying particular regard to, amongst other things, trees. There would also be conflict with the National Planning Policy Framework, revised February 2019, which requires decisions contribute to and enhance the natural and local environment and development is sympathetic to local character.

Appeal Ref.: 20/60027/REF **Planning Ref.:** 19/03224/FULL **Plns Ref.:** APP/T0355/D/20/3246675

Appellant: Ms Linda Webb **c/o Agent:** Mr Lloyd Jones LRJ Planning Ltd Pen-y-Rhiw Redbrook Road Newport NP20 5AB

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

Description: Single storey rear extension - part retrospective.

Location: **18 Coppermill Road Wraysbury Staines TW19 5NT**

Appeal Decision: Dismissed **Decision Date:** 24 September 2020

Main Issue: The Inspector concluded that although the loss of openness directly attributable to the appeal scheme would not be great, it adds to the overall bulk and mass of the property and contributes to an additional built footprint and volume. This increases the urbanised nature of the appeal site. Therefore, though relatively slight and localised in its extent, the appeal scheme would fail to preserve the openness of the Green Belt. Therefore, the development fails to satisfy paragraph 133 of the Framework and Policy GB2 of the Royal Borough of Windsor and Maidenhead Local Plan insofar as they seek to maintain the fundamental aim of Green Belt policy, which includes keeping land permanently open and avoiding development that would have a greater impact on Green Belt openness.

Appeal Ref.: 20/60031/REF **Planning Ref.:** 19/02040/CLD **Plns Ref.:** APP/T0355/X/19/3241911

Appellant: Mr Simon Tattersfield **c/o Agent:** Mrs Fiona Jones Cameron Jones Planning LTD 3 Elizabeth Gardens Ascot SL5 9BJ

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

Description: Certificate of lawfulness to determine whether the existing use of the garage as a separate unit of accommodation is lawful.

Location: **95 Dedworth Road Windsor SL4 5BB**

Appeal Decision: Dismissed **Decision Date:** 5 October 2020

Main Issue: The evidence submitted in support of the application is not sufficiently precise or unambiguous to demonstrate that the garage at no.95 Dedworth has changed use from an ancillary outbuilding to a separate dwelling. It is therefore considered that on the balance of probabilities the garage at no.95 Dedworth Road has not been used as a separate dwelling for the requisite 4 year period.

Appeal Ref.: 20/60037/REF **Planning Ref.:** 19/02535/FULL **Plns Ref.:** APP/T0355/W/20/3249168

Appellant: Mr James Gillespie **c/o Agent:** Mr William Fitzgibbon Chalkline Architectural 143A Northfield Avenue London W13 9QT

Decision Type: Committee **Officer Recommendation:** Application Permitted

Description: Construction of 4 flats with off street parking and provision for refuse, recycling and cycle storage, following demolition of the existing dwelling.

Location: **Oaklea 20A Cromwell Road Ascot SL5 9DG**

Appeal Decision: Dismissed **Decision Date:** 9 September 2020

Main Issue: The Inspector concludes that, without a planning obligation in place, that the proposal would be harmful to the SPA. The development would therefore be contrary to policy NRM6 of the South East Plan, the SPD and paragraph 175 of the NPPF. The inspector concluded that the proposal would be in keeping with the character and appearance of the area and would comply with policies NP/DG1, NP/DG2, NP/DG3 of the Neighbourhood Plan and policies DG1 and H11 of the Local Plan.

Appeal Ref.: 20/60039/REF **Planning Ref.:** 19/03195/FULL **Plns Ref.:** APP/T0355/D/20/3250191

Appellant: Mr M Herridge **c/o Agent:** Mr Richard Regan 67 Green Road High Wycombe HP13 5AZ

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

Description: New carport

Location: **53 Windsor Road Maidenhead SL6 2DN**

Appeal Decision: Dismissed **Decision Date:** 30 September 2020

Main Issue: The Inspector concluded that the development would likely have an unacceptable impact upon the character and appearance of the area due to its harmful effect on the health and longevity of the protected black pine tree. The proposal, therefore, conflicts with saved policies DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan, adopted June 2003. The policies, when taken together, seek that development should not cause harm to the character and appearance of an area through the loss of important features which contribute to that character, including existing suitable trees. The policies are consistent with the National Planning Policy Framework.

Appeal Ref.: 20/60048/REF **Planning Ref.:** 19/03232/ADV **Plns Ref.:** APP/T0355/H/20/3249682

Appellant: GBK **c/o Agent:** Mr William Eyre Planning And Design Group (UK) Limited Pure Offices Lake View Drive Annesley Nottingham NG15 0DT

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

Description: Consent to display 3 x non illuminated fascia text to the existing sign, 2 x externally illuminated hanging signs. Retention of 2 x vertical banners and 2 x free standing windbreaks mounted on frame/posts.

Location: **Gourmet Burger Kitchen Unit 60 And 61 Windsor Royal Station Jubilee Arch Windsor SL4 1PJ**

Appeal Decision: Part Allowed **Decision Date:** 23 September 2020

Main Issue: The Inspector allowed the retention of the existing, previously permitted pair of high level banner signs and the 2 x free standing windbreaks (with yellow lettering on black background). The Inspector refused the proposed 3 x non illuminated fascia text and 2 x externally illuminated (diamond shaped) hanging signs (with black lettering on yellow background). The Inspector commented that colour schemes in units and their signs are primarily subdued and more historic in their tone with branded signs kept to a minimum. In contrast, the proposed colour scheme of the proposed signs would be more garish, overbearing and visually prominent. The Inspector also commented that there is no convincing evidence that the proposed signage is essential for continued viability of the business.

Appeal Ref.: 20/60049/REF **Planning Ref.:** 19/03212/LBC **Plns Ref.:** APP/T0355/Y/20/3249679

Appellant: GBK **c/o Agent:** Mr William Eyre Planning And Design Group (UK) Limited Pure Offices Lake View Drive Annesley Nottingham NG15 0DT

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

Description: Consent to change the colour scheme on the existing shop fascia and hanging signs.

Location: **Gourmet Burger Kitchen Unit 60 And 61 Windsor Royal Station Jubilee Arch Windsor SL4 1PJ**

Appeal Decision: Dismissed **Decision Date:** 23 September 2020

Main Issue: The Inspector considered that the signs would be harmful to the appearance of the listed building. The colour scheme of the proposed signs would be more garish, overbearing and visually prominent in contrast with more subtle signage found elsewhere in the station.

Appeal Ref.: 20/60050/REF **Planning Ref.:** 19/01703/FULL **Plns Ref.:** APP/T0355/W/20/3
253488

Appellant: Ms Isabel Gill **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road
Three Mile Cross Reading RG7 1AT

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

Description: Change of use from B1 (office) to C3 (dwellinghouses), construction of a single storey rear
extension and alterations to fenestration.

Location: **Isabel Gill Curtains And Interiors 21A Queens Road Datchet Slough SL3 9BN**

Appeal Decision: Dismissed **Decision Date:** 11 September 2020

Appeal Ref.: 20/60051/REF **Planning Ref.:** 19/02645/FULL **Plns Ref.:** APP/T0355/W/20/
3251790

Appellant: Mr Simon Carter Datchet Village Pharmacy, The Green Datchet Slough SL3 9JH

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

Description: Proposed privacy screen to front balcony, single storey rear extension with balcony and
privacy screen above, external steps to side elevation and bin storage following the
conversion of first floor from office to 3no. 1 bed apartments.

Location: **Datchet Village Pharmacy The Green Datchet Slough SL3 9JH**

Appeal Decision: Dismissed **Decision Date:** 11 September 2020

Planning Appeals Received

2 September 2020 - 8 October 2020

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: Horton Parish
Appeal Ref.: 20/60073/REF **Planning Ref.:** 20/01172/FULL **Plns Ref.:** APP/T0355/D/20/3258359
Date Received: 2 September 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey side/rear extension following the demolition of the existing garage.
Location: **6 Coppermill Road Wraysbury Staines TW19 5NT**
Appellant: Mr Michael Best **c/o Agent:** Mr Kevin J Turner Kevin J Turner FRICS 4 Little Oaks Close Shepperton TW17 0GA

Ward:
Parish: White Waltham Parish
Appeal Ref.: 20/60072/REF **Planning Ref.:** 20/00362/FULL **Plns Ref.:** APP/T0355/D/20/3256257
Date Received: 3 September 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Detached double garage with ancillary accommodation in the roof space following the demolition of the existing garage.
Location: **2 New Elysium Cottage Green Lane White Waltham Maidenhead SL6 3JR**
Appellant: Mr George Oppenheim **c/o Agent:** Ms Natalie Compton Progress Planning Waterside House 20 Riverside Way Cowley Uxbridge UB8 2YF

Ward:
Parish: Cookham Parish
Appeal Ref.: 20/60074/REF **Planning Ref.:** 20/00391/FULL **Plns Ref.:** APP/T0355/W/20/3254219
Date Received: 10 September 2020 **Comments Due:** 15 October 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of 1no. four bedroom dwelling with cycle storage, new boundary treatment and associated parking.
Location: **Land At 16 Southwood Gardens Cookham Maidenhead**
Appellant: Mr Danny Clark **c/o Agent:** Mr J Bishop 1 Broad Hinton Twyford Reading RG10 0LQ

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 20/60075/REF **Planning Ref.:** 20/00837/FULL **Plns Ref.:** APP/T0355/W/20/3257603
Date Received: 21 September 2020 **Comments Due:** 26 October 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a detached dwelling with integral garage following demolition of the existing outbuilding.
Location: **Land At The Garden Lodge Bagshot Road Ascot**
Appellant: Alchemistico Ltd **c/o Agent:** Mrs Jane Carter Carter Planning Ltd 85 Alma Road Windsor SL4 3EX

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 20/60076/REF **Planning Ref.:** 19/03547/FULL **Plns Ref.:** APP/T0355/W/20/3257723
Date Received: 21 September 2020 **Comments Due:** 26 October 2020

Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a detached four bedroom dwelling with associated parking and landscaping.
Location: **Land At Lady Margaret Cottage Charters Road Sunningdale Ascot**
Appellant: Mr David Chapman **c/o Agent:** Mr Tom Rumble Woolf Bond Planning The Mitfords
 Basingstoke Road Three Mile Cross Reading RG7 1AT

Ward:
Parish: Bray Parish
Appeal Ref.: 20/60077/REF **Planning Ref.:** 18/03725/FULL **Plns Ref.:** APP/T0355/W/20/
 3251178

Date Received: 24 September 2020 **Comments Due:** 29 October 2020
Type: Refusal **Appeal Type:** Hearing
Description: Relocation of Maidenhead Target Shooting Club from Braywick Park including creation of car park, erection of clubhouse and toilets, shooting stands, bunds, fencing, landscaping and planting with access off Green Lane.

Location: **Land West of Oak Tree Farm Gays Lane Maidenhead**
Appellant: The Chairman Martin Bicknell **c/o Agent:** Mr Jeff Emmett JCE Planning And Architectural Consultancy Chetwood House Chilton Business Centre Chilton Aylesbury HP18 9LS

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60078/REF **Planning Ref.:** 20/00887/FULL **Plns Ref.:** APP/T0355/D/20/
 3257534

Date Received: 29 September 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: First floor front extension with undercroft, two storey rear extension and alterations to fenestration, following demolition of the existing entrance canopy.

Location: **44 Rushington Avenue Maidenhead SL6 1BZ**
Appellant: Mr Sawyer **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor Berkshire SL4 5EN

Ward:
Parish: Windsor Unparished
Appeal Ref.: 20/60079/REF **Planning Ref.:** 20/00629/FULL **Plns Ref.:** APP/T0355/D/20/
 3257490

Date Received: 29 September 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey front /side extension with new pitched roof to front elevation, garage conversion into habitable accommodation and boundary fence.

Location: **1 Ballard Green Windsor SL4 5PR**
Appellant: Mr Zulficar Thahir **c/o Agent:** Mr Paul Chaston GC Planning Partnership Ltd Bedford I-Lab Stannard Way Priory Business Park Bedford Bedfordshire MK44 3RZ

Appeal Ref.: 20/60058/REF **Planning Ref.:** 19/02092/FULL **Plns Ref.:** APP/T0355/D/20/3252691

Appellant: Mr Mick Best c/o **Agent:** Mr Kevin J Turner 4 Little Oaks Close Shepperton Middlesex TW17 0GA

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

Description: Single storey side/rear extension incorporating garage.

Location: **6 Coppermill Road Wraysbury Staines TW19 5NT**

Appeal Decision: Allowed **Decision Date:** 5 October 2020

Main Issue: There are three main issues, these are: - Whether the proposed development would be inappropriate or not inappropriate development in the Green Belt. - The effect of the proposed development on the openness of the Green Belt; and - If the proposed development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development. The appellant contends that the Council has failed to demonstrate just how their figures have been arrived at. However, the Council's calculations are clearly set out in the officer report on the application. The appellant casts doubt on their accuracy in that it is claimed, with reference to a plan said to have been found in a local library, that the Council took no account of previous demolitions. However, no copy of the plan referred to has been submitted in evidence, and the appellant has produced no calculations of his own. The appellant contends that the Council in discussions has consistently maintained what he describes as the 'mantra of disproportionality'. However, the Council has appropriately referred to local and national policies and has correctly applied their provisions. Accordingly, given that the appellant's response to the Council's empirical evidence is rather polemical, in conclusion the proposal would be inappropriate development in the Green Belt. By definition, and as set out in paragraph 143 of the Framework, inappropriate development is harmful to the Green Belt. Furthermore, paragraph 144 states that substantial weight should be given to any harm to the Green Belt. A clear conflict therefore arises with those provisions of LP Policy GB4 and the Framework already referred to. It has been established by the Courts that openness has both a spatial and visual aspect. The impact of the extension would be barely noticeable in the public realm since it would replace an existing garage and would be largely shielded by extant property. The Council takes the view that 'the bulk and scale of the proposal is not considered to be visually prominent, to the extent that it would have a detrimental impact on the openness of the Green Belt'. This view is concurred. Accordingly, whilst the modest extension would impact on openness in that it would entail building part of the structure where none currently exists, the effect on openness would be barely perceptible. This attracts significant weight in favour of the proposal. Harm to the Green Belt in terms of the proposed development being inappropriate and this attracts substantial weight against. However, significant weight is attached to the fact the effect on openness would be barely perceptible. That the proposal would have no detrimental impact on the character and appearance of the locality or on neighbouring living conditions attracts moderate weight in favour. Significant weight is attributed to the view that the development, if implemented, would not detrimentally prejudice the continued achievement of any of the main purposes of the GB or the fundamental aim of GB policy, set out in paragraphs 133 & 134 of the Framework. In conclusion, the harm caused by reason of the development's inappropriateness, particularly since there is no other harm, is clearly outweighed by other considerations, including the barely perceptible impact on openness, so as to amount to the very special circumstances necessary to justify the development.

Appeal Ref.: 20/60060/REF **Planning Ref.:** 20/00215/FULL **Plns Ref.:** APP/T0355/D/20/3256046

Appellant: Mr & Mrs Bhatt **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

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

Description: First floor front extension, two storey side extension and a new canopy to the side entrance.

Location: **The Swifts 31 Dower Park Windsor SL4 4BQ**

Appeal Decision: Allowed **Decision Date:** 2 October 2020

Main Issue: Subject to suitable construction methods and protection during the construction period, potential harm to nearby protected trees would be avoided thereby maintaining the character and appearance of the area in accordance with Policies N6, DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan, which seek to retain trees of public amenity value and protect them from new development.

Appeal Ref.: 20/60072/REF **Planning Ref.:** 20/00362/FULL **Plns Ref.:** APP/T0355/D/20/3256257

Appellant: Mr George Oppenheim **c/o Agent:** Ms Natalie Compton Progress Planning Waterside House 20 Riverside Way Cowley Uxbridge UB8 2YF

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

Description: Detached double garage with ancillary accommodation in the roof space following the demolition of the existing garage.

Location: **2 New Elysium Cottage Green Lane White Waltham Maidenhead SL6 3JR**

Appeal Decision: Dismissed **Decision Date:** 25 September 2020

Main Issue: In agreement with the Council's reason for refusal, the Inspector finds the outbuilding to be inappropriate development in the Green Belt as it would be a new building materially larger than the one it replaces. There would also a small loss of openness. Having regard to the permitted development fallback position identified, the Inspector does not consider the proposal to justify the exceptional circumstances whereby permitted development rights should be restricted. The Inspector concludes that the considerations weighing in favour of the development do not clearly outweigh the harm to the Green Belt. Therefore, very special circumstances do not exist to justify the harm and the development is contrary to the development plan policies and the NPPF insofar as they seek to protect Green Belt land.
