

NOTICE
OF
MEETING

**ROYAL BOROUGH DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 21ST APRIL, 2021

At 6.15 pm

by

VIRTUAL MEETING - ONLINE ACCESS, ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID CANNON (VICE-CHAIRMAN),
JOHN BOWDEN, 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 SHELIM,
HELEN TAYLOR AND JON DAVEY

Karen Shepherd – Head of Governance - Issued: 13 April 2021

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 OF THE MEETING HELD ON 17 MARCH 2021</u></p> <p>To approve the minutes of the meeting held on 17 March 2021 to be a true and accurate record.</p>	7 - 10
4.	<p><u>19/02085/FULL - ST EDMUNDS HOUSE AND 20 RAY MILL ROAD WEST - MAIDENHEAD</u></p> <p><i>PROPOSAL: Erection of 14 No affordable apartments with associated parking, landscaping and access following demolition of St Edmunds House and 20 Ray Mill Road West</i></p> <p><i>RECOMMENDATION: DEFER & DELEGATE</i></p> <p>APPLICANT: RBWM Property Company</p> <p>MEMBER CALL IN: N/A</p> <p>EXPIRY DATE: 16 April 2020</p>	11 - 48
5.	<p><u>20/00529/FULL - LAND TO THE NORTH OF CLOCK COTTAGE - STURT GREEN - HOLYPORT - MAIDENHEAD</u></p> <p><i>PROPOSAL: Use of land for private equestrian use and erection of new equestrian yard comprising of stables, storage barn, open arena, associated hardstanding and new access.</i></p> <p><i>RECOMMENDATION: REFUSE</i></p> <p>APPLICANT: Ms Jones</p> <p>MEMBER CALL IN: N/A</p> <p>EXPIRY DATE: 5 April 2021</p>	49 - 68
6.	<p><u>20/02976/FULL - THAMES HOSPICECARE - PINE LODGE - HATCH LANE - WINDSOR - SL4 3RW</u></p> <p><i>PROPOSAL: Redevelopment of the former Thames Hospice to provide a retirement housing development of 41 dwellings comprising three x 2-storey terraced houses, two x 2-storey semi-detached houses, one x 2 storey apartment building, two 2.5-storey apartment blocks and one 3-storey apartment block with associated parking,</i></p>	69 - 96

landscaping and refuse store following demolition of the existing building.

RECOMMENDATION: DEFER & DELEGATE

APPLICANT:

MEMBER CALL IN: N/A

EXPIRY DATE: 8 February 2021

7. PLANNING APPEALS RECEIVED AND APPEAL DECISION REPORT

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The Panel to note the reports.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' 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, 17 MARCH 2021

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 Mandy Brar, Gerry Clark, Sayonara Luxton, Samantha Rayner, Shamsul Shelim, Gurch Singh and Simon Werner

Officers: Neil Allen, Tony Franklin, Antonia Liu, Shilpa Manek, Jo Richards and Sian Saadeh

APOLOGIES FOR ABSENCE

No apologies of absence were received.

DECLARATIONS OF INTEREST

No declarations of interest were received.

MINUTES OF THE MEETINGS HELD ON 17 FEBRUARY AND 3 MARCH 2021

RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 17 February and 3 March 2021 were a true and accurate record.

This was proposed by Councillor Hill and seconded by Councillor Hilton.

20/00864/OUT - STATION COURT - HIGH ROAD - COOKHAM - MAIDENHEAD – SL6 9JF

A motion was put forward by Councillor Walters to refuse the application, contrary to Officers recommendation. This was seconded by Councillor Hill. The reasons for the motion were that the proposed development, because of its height, scale, bulk, mass and design, would represent poor quality design. Therefore, the proposal would be out of keeping with the character of the surrounding area and would appear incongruous in the street scene. This is contrary to saved Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), Guidance G6.1 of the Cookham Village Design Statement Supplementary Planning Guidance (2013) and paragraphs 122(d) and 127(a and c) of the National Planning Policy Framework (2019).

A named vote was taken.

20/00864/OUT - STATION COURT - HIGH ROAD - COOKHAM - MAIDENHEAD - SL6 9JF (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	

RESOLVED UNANIMOUSLY: that the application be **REFUSED** contrary to Officers recommendation for the reasons above.

20/03371/OUT - LODGE FARM AND WATER TOWER - ASCOT ROAD - HOLYPORT - MAIDENHEAD

A motion was put forward by Councillor Walters to refuse the application as per Officers recommendation. This was seconded by Councillor Knowles.

A named vote was taken.

20/03371/OUT - LODGE FARM AND WATER TOWER - ASCOT ROAD - HOLYPORT - MAIDENHEAD (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	

RESOLVED UNANIMOUSLY: that the application be **REFUSED** as per Officers recommendation and reasons 1-7 in the panel report.

21/00100/FULL - 42 BISHAM VILLAGE - MARLOW ROAD - BISHAM - MARLOW – SL7 1RR

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

A named vote was taken.

21/00100/FULL - 42 BISHAM VILLAGE - MARLOW ROAD - BISHAM - MARLOW - SL7 1RR (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	For
Councillor Leo Walters	For
Carried	

RESOLVED: that the application be **REFUSED** as per Officers recommendation.

21/00274/FULL - FURZE PLATT JUNIOR SCHOOL - OAKEN GROVE –
MAIDENHEAD - SL6 6HQ

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

A named vote was taken.

21/00274/FULL - FURZE PLATT JUNIOR SCHOOL - OAKEN GROVE - MAIDENHEAD - SL6 6HQ (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	

RESOLVED UNANIMOUSLY: that the application be **PERMITTED** as per Officers recommendation.

ESSENTIAL MONITORING REPORTS

These were noted by the Panel.

The meeting, which began at 6.15 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

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

DEVELOPMENT CONTROL PANEL

21 April 2021

Item: 1

Application No.:	19/02085/FULL
Location:	St Edmunds House And 20 Ray Mill Road West Maidenhead
Proposal:	Erection of 14 No affordable apartments with associated parking, landscaping and access following demolition of St Edmunds House and 20 Ray Mill Road West
Applicant:	RBWM Property Company Ltd
Agent:	Mr Shaun Travers
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks permission for 14 affordable units across the three proposed buildings. Two of the buildings would be two storeys in height, and one block would be three storeys in height. 14 car parking spaces would be provided.
- 1.2 Ten of the proposed units would be shared ownership, and the remaining 4 units would be social rent. There is no local plan policy requirement to provide affordable housing as part of this scheme. There is a significant need for affordable housing within the Borough, and so the provision of 14 affordable units is a significant benefit of the application.
- 1.3 There are a number of harms arising from the proposal, which include the loss of St Edmunds House as a non-designated heritage asset; the resultant cramped form of development; the resultant harm to neighbouring residential amenity, the resultant poorly designed residential environment for some of the future occupiers, and the likely resultant additional pressures for some on-street parking on Ray Mill Road West, which has existing parking pressures.
- 1.4 The recommendation is finely balanced; however, it is considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits. As such, the application is recommended for approval subject to the affordable housing being secured through a legal agreement.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the provision of all 14 units as affordable housing, and with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if an undertaking to secure the affordable housing referred to in (1) is not achieved, for the reason that the provision of affordable housing is a significant benefit weighing in favour of the application and without it, the harm resulting from the scheme would outweigh its benefits.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site consists of a narrow piece of land situated to the south of Ray Mill Road West, measuring circa 0.23 hectares. The site is situated within the developed area of Maidenhead and is located within a predominantly residential area. A detached bungalow faces on to Ray Mill Road West with St Edmunds House located to the rear of the site. St Edmunds House is regarded as a non-designated heritage asset. There is a car parking area between the bungalow and St Edmunds House. A road runs along the eastern part of the site which provides vehicular access St Luke's school to the south.
- 3.2 A group of protected trees are situated in close proximity to the eastern boundary of the site (outside of, but adjacent to the application site).
- 3.3 The site is situated circa 0.8 km from Maidenhead town centre, located in a reasonably sustainable location.
- 3.4 Within the surrounding area, dwellings are predominantly two storey and domestic in scale. There are three storey (town house) dwellings to the west of the site on Wayside Mews. The rear gardens of these properties, which back on to the site, are approximately 8.0m in depth.

4. KEY CONSTRAINTS

- 4.1 Non-designated heritage asset
Protected Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application proposes the demolition of existing buildings on site and the construction of three apartment blocks. Block A, facing on to Ray Mill Road West would accommodate 4x 1 bedroom flats and would be two storeys in height. Block B would be 2 storeys in height and would accommodate 4 x 2 bedroom flats. Block C would be three storeys in height, and would accommodate 6 x 2 bedroom apartments. In total 14 apartments would be provided, and all would be affordable.
- 5.2 70% of the flats (10 units) would be of shared ownership tenure, with the remaining 30% (4 units) to be social rent. 4 social rented units would be provided in block A, with Blocks B and C accommodating shared ownership units.
- 5.3 **Block A** would have a height of 8.1 metres to the ridge and an eaves height of around 5 metres. The building would be finished in a mixture of brick and cladding and would have grey cement tiles on the roof.
- 5.4 **Block B** would have a height of circa 8.6 metres to the ridge and an eaves height of around 4.4 metres. It would be finished in brick and cladding and would have a grey cement tiled roof.
- 5.5 **Block C-** would have a height of around 11.5 metres, and an eaves height of around 7 metres. The building would be finished in a mixture of brick and cladding and would have grey cement tiles on the roof.
- 5.6 The existing access road down the eastern boundary would remain to provide access to the school to the rear, as well as the proposed flats. On-site parking for 14 cars would be provided. Grassed areas which would provide outdoor amenity space would be provided within the 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	DG1, H10, H11
Highways	P4 AND T5
Trees	N6
Other sites in business and industrial uses	E6
Pedestrian environment	T8
Cycling	T7
Meeting a range of housing needs	H8/H9
Loss of community facility	CF1

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development
 Section 4- Decision-making
 Section 5- Delivering a sufficient supply of homes
 Section 9- Promoting Sustainable Transport
 Section 11- Making effective use of land
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenges of climate change, flooding and coastal change
 Section 15- Conserving and enhancing the natural environment
 Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Ecology	NE1
Trees	Ne3
Local Heritage Assets	HE8

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Ecology	NR2
Trees	NR3
Historic Environment	HE1

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- “a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

- 7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.
- 7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

Supplementary Planning Documents

- Borough Design Guide
- Sustainable Design and Construction SPD

Other Local Strategies or Publications

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers were notified directly of the application. One neighbour (number 3 Wayside Mews) was not sent a letter (due to an administration error) but were notified of the application on the 24th March 2021. Any comments from this occupier will be reported in a Panel Update.

The planning officer posted a notice advertising the application at the site on 5th August 2019 and the application was advertised in the Local Press on the 8th August 2019.

Amended plans were received on the 21st October 2020, with a reduction in the number of units proposed. A new site notice and newspaper advert with the new description were displayed. Letters were sent to neighbouring occupiers notifying them of the amended plans.

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

Comment		Where in the report this is considered
1.	Concerns over the scheme not meeting the requirements of the right to light legislation.	See iv
2.	Concerned that on demolition of No 20 the party wall issues are dealt with correctly and that on completion the party wall is sound.	Party wall issues are not a planning consideration.
3.	From the plans we understand that the development will have no shared services with our property and would like that confirmed in writing. It is noted that some of the surface water runoff is entered into a combined system and we would like to see confirmation from the Drainage Authority that this additional outfall into the existing system will not cause any problems with the existing discharge from our property	Section vii looks at Sustainable drainage
4.	Have bat surveys been carried out?	See vi
5.	Concerns over the increase in traffic, in a busy area. Also there are schools in close proximity	See ix
6	This proposal will also mean St Luke's has to add yet another security gate/fencing to ensure the site remains safe and secure for its pupils	Noted, this is not relevant to the planning consideration.
7	In the submitted documentation (Refer to 'Design and Access Statement' section 7 and other supporting Plans) the line of existing trees to the east of Block C is depicted incorrectly as a continuous border of trees, whereas in reality there is a significant gap. This means Block C will result in unacceptable overlooking to 4 The Hyde.	The impact upon 4 the Hyde is considered to be acceptable. It does not directly adjoin the site.
8	The scheme will cause overshadowing to properties to the east.	See iv
9	With regard to the tree protection fence that will be in place during the construction. At its southern end, where the new wall is to be constructed, the plan appears to show it crossing my boundary fence and cutting off the SW corner of my garden. However, none of the documents suggest that access to my property will be required during the construction and I would not expect this to happen.	Noted.
10	The proposal shows Block C has Juliet balconies directly overlooking the garden of number 5 the Hyde. I object to this invasion of privacy, and request that the eastern elevation of Block C is to the same design as proposed for Block B.	See iv The Juliet balcony is not considered to result in significantly higher levels of overlooking than windows would in the same location.
11	The planning document has taken into consideration the potential overshadowing effect of blocks B and C on the properties in Wayside Mews but makes no reference to the effect on 5 The Hyde. Despite being directly adjacent to the site, it is shown only as a 2D area rather than a 3D representation on the above massing model (from the Design and Access Statement), so the extent to which it would be dwarfed by the 3 storey blocks is not shown.	See iv
12	Believes the submission of the application was timed for when residents would be away.	Not relevant to planning considerations.

13	The transport assessment was not undertaken on a typical school day and normally traffic would be much higher. It was done during school testing week when traffic movements are a lot lower than normal.	The Highway authority have not objected to the date of the assessment.
14	Ray Mill Road West is already heavily congested.	See ix
15	The plan does not take account of dwellings in the area, or the school.	See assessment
16	Homes for key workers for police and nurses is unacceptable, as they work shift patterns. They will be slamming their doors at night, which will cause disturbance to surrounding residents.	Key workers live in open market housing too. People of all professions require homes.
17	The construction period will cause unacceptable noise and disturbance to existing residents.	There is a level of disturbance associated with construction. There are construction working hours set by Environmental Protection.
18	The additional cars will add emissions to the area.	See ix
19	The ecological report is full of errors. I have seen bats on the site. They submit photographs of bats and refer to Section 40 of the National Environment and Rural Communities Act 2006.	Bats do use the site for foraging; however, the bat surveys did not find evidence of roosting bats in the buildings to be demolished.
20	The scheme proposes insufficient car parking, and this is likely to impact on highway safety, as cars are likely to park on the access.	See ix
21	The width of the proposed access is a concern taking into account the use by the school and the proposed flats.	See ix
22	The developers assured us that a brick wall would be built between the site and the school. This is not proposed, and we object to this, as a fence is not adequate.	This would not constitute a reason to refuse the application.
23	The scheme will remove a roundabout which the school have had to pay for.	Noted. This is not relevant to the planning consideration.
24	Cramming flats in a privately owned area is not in keeping with the character, or in the best interests of surrounding residents.	See iii
25	Scheme would impact on peace and enjoyment of number 2 Wayside.	See iv
26	Lights from cars and street lighting would affect the health of surrounding residents.	Details of new lighting could be controlled by condition.

27	The construction period would devalue my property and deny me the right to extend under permitted development.	The impact on the value of a property is not a planning consideration. If a property has permitted development rights, this development will not affect what that property could do under permitted development.
28	Scheme will remove biodiversity habitats.	See vi
29	There are more bird species, and butterflies in the ecological assessment reported that would be impacted.	See vi
30	Considers the scheme will harm the bat habitat which is illegal.	See vi
31	If these plans go ahead, a zebra crossing should be installed on Ray Mill Road West to allow a safe crossing point for people going to school.	A zebra crossing is not considered necessary.
32	The transport assessment is incorrect. The access is used by visitor's deliveries and contractors, both within and out of school term time.	Noted.
33	The school requests that the area in front of St Edmunds is re-tarmaced as part of the building work.	This assessment can only consider the acceptability of the proposal put forward in the application.
34	How do you prevent HGVs turning down Wayside Mews and causing damage to a private road?	This is not material to the consideration of this application.
35	Noise and light pollution are a concern.	See x
36	Block B would reduce light to windows in 5 the Hyde.	See iv
37	Concerns over the boundary treatment. Land at 5 the Hyde is around 1 metre lower and so a 2.4 high metre fence would cause an unacceptable impact.	Details of the boundary treatment could be secured by planning condition.
38	Scheme will add to pressures on schools, GP's and dentists	See x
39	Object to sheer scale of the development	See iii
40	Impact on privacy to number 22 Ray Mill Road West	See iv

41	We see as well in the study that the height of the buildings is the same in the 2 versions. Yet the "proposed value" of the VSC changes between the 2 versions in the Daylight and Sunlight report. It means, that the margin of error in the number calculated is questionable (24.82-24.48=0.34), therefore the accuracy of the simulation is highly questionable. We believe that this inaccuracy is a considerable concern and that the light lost from this window would be noticeable (as the values of the Vertical Sky Component is below 27% and losses of 20% are reached).	See iv The daylight assessment was further updated to take account of the latest amended plans. No evidence has been presented to show why it is considered the assessment is incorrect.
42	The bat survey has still not been put on the application page, nor the mitigating actions taken, despite the fact that Boonbrown confirmed on the telephone that the survey has been done. Please publish this report.	See vi
44	Extra noise from additional cars	See x
45	Concerns over the sheer size of the proposed build.	See iii
46	Where will the considerable number of cars that park by St Edmunds House go?	This car park is not dedicated to the school, and there is an informal agreement with the school that they can park there. The school has on-site car parking within the site.
47	Serious loss of privacy to number 22 Ray Mill Road West	See iv
48	Parking on Ray Mill Road West is already an issue. This scheme if allowed would add to this problem.	See ix
49	Exiting the drive from number 22 Ray Mill Road West is already an issue, this will add to the problem.	See ix
50	The noise levels during construction and after completion will increase and cause harm to neighbouring properties.	See x
51	Concerns over the impact on bats, which are present on site.	See vi
52	Concerns over construction traffic.	Construction traffic is to be expected. A condition could be imposed to secure a Construction Management Plan.
53	There won't be space for council to park when they need to undertake maintenance of the site.	Noted.
54	Concerns over the impact of the scheme, in combination with the development proposed on Ray Mill Road East.	Planning permission for new housing has not been granted on Ray Mill Road East.

55	Not seen anything about the proposed security measures for the school.	A gate is shown on the site layout plan.
56	You will need to do an Environmental Impact Assessment if bats are present.	An EIA is not required for this application.
57	Lorries will arrive between 6-7am delivering materials. What compensation will you offer?	This is not a relevant planning consideration.
58	Proposed building block B will be overbearing and cause loss of light to number 2 Wayside Mews.	See iv
59	The Council declared a climate change emergency, so shouldn't these houses be built to zero carbon standards?	See x
60	The scheme will result in the loss of car parking that was granted permission for St Lukes School	It will not impact on the car parking granted at St Lukes school.

Comments on Amended plans

Comment	Where in the report this is considered
Inadequate car parking would be provided. Ray Mill Road West already has problems with parking, and this will add to it.	See ix
Concerns over the lack of parking, which will result in parking on non-designated spaces causing access problems to St Lukes School	See ix
Lack of access to disabled people/ people with walking frames	See x
Development will put pressure on already stretched local services	See x
Concerns over the access, which is small in width.	See ix
Concerns over the impact on wildlife on the site, which includes bats, birds and butterflies.	See vi
Concern over the extra noise associated with the weekly refuse lorries.	The refuse vehicles already collect refuse from this area.
There will be extra noise from cars after the development is completed.	See x
Concerns over the scale of the development in relation to the size of the site, and in the context of the local area.	See iii
Loss of privacy to number 22 Ray Mill Road West	See iv
Traffic is already an issue in the area, and this development would add to it.	See ix
Cars continue to park regularly on the site, demonstrating a requirement for that purpose.	See ix
Scheme is not in keeping with the character of the area.	See iii
Valuable open space would be replaced by urbanisation.	This is not considered to be a valuable open space.
Concerns over the accuracy of the daylight/sunlight report. Believe that there would be a noticeable loss of light to 18 Ray Mill Road West.	See ix.
We demand that the building plans are changed so that the right of light to number 18 is not adversely impacted and expect the VSC to be above 27%.	See ix
There will be significant levels of traffic on a busy road, and it will result in air pollution, impacting upon the health of children.	See x
Concerns over the scale of the development.	iii
School is concerned about the shared driveway and they are deeply concerned about cars parking on the link road and/or parking in passing areas. We are also concerned about cars parking on the kerb at the access point because there will be limited spaces now available inside.	ix
If access areas are restricted staff will not be able to get to their place of work, emergency vehicles will not be able to enter and neither will refuse or government vehicles or indeed delivery drivers.	ix
The number of parking spaces has been reduced from 16 to 14 which will only increase the issues for households with more than one vehicle.	ix
The three parking spaces at the top of the site (numbers 1, 2, 3) originally planned to be accessed directly from Ray Mill Road West had the advantage of preventing on-road parking in front of them. The current plan has moved these parking spaces and landscaped the area which will encourage on-road parking adjacent to the access road. This will cause visibility problems which are currently experienced with vehicles parking at the top of the drive now.	ix

School governors are very worried about safety of pupils, and particularly that of staff and visitors accessing the school via the drive access – the only vehicle access. Should this access road become blocked by parked residential vehicles it could seriously impede access for emergency vehicles, particularly ambulances and fire tenders.	ix
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Raises no objection, provided a condition on the detailed design of the sustainable drainage system is imposed.	viii

Consultees

Consultee	Comment	Where in the report this is considered
Ecologist	Raises no objections, subject to planning conditions being imposed to secure a method statement, or a new survey to be undertaken if development has not commenced before April 2021, a suitable lighting strategy and biodiversity enhancements.	See vi
Conservation Officer	<p>The demolition of the building would be counted as substantial harm and in such cases the test contained in paragraph 197 of the NPPF would need to be applied when considering the development. This states that in weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of significance of the heritage assets.</p> <p>If demolition were considered appropriate, then we would expect that the buildings are recorded by way of a photographic record, to HE level 1-2, prior to demolition, in accordance with para 199 of the NPPF. Suitable wording for a recording condition can be provided if required. In addition, we would support a condition as noted in para 6.40 of the Planning and Heritage Statement that addresses the requirements of para 198 of the NPPF, to ensure that the new development will proceed after the loss of the building has occurred.</p>	See ii
Tree Officer	No objections, subject to a condition for tree protection measures. They also advise the landscaping plan and landscaping maintenance and management plan should be updated.	See v
Highways	<p>According to the Local Authority's current Parking Strategy the proposal results in the site having a parking shortfall of 10 spaces. The parking survey results show the development will add to the severe parking pressures within the surrounding area, which will be detrimental to highway and pedestrian safety and to the local residents and their visitors who currently rely on this area for parking.</p> <p>For these reasons, the Highway Authority cannot support this proposal and recommends that planning permission be refused as it is contrary to policies P4 and T5 from the Boroughs Local Plan and the NPPF (paragraphs 105, 106 & 109).</p>	ix

Environmental Protection	<p>Agree with the outcomes of the Phase II Geoenvironmental Site Investigation and Risk Assessment report in that there are no viable pollutant linkages at the development site. Given that the risks of contamination at the development site are very low, recommends imposition of a condition regarding contamination.</p> <p>Also recommend a condition for a CEMP to be submitted, and for a restriction on the timing of deliveries for commercial purposes.</p>	<p>See recommended conditions for the CEMP and contaminated land.</p> <p>A condition on the restriction on the timing of deliveries by commercial vehicles is not considered to be necessary to make this development acceptable.</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of use of the existing office building
- ii The loss of the non-designated heritage asset
- iii Design and impact on the character of the area
- iv Residential amenity for neighbouring properties and future occupiers
- v Impact on Trees
- vi Ecology
- vii Affordable Housing
- viii Sustainable Drainage
- ix Transport
- x Other considerations
- xi Planning Balance and Conclusion

i Loss of use of the existing buildings.

9.2 It is understood that St Edmunds House has been used for office use, and a pupil referral unit in the past. The building has been vacant for several years. Policy E6 of the Adopted Local Plan (the development plan) sets out that proposals for the redevelopment or change of use of premises in employment use to other uses will be supported in appropriate circumstances. Policy E6 does not prevent the loss of employment uses that are not within allocated employment sites.

9.3 The National Planning Policy Framework (NPPF) 2019 at paragraph 121 explains that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

- 9.4 It is not considered that this scheme would conflict with Policy E6 of the Adopted Local Plan. In addition, there is a need for housing within the Borough, as the Council is unable to demonstrate a five-year housing land supply, and so it is considered that the scheme accords with paragraph 121 of the NPPF.
- 9.5 A pupil referral unit would be classed as a non-residential institution. Policy CF1 of the Adopted Local Plan sets out that “The borough council will not permit the loss of existing community facilities and buildings unless it is satisfied that 1. There is no longer a need for them; or 2. An acceptable alternative provision is to be made elsewhere.” In this case, the design and access statement explains that the pupil referral unit closed several years ago and as such there is no longer considered to be a need for it. The scheme would not conflict with Policy CF1.

ii Loss of the non-designated heritage asset

- 9.6 St Edmunds House is considered to be of both architectural and historic interest. It is a substantial mid to late Victorian villa with outbuildings, and an original boundary wall to the rear. The existing building (St Edmunds House) is considered to be a non-designated heritage asset. Paragraph 197 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.7 In architectural terms it is quite a large mid-Victorian Villa with unusual gothic inspired and “freestyle” detailing. The original stables and outbuildings remain off Ray Mill Road West, which are fairly rare survivors. Historically, this building is a good example of the phase of Victorian development that followed the construction of the railways in Maidenhead. The building is a good example of its type, with some interesting and attractive design details, although now disfigured by unsympathetic alteration and ad hoc additions. The scheme would result in the entire demolition of the building. The building is of architectural and historic value; however, it has been modified in an unsympathetic way. The demolition of the non-designated heritage asset weighs against the scheme.
- 9.8 Although the Conservation Officer regards the loss of the non-designated heritage asset as substantial harm, given that there have been some unsympathetic alterations to the building, some of its architectural and historic value has been eroded. It is therefore considered that the loss of this non-designated heritage asset should be given significant rather than substantial weight.

iii Design and impact on the character of the area

Scale

- 9.9 The building proposed to the front of the site (building A) at two storeys in height would be in keeping with the heights of the two storey dwellings along Ray Mill Road West. The depth of this building would be noticeably greater than other buildings in the local area and this would be visible when viewed from Ray Mill Road West, when looking from the east. The scale of this building is not characteristic of this area, and some harm to the streetscene would arise.
- 9.10 With regard to block B (within the middle of the site), the height of the building would fit in with the height of other two storey buildings within the locality. Building B is deep at 19 metres, which is significantly deeper than other buildings in the locality. The scale of this building would be out of keeping with other buildings in the locality. It would not be as visible within the streetscene as block A but would be visible from surrounding residential properties. Block C, at three storeys in height, combined with its footprint would be significantly larger in scale than buildings in the surrounding area. This building would be set back within the site and views of the building from Ray Mill Road West would be limited, but it too would be visible from surrounding properties.

Layout

- 9.11 The application site is linear in form and relatively narrow. The proposed buildings would be located behind one another, with areas of car parking in between the buildings. The space around proposed block A would be limited. Block B at two storeys in height would have a reasonable amount of space around it, so that it does not appear overly cramped. Block C would be three storeys and would be sited close to the access road. Given the scale of the building and the limited spacing around it, this building would appear somewhat cramped within the site.
- 9.12 Given the scale of the buildings and the distances between the proposed blocks (with gaps of 16 and 20 metres) the positioning of the buildings is considered to be acceptable.
- 9.13 Blocks B and C would have a reasonable amount of outdoor amenity space. In addition, there are areas of land within the site where landscaping can be provided to soften the appearance of the development. The layout incorporates refuse and cycle storage, the positioning of which is generally considered to be acceptable.

Appearance

- 9.14 The majority of the application site lies within 'a post war suburb' as defined by the Council's Townscape Character Assessment where its main characteristics include medium density residential suburbs consisting of a distinctive network of curvilinear streets with dead end roads and cul de sacs where parking is predominantly off street.
- 9.15 The proposed buildings would have gable roofs which are in keeping with the roof form of buildings in this area.
- 9.16 The buildings are of a contemporary design. Subject to the use of appropriate brick and cladding, the materials proposed are considered to be acceptable within this area where there are a variety of materials.
- 9.17 Block A is considered to be of an acceptable appearance. The northern and eastern elevations, which would face Ray Mill Road West and the access road respectively have active frontages which is considered to be a positive of the scheme.
- 9.18 The front elevation of block B is considered to be acceptable. The use of the gable, and window detailing would create an active frontage to the building on the north (front elevation). The eastern elevation which would face the access road lacks architectural detailing and would appear quite bland, which is a negative of the scheme.
- 9.19 The northern and eastern elevation of block C incorporates fenestration and architectural detailing, so that they are active elevations. The appearance of this building is considered to be acceptable.
- 9.20 The bin stores provided for each block would have a height of 2.4 metres. This is considered to be high, especially when located next to the boundaries with residential gardens. It is considered that the height of the bin stores should be reduced to somewhere closer to 2 metres, to reduce the impact of the bin stores on neighbouring gardens. The final design of the bin stores could be secured by planning condition (condition 15).
- 9.21 Overall the scheme is considered to be cramped, owing to the scale of the buildings proposed within a site of this size. There would be views into the site from Ray Mill Road West, although the views of the entire scheme from this road would be fairly limited. However, the scale of the development will be visible from many neighbouring properties. In addition, the side elevation of Block B is quite bland, which is not good design. It is considered that there would be harm to the character of the area, in conflict with policies DG1 and H11 of the Adopted Local Plan. This is considered in the planning balance.

Iv Residential Amenity for neighbouring properties and future occupiers

- 9.22 There are no adopted Local Plan policies relating to residential amenity. The NPPF at paragraph 127 sets out that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity

for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 9.23 The Borough Design Guide is an Adopted Supplementary Planning document and is a material consideration in the determination of this application. The SPD provides guidance on amenity.

Neighbouring amenity

- 9.24 The application site is bounded by residential development to the east and west, and the impact of the development on the amenity of these neighbouring properties needs to be considered.

18 Ray Mill Road West

- 9.25 This is a two-storey dwelling situated to the west of the application site. The two-storey building proposed to the front of the site (block A) would have the greatest impact on this dwelling.

Impact on light

- 9.26 A sunlight and daylight assessment was submitted with the planning application. The assessment shows that there would be an impact on light to windows in this dwelling, however, the reduction in light as a result of the proposal is not considered to be significant. There is a first floor side facing window in the eastern elevation of number 18 which serves a bedroom (the only window to serve this room), however, the submitted daylight assessment reveals the impact on light to this window would not be significant.

Impact on privacy, and whether the development would appear overbearing

- 9.27 The side elevation of block A would face number 18 Ray Mill Road West (the dwelling and rear garden area). No windows are proposed in the side elevation of this proposed building at first floor level, and so no unacceptable overlooking would arise. The proposed building would be circa 3.5 metres from the rear garden area of number 18. Given that the building is two storey and set off the boundary, it is not considered the scheme would be unduly overbearing to the garden area of this property.

Number 22 Ray Mill Road West

Impact upon light

- 9.28 This dwelling is situated to the east of the site. A row of trees and a private access separates the application site and this neighbouring dwelling. A gap of circa 13 metres would be maintained between these two buildings. Block A would face the side elevation of number 22 Ray Mill Road West. Given that the proposed building would not face a principal elevation of this dwelling and taking into account the distance between the two buildings, it is not considered that there would be a significant impact upon light to the windows of this dwelling.

Privacy

- 9.29 There are windows and a non-projecting balcony in the eastern elevation of block A, which would provide views to the side elevation of this dwelling, however, given the distance of 13 metres, and the fact that the windows would not face a principal elevation of the house, it is not considered that there would be an unacceptable level of overlooking of this dwelling or its garden.

Numbers 1- 12 Wayside Mews

- 9.30 These are three storey town houses located to the west of the application site. The rear elevations and rear garden areas of these properties face onto the western boundary of the application site.

Impact on light

- 9.31 The Sunlight and daylight assessment shows that the windows in the rear elevation of the dwellings would have a reduction in light as a result of the proposed development, but that the impact on light would not be significant.

Privacy and whether the development would be unduly overbearing.

- 9.32 The rear garden areas to the dwellings on Wayside Mews are shallow, at around 8 metres deep, and are at a lower ground level than the application site. Blocks B and C would have side elevations with windows at first floor level, with block C having windows at second floor level that would face the rear gardens on Wayside Mews.
- 9.33 Block B would have bedroom windows which would face the properties on Wayside Mews. These windows are shown to have etched glazing. Block C would have first and second floor levels that would serve bedrooms and a kitchen that would face the properties on Wayside Mews.
- 9.34 The distance between the windows in the western elevation of block B and the windows in the rear elevations of properties on Wayside Mews would be circa 16 metres. This is quite a close relationship, given habitable room windows are located in the side elevation of block B, and the rear (principal) elevation of the dwellings on Wayside Mews contain habitable room windows. There would likely be unacceptable overlooking to the windows of these dwellings if mitigation is not put in place. The first-floor windows in block B are shown to have etched glazing, which would limit views from these windows. As such, provided these windows are in etched glazing, it is not considered that there would be unacceptable levels of overlooking to habitable room windows in these neighbouring dwellings.
- 9.35 There is a gap of around 19.5 metres between the first and second floor windows of block C to the rear elevation of the dwellings on Wayside Mews. This distance is considered to be reasonable to avoid unacceptable levels of overlooking between properties. The rear garden areas of numbers 11 and 12 would experience a level of overlooking, but the separation distance to the rear garden is greater from block C, compared to block B. It is considered that windows at first and second floor level should also have etched glazing to reduce the level of overlooking to these gardens.
- 9.36 It also needs to be considered whether the proposed buildings would be overbearing when viewed from the neighbouring properties on Wayside Mews. Block B would come within close proximity (within 2 metres), of the rear gardens of numbers 2, 3 and 4 Wayside Mews however, it is number 3 Wayside Mews that would be most impacted, with the gable of this building extending across the entire width of this garden boundary. Block B is two storeys in height, and whilst the building is not particularly high for a two-storey building, the two-storey gable will be in close proximity to this rear garden. It is considered the building would be overbearing to this garden. The gable facing this garden would appear bland and lacks architectural detailing. The applicant has offered to provide architectural detailing on this elevation; however, whilst this would improve what neighbouring occupiers can see of this elevation from their garden, the building would still appear overbearing when viewed from this rear garden area.
- 9.37 Proposed block C would be located at its closest point around 4.5 metres off the boundaries with Wayside Mews. Given the wider separation distance up to the boundary, it is not considered that this building would be unduly overbearing to the rear garden areas of the properties on Wayside Mews.

5 The Hyde

- 9.38 This dwelling is located to the east of the application site (to the rear of number 22 Ray Mill Road West). This dwelling and its garden would be most impacted by blocks B and C. The windows in the side elevation at ground and first floor level of this property would experience an impact on light, however, the sunlight/daylight assessment shows that this would not be to a significant level. The window in the ground floor side elevation is a secondary window which serves a kitchen/dining area, and the first-floor side window serves a bedroom (this is the only window serving this room).
- 9.39 Proposed block C would be visible from the rear garden of number 5, however, given the offset of the building from this rear garden area, and taking into account the large size of this garden area,

it is not considered that block C would be unduly overbearing when viewed from this rear garden area. It is not considered that block C would result in unacceptable overlooking to the rear garden of this property.

Amenity of future occupiers

- 9.40 The floorspace for each apartment is considered to be sufficient in size and would meet the nationally described space standards, which is supported by the Adopted Borough Design Guide.
- 9.41 Some of the apartments would have inset balconies, but these balconies are not very large, and would not meet the standards in the Borough Design Guide, and so it is not considered that these balconies would provide appropriate amenity space in themselves for future occupiers. However, blocks B and C would have a fairly reasonable amount of outdoor communal space for future occupiers. Block A would have an adequate amount of outdoor amenity space when assessed against the Borough Design Guide, however, this space is not well connected to the building and there would be limited opportunity for tree planting in this space.
- 9.42 The habitable room windows (bedrooms) within blocks B and C that are proposed to be fitted with etched glazing would result in an inadequate outlook for future occupiers of these flats, which weighs against the scheme.

V Trees

- 9.43 There are two group Tree Preservation Orders 008/1980/G2+G3 aligning with the western boundary of 5 The Hyde Ray Mill Road West. Group G2 protects 4 x Yew trees. G3 protects 7 x Common Yew, 2 x Sycamore, 1 x Holm Oak, 1 x Purple Beech, 1 x Hawthorn and 1 x Blue Atlas Cedar. Policy N6 of the Adopted Local Plan provides guidance on new development and trees.
- 9.44 The submitted outline arboricultural method statement and tree protection plan is missing important tree protection method measures, and methods to ensure off-site trees are protected. However, in principle the development is considered to be acceptable in relation to protected trees. A condition would be required to obtain the required tree protection measures and method statement (condition 3).
- 9.45 Turning to new soft landscaping proposed planting is ornamental in nature, and does not include native species. It is considered native planting should be included within a landscaping scheme. This could be secured by planning condition (condition 4).

Vi Ecology

Bats

- 9.46 The buildings on site were assessed for their potential to support roosting bats.
- 9.47 All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), to deliberately or recklessly destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).
- 9.48 The ecology report (Plowman Craven, 2019) made recommendations for further surveys in order to establish whether or not the buildings support bat roosts. These further surveys were provided as part of this application. The buildings were all surveyed following best practice guidelines and at an appropriate time of year. No bats were recorded emerging or returning to roost during the further surveys and therefore the applicant's ecologist has concluded that bats are most likely absent from the buildings.
- 9.49 Due to the transient, mobile nature of bats, the presence of features on the buildings suitable for use by roosting bats, and the time since these surveys were undertaken (July 2019), it is considered

necessary to include a condition so that demolition works follow a method statement of precautionary measures to safeguard against any risk of the proposals causing harm to bats (condition 8). The Council's Ecologist does recommend that if demolition of the buildings has not commenced by April 2021, a condition should require a new bat survey to be undertaken, however, this is not considered reasonable. A new survey would need to be undertaken before the application was determined, and as the survey is not older than 2 years, it is not considered necessary or reasonable to request a new survey to be undertaken prior to the determination of the application.

- 9.50 New lighting without appropriate mitigation could have a detrimental impact on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites. The ecology survey makes recommendations with regards to lighting at the site in order to minimise the impact of lighting on bats including the avoidance of lighting on the wildlife sensitive areas of the site including the eastern boundary, creation of dark corridors through the site, use of low pressure sodium lamps, or lamps with UV filters and prevention of increased lux and illumination levels (condition 9).

Other wildlife

- 9.51 There was no evidence of badgers and no suitable habitat on site to support great crested newts or reptiles.
- 9.52 The buildings and vegetation may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Works to the buildings, trees and shrubs should be undertaken outside of the bird nesting season (March to August inclusive) or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist.
- 9.53 The site has the potential to support hedgehogs, which are listed as a Species of Principal Importance, which makes it a conservation priority under Section 41 of the NERC Act 2006. The NPPF 2019 states that "Planning policies should promote the protection and recovery of priority species". The applicant's ecologist has made some recommendations with regards to the protection of hedgehogs during development. A condition could secure details of how to protect hedgehogs and mammals during development.
- 9.54 A technical note states the biodiversity enhancements which will be included at the site including areas of grassland, native tree and shrub planting, the installation of bird and bat boxes onto the new buildings and the provision of log piles and hibernacula. In addition, as the site contained habitat suitable for hedgehogs, it is recommended that any close board fencing contains gaps at the base in order for hedgehogs and other wildlife to be able to transverse the site to surrounding areas. The technical note states that an 18% increase in biodiversity will be provided following development. The locations and specifications of all the enhancements should be included within a biodiversity enhancement scheme, and this could be secured by planning condition (11).

vii Affordable Housing

- 9.55 As the site area is less than 0.5 hectares, and the number of dwellings to be provided is less than 15, there is no requirement to provide affordable housing under policy H3 of the Adopted Local Plan. Policy H03 of the Borough Local Plan (proposed changes version), requires 30% of the units on site to be affordable for this size of development, however, the Borough Local Plan is not adopted, and carries limited weight at this time in the determination of the application.
- 9.56 Paragraph 71 of the NPPF sets out that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their home), unless the need for such homes is already being met within the authority's area. It states these sites should be on land which is not already allocated for housing and should:

a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

- 9.57 The Draft Housing Strategy for Windsor and Maidenhead explains that Strategic Housing Market Assessment shows that there is a need for an additional 434 new affordable homes in the Borough every year. In the year 2019/2020, 70 affordable units were delivered. It is evident that there is a significant need for affordable homes within the Borough, and this scheme would make a contribution to this.

Viii Sustainable Drainage

- 9.58 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence it would be inappropriate.
- 9.59 The Lead Local Flood Authority advised they were satisfied that a satisfactory sustainable drainage scheme can be achieved but asked the applicant to confirm that the strategy had not been changed as a result of the amended plans. The applicant's drainage consultant has confirmed that the drainage strategy has not changed as a result of the amended plans. The LLFA recommends a condition is imposed to obtain full details of the strategy and ensure implementation (condition 7).

Ix Transport

- 9.60 Policy T5 of the Adopted Local Plan sets out that all development will be expected to comply with the Council's Adopted Highway Design Standards.
- 9.61 Paragraph 108 (c) of the NPPF sets out that for specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be- or have been- taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved by all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.
- 9.62 Paragraph 109 of the NPPF sets out 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.
- 9.63 Policy P4 of the Adopted Local Plan requires developments to provide car parking in accordance with the Council's parking standards, which are set out in the Council's Parking Strategy 2004. However, the Council's parking standards are maximum parking standards, which the NPPF sets out should only be imposed if there is clear and compelling justification that they are necessary for managing the local road network. Policy P4 is therefore not given full weight in the determination of this application.
- 9.64 Although when assessed against the Parking Strategy, the site would not be considered one of good accessibility (as it is not within 800 metres of a train station with a regular service), the site is in a reasonably accessible and sustainable location, being around a 10 minute walk (800 metres) from Maidenhead town centre.
- 9.65 When assessed against the Council's parking strategy, the site would be considered as an area of poor accessibility. When applying the standards for this location, based on the number of units and bedroom numbers, 24 car parking spaces would be required to meet the Council's Parking Standards. The scheme proposes 14 car parking spaces, and so there would be a shortfall of 10 car parking spaces.
- 9.66 The submitted transport statement sets out that based on the latest census data, average car ownership is 1.19 cars or vans per household, where the average household size is 2.4, which is

relatively low. The site is also within a reasonably sustainable location, being a relatively short walk from the town centre. It is acknowledged that there are significant pressures for on-street parking on Ray Mill Road West. Given the location, and size of units proposed, it is considered reasonable to apply a parking ratio of 1.5 spaces for the 2-bedroom units (midway between the requirements for a 1 and 2/3 bed unit). Based on this ratio, 19 car parking spaces would be required. When applying this ratio, there would still be a shortfall of 5 car parking spaces.

- 9.67 As there would be a shortfall in car parking spaces, it is considered a car parking management plan should be secured which would set out how parking spaces would be allocated to future occupiers. It is considered that this would help mitigate the impact of the shortfall of 5 on-site car parking spaces. Even though there would be some harm arising from the shortfall in parking spaces, it is considered that through the submission of a car park management plan, any significant impacts on highway safety from increased pressure for on-street car parking could be mitigated to an acceptable degree. A car park management plan has been submitted with the application, however, further detail is required, and so a condition is recommended to secure this (condition 22).
- 9.68 Turning to the access arrangements, a plan showing visibility splays of 2 metres x 25 metres from the main access has been provided and this is considered to be acceptable. The swept path analysis drawings show that a fire appliance and refuse vehicle could access and manoeuvre with the site
- 9.69 Cycle storage is proposed and shown on the site layout plan. Further details of the type of cycle storage is required and can be secured by planning condition (condition 16).

x Other considerations

Pollution

- 9.70 Concerns have been raised about air pollution as a result of the proposal. The site is not situated within an Air Quality Management Area.
- 9.71 In terms of pollution from future occupiers. A low level of car parking provision is proposed. It is not considered that unacceptable levels of pollution would arise from the development.
- 9.72 With regard to noise pollution, it is not considered that a residential scheme within a predominantly residential area would cause unacceptable levels of noise.
- 9.73 With regard to light pollution, residential units would not cause unacceptable levels of light pollution. Any new external lighting could be controlled by planning condition (condition 9).

Sustainability measures

- 9.74 Reference has been made by objectors that the scheme should follow the Council's Climate Change Strategy. This Strategy is a material consideration to the determination of the application. The Council has published an interim sustainability position statement. This is a material consideration, however, this application was submitted prior to this position statement being published, and so the position statement is given limited weight in the determination of this application.
- 9.75 The applicant has advised that they would be looking to contact contractors to ensure the design and build is sustainable in line with the environment and climate strategy. They advise that electric charging bays and renewable energy will be considered at design stage, as the scheme is for all affordable housing, and so the costs of measures will need to be taken into account in considering viability. They state that as the scheme is a 100% affordable housing development, the costs will be a consideration to determine viability, but that they are committed to working within the Council's policies to provide a good standard of sustainable housing. Whilst it is regrettable that sustainability measures such as the provision of electric charging bays, and solar panels have not been considered at this stage, it is accepted that as this scheme is for affordable units, viability may affect what measures can be proposed.

Access for disabled persons, or with reduced mobility

- 9.76 The Design and Access Statement sets out that all buildings and spaces have been designed to comply with part M of the Building Regulations and will allow use by persons of all levels of mobility.

Impact upon infrastructure

- 9.77 The Council has a community infrastructure levy, which places a charge on certain development. This money is used towards funding infrastructure projects such as transport schemes, schools and open space throughout the Borough.

X1 **Planning balance and conclusion**

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

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

- 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.*

- 9.79 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.

- 9.78 The scheme is considered to conflict with policies DG1, H11, P4 and T5 of the Local Plan (the development plan). At the time of writing, the Council is unable able to demonstrate a five-year housing land supply, and so paragraph 11 of the NPPF must be engaged (this is known as the 'tilted balance'.) This application is not subject to policies in the NPPF that protect areas or assets of particular importance. As such paragraph 11 (ii) must be engaged, which requires the assessment to consider if any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole.

- 9.79 As stated in section iii of this report, the scheme is considered to be cramped, owing to the scale of the buildings within this linear site. As views of the entire development from Ray Mill Road West will be quite limited, the harm to the streetscene is considered to be limited, however, the cramped nature of the development would be visible from neighbouring properties. Overall, the development is considered to result in moderate harm to the character of the area.

- 9.80 The scheme would impact on light to habitable room windows in neighbouring residential properties, although the impact is not considered to be significant. It is considered that block B would be overbearing to the rear garden area of number 3 Wayside Mews and that the first-floor windows would result in a perception of overlooking to the rear gardens of numbers 4 and 5 Wayside Mews. As such, overall, the harm to neighbouring residential amenity is considered to be moderate.

- 9.81 For future occupiers of the proposed units, some of the bedroom (habitable room) windows would have etched glazing in order to reduce levels of overlooking to neighbouring gardens. This is not reflective of providing a high-quality environment for those future occupiers of the units and it weighs against the scheme and is given limited weight as harm.

- 9.82 The scheme would result in the total loss of a non-designated heritage asset (St Edmunds House), and this is given significant weight. The planning statement sets out that the ability to restore the building back to residential accommodation is limited both in terms of floor layout and fabric. The building is large with deep floor plates and as such does not lend itself to apartments in terms of providing natural light to habitable rooms. The fabric and layout of the building does not meet modern day building regulations in respect of fire safety. The building is not Part M compliant for disabled access and alterations necessary to render the building compliant would not be viable.
- 9.83 A level of harm would arise from the shortfall of car parking spaces. Although this is not a significant shortfall, Ray Mill Road West has a high level of on-street car parking. As such it is considered that some harm would arise. It is considered that measures such as a car park management plan could help control how car parking spaces on site would be allocated to future occupiers. This harm is given limited weight.
- 9.84 The benefits of the scheme are that it would provide 14 residential units, which would make a moderate contribution to the Council's five-year housing land supply. This is given moderate weight as a benefit.
- 9.85 All of the units would be affordable and there is a strong need for affordable housing within the Borough, with a need for 434 additional new homes each year required. In the year 2019/2020, 70 affordable units, comprising 62 shared ownership units and 8 units for affordable rent were provided. Given the need for affordable housing in the Borough is high, the provision of 14 affordable units on this site is given significant weight as a benefit.
- 9.86 Economic benefits would arise from jobs created during the construction period. These would be temporary jobs and given the scale of the development the economic benefits are considered to be limited.
- 9.87 The site is a brownfield site, situated within a reasonably sustainable location. The NPPF at paragraph 68 sets out that local planning authorities should support development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. At paragraph 118 of the NPPF, it states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Great weight is therefore given to this being a windfall site, and substantial weight is given to the use of brownfield land.
- 9.88 The benefits of the scheme are the use of a brownfield site, the use of a windfall site, the provision of affordable housing, and the contribution to the Council's five year housing land supply, balanced against this are the harms, which include the loss of the designated heritage asset, the harm to the character of the area, harm to neighbouring residential amenity; the quality of living accommodation for the some of the units for future occupiers, and the additional pressures for on street car parking. It is considered that this scheme is finely balanced, however applying the tilted balance as set out in the NPPF, it is not considered that the adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. An updated CIL form to reflect the floorspace of the 14 apartments is required.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Elevations
- Appendix C – Floor plans

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

permission.

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

- 2 Prior to the commencement of construction of the buildings hereby approved, a written specification of the materials to be used on the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

- 3 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

Nothing shall be stored or placed in any fenced area (construction exclusion zone) in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

The tree protection measures shall be installed prior to the commencement of works on the site and retained until completion of the development and the works as a whole shall be carried out in accordance with these approved details and maintained until completion of the development.

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

- 4 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 soft landscaping scheme to be approved by the Local Planning Authority shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities

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.

- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

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

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

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

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

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

Supporting calculations based on infiltration testing undertaken in accordance with BRE365 confirming any attenuation storage volumes to be provided.

Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-

- Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 8 Demolition works shall be undertaken under the supervision of an appropriately qualified ecologist [full member of CIEEM and/or a Natural England Bat licence holder with experience of supervising demolitions where there is a risk of bats being present]. Works are to follow a method statement detailing techniques, including the careful removal of tiles by hand, and the procedure to follow should bats or signs of bats be found which will have been agreed in writing by the Local Planning Authority prior to the commencement of the demolition of any of the buildings. A closing-out report including details of the methods used, and any bats or signs of bats found, shall be submitted to the Local Planning Authority.
Reason: To ensure that bats, a group of protected species, are not adversely affected by the proposals.
- 9 Prior to the commencement of construction of the buildings hereby approved, a report detailing the lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
 - A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.
 The approved lighting plan shall thereafter be implemented and maintained as agreed.
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF
- 10 No works which will include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect hedgehogs and other mammals from being trapped in open excavations and/ or pipe and culverts have been submitted to and approved in writing by the local planning authority. The measures may include:
 Creation of sloping escape ramps for hedgehogs and other mammals, which may be achieved by edge profiling of trenches/ excavations or by using planks placed into them at the end of each working day; and
 Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.
 The development shall be carried out in accordance with the approved measures.
Reason: To ensure that wildlife is not adversely affected by the proposed development in line with wildlife legislation.
- 11 Prior to commencement of the development, a Biodiversity Enhancement Scheme (incorporating the recommendations for biodiversity enhancements provided in the submitted ecology reports) including timescales to implement the enhancements shall be submitted to and approved in writing by the council. The approved Biodiversity Enhancement Scheme shall thereafter be implemented and maintained as agreed.
Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 175 of the NPPF.
- 12 No works shall commence until the buildings on site have been recorded to Historic England Recording Level 1. This work is to be undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme approved by the Local Planning Authority in writing prior to the commencement of development. Hard copies of the document are to be provided to the Local Planning Authority, Berkshire Archaeology (for the Historic Environment Record) and the Maidenhead Library Local Studies section prior to the completion of the works on site.
- 13 In the event that unexpected soil contamination is found during the development works, development must be halted and the contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing by Local Planning Authority prior to the occupation of the development.
Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised 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.

- 14 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Environmental Protection Team
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- The development shall be undertaken in accordance with these approved details.
- Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 15 No part of the development shall be occupied until revised elevations of the bin storage and recycling areas 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 constructed in accordance with the approved details and shall be kept available for use in association with the development at all times.
- Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 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
- 17 The first floor windows in the western elevation of Block B, and the first and second floor windows in the western elevation of block C shall be fitted with etched glazing. The specification of the etched glazing to be used shall be submitted to and approved in writing by the LPA prior to the commencement of construction of Blocks B and C. The glazing shall be retained as approved in perpetuity.
- Reason: To prevent unacceptable levels of overlooking of neighbouring properties on Wayside Mews.
- 18 A plan showing the architectural detailing to the western elevation of Block B shall be submitted to and approved in writing by the LPA prior to the commencement of construction of Block B. The development shall be carried out and maintained in accordance with these approved details.
- Reason: To avoid having a blank gable facing Wayside Mews.
- 19 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 space approved shall be kept available for parking and turning in association with the development.
- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 20 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
- Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 21 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 22 No part of the development shall be occupied until a detailed car parking management plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the car park will be managed into the future, taking account of likely changes in demand. The approved Plan shall be implemented prior to the first occupation of the development and thereafter maintained.
Reason: To ensure that the car park is actively managed and provides adequate parking for the residents of the site only. Relevant Policies - Local Plan P4, DG.
- 23 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 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site are likely to be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.

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Appendix A- Site location and site layout plan



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- 1. All rights identified in respect of all the copyright designs or patents are (or will) remain generally reserved.
- 2. Where any drawings to be made in connection with these planning proposals, the fee drawings and the construction and/or installation requirements for the works shall be the responsibility of the applicant.
- 3. All dimensions are in millimetres, all measurements are given to nearest millimetre.
- 4. Any discrepancies in dimensions or details on or between the drawings shall be resolved in favour of the smallest dimension shown on any drawing in setting of the drawings.
- 5. Drawings prepared solely for the use of clients are deemed to be confidential and shall not be made available to any third party without the client's permission.



Ref	Date	Description
Milton Keynes	17 Bedford Way	1
London	17 Bedford Way	2
London	17 Bedford Way	3
London	17 Bedford Way	4
London	17 Bedford Way	5
London	17 Bedford Way	6
London	17 Bedford Way	7
London	17 Bedford Way	8
London	17 Bedford Way	9
London	17 Bedford Way	10

Project:
 Proposed Development at
 Ray Mill Road West
 Maidenhead
 Berkshire



Appendix B – Elevations

Block A



NORTH ELEVATION
(proposed) - scale 1/100

Grey aluminum doors
2m 4m



EAST ELEVATION
(proposed) - scale 1/100

Grey aluminum doors
Cladding panels

Grey cement tiles
Grey fascia boards and soffits
Black box upvc guttering
Clay bricks laid vertically



SOUTH ELEVATION
(proposed) - scale 1/100

Clay bricks laid vertically



WEST ELEVATION
(proposed) - scale 1/100

Clay bricks laid vertically

Block B



NORTH ELEVATION
(proposed) - scale 1/100



SOUTH ELEVATION
(proposed) - scale 1/100



WEST ELEVATION REV 1
(proposed) - scale 1/100



EAST ELEVATION
(proposed) - scale 1/100

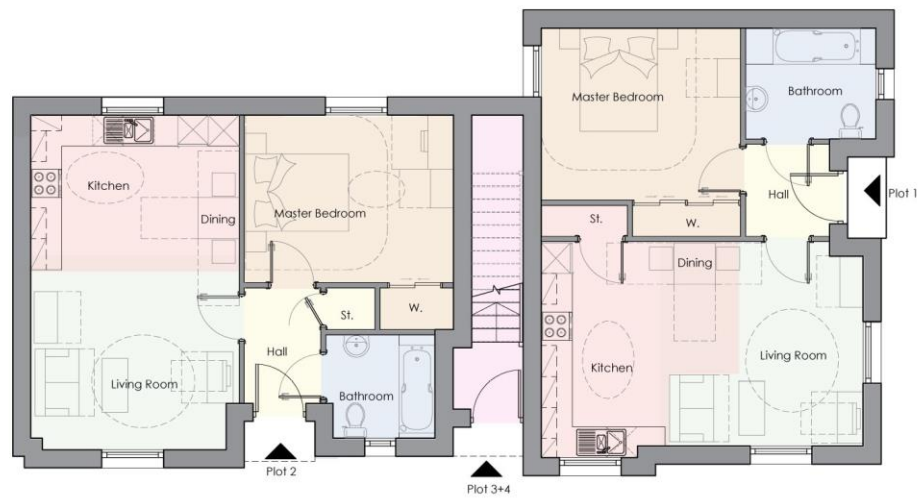
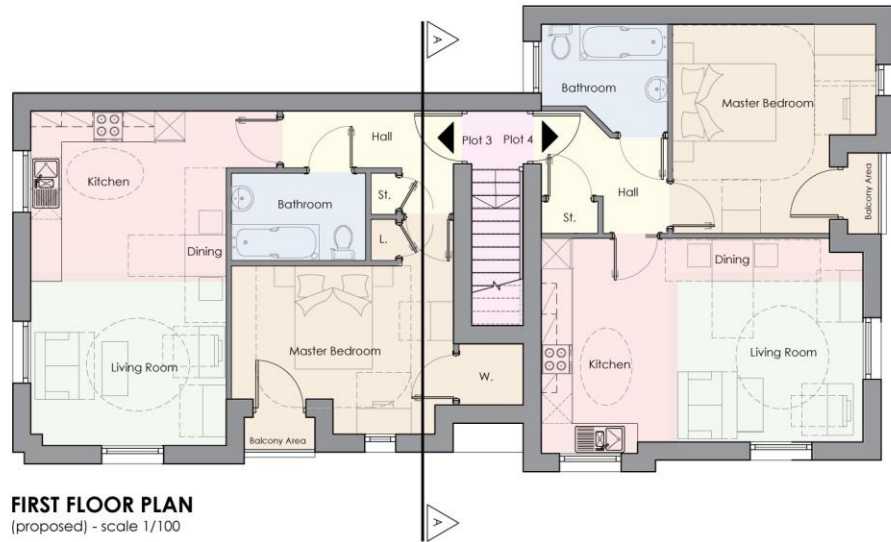
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Block C



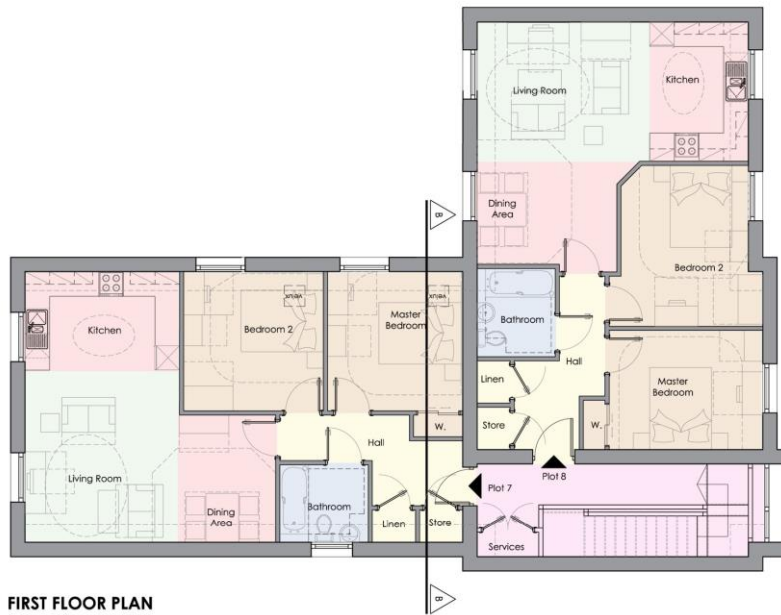
Appendix C – Floor plans

Block A



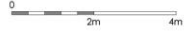
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Block B



FIRST FLOOR PLAN

(proposed) - scale 1/100

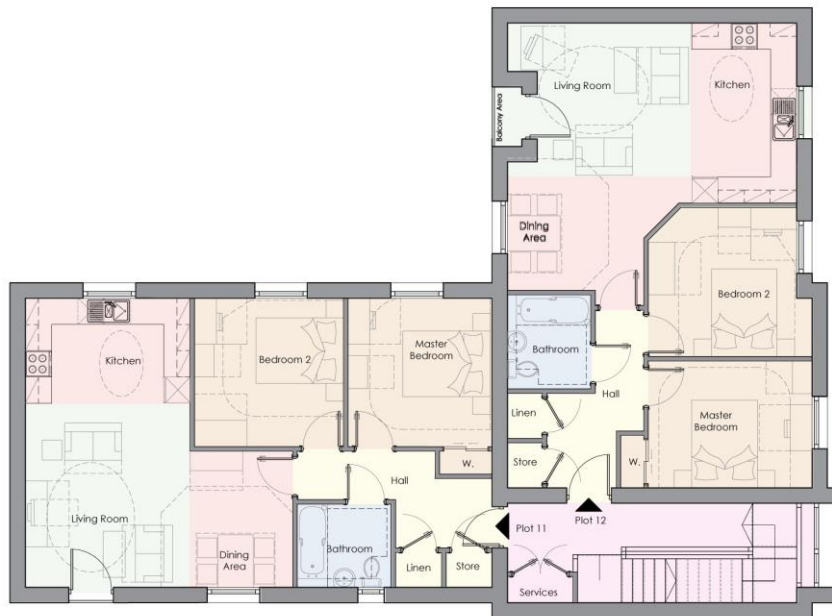


GROUND FLOOR PLAN

(proposed) - scale 1/100



Block C

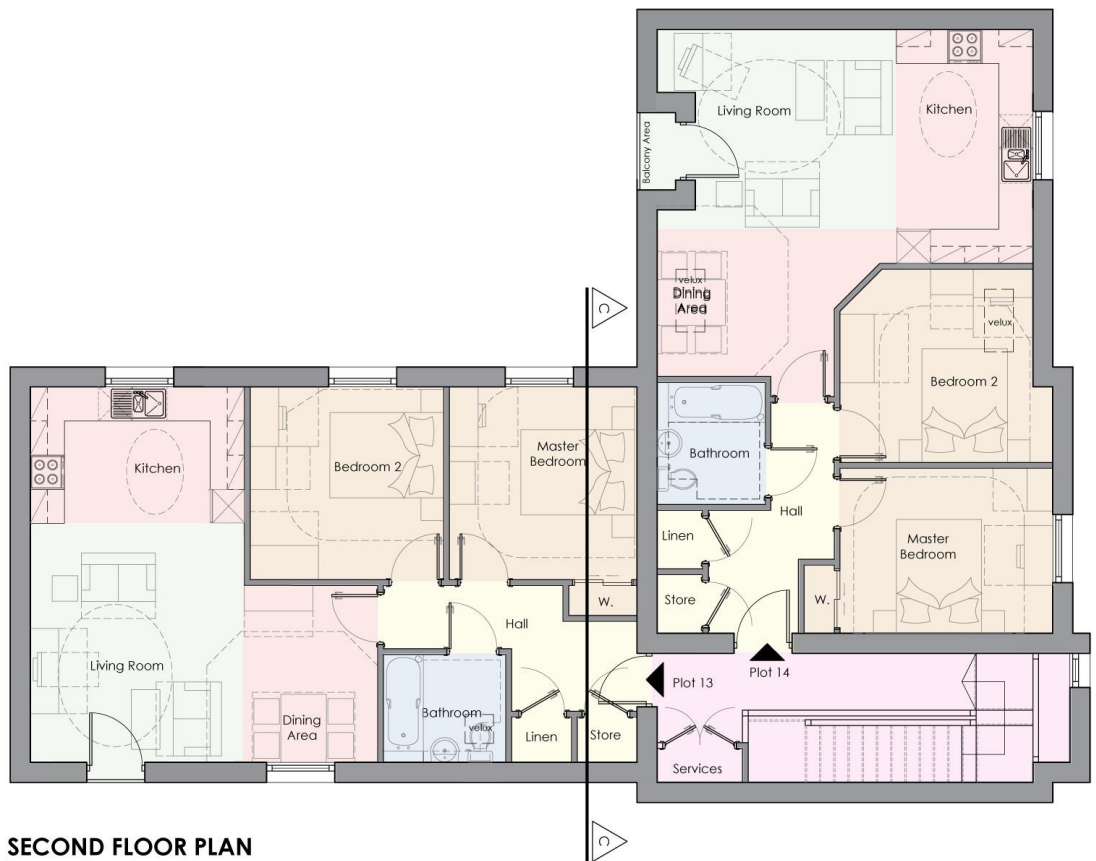


FIRST FLOOR PLAN
(proposed) - scale 1/100

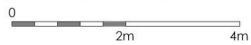


GROUND FLOOR PLAN
(proposed) - scale 1/100





SECOND FLOOR PLAN
(proposed) - scale 1/100



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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

21 April 2021

Item: 2

Application No.:	20/00529/FULL
Location:	Land To The North of Clock Cottage Sturt Green Holyport Maidenhead
Proposal:	Use of land for private equestrian use and erection of new equestrian yard comprising of stables, storage barn, open arena, associated hardstanding and new access.
Applicant:	Ms Jones
Agent:	Mr Neil Davis
Parish/Ward:	Bray Parish/Bray
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 application seeks planning permission to change the use of the site from agricultural land to private equestrian land. The application also proposes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Hardstanding for roads and walkways are also proposed to be constructed as well as internal fencing and a new access off of Sturt Green.
- 1.2 The proposed development would cover over 5195m² of otherwise open field with an access road, walkways, equestrian yard, stable, barn and polo arena. The development is therefore considered to have a significant spatial impact on the openness of the Green Belt. The majority of the proposed development would not be visible from public vantage points due to trees and hedging within and surrounding the site; however the proposed barn is 6m high and 15.7m wide and would be visible from Sturt Green, adversely impacting on the visual openness of the land. Furthermore, the proposed works (whether visible from public vantage points or not) are considered to collectively develop the site by replacing an otherwise open field with buildings and hardstanding. It is therefore considered that the development would have a moderate visual impact on the openness of the Green Belt. Taking these points into consideration the development is not considered to preserve the openness of the Green Belt. It would also conflict with one of the purposes of including land in the Green Belt, to assist in safeguarding the countryside from encroachment. The development would therefore not fall under the Green Belt exception outlined in paragraph 145 (b) of the NPPF, nor would it fall under any other exception outlined in paragraphs 145 or 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness.
- 1.3 No very special circumstances have been demonstrated to outweigh the developments substantial harm to the Green Belt.
- 1.4 For the reasons mentioned above the proposal would fail to comply with Local Plan policies GB1, GB2 and GB7 and paragraphs 143, 144, 145 and 146 of the NPPF (2019), warranting refusal of the application.

It is recommended that the Panel REFUSES planning permission for the following summarised reason (the full reasons are identified in section 13 of this report:

- | | |
|-----------|---|
| 1. | The proposal comprises inappropriate and harmful development in the Green Belt and no very special circumstances have been demonstrated to outweigh the harm and any other harm resulting from the proposal. |
|-----------|---|

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 development site is located on the north side of Sturt Green, Holyport opposite to Clock Cottage. At present the site is open agricultural land. Views of the site mainly exist from its entrance on Sturt Green as its remaining boundaries are lined with trees and other greenery. Directly south east of the site is a small fishery and group of protected trees.
- 3.2 The south side of Sturt Green comprises a strong building line of residential development. Properties are predominantly two storeys, detached, uniquely designed and set back from the road allowing for soft landscaping and off-street parking. To the north side of Sturt Green there are properties of similar design and size, however they follow no pattern of development. Thimble farm and stretches of agricultural land are also located off of Sturt Green.
- 3.3 A public right of way runs in a circle from Sturt Green around the site, back onto Sturt Green.
- 3.4 The development site is located within the Green Belt and in close proximity to historically contaminated land.

4. KEY CONSTRAINTS

- Green Belt
- Protected Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission to change the use of the land from agricultural to private equestrian use. The proposal also includes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Associated hardstanding and a new access would also be constructed.
- 5.2 During the process of the application concerns were raised regarding the developments adverse impact on the Green Belt, protected trees and site drainage. Subsequently the LPA worked with the applicant in an attempt to overcome these issues and allowed for the submission of amended plans and additional information. The sites access route was amended to protect the RPA of important trees within the site. Drainage reports and surveys were submitted evidencing that the site could be drained without contributing to run off and drainage issues in the area. Notwithstanding the foregoing, issues regarding the developments adverse impact on the Green Belt were not overcome as explained in this report below.
- 5.3 Other relevant applications at the site:

Reference	Description	Decision
19/02461/FULL	Use of land for private equestrian use and erection of new equestrian yard comprising of stables, storage barn, open arena, menage and associated hard surfacing.	Withdrawn: 05.11.2019

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
Appropriate development in the Green Belt	GB1, GB2, GB7
Protecting important trees	N6
Archaeology	Arch 3
Contamination of water	NAP4

6.2 These policies can be found at: https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 - Achieving sustainable development
 Section 4 – Decision making
 Section 12 - Achieving well-designed places
 Section 13 - Protecting Green Belt Land
 Section 15 - Conserving and enhancing the natural environment

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

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 A notice advertising the proposed development was placed outside the site on **13.03.2020** and 9 neighbouring properties were directly notified of the proposed development between **12.03.2020** and **16.03.2020**. The development was advertised in Local Press on **19.03.2020**.
- 8.2 4 letters objecting to the proposed development were received in response to the consultation. The objections are as follows:

Comment	Where in the report this is considered
The new entrance is immediately opposite our house (Fairfield) and our neighbours Leaside & Fair Cottage. Greenery would have to be cleared to create adequate visibility splays. Furthermore, cars would be more likely to look into our property adversely impacting on our privacy. The entrance should be kept in its existing location.	The site is for private equestrian use and would therefore not generate many visitors. Furthermore, the road running past the property already exists, as such people can already look into the houses. There is therefore unlikely to be any harmful loss of privacy caused by road users looking into nearby properties. See paragraphs 9.32 - 9.38 of the report for responses regarding visibility splays and highways impacts.
The new entrance would stop visitors being able to access my drive.	
The proposed development would have an adverse impact on the Green Belt, furthermore no development should be allowed which adversely effects the historic public right of way.	9.2 – 9.21 for Green Belt responses. 9.32 – 9.38 for responses regarding the public right of way.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommend the application is refused. 'To date the additional information requested by Highways regarding the entrance to the development has not been provided. The applicant has also failed to provide full details of how they plan to deal with the disposal of surface water as per the recommendation of the Local Flood Authority on previous application 19/02461'	Planning issues regarding drainage and highways have been overcome as set out in section 9 of this report.
Lead Local Flood Authority	No objection , subject to the development being carried out and maintained in accordance with the submitted surface water drainage management measures and drawings.	Noted. Had the application been recommended for approval, a condition would have been recommended requiring the development to be carried out in accordance with the submitted drainage measures.

Consultees

Consultee	Comment	Where in the report this is considered
RBWM Ecologist	No objection , subject to conditions requiring that the development be implemented in accordance with the ecology survey report (AA Environmental Ltd - dated 29 January 2020 - ref: 203028/JDT). A closing letter report from a suitably qualified ecologist, detailing the ecological mitigation, compensation, and enhancement measures put in place and confirming that works have been undertaken in accordance with the recommendations provided in the report is to be submitted to the council.	Noted. Had the application been recommended for approval, the relevant conditions would have been recommended for inclusion in the decision.
RBWM Tree Officer	No objection , subject to a condition requiring the submission and thereafter carrying out of a tree protection plan prior to any works taking place at the site. The plan should also include the location of proposed service routes, which should be located away from the RPA of protected trees.	
Berkshire Archaeology	No objection , subject to a condition requiring the submission and thereafter carrying out of a programme of archaeological works and a written scheme of investigation prior to the commencement of any works at the site.	
RBWM Environmental Protection Officer	No objection , subject to conditions relating to the adequate storage and removal of animal waste, as well as appropriate construction hours.	
RBWM Highways Officer	No objection , subject to imposition of conditions requiring the proposed access, visibility splays, parking area and turning area to be constructed as submitted. They also suggest that conditions are added requiring, the stopping up of the existing access upon creation and use of the new access; gate opening restrictions, access resurfacing; and the submission of a Construction Management Plan prior to the commencement of any works.	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact of the proposal on the Green Belt and its purposes
- ii Impact of the proposal on protected trees and the character and appearance of the area
- iii Impact on amenities of surrounding occupants
- iv Highways impact
- v Ecological impact
- vi Archaeological impact
- vii Contaminated land impact
- viii Impact of the development on site drainage (SuDS)

Issue i - Impact of the proposal on the Green Belt and its purposes

- 9.2 Policy GB1 of the Local Plan sets out appropriate forms development in the Green Belt. It allows for essential facilities for outdoor sports and outdoor recreation which preserve the openness of the Green Belt and do not conflict with its purposes. The policy also allows for engineering and other operations and the making of material changes in the use of land which maintain its openness and do not conflict with the purposes of including land in the Green Belt. Policy GB2 follows on from GB1 and allows for new development provided it does not, inter-alia, have a greater impact on the openness of the Green Belt than existing development on the site.
- 9.3 Policy GB7 states that 'proposals to erect stables for keeping horses for private recreational use will be acceptable where; no more than one stable or field shelter for the keeping of one horse each is provided per 0.4ha of land up to a maximum of 4 stable units on any site plus one associated tack and feed store per site; the buildings are of a permanent nature using appropriate materials, siting and design so as to minimise their visual impact; on formerly agricultural land the plot is a minimum of 5ha; there is no conflict with policy GB2 or N1'.
- 9.4 Paragraph 145 of the NPPF (2019) sets out appropriate forms of development in the Green Belt. The exceptions deemed relevant to this application are below:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- 9.5 Paragraph 146 of the NPPF (2019) states that any material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and engineering operations can also be appropriate development, subject to the proposed works preserving the openness of the Green Belt and not conflicting with its purposes; which are set out in paragraph 134 of the NPPF (2019).
- 9.6 The Local Plan was prepared in accordance with the cancelled PPG2: Green Belts. As such, Local Plan policies GB1, GB2 and GB7 are not entirely consistent with the NPPF and are not given full weight. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.7 The application seeks planning permission to change the use of the development site from agricultural land to private equestrian land. The application also proposes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Hardstanding for roads and walkways would also be constructed as well internal fencing and a new access off of Sturt Green.
- 9.8 The purpose of the development is to allow the applicants client to house their polo horses and associated machinery in closer proximity to their home, the new facilities would also allow the client to play polo with one other player.
- 9.9 The development site is approximately 3.2ha. The new riding arena would cover 4000m², surrounded by a 1.2m high post and rail fence. The stables would be 4m high, 25.2m wide, 9.3m deep, the footprint of the building would be approximately 135m², when constructed the building would appear larger due to its roof overhang and entrance area. The building would house 8 stables and a grooming area.
- 9.10 The proposed barn would be 6m high, 13m deep and 15.7m wide. It would have a footprint of approximately 204m². The barn would be used to house machinery and equipment associated with the sites new equestrian use.

- 9.11 The proposed works also include the installation of a 1.2m high fence to create a paddock near to the sites entrance, 1.5m high entrance gates, new access, and internal roads, along with a yard area. The new hardstanding to create the internal roads, walkways, and yard covers approximately 804m².

Appropriateness of the proposed facilities for outdoor sport and recreation:

- 9.12 The applicant has suggested that the sport of polo requires a minimum of 2 players. Each player must have 4 horses and therefore a minimum of 8 horses is required for private use, as it would allow the applicants client to play with one other person. The applicant has submitted evidence showing that their client is part of an existing polo club and is in possession of 3 horses (which are being stored in rented accommodation at considerable expense). It is the client's intention to purchase another horse, so that they can part take in polo, the pandemic and lockdown has delayed the purchase. The groom area within the barn would act as a sheltered tack and preparation room for horses, prior to their use. For these reasons it is considered that the proposed stable block is appropriate for the sites intended private outdoor sports use.
- 9.13 The proposed barn would house a tractor, ATV vehicle, horse transporter lorry, hay storage area, feed bins, changing room, WC and mess room. These facilities are also considered to be appropriate for the upkeep of the land and for the storage of equipment and materials associated with the sites proposed equestrian use.
- 9.14 There is no local plan or NPPF guidance regarding acceptable sizes for polo pitches. However, the Hurlingham Polo Association (governing body for polo in the UK) advises that a polo pitch should be a minimum length of 250 yards (230m) and a maximum of 300 yards (275m) by 200 yards (185m) wide. It is noted that these figures are national standards and relate to commercial polo grounds. The proposed arena would be significantly smaller than national guidance standards commensurate to its private use and is therefore considered to be of an appropriate size.
- 9.15 The new access, access roads and yard are needed to provide safe access and improved movement around the site. Fencing and landscaping would help to section off dedicated areas of the site such as the arena and paddock land. There is therefore also a need for these elements of the scheme.
- 9.16 Overall it is considered that notwithstanding the size of the facilities, they would be appropriate for the sites intended private equestrian use.

Impact on the openness and purposes of the Green Belt

- 9.17 The proposed development of an access road, walkways, equestrian yard, stable, barn and arena would result in 5195m² of built form on previously open fields. The development is therefore considered to have a significant spatial impact on the openness of the Green Belt. The majority of the proposed development would not be visible from public vantage points due to trees and hedging within and surrounding the site, however the proposed barn is 6m high and 15.7m wide and would be visible from Sturt Green, adversely impacting on the visual openness of the land. Furthermore the barn would be at the end of a hard track road, next to stables, an arena and a yard and although they are unlikely to be visible from public vantage points collectively all of the works would result in encroachment into the countryside by replacing an otherwise open field with buildings and hardstanding. It is therefore considered that the development would also have a moderate visual impact on the openness of the Green Belt. For the reasons mentioned above it is considered that the proposed development would not preserve the openness of the Green Belt. Furthermore, it would also be contrary to one of the five purposes of the Green Belt, to assist in safeguarding the countryside from encroachment.
- 9.18 Taking into consideration the above, It is considered that the proposed development would not fall under the Green Belt exception outlined in paragraph 145 (b) of the NPPF, nor would it fall under any other exception outlined in paragraphs 145 and 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness.

- 9.19 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’.
- 9.20 Paragraph 144 states that ‘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’.
- 9.21 No ‘very special circumstances’ have been demonstrated to outweigh the substantial harm identified above.

Issue ii– Impact on protected trees and the character and appearance of the area

- 9.22 Section 12, paragraph 127 of the NPPF (2019) advises that 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;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - 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);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.23 Policy DG1 states that the Borough Council will have regard to, inter alia, the following guidelines when assessing new development proposals: 11) Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character.
- 9.24 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 may be refused.
- 9.25 The area surrounding the site is predominantly residential, however a farm and open agricultural land also exist within the area. A private fishery also exists next to the development site, to the rear of Mabira, Meadow View Lane. Taking into consideration the variety of land uses which exist in the area and the fact that equestrian land is often located in rural/suburban areas the change of use of the land to equestrian use is not considered to out of character to the extent of being harmful to the area.
- 9.26 With the exclusion of the access road, entrance, and barn the majority of the proposed development would be sited on the other side of protected trees and other greenery within and

surrounding the site. The proposed barn would be 6m high, 13m deep and 15.7m wide. It would have a footprint of approximately 204m². The building would be visible from Sturt Green due to its positioning and size. Notwithstanding these points planning permission was granted for a larger barn at the nearby Thimble Farm. That barn is 24m by 9.5m and is 6.5m high with a footprint of approximately 228m². The buildings are of similar design, barring their openings. Both buildings would also be set back a considerable distance from Sturt Green. The proposed barn would therefore not be out of character in this rural area. Additionally, stables are common within fields and gated entrances, tracks and footpaths already feature in Sturt Green. It is therefore considered that the proposed works are not entirely out of character. Furthermore, the existing access would be blocked up. A detailed landscaping plan would be recommended for inclusion if the development were approved. This would require that greenery be planted near the blocked-up entrance, which would partly offset greenery lost from the creation of the new entrance. The landscaping condition would also ensure that the landscaping (shown on the proposed site plan) serves to screen the site and is visually appropriate. For these reasons it is considered that the proposed development would not cause significant harm to the character and appearance of the area.

- 9.27 Taking into consideration the above, the proposed development is considered to have an acceptable impact on the character and appearance of the area.

Issue iii - Impact on the amenities of surrounding occupants

- 9.28 Paragraph 127 of the NPPF suggests that development should provide a good standard of amenity for all existing and future users.
- 9.29 Due to its separation from neighbouring sites, properties, and the main road the proposed development is unlikely to harm the amenities of the locality. The Environmental Protection Officer is satisfied that, subject to conditions, animal waste could be satisfactorily stored on and removed from the site.
- 9.30 The proposed development would be convenient for the applicant's client, enabling them to engage in outdoor sports and recreation in close proximity to their home.
- 9.31 For the foregoing reasons the proposed development is considered to have an acceptable on amenity.

Issue iv - Highways impacts

- 9.32 Local Plan policy T5 advises that development should not have an adverse impact on the highways network. Policy P4 advises that adequate parking should be provided for development in line with the boroughs parking strategy.
- 9.33 Paragraph 109 of the NPPF states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.34 Adequate parking for machinery storage would be provided in the proposed barn and an appropriately sized turning area with space for vehicle parking (if necessary) would be provided within the yard. The development is therefore considered to provide adequate off-road parking.
- 9.35 Due to the proposed private use of the site it is unlikely to generate any unacceptable amount of traffic.
- 9.36 The existing access would be blocked up after the new access is created. Adequate visibility splays have been shown to be achievable from the new access, allowing vehicles to exit and enter the site safely. Furthermore, the new access is located a considerable distance from the public right of way, as are the rest of the works. The development would therefore have no impact on access to or the function of the public right of way.

- 9.37 The Borough's highways officer has no objection to the proposed development subject to the conditions outlined in section 8 of this report. If the application were granted permission, the conditions would be recommended.
- 9.38 For these reasons it is considered that the proposed development would have an acceptable impact on the local highways network and would provide adequate parking.

Issue v - Ecological impact of the proposed development

- 9.39 Emerging Borough Plan Policy NR3 states that: 'Development proposals...will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species... and development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid assessment of the proposal. Such reports should include details of any alternative sites considered, and any mitigation measures considered necessary to make the development acceptable'. This policy is afforded moderate weight and the following sections of the NPPF have been afforded greater weight in this assessment.
- 9.40 Paragraph 170 of the NPPF advises that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 9.41 Paragraph 174 of the NPPF states that development should seek 'to protect and enhance biodiversity and geodiversity, plans should, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.
- 9.42 Paragraph 175 states 'when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 9.43 An ecology report (AA Environmental, January 2020) has been undertaken to an appropriate standard and submitted in support of the application.

- 9.44 The report confirms that the majority of the habitats to be affected by the proposal are grassland and that the grassland was found to be of low ecological value. The site and trees within it were found to be suitable for use by foraging and commuting bats. Evidence was also found suggesting that the site is used by foraging badgers although no setts were found on or adjacent to the site. The site was also found to be a sub-optimal habitat for use by amphibians including great crested newts. In addition to its findings the report sets out a number of recommendations with regard to the protection of wildlife (specifically badgers, amphibians, and nesting birds) and boundary habitats during works, minimizing the adverse effects of artificial lighting on wildlife for any new lighting strategy proposed, retaining permeability of the site to wildlife, and enhancements for biodiversity. Subject to the biodiversity protection, enhancement and management measures being carried out the development would have an acceptable ecological impact.
- 9.45 The Boroughs Ecology Officer has no objection to the development subject to conditions outlined in section 8 of this report, which could be attached to any decision should permission be forthcoming.

Issue vi – Archaeological impact

- 9.46 Local Plan Policy Arch 3 advises that development will not be permitted where it has an adverse impact on areas of potential archaeological importance. Paragraphs 187 and 189 of the NPPF (2019) also seek to protect such areas. The proposed development includes excavation and construction works which could unearth items and/or remains of archaeological significance. Berkshire Archaeology have suggested that if permission were to be forthcoming a condition should be added requiring a programme of archaeological works and written scheme of investigation to be submitted prior to any works at the site.

Issue vii – Contaminated Land

- 9.47 The development site is in close proximity to historically contaminated land. Local Plan Policy NAP4 seeks to prevent ground water contamination. The boroughs environmental protection team have suggested that subject to a condition requiring ground investigation at the site and thereafter management and mitigation measures (if contamination is found) that the proposed development would be acceptable.

Issue viii - The impact of the proposal on drainage at the site (SuDS)

- 9.48 Paragraph 165 of NPPF states that all ‘major’ planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications.
- 9.49 The Lead Local Flood Authority have been consulted on the application and have suggested that the development is acceptable subject to it being carried out in accordance with the proposed run off management and drainage measures outlined on submitted plans and SUDS statements created by GTA Civils and Transport. An appropriate condition could be attached if permission were to be forthcoming.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 It has been concluded that the proposed use would be for outdoor sport/recreation, and that the buildings and other development would be appropriate in connection with that use. Consequently, this proposal would not amount to inappropriate development if it preserved the openness of the Green Belt and did not conflict with the purposes of including land within it.

- 11.2 Bearing in mind that there is currently no development on the site, the cumulative impact of the proposed buildings and other associated development would have a substantial spatial impact on the openness of the Green Belt. There would also be some impact on visual openness. The new buildings and works would appear as an encroachment into the open, undeveloped field. As a result, the proposal would not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it.
- 11.3 The proposal would be inappropriate development in the Green Belt, which would cause demonstrable harm to its openness, and would conflict with one of the purposes of including land within it. Paragraph 144 of the Framework requires that substantial weight should be attributed to any harm to the Green Belt, and that very special circumstances will not exist unless this harm is clearly outweighed by other considerations. No very special circumstances have been found to exist in this case.
- 11.2 The proposed development would therefore be contrary to policies GB1, GB2 and GB7 of the Local Plan and paragraphs 143 to 146 of the NPPF (2019).
- 11.3 For the reasons mentioned above it is recommended that the Panel refuse planning permission for the proposed development.

12. APPENDICES TO THIS REPORT

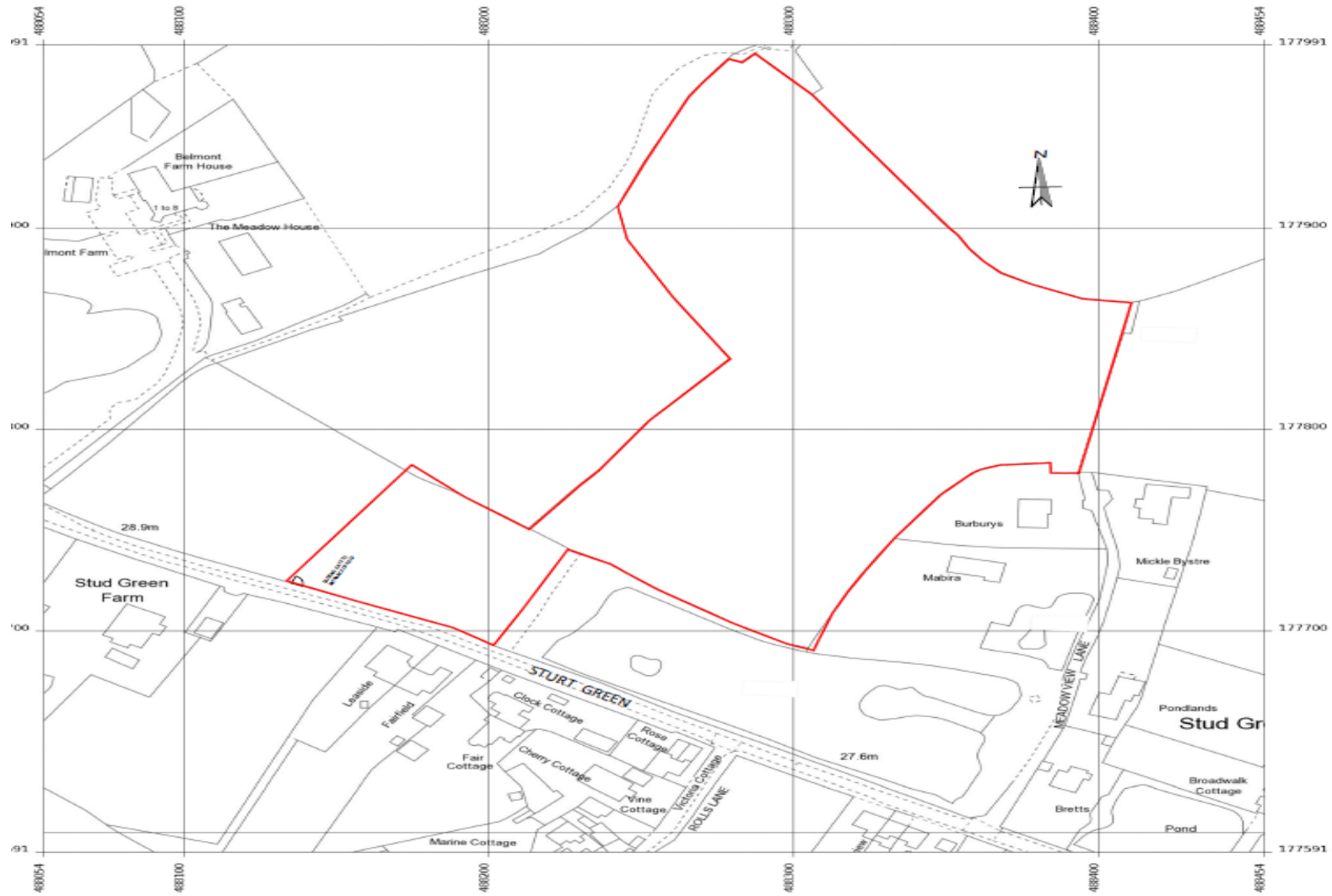
- Appendix A - Site Location Plan
- Appendix B – Existing Site Plan
- Appendix C – Proposed Site Plan
- Appendix D – Proposed Stables (floor plans and elevations)
- Appendix E – Proposed Barn (floor plans and elevations)

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

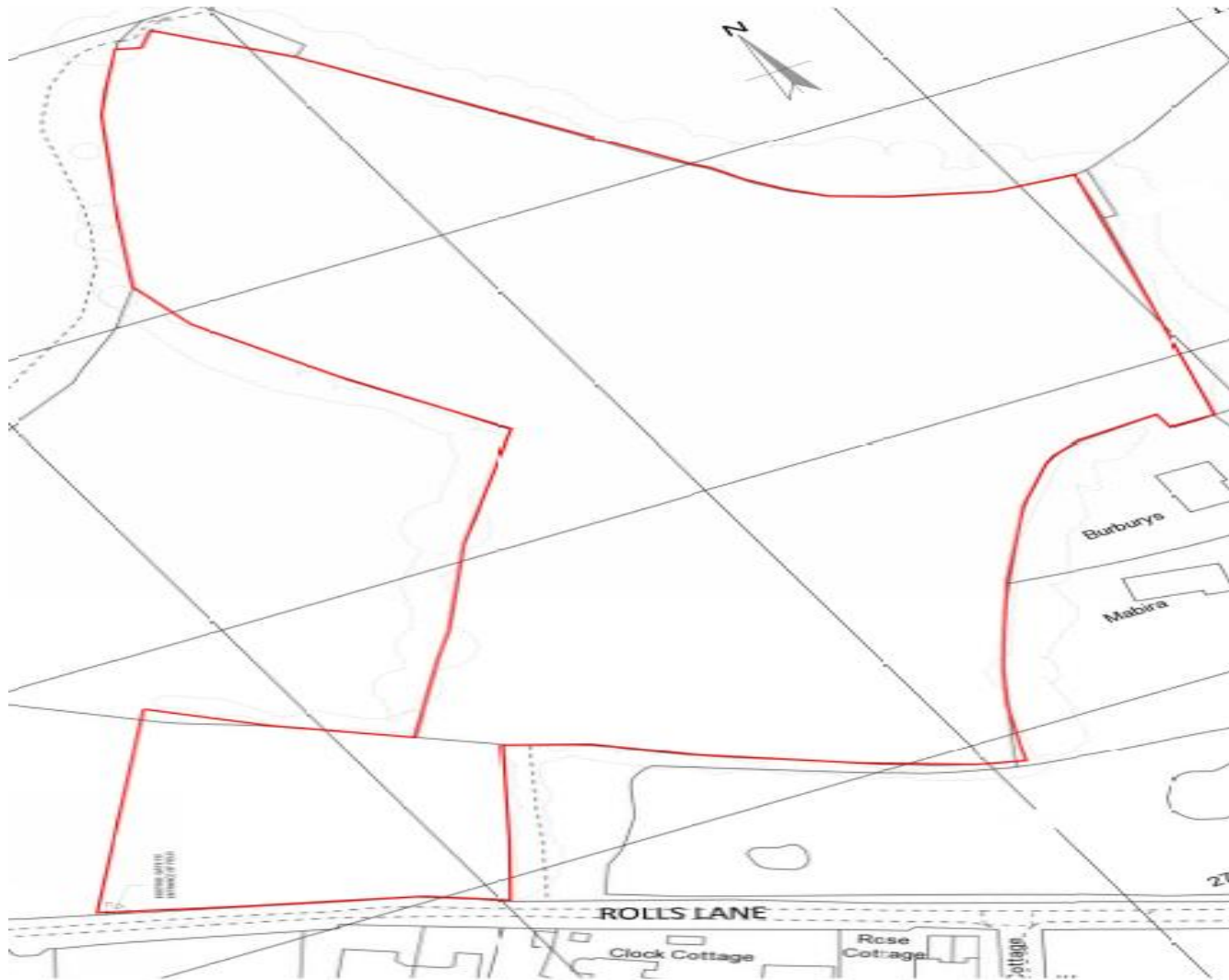
- 1 There is currently no development on this site and the cumulative impact of an access road, walkways, equestrian yard, stable, barn and polo arena would have a substantial impact on the spatial openness of the Green Belt and would result in encroachment into the countryside . The proposed barn would be visible from Sturt Green, adversely impacting on the visual openness of the Green Belt. The proposed development would therefore not preserve the openness of the Green Belt and would be contrary to one of the purposes of including land in the Green Belt. The development would therefore not amount to appropriate development as defined in paragraph 145 (b) of the NPPF and neither would it fall under any other exception outlined in paragraphs 145 or 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness. No very special circumstances have been demonstrated to outweigh the developments substantial harm to the Green Belt and consequently the proposal is contrary to polices GB1, GB2 and GB7 of the Local Plan and paragraphs 143 to 146 of the NPPF (2019).

Appendix A – Location Plan

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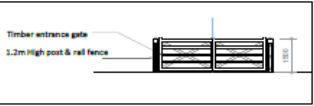
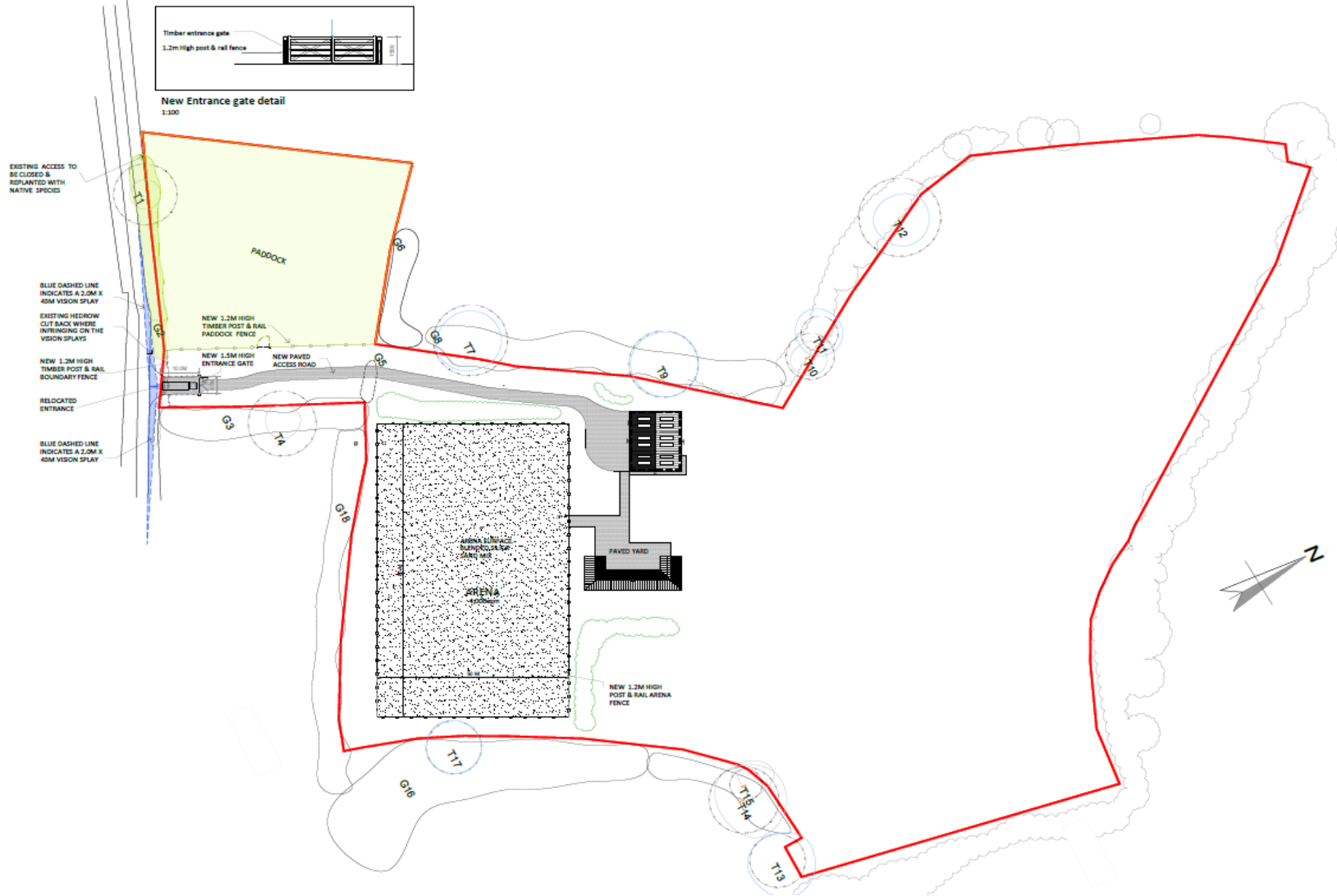
Appendix B – Existing Site Layout Plan



Appendix C – Proposed Site Layout Plan

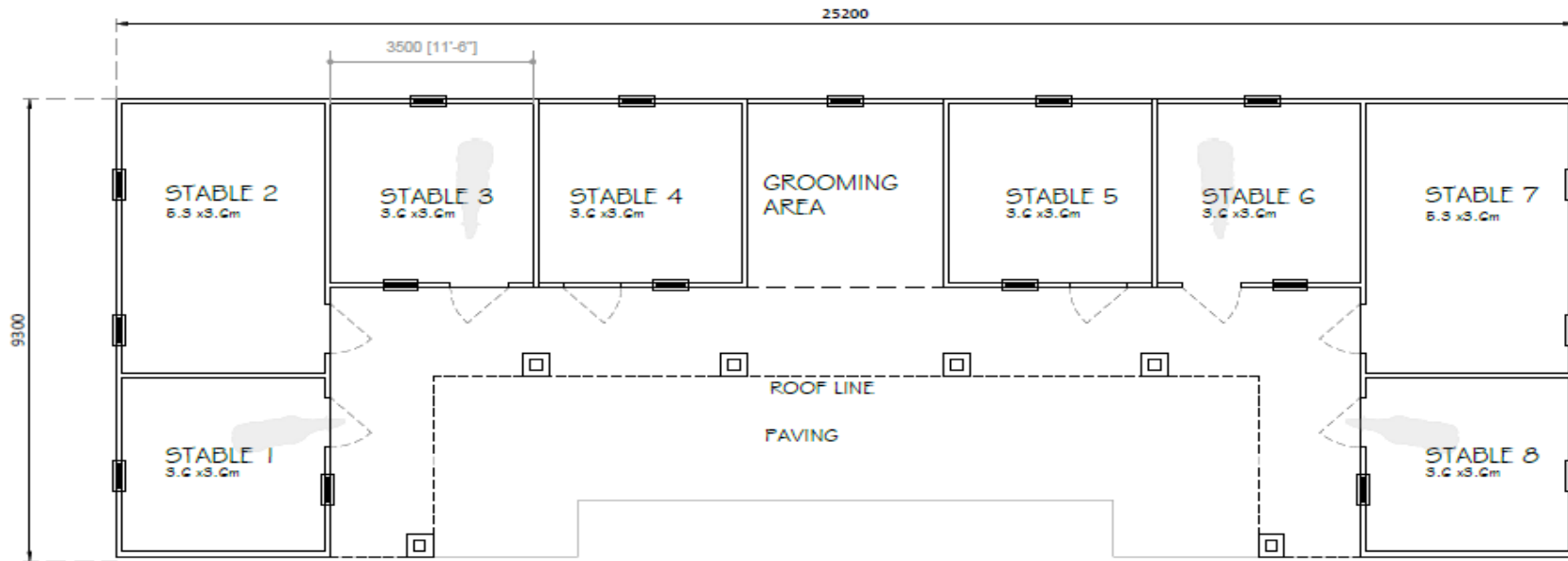


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New Entrance gate detail
1:100

Appendix D – Proposed Stables (Floor and Elevation Plans)



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PROPOSED PLAN SCALE 1:100

FLOOR AREAS		
GROSS INTERNAL GIA.		
STABLES 1-8	127.80 sqm	1376 sqft
TOTAL	127.80 sqm	1376 sqft

Front Elevations



FRONT ELEVATION SCALE 1:100

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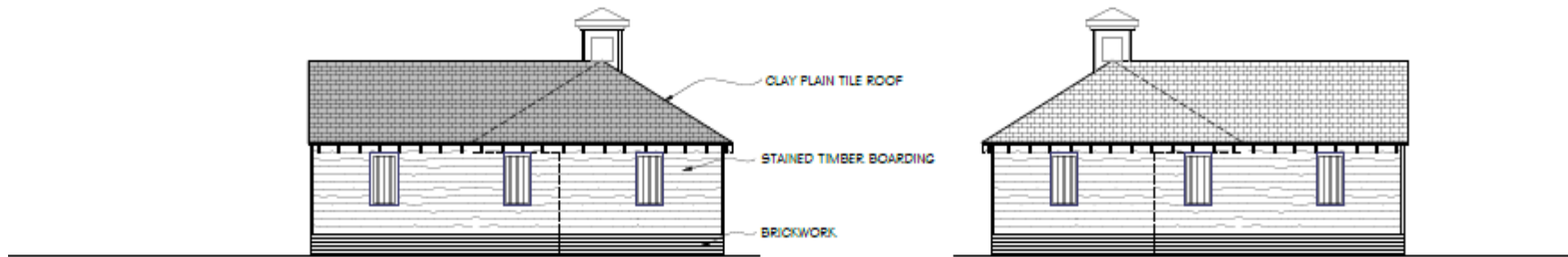


LEFT HAND INTERNAL ELEVATION
SCALE 1:100

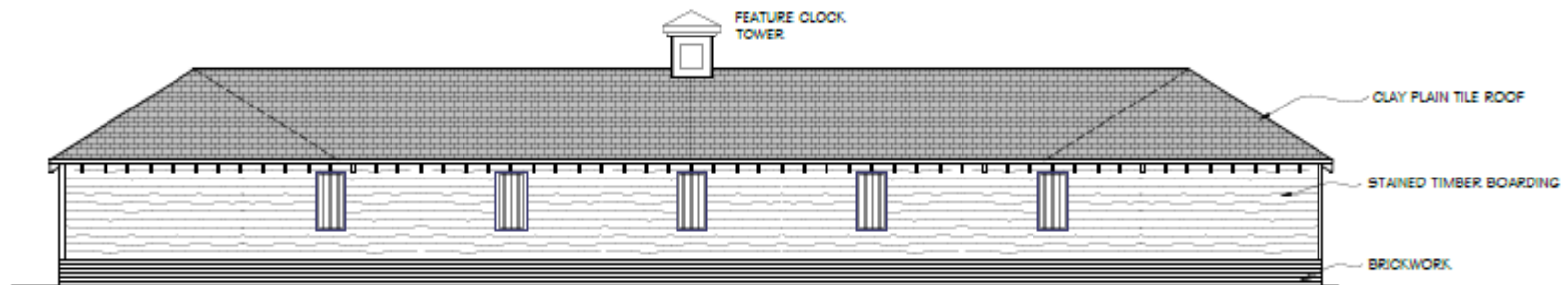


RIGHT HAND INTERNAL ELEVATION
SCALE 1:100

Rear Elevations

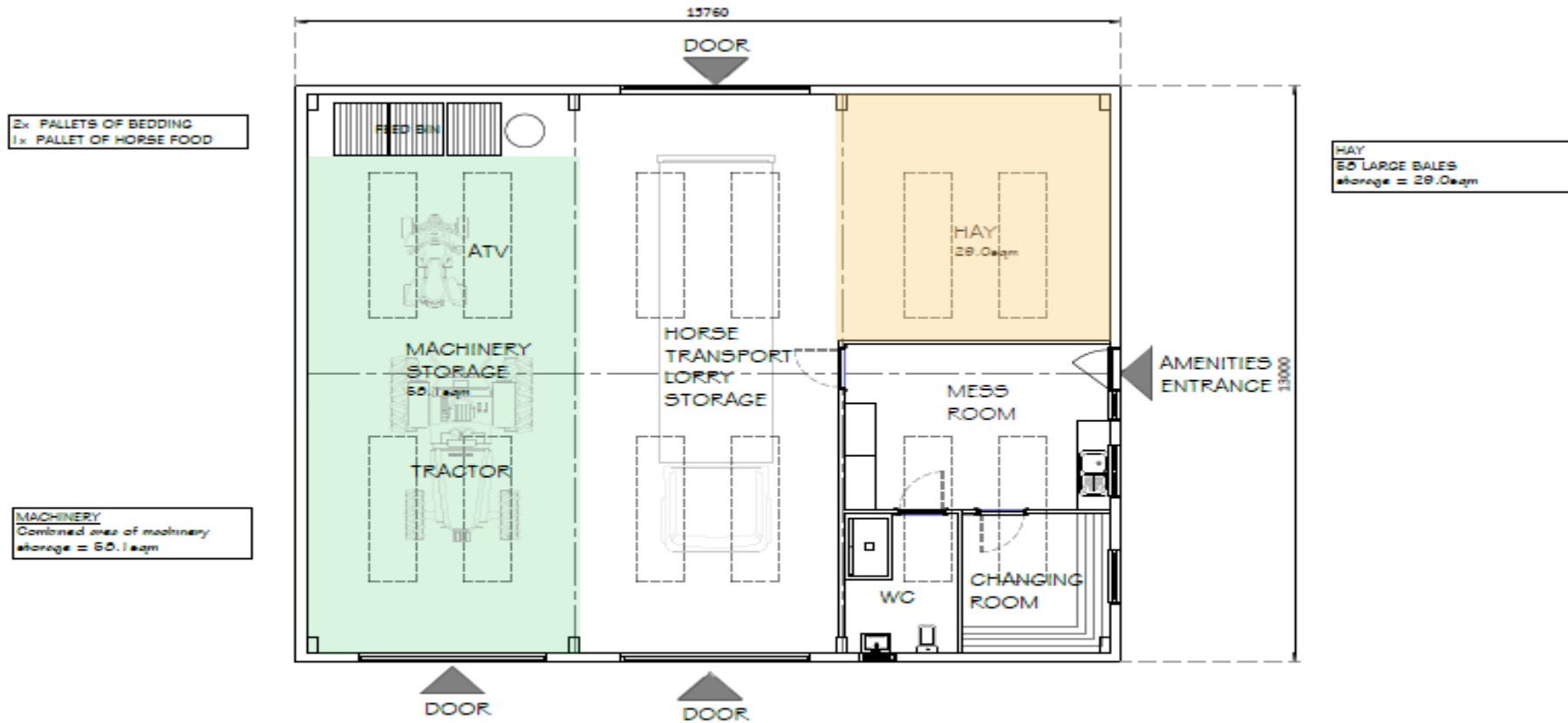


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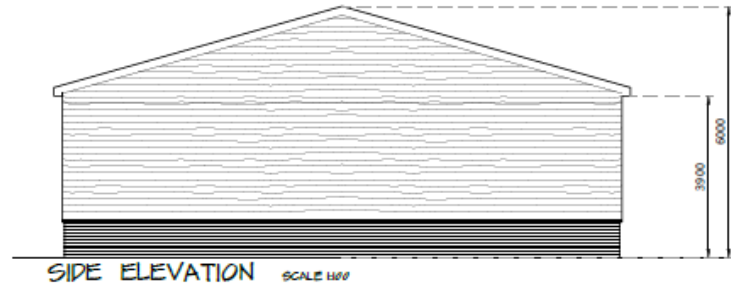
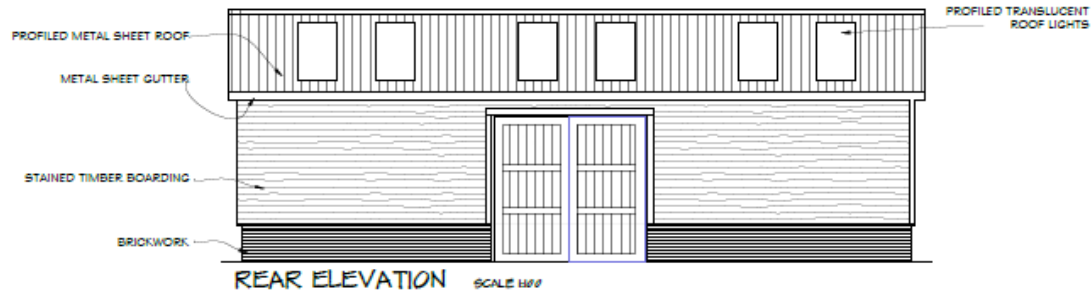


Appendix E – Proposed Barn (Floor and Elevation Plans)

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PROPOSED PLAN SCALE 1:100



Agenda Item 6

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

DEVELOPMENT CONTROL PANEL

21 April 2021

Item: 3

Application No.:	20/02976/FULL
Location:	Thames Hospicecare Pine Lodge Hatch Lane Windsor SL4 3RW
Proposal:	Redevelopment of the former Thames Hospice to provide a retirement housing development of 41 dwellings comprising three x 2-storey terraced houses, two x 2-storey semi-detached houses, one x 2 storey apartment building, two 2.5-storey apartment blocks and one 3-storey apartment block with associated parking, landscaping and refuse store following demolition of the existing building.
Applicant:	.
Agent:	Mr Christopher Colloff
Parish/Ward:	Windsor Unparished/Clewer East
If you have a question about this report, please contact: Zarreen Hadadi on 01628 796042 or at Zarreen.Hadadi@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for the redevelopment of the former Thames Hospice site to a retirement housing development of 41 residential units intended for persons aged 55 and above. The loss of the community facility is acceptable as there is an acceptable alternative provision made elsewhere and the redevelopment of the site to provide older persons' housing to meet an identified local need is supported in principle.
- 1.2 The impact on character and appearance is considered acceptable in terms of density, layout, height, form, mass and architectural detailing. The overall design, bulk and scale of this scheme is seen as a significant improvement to the refused scheme. The small loss of trees would not unduly harm the green character of the site nor surrounding area especially given that the parking has been removed from the front of the site and replaced with landscaping which significantly softens the development when viewed from the street scene. Satisfactory mitigation and protection measures are proposed which are also considered to ensure the health and longevity of retained trees.
- 1.3 The proposed development is not considered to result in a visual intrusion, loss of light or loss of privacy that would reduce neighbouring amenity to an unacceptable living standard. The proposed access is considered safe for vehicles and pedestrians, and satisfactory car and cycle parking is provided. There is an increase in trips to and from the site, but the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.
- 1.4 It has been demonstrated that a satisfactory sustainable drainage scheme and measures to minimise impacts on and provide net gains for biodiversity can be achieved on site.
- 1.5 12 units of the proposed residential units on site are provided as affordable housing, which can be secured by legal agreement.
- 1.6 This application is considered to overcome the previous reason for refusal attached to the planning application 19/03351/FULL and the issues raised by the Inspector. (See Appendix E – Inspector's Decision letter)

It is recommended the Panel authorises the Head of Planning:

1.	To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing provision in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the affordable housing provision in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

1. 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 site measures approximately 0.63ha and lies within the settlement of Windsor on the east side of Hatch Lane. A central access serves the site from Hatch Lane and the site currently comprises a large, part single storey-part two storey building which was previously occupied by Thames Hospice Care. To the west and north of the site is an area of hardstanding for car parking and turning measuring approximately 2080sqm. To the east is a garden located in between the Hospice building and the car parking area along the northern boundary measuring approximately 435sqm, while to the south is an area of open amenity space measuring approximately 825sqm.
- 3.2 Hatch Lane bounds the site to the west with Clewer Green First School on the opposite side of the road, while a footpath leading from Hatch Lane to Longbourn bounds the site to the north. To the north of the footpath are detached residential properties fronting on to Hatch Lane. To the north-east is the Longbourn housing development while to the south-east is playing fields belonging to Windsor Girls School.

4. KEY CONSTRAINTS

- 4.1 The Proposal Map designates part of the site as Public Open Space. To the north-east is a group Tree Preservation Order (TPO) ref: 019/2005/TPO which covers all trees, while to the south is a group TPO ref: 004/2020/TPO which covers all Oak, Monterey Cypress, Leyland Cypress and Corkscrew Willow trees.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the redevelopment of the former Thames Hospice to provide a retirement housing development of 41 dwellings comprising three x 2-storey terraced houses, two x 2-storey semi-detached houses, one x 2 storey apartment building, two 2.5-storey apartment blocks and one 3-storey apartment block with associated parking, landscaping and refuse store following demolition of the existing building.
- 5.2 The proposed retirement housing is for people aged over 55 and has been designed with features to meet the needs, including the changing needs over time, of older residents. These are set out in the Design and Access Statement.
- 5.3 This application proposes three terrace houses (H1-H3) and two apartments designed to resemble a detached dwelling (D1-D2) which front onto Hatch Lane, with the access road leading from Hatch Lane sited in between. To the rear of these properties is a car park on the northern side of the access road, and there is a pair of semi-detached houses on the southern side (H6-H7). To the east of these properties are Block A and C which are 2.5 storey in height on the northern and southern side of the access road, respectively. Located adjacent to Block A to the east is Block B, which is 3-storeys in height. The main parking area is located within close proximity of each block.
- 5.4 Following the refusal of application 19/03351/FULL there have been a series of amended plans submitted.

Original Plans submitted under new application

- A reduction in the number of residential units by 4 from 45 to 41.
- The proposal includes 49 car parking spaces which is the same number as the previous application which provides 1 space per unit and 8 additional visitor spaces.
- The removal of the large car port structure with 2 flats above to create more visual open space between the rear of houses (H1-H3) and block A.
- Relocation of parking/driveways to the rear for units H1-H3 and D1-D2 fronting Hatch Lane with more landscaping to the Hatch Lane street scene with a single access now proposed.
- Replacement of two semi-detached houses fronting Hatch Lane with two apartments designed to resemble a detached dwelling (D1-D2).
- Reduction in number of apartments in block C by 2 (from 10 to 8 flats) and a significant reduction in the width of the building located further east to create a visual space between houses H6-H7 and block C.
- Revision to architectural design, layout form and detailing of apartment block A to include balconies on all first and second floor apartments.
- Each property has access to outdoor communal amenity space with a total area of 2818m² which equates to each dwelling having 68m² which in excess of the requirements of the Borough wide Design Guide.
- The apartment blocks have been designed to provide private amenity space to each ground floor apartment, and 2m deep balconies to each first and second floor apartment in Blocks A, B and C.
- Houses H1-H3, D1-D2 and H6-H7 have a minimum of 55m² private garden space.
- The legibility of the site has been improved to provide accessible pedestrian paths from the central spine road and to the public footpath pathway leading from Hatch Lane to Longbourn.
- Smoother transition in scale from 2 storey houses along Hatch Lane to 3 storey at Longbourn, with 2 1/2 storey buildings between with increased gaps between buildings.
- Enhanced open space, hard and soft landscaping including landscaped parking courts.
- Re - design of houses to be more reflective of the Victorian character of Hatch Lane

First Set of Amended Plans

- Change in the footprint of Block A whereby the building has been reduced and reoriented and where the built form has subsequently been moved further away from the side boundary and outside the RPA's of the adjacent mature trees
- Reduction in size of Block B by approx. 55.5 sq m and rationalisation of its overall footprint to move the built form further away from the site boundaries. The external walls of this block have also been relocated further away from the North and East boundaries than the previously refused scheme (which is currently at appeal) leading to an improvement in separation distances between this development and neighbouring Longbourn.

Second Set of Amended Plans and additional Information Submitted

- Additional arboriculture report
- Daylight Statement and Shading Plan (TG47) located beyond the northern boundary and to the offsite veteran tree (T20) located beyond the southern boundary.
- Revision to roof form of blocks A, B and C. The roof of block A now has two ridge lines. The ridge line closest to the footpath has remained the same height as the previous design, with the ridge of the southern elevation increasing by 1.19m. Whilst the ridge height of the central part of Block B has increased by approximately 240mm from the original submission, it is still lower than the properties in the adjacent Longbourn development.
- Further changes to the architectural detailing and fenestration

5.6 Relevant planning history is as follows:

Reference	Description	Decision
19/03351/FULL	Redevelopment of the former Thames Hospice to provide a retirement housing development of 45 dwellings	Refuse – 04.09.2020 Appeal Dismissed

	comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5 storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.	
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5.7 Reason for refusal of 19/03351/FULL

The current application follows the previous refusal of 19/03351/FULL which sought permission for 45 dwellings. The application was refused following the planning committee on 19th August 2020. The reason for refusal issued on the 4th September 2020 stated:

'By reason of its amount, height, scale and inadequate provision and poor layout of amenity space, the proposal would result in a high density development that would be overly dominant and cramped within the site resulting in an overdevelopment. Together with the incongruous architectural design and harm / loss to trees which make a positive contribution to the character of the area, the proposal would also represent poor quality design. The poor quality design, and poor quality of amenity space would not optimise the standards of amenity for future residents. Therefore, the proposal is out of keeping with the character of the street scene and wider area and fails to provide an acceptable level of amenity for residents, contrary to saved Policies DG1, H10, H11 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), the Royal Borough of Windsor and Maidenhead Borough Wide Design Guide Supplementary Planning Document (2020), and paragraph 127 of the National Planning Policy Framework (2019).'

Following receipt of the Inspectors decision letter the inspector dismissed the appeal primarily for the following reasons.

Character

- Buildings A and B would have predominately flats roof. The periphery would be pitched with hipped ends, but this would not disguise the flat roof behind. Moreover the roofs accentuate the buildings bulk.
- North elevation of building A would appear utilitarian when viewed from the footpath.
- Lack of detailing in eastern elevation of building B results in the eye being focused of the overall expanse of wall which would appear overly dominating. This is compound by the flat roof element.
- Building A and B would appear cramped
- The character when viewed from the footpath would be dominated by buildings and would be enclosed.

Trees

- The footprint of building B would be very close to the edge of the trees canopy. Habitable rooms and private gardens would face these trees and at such proximity would be enclosed and suffer impaired daylighting.
- The arboricultural report specifies that the trees overhanging the footpath are to be crown lifted to 5m such removal of the branches would undermine the trees' distinctive shape and contribution to the character of the footpath.
- The ground floor sitting room in block C directly opposite T20 and two private garden areas would due to the height of T20 be overshadowed and could lead to future pressure to prune.

The Inspector raised no objection on any other grounds

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Loss of Community Facility	CF1
Housing Provision	H3, H8, H9,
Character and Appearance	DG1, H10, H11
Open Space	R3, R4, R5
Highways	P4, T5, T7
Trees and Hedgerows	N6

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 2 – Achieving Sustainable Development

Section 4 – Decision-making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

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

National Design Guide

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

7.3 Windsor Neighbourhood Plan

Issue	Policy
Character and Appearance	DES.01
Amenity	RES 01
Sustainable Transport	CW 01 PAR.01
Green and Blue Infrastructure	BIO.01 BIO.02

7.5 The Borough Council's Cabinet at its meeting on the 17 December 2020 voted unanimously to accept the examiners proposed modifications and approve the Windsor Neighbourhood Plan to proceed to referendum. The decision statement has been issued and as such the plan can be given significant weight in decision-making. The referendum is scheduled for the 6th May 2021.

7.6 Borough Local Plan: Submission Version and Submission Version Proposed Changes

Issue	BLPSV Policy	BLPSVPC Policy
Loss of Community Facility	IF7	IF6
Character and Appearance	SP2, SP3	QP1, QP3
Housing Provision	HO2, HO3, HO5	HO2, HO3
Open Space	IF4	IF4
Sustainable Transport	IF2	IF2
Trees	NR2	NR3
Neighbouring Amenity	EP1, EP3, EP4	EP1, EP3, EP4

7.7 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.8 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.9 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

These documents can be found at:

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

Supplementary Planning Documents and Guidance

Borough Wide Design Guide
Affordable Housing Planning Guidance
Interpretations of Policies R1, R2, R3, R4, R5 and R6
Planning for an Aging Population

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200209/planning_policy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

27 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 20th November 2020 and the application was advertised in the Local Press on 19 November 2020.

14 letters were received objecting to the application, summarised below.

Comment	Where in the report this is considered
Unbalanced demographic towards elderly residents	Paragraph 9.4
Insufficient / inadequate parking, resulting in indiscriminate on-street parking problems and highway safety, particularly due to the school located opposite and on cyclists	Section 9 (v)
This specific development will create noise. traffic congestion and be a general eyesore	Main Report
Location is unsuitable for elderly residents as there are no services and shops within walkable distance, therefore requires a car / driving thereby increasing traffic. Additional traffic resulting in an increase in congestion	Section 9 (v) and paragraph 9.4
Introduction of vehicular access to the detriment of highway safety and harm to cyclists	Section 9 (v)
Objections to gated access onto public footpath which will lead to shortcuts and raises concerns over maintenance	Section 9 (v)
Despite the reduction of units from 45 to 41, excessive density and over development of the site, and excessive height, scale and mass which is out of character with the locality. Conflicts with the Council's Policies and Borough Wide Design Guide.	Section 9 (ii)
Insufficient amenity space provided which would result in increased pressure of use of private grounds of Longbourn which has a public children's play area, and insufficient soft landscaping to soften hardscaping / parking areas	Section 9 (ii) and (viii)
Harm to TPO trees. Block B is closer to these TPO trees (019/2005/TPO) than in the refused scheme	Section 9 (iii)
The development threatens neighbouring occupiers' right to light.	9 (iii)
Height, bulk, balconies and proximity to site boundary results in harm to neighbouring amenity in terms of loss of light, overlooking and visual overbearing. Block A & B are closer to neighbouring properties (Chestnuts, 13 Longbourn) than in the refused scheme.	Section 9 (iv)
Only minimal cosmetic changes have been made to this scheme. The three storey block is still not appropriate and its bulk will impact neighbouring amenity. 3 storeys is also out of character with the area.	Section 9 (ii)
Detrimental impact on trees	9 (iv)
Impact on drainage to footpath from proposal would increase strain	Section 9 (vi)

2 letters were received objecting to the final set of amended plans, summarised below.

Comment	Where in the report this is considered
The proposed development incorporating the changes for Block A include an increase of 1 metre in height and 50% more windows. This results in a high density over dominant intrusion on my privacy at Chestnuts Hatch Lane.	Section 9 (iv)
The revised plan continues to be cramped	

The changes made are little more than tweaks and objections are still raised on impact on residential amenities, impact on protected trees and traffic safety concerns.	
The proposed development would harm the residential amenity of 13 Longbourn and the proposed changes do not overcome the Inspectors previous concerns.	Section 9 (iv)

1 comment in support

Comment	Where in the report this is considered
The design has removed the multiple vehicle crossovers onto Hatch Lane, provided a green boundary, and one vehicular access onto Hatch Lane.	Agreed
Improved design, with private amenity space included in affordable units, improved parking layout.	Agreed
Block A. The flats designated as 'affordable' by way of 'shared ownership', are a much improved design, with private amenity space. Block B. The changes to the parking layout has improved access to the block. Block C. The single over-parking wing in Block C is an improvement. The layout gives good pedestrian access to communal amenity space. Moving the site manager office into block C ensures this is an integral part of the development. Communal amenity. It is noted that the application provides good pedestrian access to the communal amenity spaces. Private amenity. The private amenity spaces are provided for every unit, including the 'affordable' units.	Agreed

Other Interested Parties

Group	Comment	Where in the report this is considered
Windsor and Eton Society	Comments to support this proposal as the applicant had consulted the Committee and has improved and addressed many of the issues that we had raised previously. The designs of the apartment buildings show more variation, particularly from the street view; access to communal amenity spaces is now available to all residents and generally the layout of the development is more spacious with enhanced landscaping. The Committee particularly supports the layout along the road frontage where new hedge and tree planting will retain the "green corridor" appearance of Hatch Lane and a single access to the site is retained. Furthermore the amended roof design of the blocks better reflects the Victorian character. Similarly the dormers roof lights and gables provide interest and break up the bulk of the roofs. Furthermore it is considered that the impact on users of the adjacent footpath which was of concern to the Inspector would be minimal and acceptable.	Agreed
Windsor Neighbourhood Plan Forum	Supports the scheme	Agreed

	<ol style="list-style-type: none"> 1. Reduction to 41 units allows for more spacious development 2. Changes to house frontage on Hatch Lane including relocation of parking to rear creates country lane character (suggested conditions to prevent frontages to become parking and gate at rear of each rear garden to enable direct access) 3. Retention of single access point is safer and would prevent cars parking on the front drives 4. Removal of flats over parking spaces underneath increases space between buildings 5. Improved access to communal amenity spaces on site with improved parking layouts and footpaths 6. Improved design with private amenity space for all flats 7. Loss of lodge regrettable and preference to preserve it in some way 8. Hatch Lane is an 'aspirational area for improved cycling conditions', request to improve cycle road infrastructure with CIL 9. The change in roof design of the 3 blocks is more in keeping with the Victorian style of the redevelopment 10. Windsor Neighbourhood Plan has passed the Examination phase and is awaiting Referendum and should be given some weight in decision making 	
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Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Final comments awaited	Section 9 (iii)
Conservation Officer	<p>There is very little to conserve as there is effectively only two walls of the lodge building remaining, and it is not listed, and due to the lack of form/fabric etc. can't be considered a non-designated heritage asset. So there is very little either in policy or real terms Conservation can object in regards to the lodge.</p> <p>Despite modification to reduce density, the opinion still stands that this is a poorly designed, sub-standard development. If minded to approve, Conservation requests conditions on materials and detailing.</p>	Section 9 (ii)
Highways Officer	No highway concerns subject to the following conditions: Approved access completed prior to occupation, Construction Management Plan, Parking as approved drawing, Cycle Parking to	Section 9 (v)

	be provided, Stopping Up of the existing access, Adoption and off-site highway works.	
Ecology Officer	No objection	Section 9 (ix)
Environmental Protection	Should planning permission be granted, the following conditions on Aircraft Noise, Construction Site Working Hours and Collection during Construction and Demolition be added. And informatives on Smoke and Dust Control be attached.	Noted
Environment Agency	Wishes to make no comment.	Noted.
Housing Enabling Officer	No objection, recognises that SHMA highlights a future need for older person's accommodation in both the market and affordable housing sectors across the study area of Berkshire, and it is for local authorities to determine the extent of future affordable specialist housing based on local knowledge and demand data. Recognises that conditions including the completion of a satisfactory S106 agreement and nomination arrangements with the local authority is an effective way of ensuring the affordable housing provision is delivered to meet local housing needs in the Borough.	Section 9 (vii)
Lead Local Flood Authority	No objection subject to condition relating to a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment.	Section 9 (vi)
Thames Water	No objection in relation to foul water sewerage and surface water network infrastructure capacity. Recommends informatives relating to mains water use for construction purposes and minimum water pressure and flow rates for future customers.	Section 9 (vi)

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance
- iii Trees
- iv Residential Amenity
- v Highway Safety and Parking
- vi Sustainable Drainage
- vii Affordable Housing
- viii Open Space
- ix Ecology
- x Other Material Considerations

i Principle of Development

- 9.2 No objection was raised under the previous appeal regarding the principle of development on this site.
- 9.3 Of particular note and to be given weight in this decision making process is paragraph 118 of the NPPF which states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. In this case the site comprises previously developed land located in Windsor, which is a suitable settlement for homes.
- 9.4 Lastly, in relation to older persons' housing, the NPPF defines 'older people' as people over or approaching retirement age including active elderly to the very frail, and whose housing needs can encompass accessible, adaptable general needs housing through to the range of retirement and specialised housing for those with support or care needs. The SHMA highlights a future need for such housing in the Borough, and Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation and will favour proposals which include housing for those with special needs. In this context, it is considered that the proposal for retirement accommodation will help meet an identified need within the Borough, and therefore is supported in principle. If minded to approve, a condition is recommended to ensure that the housing is used solely for the designed purpose of providing accommodation for person or persons who, for the purposes of acquiring purchase or lease, will have a minimum age of 55 living as part of a single household.

ii Character and Appearance

Loss of the Existing Building

- 9.5 Whilst part of the existing building comprises of a lodge house, which will be demolished to accommodate the proposed development and is a good example of mid-19th century lodge architecture the existing lodge house is not Listed nor in a conservation area. The submitted Heritage Statement confirms that there is very little original fabric of the lodge left to conserve. Therefore, the demolition of the existing building is acceptable in principle and this was not raised as an issue in the appeal.

Design Policies

- 9.6 Local Plan policy H10 requires new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. The Borough Wide Design Guide SPD, which supports the aims and objectives of the above Local Plan policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles down to detailed matters.
- 9.7 As a material consideration, paragraphs 124 and 130 of the NPPF advises that high quality buildings and places are fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions. The National Design Guide also sets out the characteristics of well-designed places and what good design means in practice.

Identified Character of the Area

- 9.8 The site falls within an area identified as a 'Victorian Village' in the Council's Townscape Assessment. A 'Victorian Village' is mainly characterised by principal streets with larger 2 to 3 storey buildings on irregular plots and no front gardens, and secondary side roads which also consist of irregular plots but are typically narrower with smaller 2-storey houses with front gardens. Backland development has occurred along most streets, resulting in shortened plots and higher densities. Building styles are characterised by mid-late Victorian and early-Edwardian architecture with building materials consisting predominately of warm-red brick built buildings with stone accents and / or clay tile hangings, and slate roofs. Due to the higher density, open space is limited and

generally restricted to private gardens. However, these gardens often contain mature trees and vegetation, which contribute to the greenery of the townscape.

- 9.9 Hatch Lane, which the site forms part of, is a secondary road leading off Clewer Hill Road (the principle street) and the pattern of development largely conforms to the ‘Victorian Village’ characteristics identified above.

Siting, Form, Height, Scale and Architectural Detailing

- 9.10 The proposed housing along Hatch Lane (H1-H3 and D1-D2) would provide an active frontage at this interface, which is supported as good design. The proposal would result in increased landscaping from the grass verge and vegetation along the frontage which is more in keeping with the surrounding dwelling houses and supports the aims and objectives of Windsor Neighbourhood Plan policy BI.01. The parking spaces have been relocated from the front in the previous application to the rear as shown in the site layout. The current proposal replaces the previously proposed two semi-detached houses fronting Hatch Lane with two apartments designed to resemble a detached dwelling (D1-D2). A single access is now proposed which improves the legibility of the street scene on Hatch Lane. If minded to approve, full details of the landscaping can be secured by condition.
- 9.11 The architectural design of H1-H3 are cottage style incorporating relatively plain features and the predominate architectural style of the area is mid-late Victorian and early-Edwardian architecture, furthermore, the siting, form, height and scale of H1-H3 and D1-D2 are consistent with existing houses on Hatch Lane. Furthermore, the Design and Access Statement confirms brick construction with pitched tiled roofs and gables and cottage style windows, which reflects the identified material palette of the wider area. The rooves of H1-H3 have been redesigned since the previous application to create interest with steep pitches and gables. Therefore, it is not considered that H1-H3 would appear overly obtrusive within the streetscene or wider locality. The front and rear gardens to H1-H3 are short, but the Council’s Townscape Assessment notes short front gardens are characteristic of properties on secondary roads such as this and backland development has occurred along most streets have resulted in shortened plots to frontage properties. As such, the proposal is not considered out of keeping in this respect.
- 9.12 Significant improvements to the spacing between buildings by reducing the amount of built form have been made since the previous application. The removal of the car port structure with 2 flats above in the previous application creates significantly more visual open space with a separation distance of approximately 27 metres between block A and the houses at the front of the site. Block C has also been reduced significantly in its width of building too creating a good visual space between houses H6-H7 and block C which was previously approximately 15 metres and is now 23 metres. Furthermore the footprint of Block B has also been reduced.
- 9.13 The roof forms of the apartment buildings have also been revised to remove large expanses of flat roof form which made the buildings appear to have a strong horizontal emphasis and added to the perception of their overall bulk. Whilst the change of roof form adds slight to the over height of the blocks it results in a much higher quality of design and form and takes more design cues from the Longbourn Estate. Importantly, the overall height of Block B (3 storey) would still be lower than the 3 storey building in Longbourn. Table 1 below shows the overall height increases.

Table 1

	Block A Northern Ridge Height (m)	Block A Southern Ridge Height (m)	Block B Western Section Ridge Height (m)	Block B Central Section Ridge Height (m)	Block C (m)
Change between appeal scheme and current proposal	0	+ 1.19	+0.41	+0.24	+0.40

- 9.14 Block A, B and C are substantial buildings, but a meaningful reduction in the amount of built form across the site has been made with the removal of the large car port structure between houses (H1-H3) and block A, the reduction in the footprint of block B and the significant reduction in the width of block C now allows these three buildings to have an adequate setting so they no longer appear cramped and allows for a better relationship when viewed from the adjacent footpath. Furthermore, the changes to roof design and detailing have further contributed to visually breaking up their mass and providing a stronger vertical emphasis so that they do not have an overbearing and/or intrusive impact upon the character and appearance of the area. The approach of articulating the form of the building is recognised in the Borough Wide Design Guide as a method of integrating large scale and mass into a finer grain environment. Furthermore, following the reduction in footprint and simplification of the site plan form, the space around all three apartment buildings are considered to provide an adequate setting for the height, footprint and mass of each building. As such, the apartment blocks are not considered to be visually dominant or cramped within the plot.
- 9.15 The Inspector considered that the north elevation of block A would appear utilitarian when viewed from the footpath. In order to overcome this, this elevation has been redesigned. The flat roof component has been removed and the fenestration has been redesigned so that there are fewer dormers, windows are of different sizes and there is better detailing around the windows. This all adds visual interest and prevents this elevation from appearing utilitarian.
- 9.16 The Inspector also raised concerns regarding the lack of detailing in the eastern elevation of building B as this results in the eye being focused on the overall expanse of wall which would appear overly dominating which was compounded by the flat roof element. However, it is questioned if the Inspector meant the east elevation as that elevation had very few windows. In response the developer has made improvements to both the west and east elevation. More windows have been added to break up the western elevation and the introduction of the strong gable feature to the east elevation draws your eye now to the middle of the building reducing the depth of building which is perceived.
- 9.17 With the reduction in units from 45 to 41 since the previous application, the number of car parking spaces proposed remains at 49. An improved pedestrian access from the northern boundary between buildings A and B to the public footpath pathway leading from Hatch Lane to Longbourn improves the legibility of the site. The design of the communal garden areas has also been revised with additional pathways added to aid the accessibility and legibility of the garden areas. Overall, there has been an improvement in soft landscaping and green space which is considered sufficient to soften the amount of hardstanding within the site.
- 9.18 Overall, it is considered therefore that the proposed development would not harm the character and appearance of the street scene and wider area and has overcome the concerns raised by the Inspector as well as securing design improvements to the front of the site which are strongly supported by the local interest groups.

iii Trees

- 9.19 Local Plan policy N6 requires new development to allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweigh the justification for development then planning permission may be refused.
- 9.20 An Arboricultural Report and Tree Condition Survey have been updated and submitted to support the proposal.
- 9.21 To accommodate the proposal the previous scheme proposed the felling of 25 trees within the site under this current proposal only 11 trees are to be felled.
- 9.22 The existing site is dominated by hard standing with very little green space except for the garden area located in the south east corner of the site and this is a material consideration which needs to be afforded significant weight in the decision making process. The existing extent of the

hardstanding across the site is shown in Appendix C. This scheme would increase the amount of green space/landscaping across the site as well as retaining the existing garden area.

- 9.23 The Inspector objected to the trees adjacent to the public footpath being crown reduced to 5 metres. This is no longer proposed and those trees remain as are.
- 9.24 A shade assessment has now been undertaken to address the issue of shading by trees adjacent to the southern boundary of the site which confirms that tree shading does not reach the rear of Block C. Furthermore the trees relationship with the proposed development is broadly akin to the existing situation (T19, T20 and T21) and officers consider that Block C would not result in the loss of these trees or unacceptable pressure to prune in the future. This shading assessment was not before the Inspector and is new evidence.
- 9.25 The siting of blocks A and B set back from the boundary, combined with the orientation of the buildings layout of rooms ensures that adequate daylight would reach habitable rooms in block A and B and this too has now been evidenced.
- 9.26 A series of minor interior and exterior changes have been made to the semi-detached houses on Plots 6 and 7 to address the Tree Officers concerns regarding overshadowing. These changes include removal of the dividing wall between the kitchen and dining room , additional windows in the side elevation, roof lights to master bedrooms and associated ensuites, roof lights added to ground floor rear extensions and a change in roof form from gable to hipped which reduced the bulk of the roof. Following further daylight and sunlight review this is now considered acceptable.
- 9.27 In addition, the tree protection mitigation and protection measures contained in the Arboricultural Report and Tree Condition Survey can be secured by condition. Details of proposed underground utilities such as foul water, gas, electric, telecommunications and portable water can also be secured by condition to ensure that these works fall outside the RPA of trees. All in all officers consider that this scheme proposes a good balance of retained trees and new landscaping whilst trying to make efficient use of land without harming the character and appearance of the area.

iv Residential Amenity

- 9.28 With regard to impact on neighbouring amenity this was not raised as a reason for refusal at the last appeal. With regard to the impact on 13 Longbourn the Inspector did state “I am aware of concerns from the third parties about the impact on their living conditions. I did see the site from 13 Longbourn. However, the new buildings would be sufficiently distanced to avoid problems of privacy and shadowing.” Under this current application that would still be the case.
- 9.29 As a whole the proposed scheme with regard to neighbouring amenity impact is not materially different to the previous and in many ways is improved. As such no objection is raised on this ground. The spaces between buildings is sufficient that the scheme would not result in an undue loss of privacy, loss of light or have an overbearing impact on the occupiers of any neighbouring property. In particular the number of windows in the rear elevation of building B remain the same and part of block B has also been moved further away from the boundary in this part of the site. Whilst there is a very small increase in height this would not result in an overbearing or intrusive impact on neighbouring occupiers as there is sufficient separation distance between the buildings.
- 9.30 The increase in ridge height of Block A remains the same closest to the boundary. The increase in the southern ridge height of 1.19m is sufficiently distanced away from the boundary with No. 90 Hatch Lane that it would not cause an overbearing impact or result in detrimental overshadowing. Block A no longer has balconies on its rear elevation and the number of windows in this elevation has also reduced. As such the impact with regard to potential loss of privacy has improved. Any overlooking from the western elevation would be at an oblique view and not so detrimental to warrant refusal of the application.

v Highway Safety and Parking Provision

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

standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

Access

- 9.32 The development proposes relocating the existing vehicular access into the site by approximately 5m to the south. As shown on the proposed site layout, the proposed vehicular access is approximately 6.0m wide, which is sufficient to accommodate two-way opposing flows, and a swept path analysis has been submitted to demonstrate that vehicles, including refuse collection vehicles, can enter and exit the site in forward gear. Satisfactory visibility splays at the junction with Hatch Lane commensurate with the speed limit can also be achieved (Drawing No. 8200808/6101, Appendix C, Transport Statement Addendum). The current proposal foregoes the individual vehicular access serving the proposed houses fronting Hatch Lane as in the previously refused application. As such, the proposal is considered safe in this respect. The access and visibility plans can be secured by condition.
- 9.33 The Transport Statement Addendum has confirmed dedicating part of the site to increasing the width of the adjoining footway on the eastern side of Hatch Lane from approximately 1.3m to 2.0m, which will benefit pedestrians. A legal agreement between the applicant and RBWM under S278 of the Highways Act to enable these works can be secured by condition.
- 9.34 A new pedestrian access is proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Lane to Longbourn. While concerns have been raised that this will create a shortcut, this is considered to be beneficial to local residents and is supported by the Borough Wide Design Guide which states that all new development will be expected to connect into surrounding routes. There is no objection to this element.

Trip Generation

- 9.35 To determine the impact of the development on the local highway network, the submitted Transport Statement compares the trips generated by the existing facility against the proposed development. The methodology to determine the existing and proposed trip rates is acceptable, and demonstrates that the traffic generation for the existing use would generate approximately 2 2-way trips for both the AM peak and PM peak while the previously refused scheme would generate approximately 7 2-way trips in the AM peak and 6 2-way trips in the PM peak. The current scheme would generate approximately 6 2-way trips in the AM peak and 4 2-way trips in the PM peak. While there is an increase in trips, the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.

Parking

- 9.36 For C3 (active elderly) use the Council's Parking Strategy sets a maximum parking of 1 space per unit, which equates to a maximum of 41 car parking spaces for the proposed development. However, the NPPF, which is material consideration of significant weight and post-dates the Council's Parking Strategy, states that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this case, the increase in trip generation as a result of the proposal is limited. The proposal includes 49 car parking spaces which is the same number as the previous application, which when taking into consideration the reduction of 4 units to the overall scheme, would provide 1 space per unit and 8 additional visitor spaces. Therefore, it is not considered to warrant management in this respect and the total provision of 49 car parking spaces is acceptable.
- 9.37 The submitted Transport Statement Addendum has confirmed the provision of 2 disabled car parking spaces, to be located as close as possible to building entrances, and the provision of charging bays for electric cars (12 active, 11 passive). This is acceptable and details can be secured by condition.

- 9.38 The Council's Planning for an Aging Population SPD states that cycle parking should be provided at a level of 1 space per 5 units. 14 cycle parking spaces were previously proposed and this has been reduced to 8 which is still in compliance with this standard. The spaces comply with the West London Cycle Parking Guidance (current best practice) and are provided adjacent to Block C and the car parking area in a secure storage unit. Full details can be secured by condition.

vi Sustainable Drainage

- 9.39 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Flood Risk Assessment has been submitted to support the application, which includes a sustainable drainage strategy as shown in Appendix J. The revised FRA confirms that the impermeable areas on the site would cover 3,482m² compared with 4,210m² on the previously submitted proposals. It is proposed that surface water run-off from the development site should be managed by a single geo-cellular storage tank established beneath the car parking area to the eastern side of dwelling H1 and western side of Block A. The geo-cellular storage tank will be used to attenuate surface water flows with suitable outflow control. The attenuated surface water flows from the proposed development would be discharged via gravity to the closest surface water manhole which serves properties located to the north-east of the site. Thames water have confirmed that they have no objection regarding the surface water network infrastructure capacity. On this basis, the proposed surface water strategy is acceptable in principle. Further details will be required on how surface water flows are to be directed to the surface water drainage system and how exceedance flows are to be dealt with, but it is considered that these details can be secured by condition. This issue was considered acceptable under the previous appeal.

vii Affordable Housing

- 9.40 Local Plan policy H3 states that the Council will seek to achieve a proportion of the total capacity of suitable residential schemes to be development in the form of affordable housing to meet the needs of 'qualifying persons' as defined by Council. Suitable sites include sites of 0.5ha or over, or scheme proposing 15 or more net additional dwellings. The supporting text of Policy H3 states that in general the Council will seek to achieve the provision of 30% of the total units provided on any individual site as affordable housing. For the proposal, this would equate to 12 units.
- 9.41 The planning statement confirms the provision of 30% (12 units) in accordance with policy H3, to be delivered as shared ownership. In term of tenure, Local Plan policy H3 is silent on this matter but it refers to identified local need which the SHMA sets out in detail. For older persons accommodation there is an unmet demand for shared ownership, which the proposal would help meet.
- 9.42 As a further material consideration, paragraph 64 of the NPPF states that at least 10% of the overall homes are expected to be available for affordable home ownership as of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. This would equate to 5 units, which the proposal complies with.
- 9.43 The developer has requested however that should a preferred registered provider not be found within 6 months of the date of commencement of construction by the developer and Council then the units can be offered at 30% discount to open market value. The affordable housing provision can be secured by a S106 legal agreement

viii Open Space

- 9.44 Local Plan policy R3 states that the Council will require new housing developments to make appropriate provision for public open space, while policy R4 states that for sites measuring between 0.4ha to 1ha, such as this, the Council would require a children's play space in accordance with R5. Local Plan policy R5 states that within new development of family houses on sites larger than

04.ha or 15 units (whichever is the smallest) the Council will require a Local Area for Play (LAP) and within new development of family houses on sites larger than 0.8ha or 50 units (whichever is the smallest) the Council will also require a Local Equipped Area for Play (LEAP).

- 9.45 In this case while there are private and communal gardens within the proposal there is no area of public open space within the site. However, the proposal is not for family houses, but retirement housing. Furthermore, it is noted that Imperial Park, which is owned by RBWM, is approximately a 5 minute walk from the site. A new pedestrian access is also proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Lane to Longbourn. As such, the lack of public open space within the development is acceptable and this issue was considered acceptable under the last application.

ix Ecology

- 9.46 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the scale and nature of the proposed development together with the distance of proposal from the SAC. Therefore, an appropriate assessment is not required.
- 9.47 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.
- 9.48 The application site comprises a large detached building surrounded by hardstanding, amenity grassland, and ornamental planting, all of which are of low ecological value. It is surrounded by mature trees which are to be retained. Several immature and largely non-native species trees would be removed to allow for the development.
- 9.49 The ecology report has been undertaken to an appropriate standard and details the results of a preliminary ecological appraisal of the site and preliminary bat roost assessment of the building and trees. The building and trees were found to not contain features suitable for use by roosting bats, though the trees and surrounding habitats do provide some foraging and commuting habitat for bats. With the exception of nesting and foraging birds which may use the ornamental planting and surrounding trees, the report concludes that the site is of low ecological value and unlikely to be used by protected species.
- 9.50 The applicant has submitted indicative external lighting strategy and landscaping plans. The lighting strategy appears to limit light spill and keep light levels low enough to prevent any adverse effects to bats and other wildlife. It would, however, need to be finalized at the condition stage as it would need to be ensured it did not illuminate any artificial nesting or roosting features. The landscaping plan shows that there would be bat and bird boxes installed, and ornamental planting. The bird and bat boxes should be integral within the building where possible. Furthermore, the landscaping should incorporate a larger mix and greater percentage of native and wildlife friendly species, including good sources of pollen, nectar, and berries, and should include hedgehog gaps

at the bases of fences. However, the details of this could be determined via the discharge of a planning condition.

x Other Material Considerations

Housing Land Supply

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

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

- 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.*

9.52 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).'

9.53 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF. Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of £295.20 per square metre.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in section 9 (ix) it is considered that in this instance the tilted balance should be applied. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal is considered compliant with planning policy in terms of principle of development; impact on character and appearance of the area; trees; residential amenity; highway safety and parking; sustainable drainage; affordable housing; open space; and ecology.

11.3 Weighing in favour of the proposal paragraph 68 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and considered to be a suitable site within an existing settlement for homes. Furthermore, comprising of previously developed land for residential development, paragraph 118 of the NPPF goes onto state that planning decisions should give substantial weight to the proposal. The provision of 12 affordable units also weighs in favour of the development.

11.4 It is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits outlined above and the development is therefore recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Existing hardstanding on site
- Appendix D – Proposed elevations
- Appendix E – Appeal Decision 19/03351/FULL

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The residential units within the buildings hereby approved shall be used solely for the designated purpose of providing self-contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved residential units, will have a minimum age of not less than 55 years old (or a spouse or partner living as part of a single household with such person or persons). The buildings shall not be used or occupied for any other purpose, including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent or equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No permitted changes of use shall occur unless express permission of the Local Planning Authority has been obtained.
Reason: In the interest of proper planning and to ensure satisfactory living environment for occupiers.
- 3 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.
- 4 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 H10 and H11.
- 5 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 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.
- 7 The development shall not be occupied until the landscape and ecological management plan (LEMP) 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 LEMP shall include the following.a) Description and evaluation of features to be managed, as well as biodiversity enhancements including planting of species-rich grassland, native trees and landscape planting, installation of bird and bat boxes on and around the building, and creation of log piles.b) Ecological constraints on site that might

influence managementc) Aims and objectives of management.d) Prescriptions for management actions.e) Preparation of a work schedule including a 5 year planf) Details of the body or organisation responsible for implementation of the plan.The LEMP will be implemented as approved and shall be retained in accordance with the approved details.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR3 of the submitted Local Plan and paragraph 175 of the NPPF.

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

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

- 9 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.

- 10 Prior to the installation of underground utilities, apart from areas of existing hardstanding, details including their location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure that the any existing and new planting is not compromised. Relevant Policies - Local Plan DG1, N6.

- 11 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison b) Arrangements for liaison with the Environmental Protection Team c)) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works d) Control measures for dust and other air-borne pollutants. e) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 12 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

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

- 13 Prior to the commencement of construction of the new development (excluding demolition and site clearance works) a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the works to improve the footpath on Hatch Lane, the full details of which are to be agreed with the Council. The development shall not be occupied until the aforementioned works, as approved through the S278 Agreement, has been carried out in full.

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

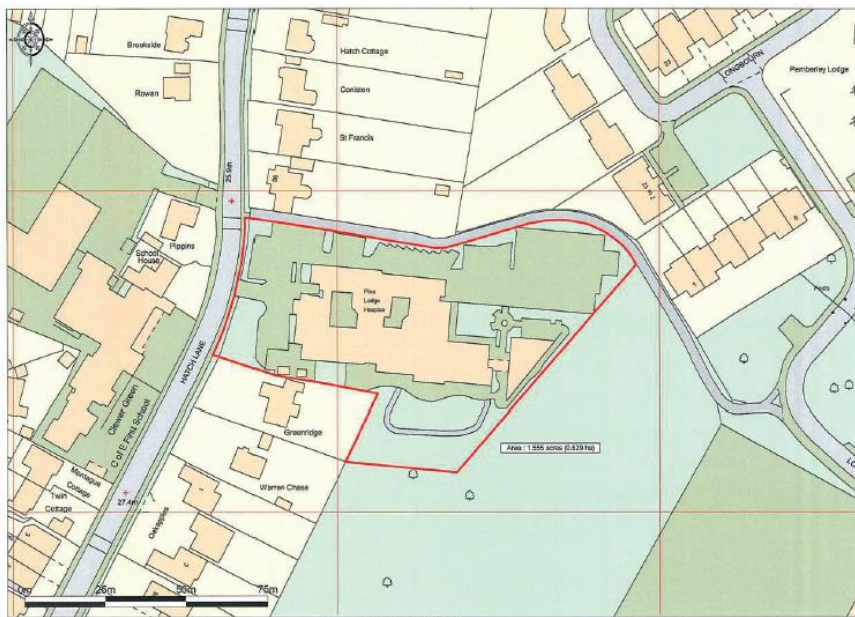
- 14 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

- 15 Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5
Prior the occupation of any dwellings 11 spaces shall be active charging bays for electric cars and 10 spaces shall be passive charging bays for electric cars; and 2 disabled car parking bays shall be located close to the building entrances.
- 16 Reason: To meet required parking standards and to ensure sustainable development.
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.
- 17 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
Prior to the occupation of any units in Block B the gated access to the public footpath along the northern site boundary leading from Hatch Lane to Longbourn shall be provided.
- 18 Reason: To improve pedestrian links. Relevant Policy - Local Plan DG1.
Prior to commencement (excluding demolition and site clearance works) a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details; supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the agreed discharge rate of 2 l/s and the attenuation volumes to be provided; and details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage systems shall be implemented and maintained in accordance with the approved details thereafter.
- 19 Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
Prior to its installation, detailed drawings and information of the materials/glazing of the proposed privacy screen to the first floor terraces of, H1, H2, H3, D2 and Block A shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter only be installed and maintained in accordance with these approved details.
- 20 Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- 21 Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
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.

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Appendix A Site Location Plan and Site Layout

Thames Hospice, Pine Lodge, Hatch Lane, Windsor, SL4 3RW



Promap
LANDMARK INFORMATION GROUP

Site Layout



PROPOSED COLOURED SITE PLAN — 41 UNITS / 49 CAR PARKING SPACES
Scale: 1:200

REVISIONS	DATE	BY	DESCRIPTION
A	17.03.21	W	ISSUED FOR PERMITTING
B	17.03.21	W	ISSUED FOR PERMITTING
C	17.03.21	W	ISSUED FOR PERMITTING
D	17.03.21	W	ISSUED FOR PERMITTING
E	17.03.21	W	ISSUED FOR PERMITTING
F	17.03.21	W	ISSUED FOR PERMITTING
G	17.03.21	W	ISSUED FOR PERMITTING
H	17.03.21	W	ISSUED FOR PERMITTING
I	17.03.21	W	ISSUED FOR PERMITTING
J	17.03.21	W	ISSUED FOR PERMITTING
K	17.03.21	W	ISSUED FOR PERMITTING
L	17.03.21	W	ISSUED FOR PERMITTING
M	17.03.21	W	ISSUED FOR PERMITTING

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EMAIL: EDG@EDGINGTON.CO.UK

Pine Lodge
Residential Development
Hatch Lane, Windsor

PROPOSED COLOURED SITE PLAN — 41 UNITS
Scale: 1:200 (A1) 100 WBS (as issued, unless otherwise stated)
DATE: 23.10.2020
DRAWN: SH
CHECKED: SH
DATE: 17.03.21

Appendix B - Floor Plans and Elevations

Houses H1 – H3



House D1 – D2



Proposed Houses H6 and H7



Block A



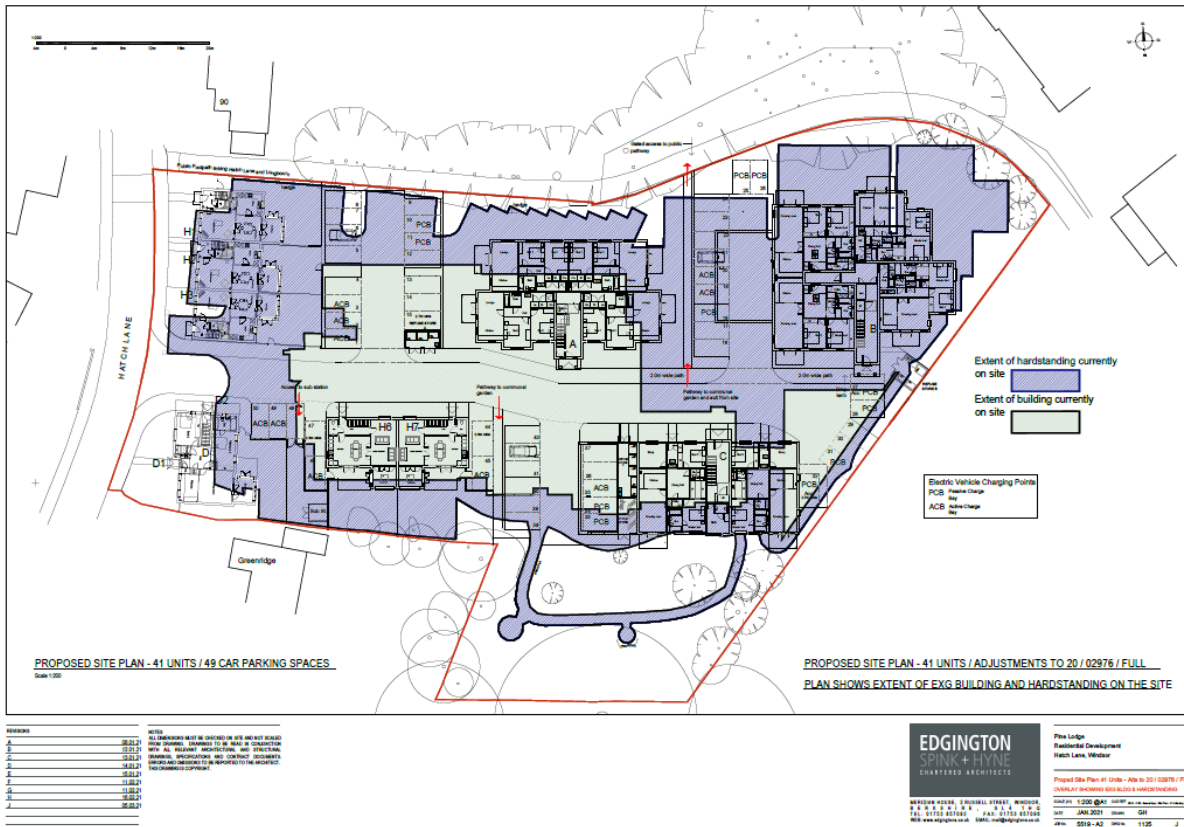
Block B



Block C



Hardstanding



Height Comparison Block B with Longbourn



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Planning Appeals Received

6 March 2021 - 8 April 2021

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 PIns 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.:	21/60027/ENF	Enforcement Ref.:	19/50267/ENF	PIns Ref.:	APP/T0355/C/2 1/3270786
Date Received:	24 March 2021	Comments Due:	5 May 2021		
Type:	Enforcement Appeal	Appeal Type:	Written Representation		
Description:	Appeal against the Enforcement Notice: Without planning permission, erection of a single storey rear extension.				
Location:	18 Coppermill Road Wraysbury Staines TW19 5NT				
Appellant:	Ms Linda Zita Webb c/o Agent: Mr Kevin John Turner Kevin J Turner FRICS 64 Wood Road Shepperton Middlesex TW17 0DX				

Appeal Decision Report

6 March 2021 - 8 April 2021

Appeal Ref.: 20/60076/REF **Planning Ref.:** 19/03547/FULL **Plns Ref.:** APP/T0355/W/20/3257723

Appellant: Mr David Chapman **c/o Agent:** Mr Tom Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Construction of a detached four bedroom dwelling with associated parking and landscaping.

Location: **Land At Lady Margaret Cottage Charters Road Sunningdale Ascot**

Appeal Decision: Dismissed **Decision Date:** 23 March 2021

Main Issue: The proposal would result in harm to the character and appearance of the area. Accordingly, it would be in conflict with saved Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted 2003) (Local Plan) and Policies NP/DG1, NP/DG2 and NP/DG3 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 (Neighbourhood Plan) (2014). Amongst other matters these policies seek that development proposals should be of the highest standards of design in order to create attractive residential areas, should not harm the character and appearance of the area with regard to density, should not result in a cramped appearance and the scale and layout should respond positively to townscape and integrate with local surroundings. The proposal would make a welcome contribution of one new dwelling to the area's housing stock in line with the Government's aim in Framework Paragraph 59 to significantly boost the supply of homes. It would also include modest associated economic and social benefits, and it would be situated in an accessible location. However, even if the shortfall in the 5-year HLS is of the scale suggested by the appellant, the Inspector found that the adverse impacts of granting permission, including the harm to the character and appearance of the area, living conditions of existing occupiers and to a protected tree, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
