

NOTICE
OF
MEETING

**ROYAL BOROUGH DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 16TH JUNE, 2021

At 7.00 pm

by

HOLIDAY INN, MANOR LANE, MAIDENHEAD SL6 2RA, 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: 8th June 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.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES OF THE MEETING HELD ON 19 MAY 2021</u> To approve the minutes of the meeting held on 19 May 2021 as a true and accurate record.	7 - 10
4.	<u>16/03056/FULL - STORAGE LAND FORMERLY KNOWN AS WASTE TRANSFER STATION - KIMBERS LANE - MAIDENHEAD</u> <i>PROPOSAL: Expansion of existing permitted capacity at Kimbers Lane from 500 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the erection of waste transfer building, office building, weighbridge and surrounding bund.</i> RECOMMENDATION: Permit APPLICANT: John Horwood Skips MEMBER CALL-IN: N/A EXPIRY DATE: 30 June 2021	11 - 38
5.	<u>19/02966/REM - DEVELOPMENT AT KING STREET AND QUEEN STREET AND BROADWAY - MAIDENHEAD</u> <i>PROPOSAL: Reserved matters application (access, appearance, landscaping, layout and scale) for 'Building E' to provide 87 apartments on the upper floors with proposed commercial floor space on ground floor (Class A1-A5, B1, D1 and D2) and public realm around Building E including service layby along Queen Street, pursuant to planning permission 18/01576/FULL: Hybrid planning application for the mixed use redevelopment of the site.</i> RECOMMENDATION: Permit	39 - 70

APPLICANT: Ryger Maidenhead Ltd

MEMBER CALL-IN: N/A

EXPIRY DATE: 26 November 2020

6.

20/03514/FULL - BOOTS - 17-18 PEASCOD STREET - WINDSOR -
SL4 1DU

71 - 104

PROPOSAL: Part demolition of building with retention of reduced retail store footprint and redevelopment of the demolished section of building for new build hotel incorporating ancillary restaurant and bar, integrated service area and engineering operations to create frontage landscaping area to provide lay-by, pavement and parking space.

RECOMMENDATION: Permit

APPLICANT: Canada Life

MEMBER CALL-IN: N/A

EXPIRY DATE: 18 JUNE 2021

7.

PLANNING APPEALS RECEIVED AND PLANNING DECISION
REPORT

105 - 110

To note the contents of the report.

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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, 19 MAY 2021

PRESENT: Councillors Phil Haseler (Chairman), John Bowden, David Hilton, Neil Knowles, Joshua Reynolds, Shamsul Shelim, Helen Taylor, Amy Tisi and Leo Walters

Also in attendance: Councillors Christine Bateson, Carole Da Costa, Maureen Hunt, Andrew Johnson, Sayonara Luxton and Helen Price

Officers: Rachel Lucas, Shilpa Manek, Sian Saadeh and Susan Sharman

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cannon and Hill. Councillors Shelim and Taylor were substituting.

DECLARATIONS OF INTEREST

Councillor Bowden declared a personal interest that he was a sub contracted paid employee to Netflix productions, from 2012 to 2016, and may return to that work if offered in the future. Councillor Bowden was familiar with exterior sets. Councillor Bowden was attending with an open mind.

Councillor Hilton declared a personal interest that he and his wife had regular walks of path 4 walking route.

MINUTES OF THE MEETING HELD ON 21 APRIL 2021

RESOLVED UNANIMOUSLY: that the minutes of the meeting held on 21 April 2021 were a true and accurate record.

This was proposed by Councillor Bowden and seconded by Councillor Knowles.

20/02462/FULL - BELLMAN HANGER - SHURLOCK ROW - READING - RG10 0PL

A motion was put forward by Councillor Hilton to refuse the application, as per Officers recommendation, as amended in the panel update. This was seconded by Councillor Walters.

A named vote was taken.

20/02462/FULL - BELLMAN HANGER - SHURLOCK ROW - READING - RG10 0PL (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Shamsul Shelim	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be Refused as per Officers Recommendation, as amended by the update report.

20/03418/FULL - LAND ADJACENT TO THE DRAWERY - WINDSOR GREAT PARK - WINDSOR

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

A second motion was put forward by Councillor Bowden to approve the application. This was not seconded so the motion fell.

A named vote was taken on the first motion.

20/03418/FULL - LAND ADJACENT TO THE DRAWERY - WINDSOR GREAT PARK - WINDSOR (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	Against
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Shamsul Shelim	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED: That the application be Refused, as per Officers recommendation.

20/03478/FULL - KINGS COPSE HOUSE - ST LEONARDS HILL - WINDSOR - SL4 4AL

A motion was put forward by Councillor Bowden to approve the application, as per Officers recommendation, as updated in the panel update. This was seconded by Councillor Hilton.

A named vote was taken.

20/03478/FULL - KINGS COPSE HOUSE - ST LEONARDS HILL - WINDSOR - SL4 4AL (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Joshua Reynolds	For
Councillor Shamsul Shelim	For
Councillor Helen Taylor	For
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Carried	

RESOLVED: That the application be Approved, as per Officers recommendation, as amended in the panel update.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The Panel noted the reports.

The meeting, which began at 7.00 pm, finished at 9.40 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

16 June 2021

Item: 1

Application No.:	16/03056/FULL
Location:	Storage Land Formerly Known As Waste Transfer Station Kimbers Lane Maidenhead
Proposal:	Expansion of existing permitted capacity at Kimbers Lane from 500 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the erection of waste transfer building, office building, weighbridge and surrounding bund.
Applicant:	John Horwood Skips
Agent:	Mr Nick Fellows
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development involves the expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste, and the erection of a waste transfer building, office building, weighbridge and surrounding bund.
- 1.2 The site is located within the Green Belt and the proposal would represent inappropriate development in the Green Belt, would harm openness and be contrary to one of the purposes of the Green Belt, namely, to safeguard the countryside from encroachment. This is afforded substantial weight against the development. There would also be harm to landscape character, which is afforded moderate weight against the development. However, given the contribution towards addressing an identified shortfall in capacity for non-hazardous and inert waste management, in particular for recycling facilities, to meet need within the plan area and to move waste up the waste hierarchy in line with the Council's waste management strategy, and wider environmental and economic benefits, it is considered that a case for Very Special Circumstances has been demonstrated. Furthermore, having due regard to the tilted balance, it is not considered that the identified harm would significantly and demonstrably outweigh the benefits in this case.
- 1.3 In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated VSC and planning balance following any ecology comments, if necessary, will be reported in an update.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of a plot of land measuring approximately 0.72ha at the end of a long access measuring approximately 324m in length which leads south-east from Kimbers Lane, adjacent to

the A404(M). Kimbers Lane leads south-west from Harvest Hill Road and was formally a through road until stopped off when the A404(M) was constructed.

- 3.2 The site has been used for processing inert waste materials since 1992 and has permission together with an environmental permit for the processing of 5000 tonnes per annum of inert waste. There are currently no buildings on the site. There is an existing bund around part of the site and fencing.
- 3.3 The surroundings mainly comprise of open agricultural land. The nearest residential properties are houses on the south side of Kimbers Lane, the closest of which is approximately 100m from the access and 230m from the main plot of land. The houses are accessed off Harvest Hill Road or via Spring Hill which leads off Manor Lane.

4. KEY CONSTRAINTS

- 4.1 The entire site lies within the Green Belt. The trees along the north-eastern, south-eastern and southern boundary are protected by group Tree Preservation Order, ref: 003/2018/TPO, which covers trees of all species.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The original description of development was relocation of existing waste transfer station from Green Lane, including expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes (household, commercial and industrial) waste. To properly reflect the development proposed on the site, the description was amended to expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the erection of waste transfer building, office building, weighbridge and surrounding bund.
- 5.2 With reference to the Council's Waste: Background Study, which defines principle waste categories (or streams), inert waste category is waste which does not normally undergo any significant physical, chemical or biological changes and is normally derived from construction, demolition and excavation activities. The non-hazardous waste category is waste which does not pose a threat to human health or the environment if properly regulated and includes general household, commercial and industrial wastes. Household waste is a legal definition relating to waste from domestic sources such as residential homes; commercial waste is a legal definition relating to waste from premises used for trade, business, sport, recreation or entertaining etc.; and industrial waste is a legal definition relating to waste from any factory, industrial process (excluding mines and quarries) or premises used for services such as public transport or utilities. Waste from building and civil engineering activities, such as construction and demolition waste are also classified as industrial waste.
- 5.3 An amended site layout and sections, and floorplans and elevations of the waste transfer building were received on the 30 September 2020. The amended layout was submitted to address flooding issues. The amended section, floorplans and elevations of the waste transfer building was submitted to address errors in the original plans. A further amended layout was submitted on 8 April 2021 to show an extended bund, re-siting of the parking and clean storage area to accommodate this. The bund to the south east corner of the site is also widened, resulting in a reduction in concrete area for the storage of skips in this area from approximately 75m² to 65m².
- 5.4 Based on the proposed plans and details set out in the application form, the transfer building would be sited to the south-east of the site, measuring approximately 30.2m by 15.3m with a height of 12.7m / 11.8m (ridge / eaves). The materials of the waste transfer building would comprise of a profile metal cladded roof and brick and profile metal cladded walls both with a green finish, and metal doors with a grey finish. The proposed weighbridge would be sited near to the entrance of the yard, measuring approximately 4m in width and 15.8 in length with 4m long ramps on either side. No elevations of the weighbridge have been submitted, but the applicant has confirmed that no element of the weighbridge would be more than 0.4m in height above ground level. The proposed flat-roof office building would be sited to the south of the weighbridge,

measuring approximately 7.2m in length, 3m in width and 2.7m in height. The materials of the office would comprise of a grey Hypalon single ply membrane roof, plastisol plastic coated steel walls, white PVCu frame windows and solid core paint grade plywood fire door. The bund would be approximately 3m high and would extend clockwise from the entrance of the yard along approximately 85% of the yard's boundary. The hard-surfacing across the site would comprise of compacted materials.

5.5 The relevant planning history for the site is as follows:

Reference	Description	Decision
12/00319/VAR	Variation of condition 5 (HGV movement restriction) and 8 (Time restriction) of planning permission 11/0421/VAR, variation of 10/02265/RLAX, for the continued use of the storage of topsoil without compliance to condition 1 (Personal consent) of planning permission granted under appeal ref: T/APP/C/92/U0300/618502 to allow an increase in one way movements to 80 over any period of 4 consecutive weeks and the removal of time constraints to make the permission permanent.	Approved on 16.03.2012
10/02265/RLAX	Continued use for the storage of topsoil without complying with Condition 1 (Personal consent) of planning permission granted under appeal ref: T/APP/C/92/U0300/618502.	Approved on 12.11.2010
424557 (Enforcement)	Change of use of a building and use of land for the importation, screening, storage and distribution of waste material	Notice quashed and personal and limited planning permission allowed on appeal on 16.09.1992
417350	Storage of topsoil on part of the site (1 acre)	5 year temporary permission and personal consent allowed on appeal on 13.03.1986
416269	Storage of topsoil	Temporary planning permission approved on 20.08.1984
415197	Storage of topsoil	Temporary planning permission approved on 16.07.1983

6. DEVELOPMENT PLAN

6.1 Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2
Community Facilities	CF1, CF2
Polluting Development	NAP3, NAP4
Character and Appearance	DG1
Highways	P4, T5
Trees and Hedgerows	N6, N7
Archaeology	ARCH3, ARCH4

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

6.2 The Waste Plan for Berkshire (1998)

Issue	Policy
Sustainable location and form	WLP1, WLP12, WLP28
Waste management strategy and hierarchy of priorities	WLP2
Meeting need and consistency with waste management priorities; and harm to acknowledged importance	WLP4, WLP5, WLP27, WLP30
Waste minimisation, reuse; pollution potential of unavoidable waste; and disposal of unavoidable waste	WLP6
Minimising and reusing waste	WLP7
Waste management development outside of preferred areas	WLP16
Safeguarding Existing sites in Waste Management uses	WLP21
Environmental Improvement and other public benefit	WLP33

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/development-plan/minerals-and-waste-plans>

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Place

Section 13 – Protecting Green Belt Land

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

Section 15 – Conserving and Enhancing the Natural Environment

7.2 National Planning Policy for Waste (NPPW) (2014)

Section 7 and 8 – Determining Planning Applications

7.3 Borough Local Plan: Submission Version (2017) and Submission Version Proposed Changes (2019)

Issue	BLPSV Policy	BLPSVPC Policy
Green Belt	SP1, SP4	SP1, QP5
Community Facilities	IF7	IF6
Polluting Development	EP1, EP3, EP4, EP5	EP1, EP3, EP4, EP5
Character and Appearance	SP2, SP3	QP1, QP3
Sustainable Transport	IF2	IF2
Trees, Woodlands and Hedgerows	NR2	NR3
Climate Change	-	SP2
Nature Conservation	NR3	NR2
Flood Risk	NR1	NR1
Historical Environment	HE1	HE1

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).”

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.

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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.4 **Join Minerals and Waste Plan Submission Version (2020)**

RBWM are working in partnership with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council (collectively referred to the Central and Eastern Berkshire Authorities) to produce a Joint Minerals and Waste Plan based on up-to-date evidence of the current levels of provision for waste facilities in the Plan area to replace the adopted Waste Plan for Berkshire (1998).

Issue	Policy
Sustainable Development	DM1
Climate Change	DM2
Protection of Habitats and Species	DM3
Protection of the Countryside	DM5
Green Belt	DM6
Promoting Health, Safety and Amenity	DM9
Flood Risk	DM10
Water Resources	DM11
Sustainable Transport Movements	DM12
High Quality Design	DM13
Ancillary Development	DM14
Past Operator Performance	DM15
Sustainable Waste Development Strategy	W1
Safeguarding Waste Management Facilities	W2
Waste Capacity Requirements	W3
Locations and Sites for Waste Management	W4

In September 2020 the Central and Eastern Berkshire Authorities published the Proposed Submission version of the plan with public consultation running from 3 September 2020 to 15 October 2020 and subsequently submitted to the Secretary of State for examination by an independent Planning Inspector in February 2021. The emerging Joint Minerals and Waste Plan is currently given limited weight.

7.5 Supplementary Planning Documents and Supplementary Planning Guidance

- Planning Obligations and Developer Contributions SPD
- Sustainable Design and Construction SPD
- Borough Wide Design Guide SPD
- Interpretation of Policy NAP4 SPG
- Landscape Character Assessment SPG

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

7.6 Other Local Strategies or Publications

- Waste: Background Study
- Waste: Proposals Report
- Minerals and Waste Safeguarding Study
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press. Re-consultation was undertaken in February and April 2021.

Around 21 letters were received objecting to the application. Additional letters received from the same author have not been included in this number, but any new issues raised in following correspondence have been reported. The objections can be summarised as:

Comment	Where in the report this is considered
Inappropriate development in the Green Belt, and harm to openness of the Green Belt. Very Special Circumstances has not been established.	Section 9(i) (x)
Detrimental impact to highway safety, including pedestrians and cyclists on Kimbers Lane and Spring Hill, from increase in traffic and narrowness of the roads and lack of pavements / footways. Proposed passing bay is inadequate to address passing issues of vehicles including lorries.	Section 9 (iv)
Development would be visible from surrounding roads and motorways and distract motorists from safe approach to roundabouts.	Section 9 (iv)
No assessment on impact to local highway network of Harvest Hill Road or wider local highway network to and from sources of waste or the disposal locations.	Section 9 (iv)
Generation of nuisances such as noise, dust and smell to the detriment of the health and amenity of existing and future local residents.	Section 9 (v)

Loss of privacy to neighbouring residents.	Section 9 (v)
Noise Survey and Transport Assessment are not credible. Council should carry out own surveys rather than relying on reports provided by the applicant.	No objection to methodology or robustness of the noise survey or transport assessment has been raised following consultation from Environmental Protection or Local Highway Authority officers.
Harm to semi-rural / residential character	Section 9 (iii)
Will prejudice ability to achieve high quality placemaking within the South West Maidenhead strategic allocation in the emerging Borough Local Plan.	Section 9 (i)
Impact to local wildlife, harm to wildlife from rubbish blowing into surrounding area.	Section 9 (vii) (v)
Harm to trees	Section 9 (vi)

Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	No comments received.	Noted.
Berkshire Archaeology	No objection subject to a condition relating to the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved by the local planning authority.	Section 9(ix)
Bray Parish Council	Objects to the proposal due to intensification of use / activity in the Green Belt contrary to Local Plan policy GB1.	Section 9(ii) (x)
Ecology Officer	No objection subject to conditions to secure a construction environmental management plan (CEMP: Biodiversity), a Herpetofauna (reptiles) Mitigation Strategy, and details of external lighting.	Section 9(vii). Comments apply to original scheme. A revised Ecology Appraisal has been submitted. At the time of writing, comments from the Council's ecologist are still outstanding. These will be reported in an update.
Environment Agency	Unable to provide a detailed response, but in general advises: <ul style="list-style-type: none"> - Infiltration drainage requires a minimum of 1m clearance between the base of the infiltration point and the peak seasonable groundwater level. - Any infiltration drainage greater than 3m below ground level is considered to be deep system and generally not unacceptable. - All SUDS need to meet criteria set out EA Groundwater Protection guidance and must not be constructed in ground affected by contamination. - Businesses have a duty of care to not cause or allow pollution. - This development may require an environmental permit under the 	Section 9(viii) . The proposed surface water drainage details, drawing ref: L2486-DR-D-0931 (rev. P.01) shows that the overall depth of the soakaway is 3m. Recommended informative advising on potential requirement for environmental permit and other legally required consents, and contact details to the EA.

	<p>Environmental Permitted (England and Wales) Regulations 2016.</p> <p>The EA, in their regulatory role have not assessed whether consent will be required nor does this consultation response indicate that permission will be given for the any legally required consents, permits or licences for activities. The applicant should contact the EA for further information and advice.</p>	
Environmental Protection	<p>No objection subject to conditions relating to commercial movements, deliveries, operational hours, odour control, bunding of tanks, mitigation measures for the protection of controlled waters, and an informative on dust control.</p> <p>Requirement for the site at Green Lane to cease to operate and close has been retracted as authority lies with relevant licencing authorities and beyond the Local Planning Authority's remit under the determination of this application.</p>	<p>Section 9(v). Conditions restriction on commercial movements within the site and deliveries can be included in a condition restricting hours of operation. Condition on hours of operation (as set out in the application form and the noise survey), odour/dust control, bunding of any tanks agreed and protection of controlled waters are agreed and recommended as passes the 6 tests for conditions set out in the NPPG.</p>
Highways	<p>No objection subject to a condition securing a legal agreement under Section 278 of the Highways Act 1980 to cover the construction of the passing bay in line with approved details.</p>	<p>Section 9(iv)</p>
Lead Local Flood Authority	<p>No objection subject to condition securing the implementation and maintenance of a sustainable urban drainage system in accordance with approved details.</p>	<p>Section 9(viii)</p>
Natural England	<p>No objection. The site is in close proximity to Bray Meadows SSSI and Great Thrift wood SSSI but satisfied that the proposed development being carried out in accordance with the details submitted will not damage or destroy the interest features for which the site has been notified. In relation to protected species, the Local Planning Authority are referred to standing advice and if minded to approve the Local Planning Authority should consider securing biodiversity enhancement opportunities.</p>	<p>Section 9(vii)</p>
Planning Policy	<p>Supportive in principle to expansion in capacity as there will be a large shortfall in capacity of waste management facilities in the plan period, but we would not want this to risk housing delivery on the AL13 site, the most important allocation in the emerging Borough Local Plan.</p>	<p>Section 9 (i)</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Green Belt
- iii Character and Appearance
- iv Highway Safety and Parking
- v Neighbouring Amenity
- vi Trees
- vii Ecology
- viii Sustainable Drainage
- ix Archaeology
- x The Case for Very Special Circumstances

i Principle of Development

9.2 Waste Local Plan policy WLP2 states that in considering all proposals for waste management development regard should be had to the extent to which the development contributes positively to the waste management strategy and its hierarchy of priorities. The waste hierarchy sets out minimisation being the most preferred waste management method followed by re-use; recycling; quantity reduction by processing; use for the production of energy; disposal by landfill; and lastly disposal by land raising. This accords with national policy within the NPPW and National Waste Management Plan referring to key ambitions of delivering sustainable development through driving waste management up the hierarchy.

9.3 A waste transfer site (WTS) is commonly defined as a location where waste is temporarily stored, separated and bulked before being delivered to other locations. By its nature of use for sorting and preparing waste for reuse and recycling, and thereby minimising disposal by landfill and land raising, a WTS is a facility that contributes positively to the Borough's waste management strategy and thereby the national aim of delivering sustainable development. For this reason, the Council's Waste: Background Study (2020) puts 'collection' facilities such as waste transfer sites into the recycling category in the hierarchy. Therefore, with policy support from the Waste Local Plan policy WLP2 there is support in principle for this proposed WTS.

9.4 Waste Local Plan policy WLP4 states that the Council will seek to make provision for meeting waste management needs. The policy refers to meeting the need in the county area, which is now out-dated. However, the principle of planning provision is considered to be applicable as unmanaged waste can have a number of undesirable environmental, amenity and health impacts. In terms of the plan area for the purposes of this assessment, in line with the NPPW and the NPPG which expects a collaborative approach between authorities, RBWM is currently working in collaboration with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council to ensure the delivery of waste infrastructure is provided to meet the needs of the community across these local boundaries. This plan area is referred to as Central and Eastern Berkshire.

9.5 The Waste: Background Study also sets out how much waste management capacity is required up to the year 2036 and the need for new facilities in Central and Eastern Berkshire. The evidence indicates that there is a significant gap between predicted waste arising and predicted treatment capacity in the Central and Eastern Berkshire area of 571,815 – 573,841 tonnes per annum (2022-2036) for inert waste and 430,207 – 543,311 tonnes per annum (2022-2036) for non-hazardous waste. Therefore, there is a shortfall in capacity for both waste streams. It should

be noted that the capacity requirements identified are what is considered to be the minimum needed within Central and Eastern Berkshire. Furthermore, to move waste up the waste hierarchy, for non-hazardous waste there is an aim to provide more recycling capacity of around 300,000 tonnes per annum by 2036; and recycling (or recovery) capacity for inert waste of around 575,000 tonnes per annum by 2036. On this basis there is support in principle for the retention and increase in capacity as a result of the proposed WTS.

- 9.6 Waste Local Plan policy WLP4 goes on to confirm acceptability would be subject to consideration of harm, while policy WLP13 goes on to state that the Local Planning Authority will normally permit proposals for establishing source separation and storage facilities for waste generated in dwellings and industrial and commercial premises provided that the requirement of policies WLP27 and WLP29, and all other relevant policies of the plan are satisfied. Policies WLP27 and WLP29 sets out a wide range of planning and environmental issues to be considered. Further assessment of relevant issues is carried out below.
- 9.7 Reaffirming the aims of Waste Local Plan policies WLP2 and WLP4, policy WLP5 states that the Council will make an appropriate contribution to meeting regional waste management needs in line with approved waste management priorities. In line with the assessment against Waste Local Plan policies WLP2 and WLP4, there are no objections to the proposal in this respect.

Adjacent Site Allocation

- 9.8 The emerging BLPSVPC includes a site allocation, AL13: Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead. The application site is located outside of, but adjacent to the allocation to the south-west. AL13 measures approximately 89.93ha and is allocated for approximately 2600 residential units, educational facilities, strategic open space including formal play provision, and community hub as part of a local centre. The allocation is linked to BLPSVPC policy QP1b and HO1 which seeks to ensure that the identified site and development as a whole comes forward in a strategic and comprehensive manner. Currently allocation AL13 is given moderate weight, and the issue of prematurity should be considered.
- 9.9 Paragraph 50 of the NPPF states that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process. In this case, it is considered that the impact as assessed in section 9(v) would not be so significant that the grant of planning permission for the proposal would prejudice the development of AL13 or the BLPSVPC as a whole and thereby undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that is central to AL13.

ii Green Belt

Whether the Development is Appropriate Development in the Green Belt

- 9.10 The entire site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local Plan policy GB1 sets out forms of appropriate development in the Green Belt but was prepared in accordance with the cancelled PPG2: Green Belts which has since been replaced by the NPPF. While broadly reflective of current national Green Belt policy at a strategic level, it is more prescriptive and therefore policy GB1 is given less weight. Waste Plan policy WLP29 states that in cases outside of preferred areas there will be a strong presumption against allowing waste management development within Green Belt with exceptions for certain purposes. As with Local Plan policy GB1, Waste Plan policy WLP29 is not in accordance with current national Green Belt policy and so in this respect is given limited weight. The NPPF is a material consideration of significant weight, and therefore greater weight, and it sets out what comprises appropriate development in the Green Belt in paragraphs 145 and 146. As a further material consideration of significant weight, BLPSVPC policy SP1 states that the Green Belt would be protected from inappropriate development in line with Government Policy.

- 9.11 BLPSVPC policy QP5 also states that permission will not be given for inappropriate development (as defined in the NPPF) unless very special circumstances are demonstrated, but due to unresolved objections this policy is currently given limited weight for the purposes of this assessment.
- 9.12 With reference to paragraphs 145 and 146 of the NPPF, the proposed development would not fall under any of the exceptions listed as appropriate development in the Green Belt. This is common ground with the applicant who acknowledges the same in paragraph 5.2 of the submitted Planning Statement.
- 9.13 Paragraph 144 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). A case for VSC has been put forward by the applicant in a Supplementary Statement, which is considered in section 9(x) of this report.

Other Harm to the Green Belt

- 9.14 Paragraph 133 of the NPPF makes it clear that the essential characteristics of Green Belt are their openness and their permanence, and paragraph 134 sets out the 5 purposes of the Green Belt, while Local Plan policy GB2(a) states that permission will not be granted for new development which would have a greater impact on openness of the Green Belt or the purposes of including land within it than existing development on the site.
- 9.15 In terms of openness, the NPPG advises that development should be assessed by taking into account both its spatial and visual impact, degree of activity likely to be generated, and permanence. The proposal includes a new permanent waste transfer building and office building, which is described in Section 5 of this report. Given the height, scale and form of the buildings and their location where there are currently no buildings, the proposed buildings would inevitably result in a permanent loss of spatial openness. The 3m high permanent bund would be extended, and the increase in this physical structure would also permanently reduce spatial openness. The weighbridge would have a more limited impact on openness with a height of no more than 0.4m above ground level but would still have a physical presence that would contribute towards the permanent spatial loss of openness of the Green Belt.
- 9.16 Views of the waste transfer building, office building, bund and weighbridge would mainly be limited to within the site and immediate surrounds, but this would not negate the spatial loss of openness it would just reduce the extent to which the decrease in the site's openness can be seen and experienced from. There would also be a greater impact on openness with the intensification of use within the existing site and associated increase in activity, which has an urbanising effect and thereby reduces the openness of the Green Belt in this respect. Overall, the proposal would have a greater impact on openness of the Green Belt than the existing development.
- 9.17 In terms of purposes of the Green Belt, as inappropriate development, the proposal would conflict with one of the purposes of the Green Belt, namely assisting in safeguarding the countryside from encroachment.
- 9.18 With reference to its inappropriateness, harm to openness and conflict with one of the purposes, paragraph 144 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight against the development is given to any harm to the Green Belt.

iii Character and Appearance

- 9.19 Local Plan policy DG1 resists development which is cramped, or which results in the loss of important features which contribute to local character. Waste Local Plan policy WLP30 states that for waste management development an assessment should have regard to the visual impact of the proposed development including local landscape character, and the need to safeguard the character and setting of settlements. As a material consideration of significant weight, BLPSVPC

policy QP3 states that new development will be expected to contribute towards achieving sustainable high-quality design in the Borough and sets out design principles for new development to achieve this. The principles include respecting and enhancing the local character of the environment. As a further material consideration of significant weight, paragraphs 124 and 130 of the NPPF advise that high quality buildings and places is fundamental to what planning should achieve and planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area.

- 9.20 The application site does not fall within any formal landscape designation; however, the landscape character is identified as a Type 8: Settled Farmed Sands and Clays landscape, falling into a sub-character area identified as '8b: Oakwell'. In general, key characteristics of the Settled Farmed Sands and Clays landscape include a mosaic of rural villages and farmsteads set in a flat to gently undulating rural landscape of mixed farmland and remnant woodland areas, and the overall strength of character is moderate. However, the Landscape Character Assessment also notes that the Oakwell character area is a damaged tract, primarily due to the influence of Junction 8/9 of the M4, and blight from edge of town uses including extraction and waste industries, which should be taken into account.
- 9.21 The site currently comprises of a waste facility, which is an existing discordant feature in the landscape character. The proposal lies within the existing boundary of the waste facility and so the main impact on character as a result of the proposed development and activity would be contained within the site. However, notwithstanding the boundary screening from trees and hedgerows, the waste transfer building would be apparent and would appear as an incongruous structure within the wider surrounds due to its height, mass and bulk, and utilitarian appearance and would therefore be considered to be an additional discordant feature within the landscape. There would also be an increase in traffic movements within the site and to and from the site, including HGVs, which would detract from the semi-rural character of the locality although it is acknowledged that Junction 8/9 of the M4 and associated traffic is more dominating and detracting in this respect.
- 9.22 Overall, it is considered that the proposal would result in harm to landscape character. Given that the site is located in a landscape character area of moderate quality and condition due to existing development and influences, the impact of the existing facility, and extent of harm as a result of the proposal, it is considered that this harm should be attributed moderate weight against the development.

iv Highway Safety and Parking

Sustainable Location

- 9.23 Waste Local Plan policy WLP1 states that Local Planning Authorities should have regard to the extent to which the development is in a sustainable location, and helps minimise travel distances, while paragraph 6.4 of the Waste Local Plan states that waste facilities should be as close to the waste source as possible. As a material consideration of significant weight, BLPSVPC policy IF2 reiterates the requirement for a sustainable location and to minimise travel distance. While currently given limited weight, the emerging Joint Minerals and Waste Plan reiterates that the spatial approach aims to site waste management capacity as close to the source of waste as possible.
- 9.24 In this case, the site lies outside of the boundary of Maidenhead but is near to the urban settlement. Therefore, on balance, the sustainability of the location is considered to be acceptable.

Traffic Generation and Impact on Local Highway Network

- 9.25 Waste Local Plan policy WLP27 states that planning applications for waste management development will only be permitted if the development and its associated traffic would not give rise to any unacceptable environmental impacts and satisfactory arrangements are made to secure any necessary infrastructure, while policy WLP30 states that assessment of waste

management development proposals will have regard to the likely effects of traffic and traffic related impacts which the development will generate.

- 9.26 The site currently has consent to generate no more than 80 one-way movements either into or out of the site by HGVs in any period of 3 consecutive weeks, and no more than 6 such movements on any one day. It is predicted that the proposed development would generate 30 to 50 movements per day, which is a significant uplift in the number of movements. In a letter ref: MHC/2025, dated 27 August 2020, the applicant's highway consultant states that with reference to the operational hours of 07.30 – 18.00 Monday to Friday and 08.00 – 12.00 Saturday, this would typically be between 3 to 4 lorry movements per hours on Kimbers Lane. However, the increase in vehicle movement to and from the site would not automatically result in harm or render the scheme unacceptable. As a material consideration of significant weight, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 9.27 Adverse highway impacts in relation to highway safety and the local highway network could be mitigated through a restriction in the number of HGV and lorry movements per hour, and a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads and times, the details of which can be secured by a condition (condition 4). As sources of waste and destination of waste after sorting may change, it is acknowledged that routes may also have to change and so it is recommended a clause is included to keep the routing agreement up to date. However, traffic will inevitably have to utilise Kimbers Lane, which the site is accessed off. Kimbers Lane is a rural road with varying widths with 2-way traffic flow. Figure 7.1 of Manual for Streets advises that for a car and an HGV to pass, the carriageway width should be at least 4.8m wide while for 2 HGVs to pass there needs to be carriageway width of at least 5.5m. While the majority of Kimbers Lane measures above 5.5m in width, plan ref: FE173/004 which illustrates the carriageway widths from Harvest Hill Road to the site access, identifies a section of road below 4.8m wide of around 90m in length just after Harvest Hill Road. For this stretch, the applicant proposes to create a passing bay within the adopted highway as shown in drawing ref: FE173/005 to allow for 2 HGVs to pass. The location, size and form of the passing bay is in accordance with the Borough's Highway Design Guide and so is considered to be acceptable. The highway works would need to be secured through a Section 278 Agreement (Highways Act 1980), and if minded to approve a satisfactory S278 Agreement can be secured by condition (condition 3). Therefore, subject to the passing bay there is no highway objection to the predicted increase in traffic movements on Kimbers Lane.
- 9.28 There is also a potential route to and from Kimbers Lane via Spring Hill, which joins Manor Lane and Harvest Hill Road / Shoppenhangers Road. Spring Hill is effectively a single-track road with reduced visibility splays in both directions. For this reason, it is considered that traffic should be restricted from using Spring Hill. This can also be secured through a routing agreement.

Vehicle and Cycle Parking

- 9.29 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, while policy P4 requires all development proposals to accord with adopted car parking standards. As a further material consideration of significant weight, BLPSVPC policy IF2 states that development should provide cycle and vehicle parking in accordance with the current parking strategy.
- 9.30 For commercial use the Council's adopted parking standards sets out a maximum parking standard of 1 car parking space and 1 lorry parking space per 90 square metres plus 1 car parking space and 1 lorry space per every 200 square metres. However, as a material consideration of significant weight, paragraph 106 of the NPPF states that maximum parking standards for non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Therefore, based on the type and size of development, and predicted staffing levels the 3 car parking spaces and 5 on-site lorry parking spaces proposed is considered to be acceptable.

9.31 Paragraph 6.5 of the Council's parking strategy sets out a requirement for cycle parking in town centre, villages, public interchanges and other key locations, and for certain forms of residential development. In this case, given the location and type of development it is not considered that cycle parking provision is appropriate.

v Neighbouring Amenity

9.32 Paragraph 7 of the NPPW states that when determining waste planning applications the material consideration should be the implementation of the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities, such as Environmental Health, the Environment Agency or Health and Safety Executive and there should be an assumption that the relevant pollution control regime will be properly applied and enforced.

9.33 In this context, Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries and Waste Local Plan policy WLP30 states that the merits of waste management development proposals will be assessed having regard to the need to safeguard health and living conditions. As a material consideration of significant weight, paragraph 127 of the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users while BLPSVPC policy EP1 states that residential amenity should not be harmed by reason of noise, smell or other nuisance.

9.34 In terms of human health, the proposal is to process inert waste, which does not undergo any significant physical, chemical or biological changes, and non-hazardous waste which is waste that does not pose a threat to human health if properly regulated. As such, there is no objection in this respect.

9.35 A Noise Assessment was submitted to support the application. In simplified terms, the estimate of impacts of sound at the nearest properties is calculated by subtracting the background sound level from the rating sound level. The rating sound level is the noise level attributed to the operation with 'acoustic feature' penalties added for any noise sources which give rise to tonal, impulsive, intermittent or other characteristics readily distinctive against the residual acoustic environment.

9.36 Following a noise survey, the range average of existing background sound level is established as being 62-65 L_{Aeq} (dB) (logarithmic averaged) or 59-63 L_{A90} (dB) (arithmetic averaged) with the main source of noise being from traffic on the A404. The Council's Environmental Protection officer has raised no objections to the methodology for the noise survey and have subsequently confirmed that it is unlikely that there has been a significant alteration in the noise environment since the survey was undertaken.

9.37 In calculating the rating sound level, the Noise Assessment considered the operational sound levels for the different noise generating activities proposed. As most of the sound sources are mobile, the calculations have been carried out from a central location on the proposed site which is considered to be reasonable. A +6dB penalty has been added when considering the tonality and impulsiveness of sound, but it is also noted that the proposed bund would screen sound levels by approximately 5db. On this basis, the rating sound level of the proposed waste transfer site is calculated to be 43 dB L_{Ar} 1hr daytime.

9.38 Therefore, taking the lowest measured background sound (59 dB $L_{A90,1hr}$), which is more onerous than advised in BS:4142:2014, and the predicted rating sound level of the proposed waste transfer site at the nearest residential property (43 dB L_{Ar}) the initial estimated impact of specific sound at the nearest residential properties is calculated to be around -16dB. In accordance with BS:4142 where the rating level does not exceed the background sound level, this is an indication of the specific sound having a low impact.

9.39 The Noise Assessment was based on an assumption that the facility would be following hours of operating, which is also set out in the application form: 07.30 – 18.00 Monday to Friday and

08.00 – 12.00 Saturday. If minded to approve, a condition is recommended which restricts operation to these hours (condition 5).

- 9.40 The licencing process would normally ensure the provision of appropriate storage and processing areas for odorous waste and use of appropriate measures to prevent emissions including dust and litter. However, a scheme for the minimisation of odour to nearby properties and dust can be secured by condition (condition 6). Processing is proposed to take place within the waste transfer building and when activity is enclosed, potential nuisances such as smell and dust can reasonably be mitigated with appropriate measures to secure good practice.
- 9.41 In paragraph 10.5 of the Council's Waste Background Study, it notes that HGV traffic is often regarded as one of the most visible features associated with waste facilities and may include issues relating to intimidation from large vehicles, dust, spillage, mud from wheels, vibration and noise. The Waste Background Study goes on to state that a routing agreement and conditions relating to operating hours or odour / dust minimisation measures can mitigate some of these impacts, which are recommended.
- 9.42 Given the distance between the proposed buildings and nearest residential properties of over 250m there are no significant concerns in relation to visual intrusion, loss of light or loss of privacy. Concerns have also been raised by interested parties regarding loss of privacy to future residents as part of the nearby allocation in the emerging local plan, but there would be a 3m high bund along the shared boundary, and the proposed waste transfer building and office are ground floor only. As such, there is unlikely to be any elevated views from the site.

vi Trees

- 9.43 Local Plan policy N6 requires that new development should 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. As a material consideration of significant weight, paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the trees. As a further material consideration BLPSVPC policy NR3 states that development proposals would consider the individual and cumulative impact of proposed development on existing trees and hedgerows, and where the amenity value of the trees and hedgerows outweighs the justification for development then planning permission may be refused, but this policy is currently given limited weight.
- 9.44 There are existing trees sited around the perimeter of the site with all trees along the north-eastern, south-eastern and southern boundary protected by group Tree Preservation Order, ref: 003/2018/TPO. An Arboriculture Impact Assessment (November 2020) was submitted to support the application. To take into account subsequent revisions to the proposed development, a revised Arboricultural Impact Assessment was submitted in April 2021. To ensure robustness the Arboriculture Impact Assessment (April 2021) confirms that the relevant trees were surveyed and categorised, and the calculation of their Root Protection area (RPA) has been carried out in accordance with BS: 5837 by a qualified arboriculturist.
- 9.45 To accommodate an informal passing area along the access it is proposed to remove part of G5 (group of common hawthorn) equating to approximately 13sqm of canopy cover. While subject to 003/2018/TPO, the trees proposed for removal are classified as Category C. Category C trees are normally those that are young and/or of low quality, and BS: 5837 advises that Category C trees should not impose a significant constraint on development but should be replaced. Therefore, to accord with this, the Arboriculture Impact Assessment advises that replacement planting of common hawthorn equating to at least circa 26sqm canopy cover or circa 10m of infill hedgerow planting adjacent to the access road should be implemented. If minded to approve, details and implementation of replacement planting can be secured by condition (conditions 10 and 11).

- 9.46 The extended bund would intrude through the Root Protection Area (RPA) of G8, a group of around 100-150 trees comprising of butterfly bush species, common hawthorn, blackthorn and pedunculate oak. While the trees are subject to 003/2018/TPO, the trees are classified as Category C. On balance, given the extent of intrusion into the RPA and potential use of construction methods that minimise impact on tree roots (e.g. 'no dig' construction', air spading, hand digging), the details and acceptability of which can be secured by condition, it is considered the proposal would not have an undue impact on the health and longevity of these trees and therefore acceptable. Furthermore, if minded to approve, if these retained tree are uprooted or die within 5 years of first permitted use, a replacement tree of the same size and species in the immediate vicinity can be secured by condition (condition 11).
- 9.47 The proposed office would also be sited within the RPA of G4, a group of around 40-75 trees comprising of field maple, common hazel, common hawthorn, common ash, elder and English elm, which are classified Category C. These trees are not subject to 003/2018/TPO and classified as Category C trees. Given that that the office would be raised off the ground, thereby minimising the level of underground intrusion and, that the potential impact on tree roots (e.g. through air spading) can also be secured by condition, the impact on trees in this respect is considered to be acceptable. As with the assessment on the impact on G8, if these retained tree are uprooted or die within 5 years of first permitted use, a replacement tree of the same size and species in the immediate vicinity can be secured by condition.

vii Ecology

Special Area of Conservation

- 9.48 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park Special Area of Conservation (SAC), which is a European Designated site. The Joint Nature Conservation Committee (JNCC) data form states that the primary reason for selection of this site as a SAC is the old acidophilous oak which has the largest number of veteran oaks in Britain (and possibly Europe), diversity of saproxylic invertebrates including rare species (e.g. the beetle *Lacon quereus*), rich fungal assemblages, and saproxylic invertebrate fauna. The JNCC data form for Windsor Forest and Great Park goes on to report that the main threats are air pollution, invasive non-native species, interspecies floral relations, and forest and plantation management and use. 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. As material considerations of significant weight, the location criteria set out in Appendix B of the NPPW states in determining planning applications consideration should be given to any adverse effect on a site of international importance for nature conservation including SACs, while 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 due to the type and scale of development, together with the distance from the SAC, the proposal either alone or in combination with other development is not considered to contribute to the identified threats and therefore is not considered to have a significant effect on Windsor Forest and Great Park SAC. As such, an Appropriate Assessment is not required.

Other Designations

- 9.49 The proposal site is also in close proximity to Bray Meadows Site of Special Scientific Interest (SSSI) and Great Thrift Wood SSSI. Waste Local Plan policy WLP30 states that the assessment of waste proposals shall have regard to the need to safeguard and enhance the sites of ecological importance and protected species and their habitats, while paragraph 175 of the NPPF states that when determining planning application, development on land within or outside of an SSSI and likely to have an adverse effect on it should not normally be permitted. As a statutory consultee under the provision of Article 20 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 28 of the Wildlife and Countryside Act 1981 (as amended), Natural England have confirmed that they are satisfied that the proposed

development will not damage or destroy the interest features for which the sites have been notified.

- 9.50 In terms of biodiversity in general, paragraph 170 of the NPPF states that planning decisions should recognise the wider benefits from natural capital and ecosystem services and minimise impacts on and provide net gains for biodiversity. Paragraph 175(a) 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. As a further material consideration of significant weight BLPSVPC policy QP1 states that development proposals should foster biodiversity. BLPSVPC NR2, which expects development proposals to demonstrate how they maintain, protect and enhance the biodiversity of sites, is currently given limited weight.
- 9.51 The Ecology Report (Ecus, April 2020) is of an appropriate standard, and it details the results of a preliminary ecological appraisal. The report indicates that existing earth bund and line of trees along the boundary of the site could host reptiles, amphibians including Great Crested Newts in the terrestrial phases of its life, nesting birds, hedgehogs and has the potential for sett building for badgers. The tree lines are also likely to be used by foraging and commuting bats. The report concludes that as there are no changes to the existing earth bunds and tree line, these species will remain unaffected by the proposal. However, with reference to the submitted plans there would be some reprofiling and extension of parts of the bund, while drawing ref: D8525.002 in the submitted Arboricultural Impact Assessment (TEP, November 2020) shows the removal of G8, which is group of Pedunculate oak, Blackthorn, Common hawthorn and Butterfly bush species, in addition to section of hedgerow identified as G3 (Common hawthorn, Common ash, Elder, English elm) and G5 (Common hawthorn).
- 9.52 Therefore, to address concerns over robustness and to take into account the revised layout and other changes, a revised Ecology Appraisal was been submitted in April 2021. At the time of writing, comments from the Council's Ecologist are still outstanding. These will be reported in an update.
- 9.53 Given the development and use of the site, it is considered that opportunities for biodiversity enhancements would be limited and therefore not appropriate in this particular case.

viii Sustainable Drainage

- 9.54 Local Plan policy NAP4 states that the Council will not grant planning permission for the development which poses an unacceptable risk to the quality of groundwater and/or which would have detrimental effect on the quality of surface water. Waste Local Plan policy WLP30 states that the assessment of waste proposals will have regard to likely flooding impacts on the surrounding population and the environment. As a material consideration of significant weight, paragraph 165 of the NPPF states that major developments, such as the proposal, should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. As a material consideration of moderate weight, BLPSVPC policy NR1 also requires development proposals to incorporate sustainable drainage systems in order to restrict or reduce surface water run-off.
- 9.55 With reference to the revised sustainable drainage scheme submitted in April 2021, to take into account the revised layout, it is proposed that surface water from the roof of the proposed waste transfer building will be disposed of via downpipes and discharged into an underground drainage network. For additional impermeable areas this would be drained separately to the roof-surface water into a storage tank. The current design is for a monthly disposal based on worst case winter months. A perforated concrete manhole soakaway has been proposed for the discharge of surface water from the site. Soakaway tests have been carried out on site, and the worst-case infiltration rate was calculated to be 1.46×10^{-4} m/s which represents permeable soil that is suitable for soakaways. The elements have been designed to accommodate any exceedance flows for return periods up to and including the 1 in 100 year event plus appropriate climate change allowance without surface flooding. A catchpit manhole has been proposed upstream of the soakaway to prevent silt and debris from entering the soakaway structure and blockage that may occur over time. The proposed scheme is considered to be acceptable.

- 9.56 The site is located over a principal aquifer. As a material consideration of significant weight, the location criteria set out in Appendix B of the NPPW states that consideration should be given to the proximity of waste proposals to aquifers and the management of potential risk from waste contamination. In this case, to reduce pollution to water sources on and off site due to diffuse pollution, all foul water is to be collected from the hardstanding area and stored in the tank with regular disposal.
- 9.57 If minded to approve a condition is recommended to secure implementation of the surface water drainage system in accordance with the submitted details, and submission and approval of a maintenance regime (condition 15).

ix Archaeology

- 9.58 The site falls within an area of high archaeological potential. Important prehistoric sites, which include the nationally important Scheduled Mesolithic (8,000 – 4,000 BC) site at Moor Farm, the Neolithic (4,000 – 1,800 BC) site at Cannon Hill and prehistoric flint scatters at Willow Drive and at J8/9 of the M4.
- 9.59 While there is an existing waste facility operating at the site it is unclear what, if any below ground impacts have occurred. The current proposals provide for a more formal and substantive facility, including a waste transfer building, and office building, weighbridge, earthen bunds and hardstanding, so there is potential for the proposal to impact on important buried archaeological remains.
- 9.60 Local Plan policy ARCH3 states that planning permission will not be granted for proposals which appear to adversely affect archaeology sites of high potential unless adequate evaluation enabling the full implications of the development of matters of archaeology interest prior to the determination of the application have been secured. The applicant has submitted no substantive information to enable assessment of the potential impact on below ground deposits if the proposed development is implemented. However, as Local Plan policy ARCH3 is not in full accordance with the NPPF, it should not be given full weight. BLPCSV policy HE1, which requires applications for works within archeologically sensitive areas to include a desk-top archaeological assessment is currently given limited weight.
- 9.61 Waste Local Plan policy WLP30 states that the assessment of waste proposals will have regard to the need to safeguard sites of archaeological importance. As a material consideration of significant weight, paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Therefore, to accord and if minded to approve, a condition is recommended to secure the implementation of a programme of archaeological works, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority (condition 16).

x The Case of Very Special Circumstances

- 9.62 As inappropriate development, paragraph 143 of the NPPF states that such development should not be approved except in Very Special Circumstances (VSC). Paragraph 144 of the NPPF states that 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. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special.
- 9.63 As set out in section 9(ii) of this report, the proposal is considered to be inappropriate development in the Green Belt, would result in a significant reduction in openness, and be

contrary to the one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment. In accordance with Paragraph 144 of the NPPF this should be given substantial weight against the development in the balance. As set out in section 9(iii) the proposal would result in harm to landscape character, which is afforded moderate weight against the development. In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated VSC balance following any ecology comments, if necessary, will be reported in an update.

Need and Sustainable Waste Management

- 9.64 Turning to benefits, the need for the proposed facility to meet need has been put forward. As set out in Section (i) there is a significant shortfall in the predicted waste treatment capacity for inert and non-hazardous waste and, to move waste up the waste hierarchy to meet the aims of the Council's waste management strategy and priorities, there is a particular need for more recycling capacity for both waste streams. While currently of limited weight, the emerging Joint Minerals and Waste Plan indicates that there is an expectation and reliance that this shortfall in waste management facilities will be partly met through market-led sites, such as the proposed development.
- 9.65 The proposal is to increase capacity of the existing WTS, which falls into one of the most preferred methods of waste management, from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste. Given the identified shortfall in capacity for these waste streams, both in general and for recycling facilities, and the contribution in addressing the shortfall, it is considered that the proposal would represent a benefit which is afforded significant weight in favour of the development as part of the case for VSC.

Sites Outside of the Green Belt and Close to Source of Waste

- 9.66 When considering a case for VSC, it is also necessary to consider whether there are suitable and available sites outside of the Green Belt.
- 9.67 In terms of identifying sites outside of the Green Belt, the Sequential Assessment (August 2020) submitted by the applicant has confined their search to sites measuring a minimum of 0.25ha. The main factor is the waste processing area required to effectively manage the segregation process and ancillary areas (weighbridge, skip and container storage, office, parking etc) for the proposed tonnage. On this basis, the minimum size criteria is considered to be reasonable. The applicant has also confined their search for sites to within a radius of 5 miles from Maidenhead Town Centre. Given the policy aim that sites should be as close to the source of waste as possible and that the main source of waste that the business services is from Maidenhead, the search area is also considered to be reasonable.
- 9.68 Sites that fall within the criteria were identified using the Waste Local Plan, local commercial agents, and desktop review, which is considered to be robust. No available sites outside of the Green Belt were identified. This is a material consideration that should be given significant weight in favour of the development and as part of the case for VSC.
- 9.69 While currently of limited weight, this is corroborated by the emerging Joint Minerals and Waste Plan which proposes to allocate waste management infrastructure within the Green Belt following consideration first to locating waste management facilities on sites outside of the Green Belt (Policy W4 2/a). As justification, it goes on to state that the lack of available sites outside of the Green Belt also needs to be taken into consideration as part of the exceptional circumstances.

Wider Economic and Environmental Benefits

- 9.70 An increase in recycling capacity results in wider environmental and economic benefits. In addition to reducing landfill and land-rising requirements, which generates environmental issues,

it provides a stable supply of recyclable waste materials and thereby market stability for recyclable waste materials, and helps minimise illegal waste crime including illegal dumps and waste exports. This benefit is unquantified but should be afforded moderate weight in favour of the development and as part of the case for VSC.

- 9.71 Therefore, in balancing these matters, it is considered that the identified harms are outweighed by other considerations and therefore VSC exists which justify the development in the Green Belt.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In accordance with the Council's adopted CIL charging schedule, the development is CIL liable but the CIL is set at £0 per square metre of chargeable floor space.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 6.51 of the Waste Local Plan acknowledges that there are no ideal sites for waste management facilities, and that all facilities will have some environmental impact and a balance has to be struck.

- 11.2 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.*

- 11.3 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 LPA acknowledges 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. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.4 As set out in section 9(iii) the proposal would result in harm to landscape character, which is afforded moderate weight against the development. However, it is considered that this harm would not outweigh the contribution towards addressing an identified shortfall in capacity for non-hazardous and inert waste management, in particular for recycling facilities, to meet need within the plan area and to move waste up the waste hierarchy in line with the Council's waste management strategy, which is afforded significant weight. Together with the moderate weight in favour of the development for the wider environmental and economic benefits, overall and having due regard for the tilted balance, it is not considered that the identified harm would significantly and demonstrably outweigh the benefits in this case.

- 11.5 In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated planning balance following any ecology comments, if necessary, will be reported in an update.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Proposed Site Layout

- Appendix B – Proposed Plans and Elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Waste accepted at the site shall not exceed 25,000 tonnes per calendar year. A date log shall be kept of the number of Heavy Goods Vehicles importing waste to the site. The date log shall be provided to the Local Planning Authority within one month of a written request from the Local Planning Authority.
Reason: To ensure that the development is in accordance with the application details and in the interest of protecting the amenities of nearby residents.
- 3 Prior to the commencement of development a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the construction of a passing bay on Kimber's Lane, the full details of which are to be agreed with the Highway Authority. The development hereby approved shall not be brought into use until the works to provide the passing bay on Kimber's Lane, as approved through the Section 278 Agreement, have been implemented in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 4 Prior to commencement of development, a HGV and Lorry Routing Strategy, including but not limited to defined routes to be adhered to by all HGVs and lorries accessing the site and delivery schedule, shall be submitted to and approved in writing by the Local Planning Authority. Defined routes shall exclude the use of Spring Hill as a route for HGVs and lorries, and there shall be no more than 4 HGV or lorry movements per hour between 07.30 - 18.00 Monday to Friday and 08.00 - 12.00 Saturday. The approved HGV and Lorry Routing Strategy shall be implemented and maintained in accordance with the approved details. For any proposed changes to the approved routes or delivery schedule, an updated HGV and Lorry Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority and implemented and maintained in accordance with the approved details.
Reason: In the interest of highway safety and to minimise unacceptable environmental and amenity impacts. Local Plan policy T5 and Waste Local Plan policy WLP27 and WLP30.
- 5 No HGVs or lorries shall enter or leave the site and no waste operations shall be undertaken within the site except between the following hours: Monday to Friday - 07:30 to 18.00; Saturday 08:00 to 12.00. No HGVs or lorries shall enter or leave the site and no waste operations shall be undertaken outside these hours or on Public and Bank Holidays.
Reason: To ensure that the development is in accordance with the application details and to minimise unacceptable environmental and amenity impacts.
- 6 Prior to first use of the development hereby approved, measures for the control of odours and dust emissions from site operations and a complaints procedure setting out how the operator will record, address and respond to complaints from local residents relating to environmental matters including odours and dust shall be submitted to and agreed in writing by the Local Planning Authority. The approved control measures and complaints procedure shall thereafter be implemented and maintained.
Reason: To protect residential amenities of the area and for the prevention of nuisance to the occupiers of dwellings in the vicinity by reason of odour and related nuisance and to accord with the Local Plan Policy NAP3.
- 7 Any oil or chemical storage tanks shall be surrounded by an impervious oil or watertight bund. The volume of the bund shall be at least 10 percent greater than the capacity of the largest tank or the combined capacity of interconnected tanks plus 10 percent. At filling points, vents, gauges and site glasses shall be located within the bund. The drainage system to the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
Reason: To prevent pollution of the environment and to accord with the Local Plan Policies NAP3 and 4.

- 8 Prior to first use of the development hereby approved, details of mitigation measures to prevent pollution of controlled waters from operations at the site including surface and ground water through either direct or diffused pollution pathways shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented and maintained thereafter.
Reason: To prevent the potential for the pollution of controlled waters. Local Plan policy NAP3.
- 9 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not limited to details of measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a Tree Protection Plan; details of construction and installations including methodologies within a root protection area or that may impact on retained trees including details of no dig specification and extent of the areas to be constructed using no dig surfacing.; location and installation of services/utilities/drainage; and all arboricultural site monitoring and supervision required for the duration of the development. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 10 Details of tree planting to mitigate for the removal of the trees as shown on drawing ref: D8525.002 within the Arboricultural Impact Assessment, dated April 2021, shall be submitted to and approved in writing by the Local Planning Authority. This includes but is not limited to the number, species, size and location of the replacement trees. The tree must be planted in accordance with good horticultural practice, maintained to ensure establishment and planted within the first planting season from the removal of the original tree. If the replacement tree should die, is found dying or becomes diseased within 3 years of being planted, it must be replaced.
Reason: To ensure the continuation of the tree cover in the locality.
- 11 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 12 No development shall commence until details of site levels in relation to ground level have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed final external site levels, proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development should then be carried out in relation to these details and retained thereafter. 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.
- 13 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 14 The weighbridge hereby approved shall be no larger than 4m in width, 15.8m in length and 0.4m in height above ground level.
Reason: To ensure that the development is in accordance with the application details and in the interest of proper planning.
- 15 Prior to first use of the development hereby approved, the surface water drainage system shall

be implemented in accordance with drawings ref: 'Proposed Surface Water Drainage Layout' L2486-DR-D-0921 P.04 and 'Proposed Surface Water Drainage Details' L2486-DR-D-0931 P.01, and details of the maintenance arrangements relating to the surface water drainage system, including confirmation of a maintenance regime and who will be responsible for its maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be 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 not does increase flood risk elsewhere.

16 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site lies within an area of archaeological potential, specifically within a wider area where significant prehistoric remains are known and recorded. The Condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains through a programme of work to record any surviving remains so as to advance our understanding of their significance in accordance with paragraph 141 of the NPPF and local plan policy.

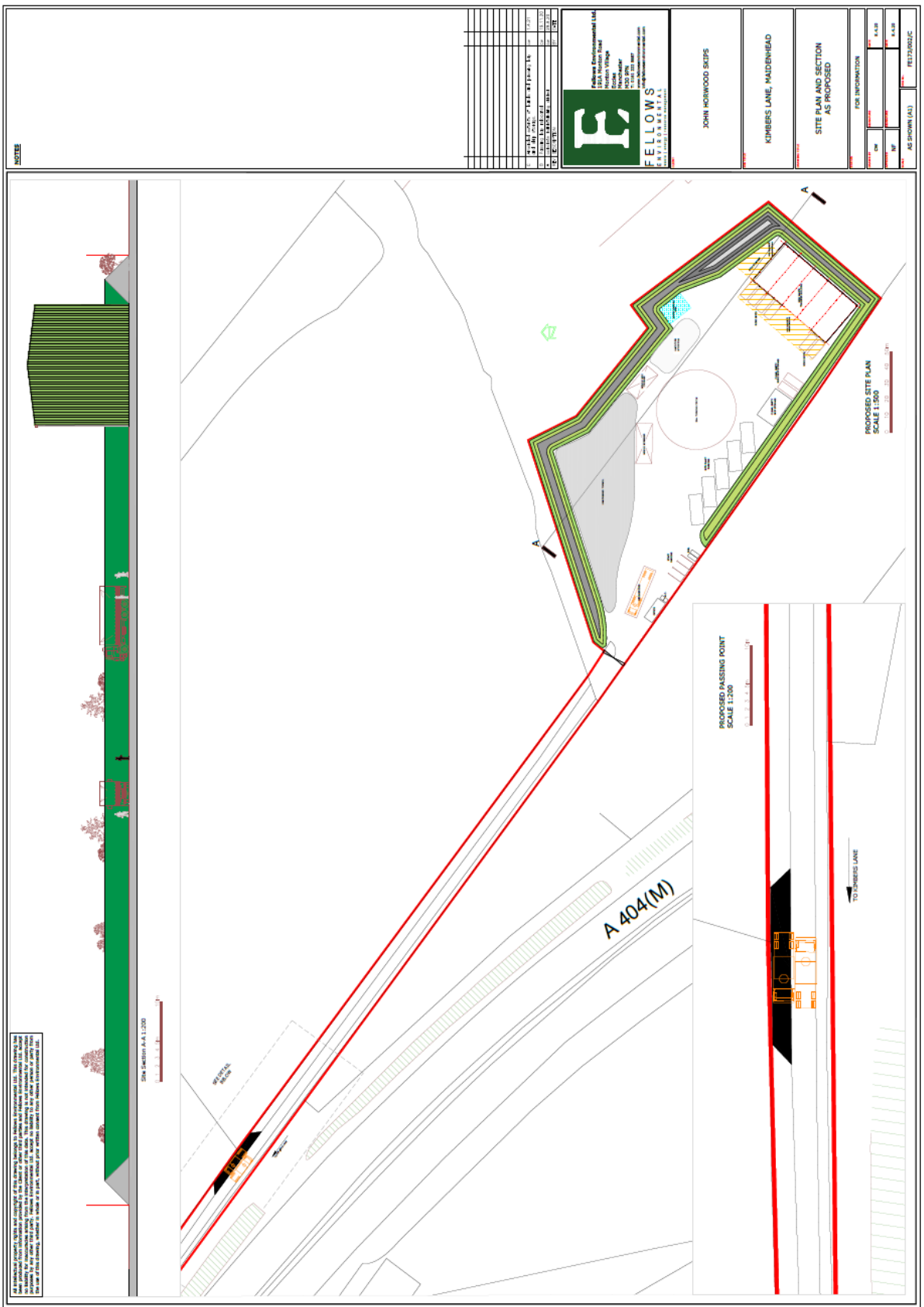
17 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Informatives

1 This development may require an environmental permit under the Environmental Permitted (England and Wales) Regulations 2016. As part of the consultation response from the Environment Agency they have not, in their regulatory role, assessed whether consent will be required nor does this consultation response indicate that permission will be given for any legally required consents, permits or licenses. The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing and for any further advice. Please see <http://www.environmentagency.gov.uk/business/topics/permitting/default.aspx>.

Appendix A – Site Location Plan and Proposed Site Layout



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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

16 June 2021

Item: 2

Application No.:	19/02966/REM
Location:	Development At King Street And Queen Street And Broadway Maidenhead
Proposal:	Reserved matters application (access, appearance, landscaping, layout and scale) for 'Building E' to provide 87 apartments on the upper floors with proposed commercial floor space on ground floor (Class A1-A5, B1, D1 and D2) and public realm around Building E including service layby along Queen Street, pursuant to planning permission 18/01576/FULL: Hybrid planning application for the mixed use redevelopment of the site.
Applicant:	Ryger Maidenhead Ltd
Agent:	Mr Tony Gallagher
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 This application is the reserved matters application for block E, which was granted outline planning permission as part of the hybrid scheme for the Landing. All reserved matters are for consideration, however the footprint and maximum height for the building was established under the hybrid permission (reference 18/01576) for a mixed use redevelopment of the site.
- 1.2 The proposed building would be 10 storeys in height, and would have a flexible commercial use at ground floor level, with the upper floors of the building in residential use. In total 87 apartments would be provided.
- 1.3 The uses and scale of the building accord with the parameters that were approved under the hybrid application.
- 1.4 The proposal is considered to cause less than substantial harm to the setting of heritage assets, however, the public benefits arising from the comprehensive redevelopment of the site are considered to outweigh this harm.
- 1.5 Amended plans are expected to show a change to the white brick proposed for part of the building, and a widening of entrances to the cycle store at ground and mezzanine level.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The wider application site relates to approximately 1.36 hectares of land. The site boundaries follow a triangular shape with Broadway forming the northern boundary and extends southwards along King Street to its junction with Queen Street. It then extends north-eastwards along Queen Street to Broadway.

3.2 This reserved matters application relates to the North Eastern corner of the site. The northern boundary of the site is defined by Broadway and the south by Queens Street. The site is currently used for car parking. The Maidenhead Town Centre Conservation Area is adjacent to the North East of the application site.

4. KEY CONSTRAINTS

4.1 Key Constraints include:

- Broadway Opportunity Area
- Adjacent to the Maidenhead Town Centre Conservation Area
- Within 800m of Maidenhead Railway station
- King Street South pedestrianised
- The site is within flood zone 1

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The relevant planning history is set out in the table below:

Application Ref	Description of Works	Decision and Date
18/01576/FULL	Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.	Permitted: 07.03.2019
19/00723/CONDIT	Details required by Condition 7 (Archaeological Field Evaluation) of planning permission 18/01576/FULL	Partial approval/refusal on the 2 nd April 2019.
19/00724/CONDIT	Details required by Condition (9) (Demolition Traffic Management Plan) of planning permission 18/01576/FULL car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.	Approved 14 th May 2019.
19/00725/CONDIT	Details required by Condition 17 (Demolition Environmental Management Plan) of planning	Approved. 29 th April 2019.

	permission 18/01576/FULL	
19/01014/CONDIT	Details required by Condition 7 (Archaeological Evaluation) of planning permission 18/01576/FULL	Approved 10 th May 2019.
19/01196/CONDIT	Details required by Condition 18 (Construction Environmental Management Plan) of planning permission 18/01576/FULL	Approved 8 th July 2019.
19/02589/CONDIT	Details required by condition 10 (construction management plan) of planning permission 18/01576/FULL	Approved 12 th November 2019.
19/03118/CONDIT	Details required by condition 19 (contaminated land) of planning permission 18/01576/FULL	Approved 15 th April 2020
19/02812/CONDIT	Details required by condition 24 (surface water drainage scheme) of planning permission 18/01576/FULL	Approved 09.04.21
19/03027/EIASCR	Request for Screening Opinion pursuant to Regulation 6 and 9 of The Town And Country Planning (Environmental Impact Assessment) Regulations for reserved matters application (access, appearance, landscaping, layout and scale) for 'Building E' to provide 87 apartments on the upper floors with proposed commercial floor space on ground floor (Class A1-A5, B1, D1 and D2) and public realm around Building E including service layby along Queen Street, pursuant to planning permission 18/01576/FULL: Hybrid planning application for the mixed use redevelopment of the site.	It was considered that an EIA was not required. 13.11.19
20/01450/CLD	Certificate of lawfulness to confirm that the demolition works which have been undertaken constitute the lawful carrying out of a material operation pursuant to Section 56 (4)(aa) and as such, the detailed element of the development approved by the Hybrid Planning Permission has been commenced.	Granted 20.08.20
19/00935/FULL	Change of use from Class (A1/A4) and nightclub (sui generis) to a temporary car park (sui generis) with the erection of boundary hoarding, new access and public road and associated works including flood lighting.	Permitted 27.06.19
21/00908/FULL	Continued use of a surface car park and associated works for a temporary period of 3 years to the end of March 2024.	Granted permission on the 25th May 2021.

5.2 This application seeks approval of the reserved matters for access, appearance, landscaping, scale and layout for 'Building E' to provide 87 apartments on the upper floors with proposed commercial floor space on ground floor (Class A1-A5, B1, D1 and D2) and public realm around Building E including service layby along Queen Street, pursuant to planning permission 18/01576/FULL. The proposed parameter plans approved the development under outline permission to come forward in two buildings, running parallel to Queen Street. The buildings were referred to as Buildings E and F, proposed to contain residential and office respectively with ground floor commercial uses. It was also indicatively proposed that basement car parking could come forward under Block E and two new loading bays are proposed in front of each new building along Queen Street. Planning permission 18/01576/FULL has effectively agreed the principle of a Block E, in this location to a certain height/ scale. These matters need not be re-considered.

5.3 The approved parameter plans under planning permission 18/01657/FULL shows that building E would have a maximum height of 33.75 metres (excluding parapets). The proposed elevation plans submitted under this reserved matters application show that the height of building E (excluding the parapet) would not exceed this height, with the maximum height of this building being 33 metres. The treatment to the parapet on the northern most massing is 1.1m above roof level, whilst the southern massing is 2m above roof level, to create a visual step and undulation along the roofline and is within the 4m above the AOD height parameter allowed for feature roofs.

The building at its maximum height would be 10 storeys, which conforms to what was set out in the development specification for the hybrid application.

5.4 The proposed floor plans show that the ground floor of the building would have flexible use class of the former use classes A1-A5, D1 and D2. It also shows a residential lobby, with stairs and lifts to serve the residential use on the upper floors of the building. This accords with the terms of the development specification in the outline permission. The Town and Country Planning Use Classes (Amendment) (England) Regulations 2020 amended the planning use classes. However, as this application was submitted prior to 31st August 2020, this application must be determined in accordance with the uses specified in the old use classes order. Once the building is constructed and a use permitted by this permission is implemented, the use of the ground floor of block E will then fall into one of the new use classes, which could be class E (commercial, business and service), Class F (local community and learning) or Sui generis (a class of its own), depending on the use that is implemented.

5.5 This application seeks permission for all reserved matters which are:

- Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features and further details of the proposed Open Space.
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Adopted Royal Borough Local Plan (2003)

The Borough's current adopted Local Plan comprises the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

- N6 Trees and development
- DG1 Design guidelines
- NAP 1 Road/rail noise and development
- NAP3 Polluting development
- S1 Location of shopping development
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

The Maidenhead AAP forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place making, Economy, People and Movement.

Policies of relevance include:

- Policy MTC 1 Streets & Spaces
- Policy MTC 2 Greening
- Policy MTC 3 Waterways
- Policy MTC 4 Quality Design
- Policy MTC 5 Gateways
- Policy MTC 8 Food & Drink
- Policy MTC 12 Housing
- Policy MTC 13 Community, Culture & Leisure
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA1 Broadway Opportunities Area
- Policy IMP2 Infrastructure & Planning Obligations

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 6- Building a strong competitive economy

Section 7- Ensuring the vitality of town centres

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

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

Section 15- Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

National Design Guide

This document was published on the 1 October 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.

Borough Local Plan: Proposed modifications

Policies in the BLPPC which are relevant to the consideration of this planning application are:

- SP1 Spatial Strategy
- SP2 Climate change
- QP3 Character and design of new development
- HO2 Housing Mix and Type
- HO3 Affordable Housing
- HO5 Housing Density
- ED3 Other Sites and Loss of Employment Floorspace
- TR3 Maidenhead Retail Centre
- TR6 Strengthening the Role of Centres
- HE1 Historic Environment
- NR1 Managing Flood Risk and Waterways
- NR2 Nature Conservation
- NR3 Trees, Woodlands and Hedgerows
- EP1 Environmental Protection

- EP2 Air Pollution
- EP3 Artificial Light Pollution
- EP4 Noise
- EP5 Contaminated Land and Water
- IF1 Infrastructure and Developer Contributions
- IF2 Sustainable Transport
- IF3 Green and Blue Infrastructure
- IF7 Utilities

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

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Borough Design Guide SPD (adopted)
- Interim position statement on climate change

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

439 occupiers were notified directly of the application.

The planning officer posted site notices advertising the application at the site on 14th November 2019, and the application was advertised in the Local Press on the 14th November 2019.

The application was publicised as:

- Development affecting the character and appearance of Conservation Area
- Development affecting the setting of a Listed Building
- EIA development

- Major development

Consultees

Consultee	Comment	Where in the report this is considered
Highways England	In the case of this development proposal, our interest is in the A404(M), M4 and M40. Having examined the above application we have no objections to this application.	Noted.
Environmental Protection	No objection.	Noted.
Environment Agency	We are not a statutory consultee for reserved matters applications. Please take account of any conditions, informatives or advice that we provided in our response to the outline application when making your determination of this reserved matters application. We will of course still provide our comments for any conditions that we requested and were applied by you on the outline planning permission. Please continue to consult us with these conditions as usual.	Noted.
Bracknell Forest Council	No objection	Noted.
Thames Water	<p>Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development</p>	See recommended conditions.

	<p>have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p>	
Conservation officer	<p>If the heights are as agreed in outline, then there is not much to be said on this matter. However, the extensive use of white brick is a concern on this block, buff or a yellow stock would be better, particularly directly opposite the conservation area, where the white would be in a stark contrast to the more traditional materials of the buildings within the designated area.</p> <p>We would need to see details of the brick decorative features and agree samples of the bricks/mortars, cladding and other finishes, also shopfronts, window frames, doors, balconies, downpipes etc.</p>	See ii
Tree officer	<p>Regarding landscaping:</p> <p>Tree pit in soft landscape drawing. The irrigation pipes will need to be deleted. These are only required in hard surfaced areas. Watering of trees in the soft landscape can be carried out normally by watering over the ground to replicate rainfall. Watering from stems out to 1m beyond the rootball to encourage root development in first couple of years. Watering weekly between 1st April and 30 September, to bring soil up to field capacity. The deletion of irrigation pipes will prevent unnecessary plastic being introduced into the soil.</p> <p>Tree pit interface drawing. The applicant needs to confirm what underground root cells are to be used.</p> <p>A full landscape specification needs to be supplied which includes details such as quality standards for the stock, handling, planting and aftercare.</p>	See 9.44-9.46
Council's Ecologist	<p>As the original Design and Access Statement (for 18/01576) stated there would be roof gardens on this building (and this was taken into account in Ecology's original response to these proposals) but these are no longer proposed, and the applicant has stated again with the current application that a net gain for biodiversity will still be provided as a result of the development, but this has not been substantiated with any evidence, the applicant would need to demonstrate (with use of a recognised biodiversity calculator such as the Defra 2.0 metric) that a net gain for biodiversity would still be achieved, as stated in the current Design and Access Statement. This information would need to be provided prior to the application being determined, as currently it is not clear that a net gain for biodiversity would be deliverable (as per the NPPF) following the current (revised since 18/01576) proposals.</p> <p>The applicant has stated that integral bird and bat boxes and wildlife friendly lighting will be installed as part of the</p>	See 9.47-9.49

	development. To ensure these are appropriate, submission of full details and subsequent installation of these should be secured via pre-commencement planning conditions. Suggested wording for these conditions will be provided once the information regarding the net gain for biodiversity (requested above) has been submitted and approved in writing by the council.	
Lead Local Flood Authority	We have no objection to the granting of this reserved matters application.	Noted.
Highway Authority	<p>Car Parking Revision The previous approved scheme proposed a parking ratio of 0.43 spaces per residential unit; 189 parking spaces for the 439 residential units. The RMA now proposes a total of 431 residential units supported by 187 spaces, which equates to a parking ratio of 0.43. Given the above, the parking for buildings A, B,D and D are acceptable.</p> <p>Cycle Parking Drawing number: o GA Building E Level MZ [0351-SEW-EE-00-DR-A-001001 Rev 13] o GA Building E Level 00 [0351-SEW-EE-00-DR-A-001000 Rev 13] For the 87 residential units the development proposes 92 cycle parking spaces, comprising 38 (No. 76) two-tier cycle stacks, 8 Sheffield type stands and 1 accessible space. Although the level of cycle provision complies with the Borough's standard, the design and access arrangement does not. The applicant is advised that all accesses and entrances must be at least 1.20m wide. The internal width of the cycle store on the ground floor should be a minimum of 2.0m. Regarding the cycle storage facilities on the mezzanine level the design of the two-tier cycle parking or double stacker should comply with the West London Cycle Parking Guidance. The applicant is required to provide commentary on how the cycle facilities on the mezzanine level will be accessed; lift or ramped access provision.</p> <p>Highway works As indicated in the plan, the specification complies with the recommendations set out in the Maidenhead Town Centre Paving Master Plan.</p> <p>Further comments from Highways: If, as described in the latest D & A statement the cycle parking complies with current best practice, identified in West London Cycle Parking Standard, then it is recommended that any approval is subject to the submission of a detailed dimensioned plan.</p>	See vi of report.
Surrey Heath Borough Council	No objection, provided the Royal Borough of Windsor and Maidenhead Council being satisfied that the development is in line with their adopted local policies and with the national policies.	Noted.
Council's Landscape officer	What are the irrigation/ watering arrangements that have been made for the proposed planting. Please can the applicant submit information clarifying the watering	See 9.47-9.49

	<p>arrangements?</p> <p>Further comment from landscape officer: The landscape proposal for the application is acceptable; still like to see all the external material samples prior to construction for approval.</p>	
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9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i) Principle of the development
- ii) Design considerations
- iii) Impact on neighbouring amenity
- iv) Provision of a Suitable Residential Environment
- v) Highway considerations and Parking Provision
- vi) Environmental Considerations
- vii) Affordable housing
- viii) Trees and landscaping
- ix) Biodiversity
- x) The planning balance

Issue i: Principle of the development

- 9.1 Planning permission 18/01576/FULL was a hybrid planning application which granted full planning permission for the development of 3 residential buildings along Broadway connected by a ground floor podium (referred to as buildings A, B and D) and an office building on the corner junction of King Street and Queen Street (known as building C). Outline planning permission (with all matters reserved) for the eastern part of the application site along Queen Street was also granted. The outline element granted permission for two buildings (Buildings E and F) for 6,000sqm of office floor space, 9,300sq.m of residential and 1,650sq.m of commercial use.
- 9.2 The buildings were referred to as Buildings E and F, proposed to contain residential and office respectively with ground floor commercial uses. It was also indicatively proposed that basement car parking could come forward under Block E and two new loading bays were proposed in front of each new building along Queen Street.
- 9.3 Planning permission 18/01576/FULL has effectively agreed the principle of a Block E, in this location to a certain height/ scale. These matters need not be re-considered.
- 9.4 The uses approved for building E included a flexible use class of retail, non-residential institutions and assembly and leisure of up to 1,650 square metres, and C3 residential use class of up to 9,300 square metres. The amount of floor space proposed in this application is under both of these thresholds, and so conforms to the amount of floorspace specified granted outline permission.
- 9.5 With regard to planning policy, the NPPF was updated in 2019, however, it is not considered that there were any significant changes to guidance of relevance to this scheme.
- 9.6 The Borough Local Plan has advanced since the hybrid application, with the publication of the proposed modifications version. In the Submission Version of this plan, the site was allocated for mixed use. In the proposed modifications version, the site is allocated as a primary shopping area, and where building E would face Queen Street is a secondary frontage. Policy TR3 of the Borough Local Plan sets out that development proposals in secondary frontages will be supported where they contribute to the existing character, function and vitality of the street or surrounding environment. In particular, proposals to expand the cultural, entertainment and food offer of Maidenhead will be encouraged. It is considered that the flexible use permitted at ground floor level accords with the aims of Policy TR3, which is given moderate weight as a material consideration.

Issue ii: Design Considerations including the impact on Heritage Assets

- 9.7 The maximum scale parameters have been approved under the hybrid planning application (as set out in the parameter plans and development specification). The proposed building is within those approved parameters.
- 9.8 The detailed design of this block was discussed through pre-application. The explanation of the design development is set out in the submitted design development report.
- 9.9 The approved development specification set out that Building E was to be expressed as three separate blocks that come down to ground. It also stated that the massing of the northern corner of Building E is to be sympathetic to the adjacent Conservation Area by stepping down and setting backing from the corner.
- 9.10 The plans show that the building is presented as 3 separate blocks. In addition, the northern corner of the building is noticeably lower in height than the rest of the building.

Architectural detailing

- 9.11 The plans show that on the taller elements of block E a red and dark red brick would be used. On the northern (lower part) of the building a light multi-tonal buff brick is proposed. On the southern part of the building, a white brick is proposed. The white brick is not a material found in the Maidenhead area, and so the applicant has agreed for a light yellow brick stock to be used.. Amended plans showing this change to material are yet to be received at the time of writing. This conforms to the approved development specification which stated that *'The buildings should use a material palette which is consistent with the palette of materials used throughout the development.'*
- 9.12 The approved Development Specification stated that the facade of Building E is to be articulated with punched openings to create an order similar to the other residential buildings within the overall development, and that the facade treatment of the ground floor of Queen Street and Broadway are to use depth and materiality to create a subtle datum that responds to the scale and grain of Queens Street.
- 9.13 Bay studies are included in the design development report. Section 6.4 of this report shows details of windows, shop fronts and balconies. Scaled plans of these features, and decorative brick detailing should be provided. The agent has agreed that a pre-commencement condition can be imposed to secure these details. Getting this detail right will be important on a large building such as this, to ensure the building is of the highest quality design, and that the ground floor level responds to the scale and grain of Queens Street.

Impact on heritage assets

- 9.14 Regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.15 Under the hybrid application, the officer report set out that the proposed development would cause less than substantial harm to the setting of setting of the Conservation Area, and also upon the wider setting of two Listed Buildings (25-27 Broadway and the Clock Tower). The NPPF requires that in assessing such harm, the harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The officer report noted that the most notable public benefit of the proposal was the potential for comprehensive redevelopment of the site, including the provision of housing, economic development and open space, and this comprehensive redevelopment of the site could be argued to equate to a public benefit which outweighs the harm.
- 9.16 The overall development (the detailed and outline elements) and its impacts upon the setting of heritage assets was considered under the hybrid application. Block E as proposed under this reserved matters application follows the parameters that were approved under the hybrid

application. It is considered that block E would cause less than substantial harm to the setting of the Conservation Area and upon the wider setting of the Listed Buildings, however, the provision of residential units and commercial space as part of the overall redevelopment of the site are regarded as public benefits that outweigh this harm.

Issue iii- Impact on Neighbouring Amenity

- 9.17 Planning permission 18/01576/FULL agreed certain parameters for the height and footprint of building E.
- 9.18 The officer report for application 18/01576/FULL set out that “As part of any reserved matters application assessment would be given to any direct views and/or overlooking. However, given the likely scale of the development it would also create a degree of increased overlooking currently not experienced by occupiers of the adjacent residential properties.’
- 9.19 There are flats above commercial properties on the opposite side of Queen Street, which this building would face. Fenestration is proposed on the eastern elevation of the building which faces these buildings and residential properties, however, for building E to have adequate light to residential units and to create an active elevation along this road, windows in this elevation are required. The officer report for the hybrid application acknowledged the scheme would provide a degree of overlooking to residential properties, and this was considered in the planning balance at the time of determining the hybrid application. A gap of around 15 metres would be maintained between the eastern elevation of block E and the properties on the opposite side of Queen Street. In summary there would be a degree of overlooking from block E to residential properties on the opposite side of Queen Street, but this to an extent would have been considered under the hybrid application. Also, this is a town centre location where a degree of overlooking would be expected.

Issue iv- Provision of a Suitable Residential Environment

- 9.20 The officer report for the hybrid application stated that *‘it will be expected that the design of building E will consider opportunities to provide a suitable residential environment including suitable level of outlook and privacy; it will likely be challenging to improve on the situation with the full application element of this scheme.’*
- 9.21 Daylight calculations were run for the rooms in Block E to work out the Average Daylight Factor (ADF) as set out in the BRE guidelines. The daylighting report for Block E looks at average values for the living spaces and bedrooms. The report shows that a majority of the living spaces of the residential accommodation within Block E will achieve above the target ADF. However, seventeen of the flats in the western elevation will have living spaces which fall short of the ADF target. Eight bedrooms in the western part of the block will also fall short of the target ADF.
- 9.22 Out of the 87 residential units in this block, 18 of those would have predominantly north facing windows.
- 9.23 The reason that certain rooms in the western part of the block fall short of the target ADF is because they are single aspect, and are in closer proximity to block D (which received full planning permission under the hybrid application) than other parts of the building.
- 9.24 The submitted design development report accompanying the application explains that a mix of one bedroom, two bedroom and three-bedroom homes are provided throughout the building. Larger homes have been placed on the corners to benefit from the dual aspect. The north-south orientation of the block and the use of corner aspect apartments means that there are not any purely north facing dwellings.
- 9.25 It is also explained that Building E has been designed to conform with the proposed parameters, including the spacing of buildings and critical distances. The layouts of the dwellings at the closest points has been considered so that the orientation of the rooms gives privacy and space

to retreat. In particular the location of the primary window of the living room and the amenity space has been positioned so that it provides the longest views out while maximising privacy.

- 9.26 Given the layout and scale of blocks that have received detailed planning permission, and taking into account the number of residential units approved for Block E under the hybrid application, it is inevitable that certain rooms within flats will receive below target ADF. It is considered the layout of the flats have been designed to maximise light for residential units.

Issue v- Highway consideration and parking provision.

- 9.27 Within the hybrid application, it was suggested that basement car parking could be provided under building E. This reserved matters application does not propose basement parking. In the approved hybrid application, a parking ration of 0.43 spaces per residential unit was agreed, which equated to 189 parking spaces for a total of 439 residential units across the development. Based on the number of residential units proposed in building E, the total number of residential units across the wider site is 431, and the total development would have 187 parking spaces, which equates to a parking ratio of 0.43, as such the parking provision for building E is considered to be acceptable. The car parking relating to Building E is to be provided within the podium car park (which has received detailed permission).
- 9.28 All residential cycle provision for Building E is to be provided within the building at a ratio of one space per dwelling. In total 92 cycle spaces would be provided across ground and mezzanine level.
- 9.29 The ground floor store is accessed from the 'air lock' of the residential entrance lobby. Storage will consist of Sheffield stands and dedicated space for the storage of non-standard cycles to support inclusive cycling. The mezzanine level can be accessed via lift.
- 9.30 The door openings to the cycle store areas should have a minimum width of 1.2 metres to allow a person to get their bike into the store. The plans show the door openings to the cycle stores to be around 0.9 metres. Updated plans to show the door openings to these areas to be 1.2 metres are expected to be submitted.
- 9.31 More detailed plans of the cycle store areas are required to show the access, cycle parking layout, distances between the cycle stands and dimension of the lifts used to transport cyclists to and from the cycle storage facility above ground floor are required. Condition 16 would secure more detailed plans.

Issue vi- Environmental considerations

- 9.32 The Position Statement on Sustainability and Energy Efficiency Design was published in March 2021. It is a material consideration to the determination of planning applications. This planning application was received prior to this date of this position statement, and so this document is given limited weight to the determination of this application.
- 9.33 A Sustainability Statement and Energy Statement has been submitted with the application. The sustainability statement summarises the sustainability measures proposed for building E under this reserved matters application. The measures align with the sustainability strategy within the consented sustainability statement which forms part of the outline planning consent for the wider site. The key sustainability measures set out in that document were:
- *A 10.2% energy generation from renewable technologies. commercial schemes are on target to achieve a BREEAM Very Good ratings under New Construction 2014.*
 - *A maximum residential water use rate of 120 litres/person/day will be achieved through efficient bathroom fittings.*
 - *The drainage strategy for the site is targeting a 50% reduction in run-off from the site using a combination of Sustainable Drainage Systems.*

- *The site currently has low ecological value and will achieve a net gain in biodiversity through the creation of numerous new habitats;*
 - *Through extensive soft landscaping proposals at both ground and upper levels there will be a notable increase in urban greening;*
 - *The residential design ensures healthy internal living environments are created for all occupants;*
 - *The Development has been designed with consideration for climate change and will be, as far as practicable, resilient to future climate impacts;*
 - *Construction of the scheme will be carried out responsibly through the implementation of best practice construction site management procedures;*
- 9.34 The Sustainability document submitted sets out that building E will achieve BREEAM Very Good for retail units. On-site renewable energy will be provided, with the use of roof mounted PV panels, and air source heat pump will be used for the commercial units at ground floor. The Sustainability statement sets out that through these measures, a 10% renewable energy saving would be made.
- 9.35 The submitted plans show that 124 PV panels would be positioned at the tallest part of the building. It is likely that the panels would be angled slightly. Details of the PV panels are recommended to be secured by planning condition.
- 9.36 The statement also sets out the development will achieve a maximum domestic water use rate of 120 litres/person/day to reduce commercial water demand

Microclimate assessment

- 9.37 The microclimate chapter to the EIA was updated to assess the reserved matters application for block E. The assessment concludes that due to the relatively minor changes to the massing of the reserved matters scheme (Building E), a qualitative assessment has been undertaken based on the wind tunnel assessment of the 2018 Application and the 2018 Amended Application. The baseline wind conditions are expected to be as stated in the 2018 ES and the 2018 ES Addendum.
- 9.38 Wind conditions at Buildings A-D in the Detailed Element and Building F in the Outline Element are expected to be as stated in the 2018 ES and the 2018 ES Addendum. Wind conditions at the reserved matters scheme (Building E) are expected to be suitable for the intended use at all locations (including thoroughfares, entrances, ground level amenity and balconies). Furthermore, no safety exceedances are expected to occur. Therefore, no new or different likely significant effects have been identified compared to those reported in the 2018 ES and the 2018 ES Addendum.
- 9.39 The assessment concludes that no mitigation is expected to be required as wind conditions are suitable for their intended use.
- 9.40 The assessment also concludes that several developments have been approved since the 2018 Application and, however it is not expected that these developments will change the wind effects at the Site of the RMA and surrounding area relative to the existing context scenario.

Issue vii Affordable Housing Provision

- 9.41 Policy H3 Affordable Housing of the adopted Local Plan states that the Borough Council will seek to achieve a proportion of the total capacity of suitable residential schemes be developed in the form of affordable housing to meet. The adopted policy provides no clarification on the suitable level of provision and/or tenure. The Council's Affordable Housing Planning Guidance provides further guidance over developments meeting an onsite 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal.
- 9.42 Under application 18/01576/FULL a viability case was demonstrated and accepted that the scheme is not viable and therefore no affordable homes are proposed. The Section 106 required

a revised viability assessment for any reserved matters application submitted after 24th October 2019.

- 9.43 The application was submitted in advance of this deadline (23rd October 2019) and as such the requirement to submit a revised viability assessment is not triggered.

Issue viii Trees and Landscaping

- 9.44 The landscaping plan shows that 5 *Gelditsia triacanthos* (honey locust) would be planted in outside space around block E. One *Tilia cordata* (small-leaved lime tree) and 1 *Tilia mongolica* (Mongolian lime) tree would be planted. A mix of planting would also be planted by the trees proposed to the north east of block E. The proposed landscaping is considered to be acceptable.
- 9.45 With regard to the hard landscaping, where new trees and planting are shown, a resin bound gravel (in light grey) is proposed. Grey granite paving is proposed to the east of the building, adjacent to the highway. A concrete block paving is proposed for the refuse collection bays adjacent to the highway.
- 9.46 The landscape and highways officer offer no objection to these materials, however, to ensure that they are of a high quality and acceptable appearance, a planning condition is recommended to secure samples of the materials to be used.

Issue ix Biodiversity

- 9.47 The design development report at section 7.5 sets out that the detailed design presented in the RMA has taken into consideration the Ecological Assessment Report (EAR) (Peter Brett Associates, May 2018) for the proposed development within The Landing, including Building E, encompassed by the hybrid planning application (18/01576/FULL).
- 9.48 It explains that the proposed landscaping includes plant species with biodiversity value. In relation to Building E, four integrated bat boxes and two integrated sparrow terraces will be provided on the western elevation of Building E, a minimum of 3 m above the green podium which lies immediately adjacent to the western elevation of Building E. The locations of these bat boxes and sparrow terraces will need to be agreed in writing prior to the commencement of development.
- 9.49 The Council's ecologist questioned whether biodiversity enhancements were to be dealt with under this reserved matters application or by condition. Condition 23 of the hybrid application requires details of biodiversity enhancements to be submitted, but this relates to the buildings given detailed permission, and does not relate to the outline consent. As such, details of the biodiversity enhancements specific to this reserved matters application should be secured by planning condition. It should also be noted that the approved development specification or decision notice for the hybrid application did not require the outline permission to provide net-biodiversity gains.

Environmental Impact Assessment

- 9.50 The Further Information Report (FIR) submitted has assessed whether the RMA proposals lead to any new or different likely significant effects to those identified within the 2018 ES and 2018 ES Addendum submitted with the hybrid application.
- 9.51 The FIR has not identified any new or different likely significant effects to those identified within 2018 ES and 2018 ES Addendum, aside from a new cumulative effect for Viewpoint 9, a viewpoint of low sensitivity. Due to new committed developments there would be a new combined cumulative visual effect on viewpoint 9 (platform 1 at Maidenhead Railway Station). The effect upon views from Viewpoint 9 would be moderately adverse during construction, and beneficial in operation, and so is not significant.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The scheme accords with the parameters set out in the parameter plans and development specification approved under the hybrid application. The building would not appear out of keeping with the other large scale buildings given detailed consent under the hybrid planning permission. The uses within the building accord with the terms of the hybrid permission.
- 10.2 The materials proposed, and hard and soft landscaping are considered to be acceptable. The scheme is considered acceptable on transport grounds.
- 10.3 The scheme wouldn't provide a suitable residential environment for all units in in block E, due to lower levels of daylight to these units, however, the siting and parameters of this block were approved under the hybrid application. The block has been designed so that most units can achieve adequate levels of light.
- 10.4 Amended plans are expected to show a change to the proposed brick, and to show wider door openings into the cycle store.
- 10.5 The scheme is considered to cause less than substantial harm the setting of the Maidenhead town centre Conservation Area and to the wider setting of two Listed Buildings, however, this harm was assessed under the hybrid application, and the public benefits arising from the comprehensive redevelopment of the site was balanced against this harm at that stage. This reserved matters application for block E follows the approved parameters at the hybrid application, and so no further harm on heritage assets would arise compared to what was considered at hybrid stage. The public benefits arising from block E are the provision of residential units and commercial space, and the contribution to the wider redevelopment of the site. As such, the public benefits are considered to outweigh the less than substantial harm to heritage assets.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location
- Appendix B – Proposed site layout and landscaping
- Appendix C – Proposed elevations
- Appendix D – Proposed floor plans

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 No development above the Ground Finished Floor Level of the building hereby permitted shall commence until samples of the materials to be used on the external surfaces of the building hereby approved (this includes samples of the bricks and mortar, cladding, window frames, shopfronts, doors balconies and downpipes) have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved materials.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan Local Plan DG1; Area Action Plan MTC4, MTC6, OA1.
- 2 No development above the Ground Finished Floor Level of the building hereby permitted shall commence until plans at a scale of 1:20 or 1:50 of windows, shopfronts, balconies, decorative brickwork and entrances to the residential element of the building hereby approved shall have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with these approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan Local Plan DG1; Area Action Plan MTC4, MTC6, OA1.
- 3 The soft landscaping shall be undertaken in accordance with the following plans and particulars and shall be implemented within the first available planting season following substantial completion of the building hereby approved: 0309-SEW-ZZ-00-DR-L-452801 Revision 03 SPECIFICATION OF PLANTING AND SOFT WORKS Revision 02 Doc No. 0309-SEW-P2-ZZ-SH-L-0010000309-SEW-P2-00-DR-L-301300 Revision 00 unless otherwise agreed by the LPA. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another

tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written permission to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, policy MTC1, MTC2, MTC3, MTC4 and OA1 of the Area Action Plan (2011) and the National Planning Policy Framework (2019).

- 4 No development above Level 01 Finished Floor Level of the building hereby permitted shall commence until a copy of the application for the secured by design award scheme and the written response from the Designing Out Crime Officer setting out the schemes compliance has been submitted to the Local Planning Authority. Prior to occupation of the building hereby approved the applicant shall submit a copy of the Secured by Design certificate for compliance to the Local Planning Authority.

Reason: To ensure that the development achieves the secured by design award scheme to create safe and secure environments and reduce opportunities for crime in accordance with the NPPF (2019) and policy MTC4 of the Maidenhead Area Action Plan (2011).

- 5 Prior to construction of the building hereby approved, a construction management plan (phase specific or otherwise) showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the construction 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 construction 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 in accordance with the NPPF (2019) and Local Plan policies T5 and DG1.

- 6 The refuse strategy for the building hereby approved shall be undertaken and maintained in accordance with the details set out in sections 5.12.2 and 5.12.3 of the Design Development report.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection

- 7 Prior to the first occupation of the building hereby approved, an external lighting scheme for the building and land subject to this reserved matters permission shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before the first occupation of the building hereby approved and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following: i. The proposed design level of maintained average horizontal illuminance for the site .ii. The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity iii. The proposals to minimise or eliminate glare from the use of the lighting installation. iv. The proposed hours of operation of the lighting.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings In the interests of biodiversity. Relevant Policies - AAP MTC4, MTC6, OA1. Para 170 of the NPPF.

- 8 Prior to construction of the building hereby approved a Construction Environmental Management Plan shall be 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, site lighting and nearby habitats during construction. Thereafter the development shall be undertaken entirely in accordance with the approved plan.

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, wildlife, water quality), amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2

- 9 No development above the Ground Finish Floor Level of the building hereby permitted shall commence until details of acoustic and noise attenuation measures for the residential units hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. This shall include any appropriate mitigation measures and which will accord with the recommended mitigation set out in Section 9 of the Environmental Statement Volume 1 (dated May 2018) .The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 10 No development above Ground Finish Floor Level of the building hereby permitted shall take place until a strategy for the installation of all fixed plant and equipment associated with air

moving equipment, compressors, generators, ventilation or plant and machinery of a like kind has been submitted to and approved by the Local Planning Authority in writing for the commercial floor space. The strategy shall ensure that any flue or ducting shall be fully integrated into the buildings hereby approved.

Prior to the installation of all fixed plant and equipment associated with air moving equipment, compressors, generators, ventilation or plant and machinery of a like kind which shall accord with this approved strategy, details shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings and in the interest of the visual amenity of Conservation Area and setting of the adjacent listed buildings. Relevant Policies - Local Plan NAP3, DG1, CA2 AAP MTC4.

- 11 No development above the Ground Finish Floor Level of the building hereby permitted shall commence until full details of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall be based on recommendations of the Ecology Assessment report prepared by Peter Bret Associates dated May 2018. All agreed biodiversity enhancements shall be undertaken and maintained in accordance with an agreed management plan.

Reason: In the interest of biodiversity as required by policy MTC3, MTC4 and OA3 of the AAP (2011) and the National Planning Policy Framework (2019).

- 12 No development above Level 01 Finish Floor Level of the building hereby permitted shall commence until details of the Photovoltaic panels to be installed prior to the first use of the building hereby approved have been submitted to and approved by the Local Planning Authority in writing . The panels shall be retained in perpetuity. The development shall be undertaken in accordance with measures identified in the sustainability statement, revision 1.

Reason: to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework . Relevant Policy - AAP MTC4.

- 13 Prior to the laying down of external hard surfacing as shown on drawing 0309-SEW-P2-00-DR-L-301100 revision 00, samples of the materials to be used shall be submitted to and approved in writing by the LPA. The hard landscaping shall be carried out in accordance with the approved details.

Reason: To ensure the materials used are of a high quality design, and appropriate within the area.

- 14 No properties shall be occupied until the LPA has been provided with written confirmation that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A housing and infrastructure phasing plan has been agreed in writing with the LPA to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 15 No properties shall be occupied until LPA has been provided with written confirmation that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed in writing by the LPA to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 16 Prior to the construction of the building hereby approved, plans and details showing the cycle parking layout, distances between stands, and the dimensions of the lifts used by cyclists to access the mezzanine floor level shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with these approved details.

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

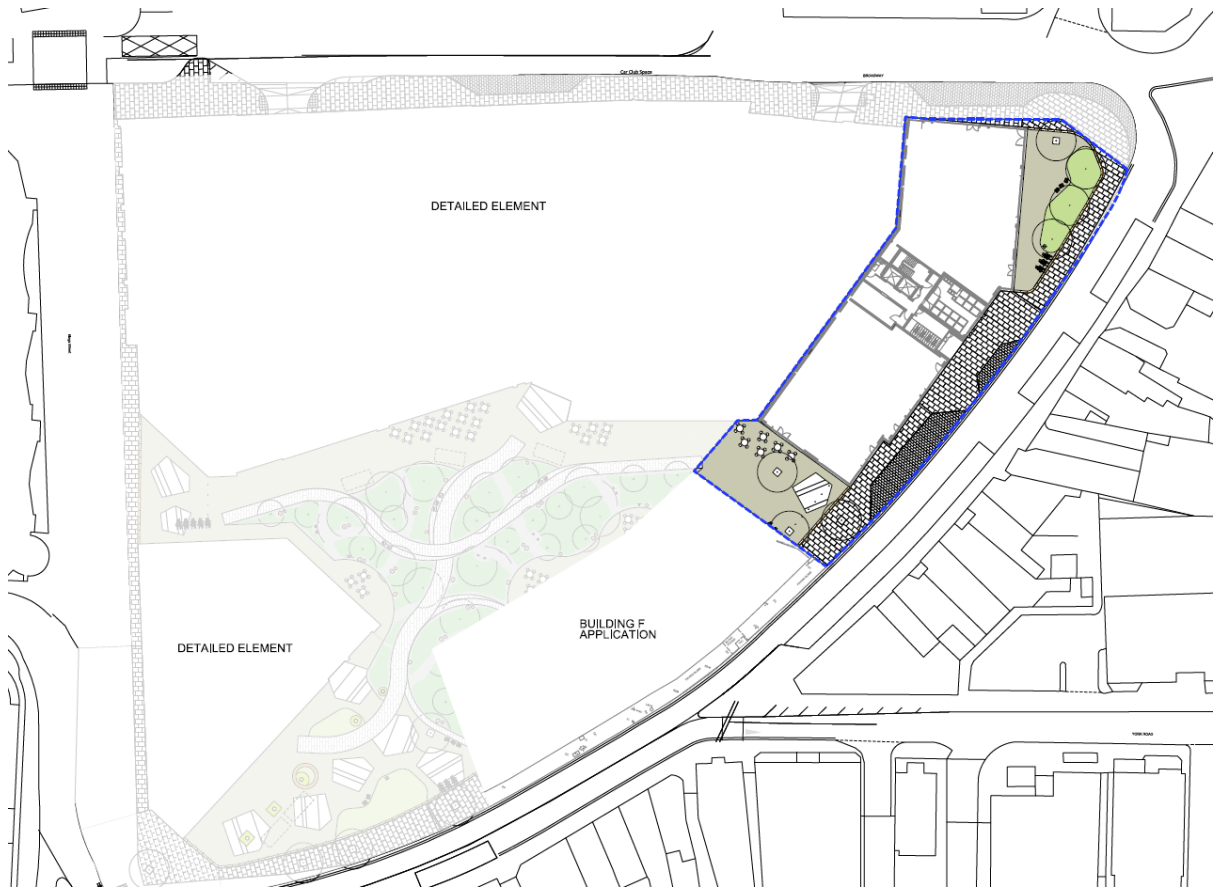
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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Appendix A- Site location



Appendix B- Proposed site layout and landscaping



Appendix C- Proposed elevations



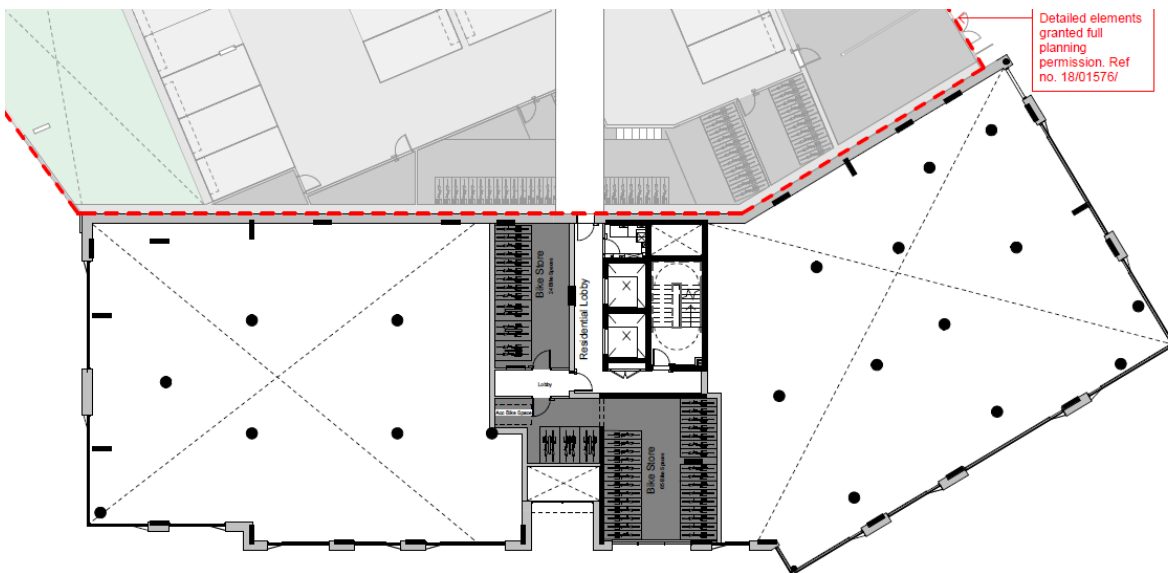
Proposed East elevation



Proposed west elevation



Ground floor – flexible use



Mezzanine level – cycle storage for residential



First floor – flats



Second floor- flats



Third floor flats



Fourth floor flats



Fifth floor- flats



Sixth floor – flats



Seventh floor- flats



Eighth floor- flats



Ninth floor – flats

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Agenda Item 6

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

DEVELOPMENT CONTROL PANEL

16 June 2021

Item: 3

Application No.:	20/03514/FULL
Location:	Boots 17 - 18 Peascod Street Windsor SL4 1DU
Proposal:	Part demolition of building with retention of reduced retail store footprint and redevelopment of the demolished section of building for new build hotel incorporating ancillary restaurant and bar, integrated service area and engineering operations to create frontage landscaping area to provide lay-by, pavement and parking space.
Applicant:	Canada Life
Agent:	Matthew Williams
Parish/Ward:	Windsor Unparished/Eton And Castle
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal involves the partial demolition of the rear of the Boots store in Windsor Town Centre and the construction of a 3 / 4 storey hotel (116 bedrooms) fronting onto Mellor Walk. The principle of a hotel in this town centre location is accepted.
- 1.2 The proposed building would replace an unattractive building which currently detracts from the Windsor Town Centre Conservation Area. The proposal has been revised to delete the upper floor (fourth storey) to reduce its massing and visual impact on the Conservation Area and to overcome concerns regarding an overbearing impact and loss of light and outlook to the neighbouring apartments and roof top terraces at Centric.
- 1.3 The proposed building has been sympathetically designed and would enhance and preserve the character and appearance of the Conservation Area. The proposal would have no adverse impact on the living conditions of any neighboring properties in terms of light, outlook, privacy, and noise.
- 1.4 A car free development is accepted in this sustainable location and the proposal would have no adverse impact on the surrounding highway network or highway/pedestrian safety, subject to securing suitable conditions.
- 1.5 The proposal is deemed to be acceptable in all other respects including its impact on trees, ecology, archaeology and energy/sustainability.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission with the conditions listed in Section 13 of this report following the satisfactory completion of a s106 agreement to secure a Travel Plan.

To refuse planning permission if an undertaking to secure the necessary travel plan is not secured within 12 weeks from the 16th June, unless an extension is agreed in writing with the LPA, for the reason that the proposal could be harmful to highway safety and the free flow of traffic and would not be a sustainable form of development contrary to policy T5 of the Local Plan and paragraphs 108, 109, 110 and 111 of the NPPF.

2. REASON FOR PANEL DETERMINATION

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

Panel.

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 The application site comprises a two-storey building fronting onto Peascod Street, the main pedestrian shopping street in Windsor Town Centre. The unit (numbers 17-18 Peascod Street) is currently occupied by Boots. The adjacent buildings fronting onto Peascod Street are a mix of 2-4 storey buildings. The site widens out to the rear and backs onto Mellor Walk. The 2-storey building fronting onto Mellor Walk provides an unattractive, blank frontage with metal roller shutter doors at ground floor level servicing the existing service area for the store. The upper floor comprises an office/back of house for the Boots store. The strip of land in front of the building is currently used for informal staff parking.
- 3.2 The site adjoins a 3/4 storey apartment block, numbers 1-14 Centric to the east, a linear block which front onto Acre Passage. To the west of the site lies Leworth Place, a 2-storey brick building with slate roof identified as a significant non-listed heritage asset. Leworth Place is currently vacant and has permission to be converted into eight flats, including a rear rooftop terrace and accommodation in the roof space. To the south of Mellor Walk lies the telephone exchange, a two storey, flat roof building of limited architectural merit. The site lies close to Bachelor's Acre public open space.
- 3.3 The site is surrounded by commercial and residential properties within a tightly knit town centre location. There are trees which lies close to the western flank boundary.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Windsor Town Centre Conservation Area, the Primary Shopping Area and adjacent to Leworth Place, a significant non-listed building. The site lies within Flood Zone 1.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the partial demolition of the rear of the building at 17-18 Peascod Street and the construction of a 3 / 4 storey hotel fronting onto Mellor Walk. The application has been amended during the course of the application to delete the upper storey (fourth floor) which has resulted in a reduction in the number of bedrooms from 125 to 116. As a result of this revision, the layout of the rooftop plant has also been amended. The retail floor space fronting onto Peascod Street would be retained but reduced in size. The associated back of house facilities for the retail store are to be incorporated into the proposed building at the rear.
- 5.2 The accommodation within the proposed building would comprise as follows:
- Lower Ground Floor – retail back of house (105sq.m), shared deliveries loading bay/access, bin store, internal plant, and staff cycle store (12 cycles).
 - Upper Ground Floor – Hotel front of house (lobby, reception, dining area, and bar), kitchen and stores, toilets, staff shower/changing, luggage storage, office, linen room, 8 bedrooms and a means of escape.
 - First Floor – 40 bedrooms and linen store
 - Second Floor – 40 bedrooms and linen store
 - Third floor – 28 bedrooms and linen store
- 5.3 The bedrooms have been designed around a central, internal courtyard atrium which would provide an amenity space and natural light for all the floors. The proposed building fronting onto Mellor Walk has been designed to appear as a series of 3 / 4 storey buildings and would range in height from between 11.5m and 13m. The external materials include red, brown, and buff bricks and the upper floor would be zinc clad and set back from the frontage. The windows are

proposed to be aluminium grey framed. The service access would have a solid roller shutter in bronze aluminium. One disabled parking bay and one drop-off/pick-up bay is proposed to be provided at the front of the building together with cycle stands for four cycles.

5.4 There is no relevant planning history relating to this site.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Conservation Areas and impact on setting of listed buildings	CA1, CA2 & LB2
Impact on Archaeology	ARCH3
Environmental Protection	NAP3
Visitor accommodation	TM2
Highways & Parking	T5, T7 & P4
Town Centre policies	WTC7

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

The Windsor Neighbourhood Plan 2019-2034 (approved)

6.2 The town centre and central riverside are not included within the WNP area therefore there are no policies that apply. The 'Windsor 2030' Business Neighbourhood Forum will be producing a NP for the town centre and central riverside area in due course.

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 7 - Ensuring the vitality of town centres
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 16 - Conserving and enhancing the historic environment

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

Issue	Local Plan Policy	Proposed changes
Spatial Strategy	SP1	SP1
Design in keeping with character and appearance of area	SP2, SP3	SP2, QP1, QP2, QP3, QP3a
Town Centre and retail	TR1, TR2, TR6	TR1, TR2, TR6
Visitor Development	VT1	VT1
Historic Environment	HE1 & HE3	HE1
Sustainable Transport	IF2	IF2
Environmental Protection	EP1, EP3, EP4	EP1, EP3, EP4
Natural Resources	NR1, NR2, NR3	NR1, NR2, NR3
Infrastructure	IF1 & IF8	IF1 & IF7

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).”*

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.

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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- Borough Wide Design Guide (June 2020)

Other Local Strategies or Publications

7.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy
- Windsor Town Centre Conservation Area Character Appraisal 2009

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

50 occupiers were notified directly of the application.

The planning officer posted the statutory site notices at the site on the 14th January 2021 and the application was advertised in the Local Press on the 14th January 2021.

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

Comment		Where in the report this is considered
1.	No parking provided for hotel guests and lack of public parking in vicinity.	9.28 & 9.30
2.	Proposal will cause loss of privacy, light and outlook for people enjoying the communal roof terrace and people living in flats with private terraces on top floor of Centric.	9.15
3.	Lift engine, air conditioning units and extraction units on roof top will cause noise, heat dispersion, food smells and vibration to residents at Centric.	9.18-9.22
4.	Loss of privacy for people living in the rotunda flat, Centric	9.15
5.	Increase in traffic will cause safety risk for pedestrians	9.28-9.41
6.	Increase in traffic from coaches, taxis, lorries etc. will result in pollution and congestion.	9.28-9.41
7.	Addition of another hotel on a very small road - increase in HGV traffic.	9.28-9.41
8.	Construction will cause nuisance to residents of Centric.	9.21
9	Acre Passage and Bachelor's Acre is narrow and already suffers from traffic congestion. Further traffic will result in noise and disturbance and be a risk to public health and pedestrian safety.	9.34-9.36
10	Fourth floor would be out of character with the surrounding roof tops and have a considerable impact on the third floor of Centric affecting several apartments and communal area.	9.15
11	Fourth floor will result in tall wall adjoining Centric building resulting in loss of afternoon and evening sun to whole of Centric 3 rd floor.	9.15
12	Loss of view from Centric building.	9.15
13	Bulk, height, and massing of development will affect residential amenity, daylight, and sunlight to living areas and open space at Centric.	9.15
14	Hotel traffic, including coaches and service vehicles will increase traffic hazard dangers for residents, pedestrians, and children.	9.25-9.41
15	24-hour disturbance arising from proposed hotel.	9.18-9.21 & 9.24
16	Section drawings do not properly show how hotel will dominate flat 12.	9.15
17	Building will overpower streetscape, is overbearing and will spoil the architectural roof top features of Centric.	9.10 & 9.11
18	Building height should match height of Centric building.	9.10 & 9.11
19	Floors 3 & 4 overlooking and overshadowing habitable rooms and terrace of flat 12.	9.15
20	Loss of light and privacy to flat 6.	9.15
21	Proposal fails to comply with Local Plan policy TM2 – results in substantial loss of residential amenity to neighbouring properties; suitable arrangements have not been made for access and car parking; delivery and servicing arrangements are not suitable for scale of proposal; the construction will have a negative impact on neighbouring residents and businesses and the development is not of a scale and design in keeping with the character of area.	9.3-9.41
22	Proposed delivery and servicing arrangements are unsuitable and insufficient information has been provided to demonstrate how they would be deliverable in practice without having a detrimental impact on the amenity of the area.	9.36
23	Serious health and safety concerns with the proposed servicing and accessibility off Mellor Walk.	9.36
24	Trip generation information that has been assumed is inaccurate and cannot be used as a suitable baseline position from which to conclude that trip rates would be reduced by the proposal.	9.31

25	Pick up and drop off arrangements are inadequate and will have detrimental impact on local amenity and surrounding businesses and residents.	9.29-9.32
26	Information regarding the logistics of the construction process are lacking and should be provided prior to determination.	9.34
27	Proposal would have detrimental impact on residential amenity of adjacent occupiers within Centric building, the future occupiers of Leworth Place and 32 Peascod Street.	9.15-9.17
28	Application has not fully considered and assessed the proximity of the non-designated heritage asset at Leworth Place.	9.10
29	Windows including set back windows will overlook Leworth Place and cause loss of privacy to the roof terraces and second floor living accommodation. Windows should be fully obscured glazed and conditioned to be non-opening.	9.16
30	Owners of Leworth Place will be registering a light obstruction notice against any windows on the applicant's Land Registry Title.	9.67
31	Windows should be conditioned to the obscure glazed to prevent overlooking and loss of privacy to open plan living room/kitchen at 6 Centric.	9.15
32	Large plant unit to be sited adjacent to no.14 Centric – concern regarding noise and vibration so close to a lounge wall.	9.18-9.20
33	Concern that plant unit will result in loss of light to skylights	9.15
34	Long parapet wall running along the length of the top of apt 14.	9.66
35	Some overshadowing of flats 13 & 14 and the communal terrace.	9.15
36	Proper survey required for demolition of adjoining wall between the current building and Centric.	9.68
37	Revised plant equipment will affect no.14 in terms of noise and smell more than any other apartment within Centric and should be rehoused further away.	9.10 & 9.18
38	Nuisance from dust and smoke during demolition work will affect health.	9.21
39	Concern about fire risk from plant equipment	9.68
40	A new window has appeared on the flank elevation facing Leworth Place which was not shown previously – window will seriously affect the privacy of the roof terrace and second floor living accommodation.	This window has now been removed and drawing amended.
41	There are four windows in the side elevation which are proposed to be obscure glazed up to the mullions. These should be fully obscure or should be obscure glazed below 2m above the internal floor level which should be shown clearly on the drawing to avoid any loss of privacy to the roof terrace and second floor living accommodation within Leworth Place.	9.16
42	Any planning consent should restrict access to the flat roof at 3 rd floor level adjacent to Leworth Place to prevent any loss of privacy.	9.16
43	Concern relating to anti-social behaviour from bar/restaurant – unsocial hours and people smoking could affect the wellbeing of Centric residents.	9.24 & 9.64

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection to revised scheme subject to conditions relating to materials and window and door details	See paragraphs 9.3-9.12

Highway Authority	<p>The proposal raises no highway concerns subject to securing conditions to include a Construction Management Plan, details of cycle parking and a Delivery and Servicing Plan.</p> <p>Informative required advising the developer of the need to secure a legal agreement relating to Section 38 and Section 278 of the Highways Act 1980.</p> <p>The Framework Travel Plan is generally acceptable but further amendments are required and should be secured by a S106 agreement.</p>	9.25-9.41
Lead Local Flood Authority	No objection subject to a condition	9.48
Thames Water	No objection subject to condition and informatives.	9.49
Environmental Protection	<p>No objection subject to conditions and informatives.</p> <p>Revised roof plant layout – addendum report and mitigation methods are more than reasonable and are acceptable.</p>	9.18-9.23
Ecology Officer	No objection on ecological grounds subject to a condition and informative.	9.55 & 9.56
Berkshire Archaeology	No objection subject to condition (development to be carried out in accordance with archaeological strategy).	9.51-9.54
Tree Officer	No objection on tree grounds.	9.42-9.45
Crime Prevention Design Advisor	Do not wish to object but have suggested conditions including details of CCTV system and external lighting.	9.63-9.64

Others

Group	Comment	Where in the report this is considered
The Windsor and Eton Society	<p>Unimaginative and unsympathetic design and materials fails to enhance and possibly harms the Windsor Town Centre Conservation Area. New developments should preserve and enhance the character of the Conservation Area.</p> <p>We recommend amendments to the design and materials to improve the architectural quality and to reduce the scale of the proposed building on Mellor Walk are sought.</p>	Paragraphs 9.3-9.12

	<p>The scale and height of the proposal would impact on the amenities of the residents in adjacent building, Centric including the roof terrace. RBWM Design Guide Principal 8.5 reads: <i>‘Although there is no right to a view, residents should be able to enjoy good quality outlook to the external environment from habitable rooms, without adjacent buildings, walls, parked vehicles or storage materials being overbearing or visually intrusive.’</i></p> <p>The Non-Designated Heritage Asset, Leworth House appears to be overwhelmed by this design.</p> <p>It would be regrettable if the view to or from Bachelors Acre, an important part of this area, were to be dominated by this proposed unsympathetic building in this part of the Windsor Town Centre Conservation Area.</p> <p>We are not convinced that traffic impacts of this type and scale of development in this location, with no provision for car parking or arrangements for coaches to drop off hotel guests has been sufficiently researched or understood to enable a decision to be taken.</p> <p>We ask that the planning application is refused.</p>	<p>9.15</p> <p>9.10 & 9.16</p> <p>9.10 & 9.11</p> <p>9.25 – 9.41</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

Principle of development

9.2 At the heart of the NPPF is a presumption in favour of sustainable development. Hotels are classified as a main town centre use and such uses should be in town centres as a first preference. Therefore, the principle of locating a hotel in this town centre location is acceptable. In addition, a good proportion of the ground floor would remain in retail use in this primary shopping core location, to accord with Local Plan policy WTC7.

Impact on the character and appearance of the site itself, Windsor Town Centre Conservation Area, and the setting of heritage assets

9.3 The application has been accompanied by a Design and Access Statement and a Heritage, Townscape and Visual Impact Assessment. The documents provide an analysis of the site context and constraints and visual comparisons between the existing and proposed (Part 5 of the D & A Statement). Contextual analysis including building heights plan and building usage is provided in Part 1 of the D & A Statement (pages 10 & 11). Following the deletion of the upper storey (4th Floor) a Design Statement Addendum has also been provided.

9.4 Applications for development which may affect heritage assets, or their settings must be carefully considered. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. Local Plan policy CA2 requires that any development shall enhance or preserve the character and appearance of the Conservation Area and that extensions and alterations to existing buildings should be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general. Local Plan policy LB2 seeks to ensure that development proposals do not adversely affect the setting of listed buildings. Emerging policy HE1 requires development proposals to conserve and enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment.

- 9.5 Policy DG1 requires design of new buildings to be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Special attention should be given to the 'roofscape' of buildings. Materials which are sympathetic to the traditional building materials of the area should be used. Policy TM2 permits additional visitor bed spaces through new hotel development where, amongst other things, the development is of a scale and design in keeping with the character of the area. Emerging policy SP3 (QP3) requires new development to contribute towards achieving sustainable high quality design and requires development to, amongst other things, respect and enhance the local, historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, scale, bulk, massing, and materials and to respect and retain high quality townscapes.
- 9.6 The Borough Wide Design Guide (June 2020) is also material to the consideration of this application. Principle 5.1 requires all new development to be designed to maintain or enhance the special place characteristics of the Royal Borough and requires new development to, amongst other things, remove unattractive or inappropriate buildings, elements or features that detract from the quality and/or character of the site and its surroundings. Principle 7.5 will expect upper floor setbacks where appropriate to maintain light to public and private realms. Building height should not result in adverse impacts on skylines and the character of the area and the amenities of the occupiers of neighbouring properties. Principle 7.6 requires new development to reflect and integrate well with the spacing, heights, bulk, massing and building footprints of existing buildings and the Council will resist proposals where the bulk, scale and mass adversely impact on the street scene, local character, and neighbour amenities.
- 9.7 The site lies within the Windsor Town Centre Conservation Area and adjoins Leworth Place, a non-designated heritage asset. The site is not within the immediate vicinity of any listed buildings. The site also lies close to Bachelor's Acre, a non-designated heritage asset.
- 9.8 The proposal involves the partial demolition of a commercial building in the town centre. The building fronting onto Peascod Street would remain unchanged. The building to the rear, which dates from the second half of the 20th century is to be demolished. The lack of architectural form, the monolithic massing, the lack of an attractive or active frontage and single material usage currently presents a negative contribution to the Conservation Area and the general character and appearance of the area. The removal of this building is therefore welcomed and is an opportunity to enhance the built environment and the Conservation Area.
- 9.9 To the east of the site lies Centric, a flatted development built in around 2015 with a rotunda element on the corner of Mellor Walk and Acre Passage, extending to four storeys. To the west of the site is Leworth Place a two-storey 19th century stock brick and slate roof building, a non-designated heritage asset due to its architectural form and historic interest. Leworth Place is currently dominated by the height and depth of the existing application building. A mix of 2-4 storey buildings in Peascod Street back onto the site to the north.
- 9.10 The design of the proposed building has been broken up into four distinct elements which would provide interest to the street scene and form an active frontage. The traditional elevations of a 'Georgian townhouses' vernacular are considered to work well in this location. The design style is a recognized vernacular of Windsor. Following concerns raised in relation to the upper floor (fourth floor) in terms of the overall massing and its visual impact when viewed from Bachelor's Acre and views up from Victoria Street, the upper storey has now been deleted. Consequently, the layout of the rooftop plant has been revised. A plant enclosure and acoustic fencing would be sited adjacent to the Centric building and would exceed the height of the Centric building by about 1.1m. The revised location of the plant has been chosen to sit close to the upper massing of Centric to enable it to be largely hidden from view. A Design Statement Addendum has been submitted to reflect these changes. The third floor has been designed to be set back from the front (southern elevation) and the flank (western elevation) to help reduce the overall mass and visual impact of the building. The proposed building immediately adjoining Leworth Place would have an increased height of just over 1m, however the overall increase in massing would be marginal. The height of the building would step up from Leworth Place to the Centric building and would be sympathetic in form to both buildings.

- 9.11 The majority of views from the public realm would be from Mellor Walk, Bachelor's Acre and views up from Victoria Street. Only limited views of the site would be available from Acre Passage. The proposal is considered to represent a net improvement to the character and appearance of the Conservation Area and the setting of the heritage assets through the removal of a negative building and its replacement with a building which is more sympathetic to its surroundings. The removal of the upper floor (fourth floor) has also helped to reduce the massing and visual impact of the building and this amendment is welcomed. The Conservation Officer has raised no objection to the proposal however it is considered that the material selection and detailing will be important. The specification of sympathetic materials (such as handmade bricks laid in a Flemish Bond with coarse mortar pointing) and detail design of elements such as the windows (such as corded sliding hard ward slim-line sashes) would help ensure that the character and appearance of the Conservation Area is maintained and enhanced. These details can be appropriately secured by conditions.
- 9.12 Overall, it is considered that the proposal has been sympathetically designed and would be of an appropriate height, scale, massing, and design in relation to the adjacent buildings and this town centre location. It would enhance the character and appearance of the site itself, the locality in general and enhance the character and appearance of the Conservation Area and would accord with Local Plan policies DG1, TM2 and CA2 and emerging policies SP3(QP3) and HE1.

Impact on the living conditions of neighbouring properties

- 9.13 It is necessary to assess the impact of any proposal on the living conditions of the neighbouring properties in terms of light, outlook and privacy in accordance with emerging policy SP3(QP3) and guidance set out in paragraph 127 f) of the NPPF. Local Plan policy NAP3 also states that planning permission will not be granted for proposals likely to emit unacceptable levels of noise, smells, or fumes beyond the site boundaries. Local Plan policy TM2 permits additional visitor bed spaces through new hotel development where, amongst other things, it would not result in substantial loss of residential amenity to neighbouring properties.
- 9.14 The Design and Access Statement is supported by a Daylight, Sunlight and Overshadowing Report which identifies the surrounding residential properties. To the east of the site lies Centric which comprises 14 apartments. The top storey apartments, numbers 12, 13 and 14 are served by private roof terraces and there is also a communal roof terrace used by residents. Leworth Place to the west of the site has planning permission to be converted into eight residential units including a roof terrace and rooms within the roof space at the rear. There are also residential units at first floor level and above in properties to the north of the site in Peascod Street including numbers 12A,13,14,15,16, 23,24,29,30 and units 1-11 Peascod Place. Some of these also have roof top terraces.

Impact on light, outlook and privacy

- 9.15 Concern was raised regarding the upper storey (fourth floor) and its overbearing impact and loss of light and outlook to the occupiers of the top storey apartments and roof top terraces in Centric. The deletion of the upper storey has satisfactorily overcome this concern. As a result of the revision, the rooftop plant is now to be mounted at the same level as the adjacent top storey apartments and roof top terraces. A fully enclosed plant enclosure (roof and walls) is proposed to be sited in the north eastern corner of the roof, close to the blank wall of the Centric building and adjacent to the lounge of apartment number 14. Plant with acoustic fence protection (1.8m in height) is also proposed adjacent to the stairway and lift which serves apartment numbers 13 and 14 at Centric. The revised location of the plant has been chosen to visually sit with the upper massing of Centric to enable it to be partially hidden from view. The Design Statement Addendum submitted with the revised drawings demonstrates the resulting relationship between these structures and the adjacent apartments and roof top terraces. The plant enclosure would measure 2.6m in height and would protrude about 1.1m above the overall height of the adjacent flat roof at Centric. There are skylights/sun tunnels in the flat roof of Centric which serve rooms in Flats 13 and 14 and the communal hallway. Given that the height of the plant enclosure would only exceed the height of the flat roof of Centric by 1.1m it is not considered that the plant enclosure building would result in an unacceptable impact on light or outlook from these skylights/sun tunnels. Also given the siting of the roof top structures it is not considered that

they would have an unacceptable impact on light and outlook from any of the roof top terraces. The occupant of apartment number 6 has raised concerns about potential overlooking and loss of privacy into an open plan kitchen/lounge area from windows in the south eastern corner of the proposed building. The proposed windows would serve a corridor and any views from these windows would be at an extremely oblique angle and it is not considered that they would result in any unacceptable loss of privacy to this adjacent apartment.

- 9.16 Leworth Place, the 2-storey building which lies to the west of the site has recently been granted planning permission to be converted into 8 flats, including a roof terrace and rooms within the roof space at the rear. The existing building already presents a large 2/3 storey blank elevation along the party boundary. The height of the flank elevation which immediately abuts Leworth Place would increase by about 1m and would have only a marginally greater impact on Leworth Place in terms of light and outlook. The main change to this elevation would be the insertion of several windows into this currently blank elevation. The windows would serve hotel bedrooms at first and second floor level. The drawings have been amended and now show three windows adjacent to Leworth Place to be fixed, non-opening and obscure glazed below a finished floor level of 1.9m with only the top section to be clear glazed. The two windows immediately adjacent to the proposed roof terrace at Leworth Place would be fully obscure glazed, fixed and non-opening. These bedrooms are also served by other clear glazed windows which do not look out onto Leworth Place. The rest of the windows in this elevation have been specifically designed as corner windows (saw-tooth profile) and the corner windows closest to the rear elevation of Leworth Place would be obscure glazed, fixed and non-opening to prevent any direct overlooking and loss of privacy to the rear of Leworth Place. The flat roof at third floor level can also be conditioned to prohibit its use as an amenity area, roof garden or balcony. Subject to suitable conditions to secure the appropriate glazing and to prevent the flat roof being used, it is considered that the proposal would have an acceptable impact on Leworth Place in terms of light, outlook and privacy.
- 9.17 There are residential properties situated to the north/rear of the site some of which have roof top terraces. It is considered that sufficient distance would be maintained between the proposed building and these residential properties to safeguard their living conditions in terms of light, outlook and privacy. There are also some large trees situated to the rear of Leworth Place which already provide some partial screening, particularly in the summer months when the trees are in leaf. These would help to alleviate any impact on the adjacent roof top terraces to the rear of numbers 23 and 24 Peascod Street and the roof terrace at 1 to 11 Peascod House in terms of loss of privacy.

Noise and Disturbance

- 9.18 The application has been accompanied by a Noise Impact Assessment and following the revisions to the roof plant layout an Addendum report has been submitted which provides an update to the acoustic assessment and specifically addresses the revised placement of key plant on the roof area and the potential acoustic impact of that plant. The proposed revision now places roof mounted plant at the same level as the adjacent apartments, numbers 13 and 14 and the roof top terraces (both private and communal) in Centric. It includes plant with full acoustic protection (wall and roof enclosure) adjacent to the lounge of apartment number 14 and plant with acoustic fence protection adjacent to the stairwell and lift serving apartment numbers 13 and 14. A kitchen extractor is also placed on the roof in proximity to the plant enclosures. The plant closest to the sensitive receptors are to be fully enclosed within a purpose designed enclosure. The kitchen extract would be partially screened by the enclosure and would be fitted with suitable silencers to reduce air movement noise. The second block of condensers would be screened by the proposed acoustic fence. The report concludes that the noise from plant is capable of being reduced to a level well below the existing ambient level and within 0.5 dB of the target level. It is considered important to provide appropriate mitigation for the residents of Centric as well as for future occupants of the hotel bedrooms, which would be situated directly below the roof plant.

- 9.19 Any potential vibration from the installation of plant would be dealt with by the installer and would include a detailed plan of how vibration would be minimised and include antivibration mounting for the plant and ductwork to isolate from the structure; antivibration coupling for duct work to prevent air movement vibration within ducts and inline silencers to reduce both noise and vibration as a result of pressure flow fluctuation in pipework. This would prevent structure borne vibration entering the building which would be necessary for the hotel use and as a result vibration issues would be mitigated at source and would not transfer through the structure thereby removing any potential impact on Centric.
- 9.20 The Environmental Protection team has confirmed that the mitigation measures set out in the Addendum report accompanying the revised roof plant layout are more than reasonable and are acceptable. The noise mitigation measures set out in section 2 of the Addendum report and measures to prevent vibration can be secured by suitable conditions. A condition to restrict the rating level of noise emitted from the site can also be secured.
- 9.21 A site-specific construction environmental management plan (CEMP) can be secured by condition to help reduce the effects of noise, vibration, dust and site lighting during the demolition and construction phase. This would include restricting the hours of building operations and collections and deliveries during the demolition and construction phase to safeguard the amenities of the nearby residents. In addition the servicing and deliveries in association with the hotel and the retail use can also be restricted to protect the amenities of nearby residents and this can be secured by condition. Given the constrained nature of the site it is considered reasonable and necessary to impose such conditions in this instance.

Smell/odour

- 9.22 There is a kitchen extraction duct proposed on the rooftop and details of the ventilation and filtration equipment to be installed shall be secured by condition to ensure there is no smell or odour nuisance resulting from the extraction duct.

Light

- 9.23 Details of any proposed external lighting, including siting, height, design and details of Isolux lines and hours of use will need to be secure by condition to prevent any light pollution to neighbouring residential properties.
- 9.24 No hotel occupier has been confirmed as yet. However, the hotel restaurant/bar will be ancillary to the hotel use and its operation will be covered under a separate licensing regime to protect the living conditions of the neighbouring properties. Subject to appropriate conditions being secured it is considered that the proposal would have no diverse impact on the living conditions of the neighbouring properties and would accord with Local Plan policies NAP3 and TM2, emerging policy SP3(QP3) and guidance set out in paragraph 127 f) of the NPPF.

Highways and parking

- 9.25 The application has been accompanied by a Transport Statement and a Framework Travel Plan (operational) and Framework Travel Plan (construction). Local Plan policy TM2 permits hotel development where suitable arrangements are made for access and car parking without detriment to adjoining properties and Local Plan policy T5 requires all development proposals to comply with the Council's adopted Highways Design Standards. Local Plan policy T7 requires new development to make appropriate provision for cyclists.
- 9.26 When considering development proposals, paragraphs 108 and 109 NPPF notes that it should be ensured that:
- *Appropriate opportunities to promote sustainable transport modes can be- or have been - taken up, given the type of development and its location.*
 - *Safe and suitable access to the site can be achieved for all users; and*
 - *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

- 9.27 The existing site operates as an A1 retail unit with ancillary offices and public access to the site is taken from the pedestrianised Peascod Street. Servicing and delivery access to the site is currently undertaken at the rear from Mellor Walk. Delivery vehicles are required to reverse into the service loading bay within the building from the carriageway. Mellor Walk has a limited dedicated footway width. It provides access to the parking area for commercial and residential properties situated to the rear of Peascod Street and the public library. It is a no through road. Vehicular access to the site is gained from Victoria Street, via Bachelor's Acre, a fairly narrow road which also provides access to Centric in Acre Passage, a small parking area to the rear of Peascod Street and parking associated with The Castle Hotel and The MacDonald Hotel. Acre Passage and Peascod Place provide pedestrian links from Peascod Street to Mellor Walk. On-street parking in the area is predominantly prohibited and enforced by double yellow lines. There is currently informal parking provided in front of the building fronting onto Mellor Walk.
- 9.28 The site is situated within a highly sustainable town centre location, close to Windsor and Eton Riverside railway station and Central station and is within easy walking distance of several bus stops. The site has good access to public transport links and town centre facilities. There are also several public car parks within an easy walking distance of the site.
- 9.29 The revised proposal is for a 116-bed hotel with access from Mellor Walk. The retail floor space fronting onto Peascod Street is proposed to be reduced from 1461.5sq.m to 490sq.m. Twelve cycle spaces for staff are to be provided within the building with a further two Sheffield stands (four cycle spaces) being provided on Mellor walk for visitors/guests. The existing service entrance from Mellor Walk is to be retained, with shared servicing for the hotel and retail unit being undertaken from the internal loading bay. The proposal would provide one pick-up/drop-off bay on Mellor Walk and one disabled parking space. The proposal would be a car free development.
- 9.30 This is a highly sustainable town centre location and in such locations car free development is accepted. The proposal provides a new footway along the northern side of Mellor Walk which would adjoin the existing footway on Bachelor's Acre. It is recommended that the developer dedicates this new footway to RBWM and prior to development commencing a legal agreement would need to be secured under Section 38 and Section 278 of the Highways Act 1980 to cover the construction of the highway improvements and to dedicate it to the Highway Authority as part of the roadway network.
- 9.31 To predict the trips generated by the existing store and the proposed development, the developer has interrogated the TRICS database. For the Boots store the analysis is based on an A1 retail unit (Sainsbury's), with trips generated using the gross floor area for both the ground and first floor. The difference in total two-way trip attraction compares the predicted trips generated by the proposal (based on a 125 bed hotel) and the existing use and concludes that the proposal could potentially lead to a reduction of 58 and 146 trips during the AM and PM peak periods, respectively. It is acknowledged by the Highways section that the potential reduction could be rather ambitious and is directly related to the trips selected from the TRICS data base. However, given that it is a car free development it is accepted that the proposal is likely to result in a reduction in vehicular trips and the proposal is expected to have a beneficial impact on the highway network due to the anticipated reduction in quantum trips to the site. They have also noted that the reduction in the number of bedrooms would lead to a further reduction (estimated to be about 7%) in pedestrian and vehicle movements, compared to the initial submission.
- 9.32 Given the highly sustainable town centre location of the site and the car free nature of the proposals it is not considered that it would result in any severe cumulative impact on the road network. The applicant has confirmed that coaches will not drop off/pick up from the hotel door, but will be required to use Windsor Coach Park or drop off/pick up on Victoria Street (circa 150m from the site).

- 9.33 The application has been accompanied by a Framework Construction Management Plan which details how it is intended to control and manage construction traffic and provides a route plan for construction traffic. The Highways section acknowledges that Mellor Walk, the main access point for the new development, is narrow and serves as access to other properties including the Public Library and at no time should this access be obstructed. The Highway authority has requested a revised CMP and has confirmed that this can be adequately secured by condition.
- 9.34 The Framework Travel Plan accompanying the application is generally acceptable, but further amendments are required. The Travel Plan should include the proposed measures to assess visitor travel to the hotel; include mode share targets for all modes for years 1,3 and 5 and not just car travel; include an Action Plan to highlight which measures will be implemented through the lifespan of the Travel Plan and set out clearly the processes and timescale for review in case targets are not achieved and acknowledge the potential for sanctions in the event of non-compliance with the implementation of the Travel Plan and failure to achieve targets. A section 106 Agreement is required to secure a Final Travel Plan including provisions to monitor and review it.
- 9.35 The application has been accompanied by a Delivery and Servicing Management Plan which amongst other things describes the list of measures to reduce the impact on those that reside, work or commute in the area. Delivery vehicles will have a timed delivery slot and the service bay will be manned and opened with minimal timing delays. This should be an improvement on the current unrestricted servicing arrangement. However absent from the servicing plan is the predicted servicing trips generated by the two mixed-uses and the appropriate measures to prevent delivery vehicles being parked on the highway, waiting for a service vehicle to leave the loading bay. Further commentary on the servicing arrangement is required and the Highways section has confirmed that this can be adequately dealt with by condition.
- 9.36 The swept path analysis provided for the loading/servicing bay shows a slight incursion into land outside the application site. The applicant has confirmed that the land in question is available to the applicant for this manoeuvre due to existing covenants/rights shown on title plans.
- 9.37 The refuse/bin storage areas for the hotel and retail unit are to be located within the loading bay area for ease of collection. A revised cycle parking plan is required to ensure that the cycle parking facilities are informed by best practice guidance and this can be secured by condition.
- 9.38 Overall, it is not considered that the proposal would result in any parking or highway/pedestrian safety issues, subject to securing suitable conditions and an informative can be added to advise the applicant of the requirements of S38 and S278 of the Highways Act.

Impact on trees

- 9.39 The application has been accompanied by a Tree Survey report.
- 9.40 There are no trees on the site itself, but there is a linear group of three Sycamore trees close to the western flank elevation of the existing building, to the rear of Leworth Place. The trees are identified as being low quality, category C trees.
- 9.41 The proposal would not extend the footprint of the building closer to these trees, but windows in the flank elevation of the proposed hotel would face towards these trees and some pruning is required to facilitate the development to provide clearance from the building. The trees have been pruned in the past and no objection is raised to the pruning of these trees to provide a clearance of between 1-2m as set out in the tree report. Tree protection fencing is proposed to be provided to create a construction exclusion zone to protect the retained trees. Ground protection measures between the protective fencing and the building will be required.
- 9.42 A suitable condition can be secured to require the final details of tree protection measures and pruning works and on this basis the proposal would accord with Local Plan policies N6 and DG1.

Drainage and Water Supply

- 9.43 The application has been accompanied by a Flood Risk Assessment and Drainage and Utilities Statement. A revised FRA (April 2020) has been submitted to reflect the changes to the scheme.
- 9.44 The site lies within Flood Zone 1 (low probability of flooding). The Phase 1 Contaminated Land Report confirms that the site is not suitable for infiltration methods of drainage. The proposal includes sustainable drainage measures which comprise a blue roof and an area of underground cellular storage that would collect water prior to controlled release to the public sewer at a controlled rate.
- 9.45 The revisions of the proposal have no impact on the proposed surface water drainage scheme and the Lead Local Flood Authority has raised no objection to the proposal subject to a suitably worded condition requiring details of a surface water drainage scheme, based on the submitted FRA to be submitted and approved by the LPA.
- 9.46 Thames Water has raised no objection to the proposal in terms of the foul water sewerage network infrastructure capacity and surface water network infrastructure capacity. There is also no objection in terms of the water network infrastructure capacity. Thames Water has provided a 'Clean water capacity report' which confirms that there is sufficient capacity on their clean water network to serve the hotel and restaurant. The proposed development is located within 15m of a strategic water main and Thames Water has requested a piling method statement is secured by condition. Thames Water also believe the proposed development is located within 5m of a strategic water main and has requested that a condition is secured stating that no construction shall take place within 5m of the water main. Whilst the applicant believes that the infrastructure would be beyond the 5m distance, it is considered appropriate in this case to secure the condition in case it is subsequently found to be within 5m.
- 9.47 Overall the proposal is acceptable in terms of drainage and water supply.

Impact on Archaeology

- 9.48 Local Plan policy ARCH3 states that planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites unless adequate evaluation enabling the full implications of the development on matters of archaeological interest is carried out prior to the determination of the application. The application has been accompanied by a Heritage Impact Assessment (Archaeology).
- 9.49 There are potential archaeological implications associated with this proposal. There is documentary evidence suggesting a settlement outside the castle wall from c.1110. There is moderate potential for significant archaeological material at this site related to medieval and post-medieval periods and the proposal has the potential to disturb as yet unknown heritage assets. Furthermore, a known heritage asset on the site, a Medieval and 17th century walling in the basement of number 17, has the potential to be impacted by the proposals.
- 9.50 Since the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance pre-determination works have been requested by Berkshire Archaeology to mitigate the impacts of the development. An archaeological strategy (March 2021) has been submitted to address any potential effects resulting from the demolition and construction works that may adversely affect archaeological deposits and to ensure that implementation of an such works avoids any unnecessary harm. Section 7 of the report sets out potential works and recommended archaeological procedures. Once the above ground superstructure demolition works have been carried out any further demolition is likely to be required to undertaken with archaeological monitoring and will need to be inspected before any construction phase can commence to determine the condition of archaeological preservation across the site. Once the site has been inspected the results will be discussed with Berkshire Archaeology and the scope of works required for the development to continue will be mapped out.

- 9.51 Subject to the development being carried out in accordance with the Archaeological Strategy (March 2021) received on the 22nd April 2021 Berkshire Archaeology has confirmed they have no objection to the proposal on archaeological grounds. A condition will need to be secured accordingly.

Ecology

- 9.52 The application has been accompanied by a Preliminary Ecology Appraisal Survey.
- 9.53 The preliminary ecological appraisal has been undertaken to an appropriate standard. The site is of low ecological value. The report concludes that the building is unlikely to host roosting bats and the site is unlikely to be used by any protected species (with the possible exception of nesting birds within the building). The report recommends biodiversity enhancements including the insertion of 2 bat bricks in the southern elevation of the building, landscaping within the courtyard to provide native species and a lighting scheme designed to minimise its effect on biodiversity. In accordance with paragraph 175 of the NPPF which states that '*opportunities to incorporate biodiversity in and around development should be encouraged*' a condition will be secured to ensure that enhancements for wildlife are provided within the new development.

Energy and Sustainability

- 9.54 Emerging policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt and mitigate climate change. The application has been accompanied by an Energy Strategy Report (updated April 2021) and a Sustainability Statement (updated April 2021).
- 9.55 The Energy strategy Report has considered the policy requirements for energy efficiency and the aspiration to achieve 10% carbon dioxide reductions through on-site renewables/low carbon technologies. The hotel element of the development would achieve approximately 11.2% improvement over baseline TER, of which there is 10.9% reduction from renewables. This is achieved by efficient fabric thermal performance, mechanical ventilation heat recovery system, efficient building services, providing energy efficient light fittings and providing efficient air source heat pump systems for heating and hot water.
- 9.56 The Sustainability Statement outlines measures to be incorporated into the development which include the installation of a blue roof and below ground geocellular attenuation; inclusion of two bat boxes to provide enhanced biodiversity; minimisation of operational energy consumption; provision of water efficient/low flow sanitaryware fittings and fixtures to reduce potable water consumption and foul water discharge; prolonging the use of the building; significantly reducing the annualised carbon emission of the development; and incorporating 12 staff cycle parking spaces and 4 visitor cycle spaces to encourage sustainable and active transport choices.
- 9.57 The Mechanical, Electrical and Public Health Services Overview has helped to inform the Energy Statement and Sustainability Statement and confirms that the development will be targeting BREEAM 'Very Good' under the 2028 guidance.
- 9.58 The design intent is to comply with Part M of the Building Regs 'with access to all'. The proposal has been designed to have a level entrance into the building and internal provision has been made for people with disabilities through the inclusion of some of the bedrooms specifically designed for use by wheelchair users. One disabled parking space is provided at the front of the site.
- 9.59 Providing the development is carried out in accordance with the measures set out in the Energy Strategy Report (updated April 2021) and the Sustainability Statement (updated April 2021) the development would accord with emerging sustainability policies and a condition can be secured accordingly.

Other Material Considerations

- 9.60 The Crime Prevention Advisor whilst not wishing to object to the proposal has raised a few issues in relation to community safety/crime prevention design. The appropriateness of the Amazon Lockers parcel delivery point in the hotel foyer has been queried. However the lockers will be visible from the staffed check-in area and the entrance will be covered by CCTV. In addition, it has been advised that the reception desk is re-orientated to provide greater surveillance over the ground floor access doors and lift area and CCTV coverage is advised. The applicant has confirmed that CCTV will be incorporated throughout the hotel and will cover the lobby/entrance. The details of the CCTV systems can be secured by condition.
- 9.61 The design and location of any smoking areas has been requested by the Crime Prevention Advisor to ensure that any noise emanating from groups using these facilities does not disturb neighbouring properties. Any potential smoking area would be kept away from the neighbouring residential properties and this would be adequately covered under the Licensing Act. Details of external lighting are to be secured by condition.
- 9.62 The ground investigation report submitted with the application has identified the need for further investigation and a contaminated land condition will therefore need to be secured.
- 9.63 The applicant has confirmed that there are no plans to build a parapet wall along the length of apartment 14 at Centric, as suggested by the neighbour.
- 9.64 The owner of Leworth Place has advised that the applicant has no rights to establish future rights of light through the boundary wall and over Leworth Place. This is not however a material planning matter and is a separate legal issue.
- 9.65 The development will need to comply with The Party Wall Act and the requisite Building and Fire Regulations.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1 The development is not CIL liable.

11. CONCLUSION

- 11.1 The proposal would provide additional visitor accommodation in a town centre location, whilst retaining retail floor space on Peascod Street. The existing building fronting Mellor Walk detract from the character and appearance of the Conservation Area and the locality in general. During the course of the application amendments have been secured and it is considered that the proposal, which is of high-quality design, would sit comfortably within its context and would enhance the character and appearance of the Conservation Area, whilst safeguarding the amenities of the neighbouring properties.
- 11.2 Overall it is considered that the proposal accords with the policies set out in the development plan and the guidance set out in the NPPF and should be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Existing floor plans and elevations.
- Appendix C – Proposed floor plans and elevations
- Appendix D – Cross section drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to any work commencing on site details of materials to include sample brick panels (for each of the different brick types) approximately 1m by 1m in size showing the brick, mortar mix and jointing together with samples of the proposed roofing and cladding materials and finishes shall be prepared on site and approved in writing by the Local Planning Authority. The external surface of the building shall thereafter be finished in accordance with the approved details.
Reason: To preserve and enhance the character and appearance of the Conservation Area. Relevant policies CA2 and DG1.
- 3 Prior to their installation, horizontal and vertical sections of elevations of all proposed external windows and doors including surrounding frames, as well as full specifications at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
Reason: To preserve and enhance the character and appearance of the Conservation Area. Relevant policies CA2 and DG1.
- 4 The first and second floor windows to be inserted in the western elevation of the building (as shown on elevation C-C on drawing number 1492-PL1311 Rev C received on the 26th May 2021 and drawing number 1492-PL 1314 Rev A) shall accord with the submitted drawings. All the windows shall be of a permanently fixed, non opening design and the windows indicated to be obscured glazed shall be maintained as such. The windows shall not thereafter be altered.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 5 Prior to the commencement of any works of demolition or construction, a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 No part of the development shall be occupied until 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
- 7 No development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include measures required to ensure sufficient arrangements for servicing, refuse and recycling collection and all other aspects of delivery and servicing required in connection with the development including the timing of deliveries and servicing and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved Plan.
Reason: To ensure that the development can 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 T5, DG1.
- 8 Prior to any development being carried out, including demolition, details of the tree protection measures and tree pruning shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be carried out in accordance with the approved details.
Reason: To safeguard the health and visual amenity of the adjacent trees. Relevant policies N6 and DG1.
- 9 Prior to the commencement of development (excluding demolition) 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, locations, gradients, invert levels, cover levels and relevant construction details.

Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rate as per the strategy and the attenuation volumes 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.

10 Details of the CCTV system shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details prior to the occupation of the hotel and thereafter retained and maintained.

Reason: In the interest of community safety and crime prevention.

11 The development hereby permitted shall be carried out in accordance with the approved archaeological strategy (March 2021), received on the 22nd April 2021.

Reason: To ensure that the implementation of any works avoids any unnecessary harm to the archaeological interests of the site, in accordance with section 16 of the NPPF.

12 The flat roof areas on the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

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

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

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

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

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

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than

that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

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

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

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

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

14 No development shall take place (including demolition) until a site specific 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 shall include, but not be limited to:

Procedures for maintaining good public relations including compliant 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:part 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.

Reason: In the interests of the amenities of the surrounding occupiers during the

- demolition and construction of the development. Relevant policy - Local Plan NAP3
- 15 Servicing and deliveries in connection with the hotel and retail unit shall only take place between the hours of 08:00 and 18:00 hours Monday to Fridays and between 08:00 and 13:00 hours Saturdays and at no time on Sundays or Bank or Public Holidays.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 16 The development shall be carried out in accordance with the mitigation measures for the plant equipment as set out in Section 2.2 of the Addendum Report: Revised Roof Plan Layout (13 May 2021) provided by Enviroconsult and received on the 14th May 2021 and thereafter retained and maintained in good working order in accordance with the approved details.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 17 Prior to installation of the plant equipment a detailed plan of how vibration will be minimised shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be retained and maintained in good working order at all times.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 18 Prior to installation, a written scheme for proposed external lighting, including siting, height, design, a drawing showing Isolux lines and details of the hours of use shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved scheme and thereafter maintained.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 19 The rating level of the noise emitted from the site shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night) by at least 10dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 20 No ventilation and filtration equipment shall be installed in the building until details have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed prior to operation and shall be retained and maintained in good working order at all times.
Reason: To protect the amenities of the area. Relevant Policy Local Plan NAP3.
- 21 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the approved piling method statement.
Reason: The proposed works will be in close proximity to underground water utility infrastructure.
- 22 No construction shall take place within 5m of a water main. Information detailing how the developer intends to divert the asset/align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after construction works.
Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure.
- 23 Prior to any development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new building (including at least 1 swift box) and native and wildlife friendly landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved prior to occupation.
Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 24 The development shall be carried out in accordance with the details set out in the Energy Strategy Report - WBS-ZZ-XX-RP-M-00001 P01 (dated April 2021) and the Sustainability Statement (dated April 2021) and thereafter retained and maintained.
Reason: To provide an energy efficient development and to help mitigate against climate change in line with guidance set out in the NPPF and emerging local plan policies.

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

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

Informatives

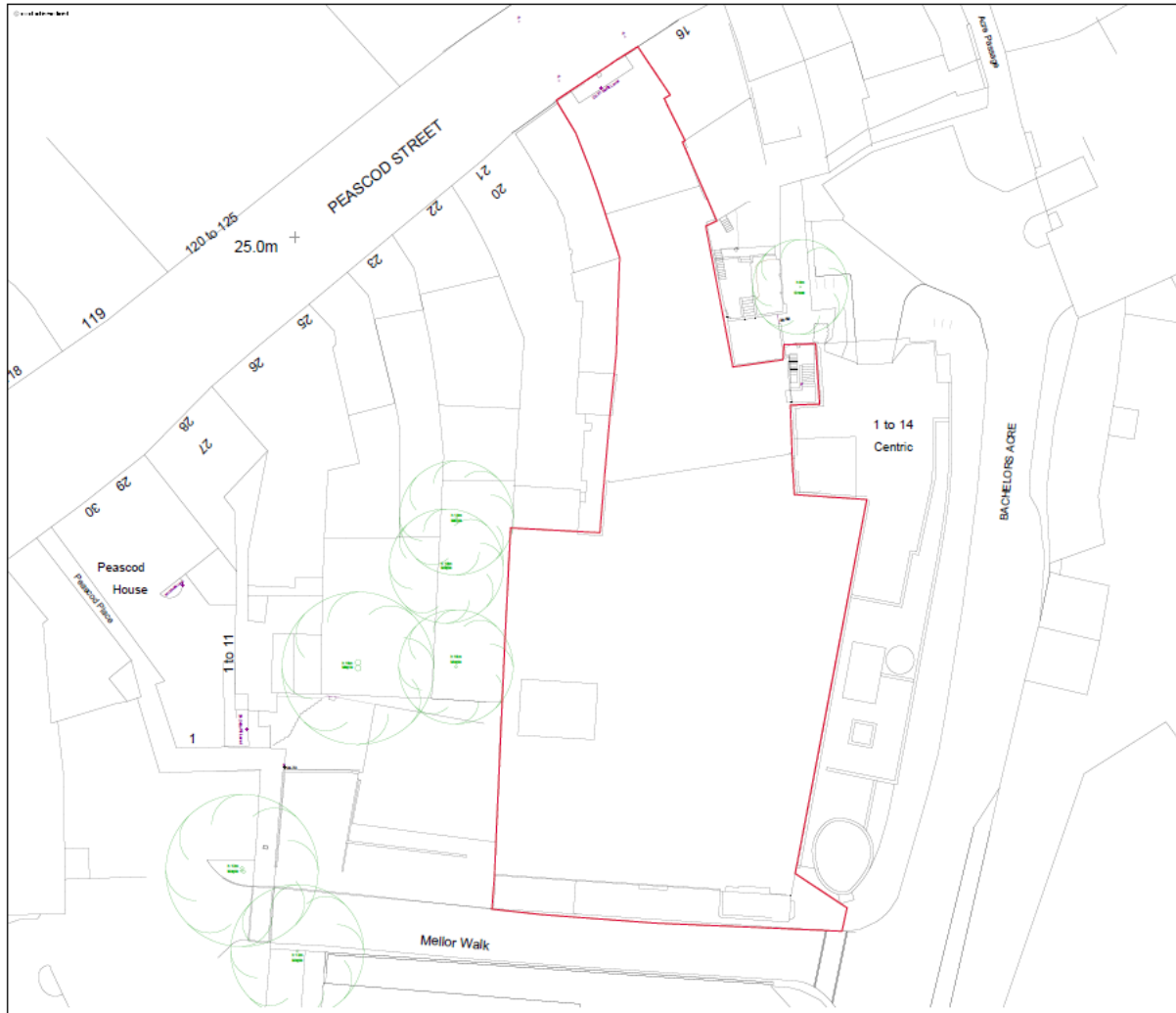
- 1 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 38 and Section 278 of the Highways Act 1980 to cover the construction of the highway improvements and to dedicate to the Highway Authority part of the roadway network that constitutes this development.
- 2 A section 106 agreement has been entered into to secure an appropriate Framework Travel Plan.
- 3 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 4 The applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team on 01628 683538 before burning and follow good practice.
- 6 The development that has been applied for may require a premises licence under the Licensing Act 2003. The applicant is advised to contact Licensing@RBWM.gov.uk for further details.
- 7 The development that has been applied for includes a food business. Separate to planning permission all food businesses are required to register with their local Environmental Health Department. The applicant is advised to contact commercial@RBWM.gov.uk for further details.
- 8 The applicants attention is drawn to the advice set out in the letter dated 19th February 2021 from Thames Water. For further advice you are advised to email Thames Water at devcon.team@thameswater.co.uk or Tel: 020 3577 9998.
- 9 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 on the site and surrounding trees are likely to be used by nesting birds and any clearance should take place outside the bird nesting season (March - August inclusive) or 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. If there is any doubt whether or not birds are nesting in the buildings or trees, expert advice should be sought and or clearance work should not be undertaken until after the end of the nesting season.

- 10 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 11 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

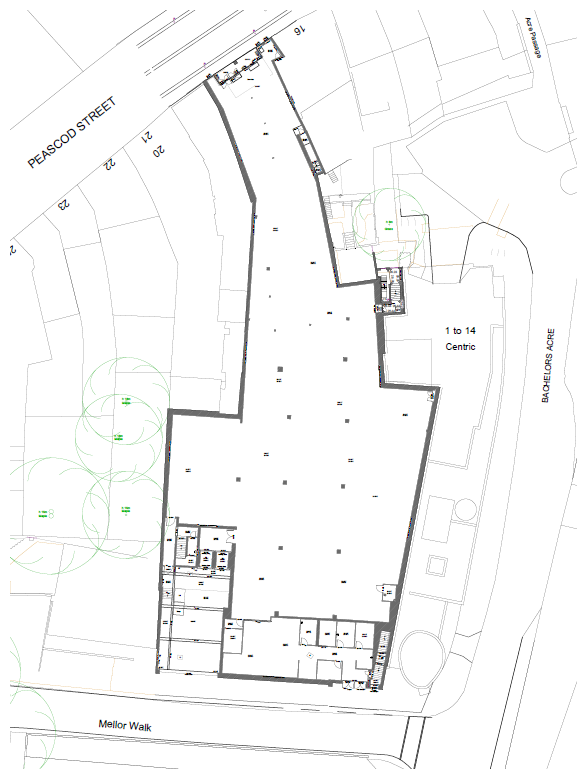
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APPENDIX A – LOCATION AND SITE PLAN



APPENDIX B – EXISTING FLOOR PLANS AND ELEVATIONS

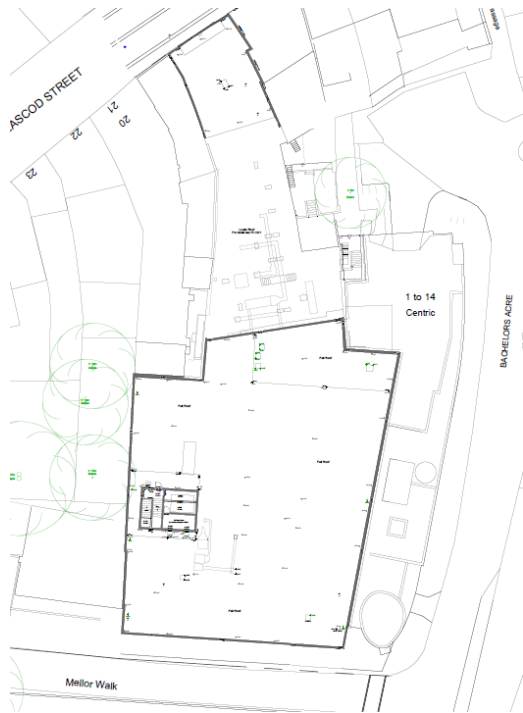
Ground floor plan



First floor plan



Second floor plan



Existing front and rear elevations

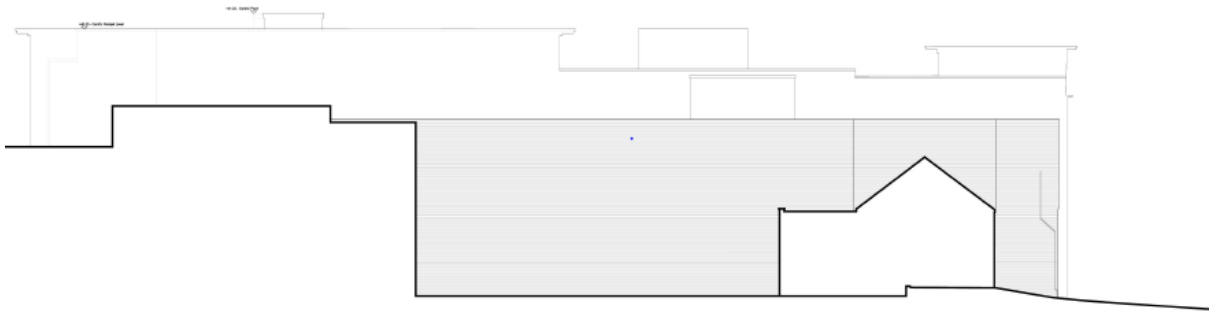


Elevation A-A
Front Elevation



Elevation B-B
Rear Elevation

Existing side elevations



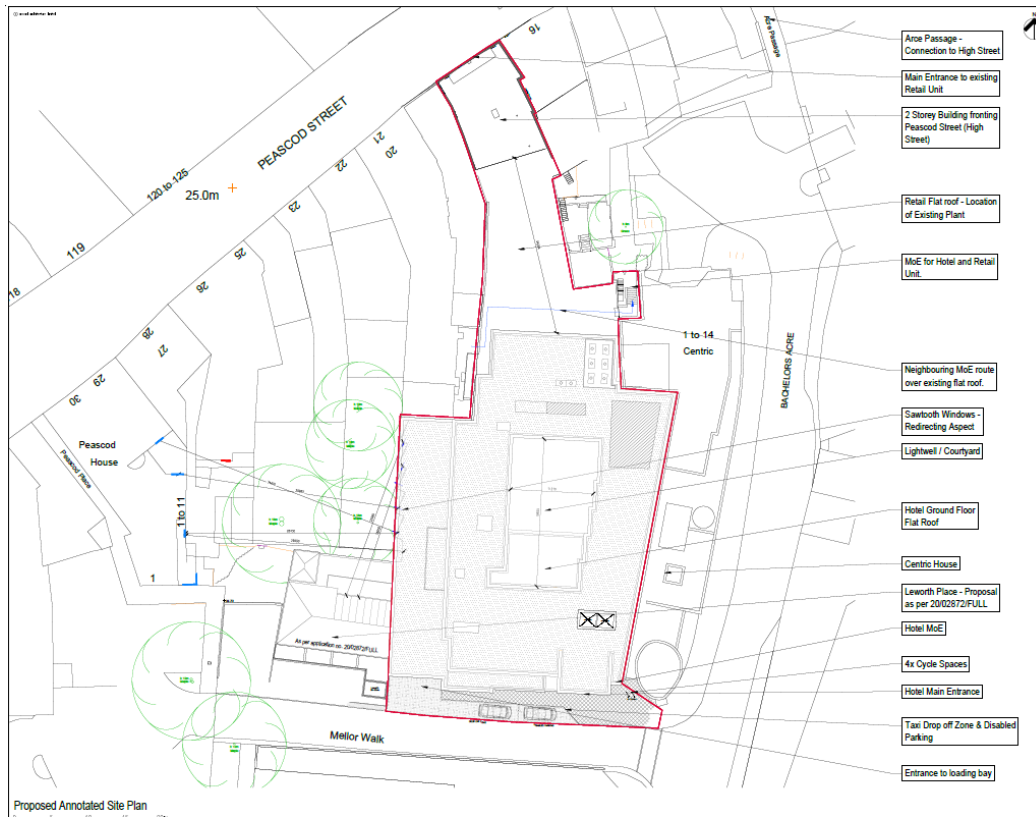
Elevation C-C
Side Elevation



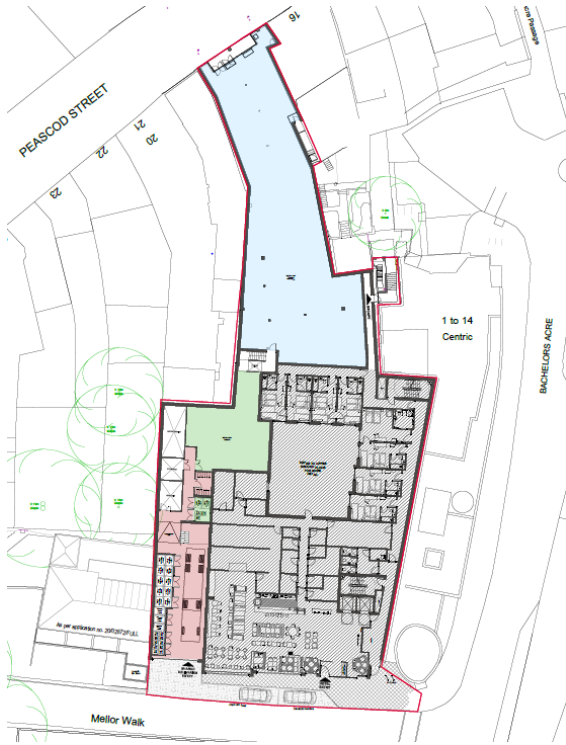
Elevation D-D
Side Elevation

APPENDIX C – PROPOSED FLOOR PLANS AND ELEVATIONS

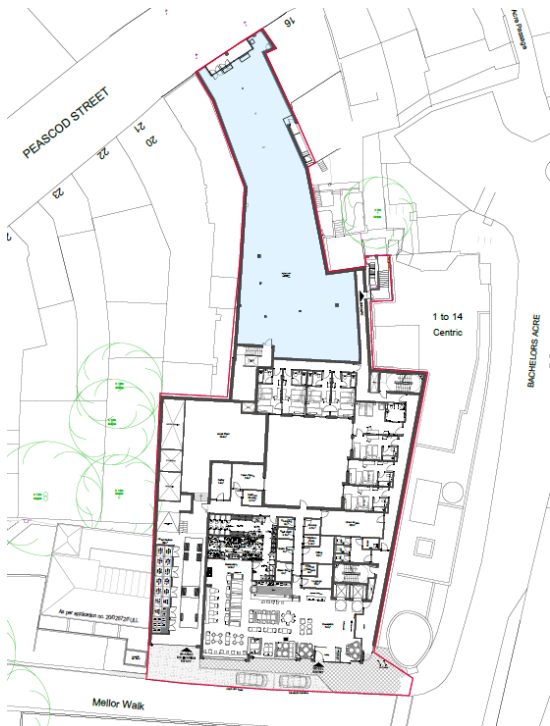
Site plan - annotated



Proposed lower ground floor plan



Proposed upper ground floor plan



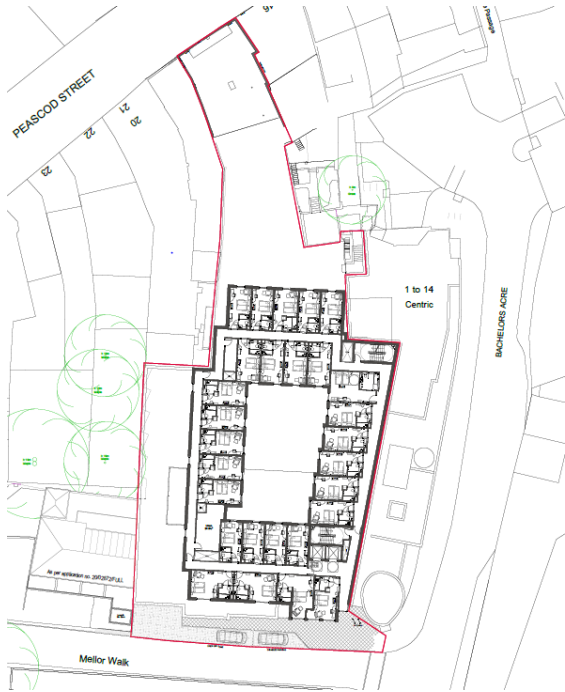
Proposed first floor plan



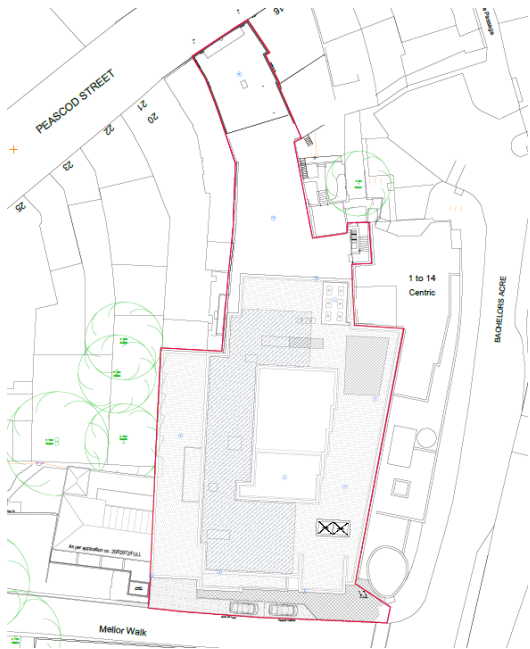
Proposed second floor plan



Proposed third floor plan



Proposed roof plan



Proposed elevations – Front and rear



Elevation A-A
Front Elevation



Elevation B-B
Rear Elevation

Proposed elevations – side

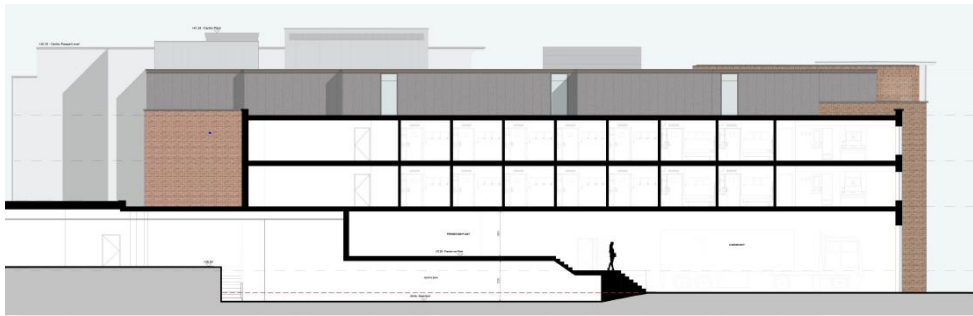


Elevation C-C
Side Elevation



Elevation D-D
Side Elevation

APPENDIX D – CROSS SECTION DRAWINGS



Section A-A



Section B-B



Section D-D



Section E-E

Planning Appeals Received

8 May 2021 - 4 June 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: Windsor Unparished
Appeal Ref.: 21/60040/ENF **Enforcement Ref.:** 16/50344/ENF **PIns Ref.:** APP/T0355/F/21/3271323
Date Received: 10 May 2021 **Comments Due:** 21 June 2021
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Replacement shop front and display of adverts without listed building consent.
Location: **Casa Del Sole 10 High Street Windsor SL4 1LD**
Appellant: Leopard Ventures Ltd Meat At The Parish 10 High Street Windsor SL4 1LD
- Ward:**
Parish: Bray Parish
Appeal Ref.: 21/60041/REF **Planning Ref.:** 20/02261/FULL **PIns Ref.:** APP/T0355/W/21/3274303
Date Received: 25 May 2021 **Comments Due:** 29 June 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a detached two bedroom dwelling with associated refuse storage and parking following the demolition of the existing buildings.
Location: **Land Adjacent To The Furrows Oakley Green Road Oakley Green Windsor**
Appellant: Mr M Shortt **c/o Agent:** Mr Michael De Courcy De Courcy Town Planning 48 Woodbury Avenue Petersfield Hampshire GU32 2EB
- Ward:**
Parish: White Waltham Parish
Appeal Ref.: 21/60043/ENF **Enforcement Ref.:** 18/50104/ENF **PIns Ref.:** APP/T0355/C/21/3273821
Date Received: 26 May 2021 **Comments Due:** 7 July 2021
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Without planning permission, the erection of a boundary treatment (consisting of a timber close-slatted design fence, brick wall and associated pillars/gates) adjacent to a highway.
Location: **Glebe Cottage And Land At Glebe Cottage Waltham Road White Waltham Maidenhead**
Appellant: LEE HALL **c/o Agent:** Mrs Suzanne Scott SMS Planning Larks Acre Middle Assendon Henley-on-Thames RG9 6BG
- Ward:**
Parish: Wraysbury Parish
Appeal Ref.: 21/60042/REF **Planning Ref.:** 20/03532/FULL **PIns Ref.:** APP/T0355/D/21/3271592
Date Received: 27 May 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: First floor side extension with undercroft
Location: **6 Fairfield Road Wraysbury Staines TW19 5DU**
Appellant: Mr Shafiu Syed **c/o Agent:** Mr Asim Hussain Crown Designs 15 Alleyn Park Southall UB2 5QT
- Ward:**
Parish: Waltham St Lawrence Parish

Appeal Ref.: 21/60044/PRPA **Planning Ref.:** 20/02133/TPO **Plns Ref.:** APP/TPO/T0355/8180
Date Received: 27 May 2021 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast Track Appeal
Description: (G1) x2 Ash and x2 Oak - crown reduce the crown spread on the tennis court side to between 3.5m-4m.
Location: **Five Oaks Farm Shurlock Road Waltham St Lawrence Reading RG10 0HP**
Appellant: Mr James Aston **c/o Agent:** Mr Neil Wilson Beechwood Tree Care Ltd 2 Playhatch Farm Cottages Playhatch Reading RG4 9QX

Ward:
Parish: Windsor Unparished
Appeal Ref.: 21/60045/REF **Planning Ref.:** 19/03287/FULL **Plns Ref.:** APP/T0355/W/21/3267862
Date Received: 28 May 2021 **Comments Due:** 2 July 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated cycle parking.
Location: **Ruddles Pool Maidenhead Road Windsor SL4 5TW**
Appellant: Mr Mohammed Ariff **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

Appeal Decision Report

8 May 2021 - 4 June 2021

Appeal Ref.: 20/60102/REF **Planning Ref.:** 19/03611/FULL **Plns Ref.:** APP/T0355/W/20/3261789

Appellant: Mr Zahid Sadiq **c/o Agent:** Mr James Luntz ClearView Planning Ltd 15 Coulthard Close Towcester NN12 7BA

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

Description: Construction of 12 No. Flats, parking, landscaping, new vehicular and pedestrian access off Maple Close and creation of parking off Altwood Road.

Location: **The Crown 108 Wootton Way And Land And Buildings At The Crown Wootton Way Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 13 May 2021

Main Issue: The Inspector considered that the proposed development would have an unacceptably harmful effect upon the character and appearance of the area and the living conditions of neighbours. He also considered that the proposal would have an unacceptable impact on highway safety. The Inspector attached significant weight to all of these matters and considered (in light of paragraph 11d of the Framework being engaged) that these adverse impacts would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole.

Appeal Ref.: 20/60103/REF **Planning Ref.:** 20/00559/FULL **Plns Ref.:** APP/T0355/W/20/3261534

Appellant: Mr Leon Tusz **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame OX9 3EW

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

Description: Erection of six dwellings with access, parking and amenity space.

Location: **31 - 33 Belmont Road Maidenhead**

Appeal Decision: Allowed **Decision Date:** 26 May 2021

Main Issue: The Inspector found no conflict with Saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan, Adopted 1999 (including Adopted Alterations 2003). Together, these Policies require that the design of buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties and that landscaping proposals form an integral part of the development which enhance the built form and area. Further, that schemes do not introduce a scale or density which would cause damage to the character and amenity of the area. The proposal would also accord with similar design aims of the Council's adopted Design SPD and the National Planning Policy Framework ('the Framework'). The Inspector acknowledged that the third parties have raised concerns in respect of the level of proposed parking, highway safety, flooding associated with the site, the effect of the proposed development on neighbours and the quality of the proposed accommodation. These matters were largely addressed in the Council's 'Officer Delegated Report' and did not form part of the Council's reason for refusing the proposal.

Appeal Ref.: 21/60011/REF **Planning Ref.:** 19/01755/FULL **Plns Ref.:** APP/T0355/W/20/3255844

Appellant: Bewley Homes Plc And Square Bay (no5) LLP **c/o Agent:** Miss Sarah Hockin 2 Charlotte Place Southampton SO14 0TB

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

Description: Erection of 37 dwellings including the re-location of existing access along Maidenhead Road with associated parking, internal circulation, public open space, landscaping and related infrastructure

Location: **Squires Garden Centre Maidenhead Road Windsor SL4 5UB**

Appeal Decision: Dismissed **Decision Date:** 25 May 2021

Main Issue: The redevelopment of this previously developed site would have a greater impact on the openness of the Green Belt than the existing development and would cause substantial harm to its openness. It would be inappropriate development and would not fall within either limb of Paragraph 145g) of the NPPF. The 2 apartment blocks would be prominent in the street scene and would adversely contrast with the prevailing character and appearance of the area defined by built development which only has a limited impact on the streetscene. The projecting gables and balcony details emphasis the height and bulk of the blocks. Conflict with DG1, H11 and para 127 of the NPPF. The submitted UU would overcome concerns relating the infrastructure provision and affordable housing. The impact on the Green is afforded substantial weight. The emerging BLP site allocation is only afforded moderate weight. The policy compliant amount of AH is afforded significant weight. The supply of 37 new homes is afforded significant weight. The economic benefits are afforded significant weight. Cumulatively these considerations do not outweigh the substantial harm to the Green Belt. In the overall planning balance the Inspector applied paragraph 11d)i (footnote 6) and gave considerable weight to policies GB1, GB2, DG1 and H11. The conflict with these policies was afforded significant weight and therefore the proposal conflicts with the development plan as a whole. The material considerations do not indicate that planning permission should be granted for the appeal scheme.

Appeal Ref.: 21/60019/REF **Planning Ref.:** 20/02436/TLDDT **Plns Ref.:** APP/T0355/W/20/3265640

Appellant: MBNL **c/o Agent:** Mr Damian Hosker WHP Ponderosa Scotland Lane Horsforth Leeds LS18 5SF

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

Description: Proposed 15.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.

Location: **Telecommunications Mast In Front of Toby Carvery 14 Straight Road Old Windsor Windsor**

Appeal Decision: Dismissed **Decision Date:** 12 May 2021

Main Issue: The Inspector concluded that the proposal would harm the character and appearance of the area. Policy TEL1 of the Local Plan promotes mast sharing and seeks siting to minimise impacts, whilst policy DG1 requires respect for the townscape, particularly heights and roofscape. Paragraph 112 of the Framework emphasises the economic importance of telecommunications infrastructure. Paragraph 113 of the Framework stresses the need for sympathetic design. The Inspector had regard to these policies, to which the proposal would conflict. The proposal is intended to improve the digital capacity of the area, serving two networks. It is also notable that the emergency services would also be able to share this facility. The appellants have also looked at alternative sites. However, these aspects do not outweigh the harm that the Inspector found.

Appeal Ref.: 21/60020/REF **Planning Ref.:** 20/02730/TLDDT **Plns Ref.:** APP/T0355/W/20/3265270

Appellant: MBNL **c/o Agent:** Mr Damian Hosker WHP Ponderosa Scotland Lane Horsforth Leeds LS18 5SF

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

Description: Application for determination as to whether prior approval is required for 1no. 20m Phase 8 streetpole C/W wraparound cabinet on concrete base, 3no. cabinets, 3no. antennas and associated ancillary works.

Location: **Telecommunications Mast At Junction of Vale Road And Shirley Avenue Windsor**

Appeal Decision: Allowed **Decision Date:** 12 May 2021

Main Issue: The Inspector concluded that the proposal would not harm the character and appearance of the area. Policy TEL1 of the Local Plan promotes mast sharing and seeks siting to minimise impacts, whilst policy DG1 requires respect for the townscape, particularly heights and roofscape. Paragraph 112 of the Framework emphasises the economic importance of telecommunications infrastructure. Paragraph 113 of the Framework stresses the need for sympathetic design. The Inspector had regard to these policies but did not find any conflict. The proposal is intended to improve the digital capacity of the area, serving two networks. It is also notable that the emergency services would be able to share this facility. The Inspector found that these aspects add support to the proposal.

Appeal Ref.: 21/60022/REF **Planning Ref.:** 20/01789/VAR **Plns Ref.:** APP/T0355/D/20/3261502

Appellant: Mr And Mrs Zinc **c/o Agent:** Mr Anthony Keen Barham Court Teston Maidstone Kent ME18 5BZ

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

Description: Variation (under Section 73A) of condition 3 (Rem PD) as approved under planning permission 16/02326/FULL for part single part two storey front extension.

Location: **The Farm Bigrith Church Road Cookham Dean Maidenhead SL6 9PR**

Appeal Decision: Allowed **Decision Date:** 13 May 2021

Main Issue: The Inspector pointed out that Paragraph 53 of the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The site specific characteristics here do not justify the tests for condition 3. As permitted development rights only allow for modest changes to buildings, such changes will not be disproportionate and will therefore be acceptable in the Green Belt. The extensions are acceptable without the need for permitted development rights to be removed.

Appeal Ref.: 21/60024/REF **Planning Ref.:** 20/01923/FULL **Plns Ref.:** APP/T0355/W/21/3267234

Appellant: Pinkneys Stores **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead Berkshire SL6 5EY

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

Description: Construction of x1 dwelling.

Location: **Land Adjacent To 38 Pinkneys Road Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 14 May 2021

Main Issue: The Inspector found that the proposal would cause significant harm to highway safety. The Inspector also found that the proposed development would not provide satisfactory living conditions for future occupiers with regard to internal space, outlook, light and external amenity space.

Appeal Ref.: 21/60026/REF **Planning Ref.:** 20/02794/FULL **Plns Ref.:** APP/T0355/W/21/3266843

Appellant: Nationwide Land Ltd **c/o Agent:** Mr Allen Watson Buttery And Watson Berry House 78 Altwood Road Maidenhead Berkshire SL6 4PZ

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

Description: Two storey side extension, two storey rear extension and alterations to fenestration to convert the existing shop into 2no. two bedroom flats, following demolition of the existing side conservatory and rear enclosed and covered store.

Location: **K & L Heating 58 College Glen Maidenhead SL6 6BL**

Appeal Decision: Dismissed **Decision Date:** 20 May 2021

Main Issue: Due to its design, size and siting, the proposed development would cause significant harm to the character and appearance of the host property and the surrounding area. It would therefore conflict with Saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (the Local Plan). These policies together require new residential development to be a high standard of design, to be of a scale compatible with the character of the area and that does not appear cramped. It would also fail to accord with paragraph 127 of the National Planning Policy Framework (which requires development to be visually attractive and sympathetic to local character), as well as paragraph 11 of the NPPF as the harm identified significantly and demonstrably outweighs the benefits of the scheme.

Appeal Ref.: 21/60034/REF **Planning Ref.:** 20/03095/FULL **Plns Ref.:** APP/T0355/D/21/3269987

Appellant: Keith And Tas Jacobs **c/o Agent:** Mr Martin Gainie Just Planning Suite 45 4 Spring Bridge Road London W5 2AA

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

Description: Two single storey side extensions, garage conversion to habitable accommodation, x4 new roof lanterns, alterations to roof to accommodate new partial first floor and alteration to fenestration.

Location: **202 Clewer Hill Road Windsor SL4 4DQ**

Appeal Decision: Dismissed **Decision Date:** 24 May 2021

Main Issue: The development would conflict with Local Plan Policies DG1 and H14 because it would harm the character and appearance of the area.
