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Notice of Meeting

Windsor and Ascot Development Management Committee

Councillors Amy Tisi (Chair), Mark Wilson (Vice-Chair), David Buckley, Alison Carpenter, Carole Da Costa, Devon Davies, Sayonara Luxton, Julian Sharpe and Julian Tisi

Thursday 7 December 2023 7.00 pm

Grey Room - York House & on [RBWM YouTube](#)

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Agenda

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1	Apologies for Absence To receive any apologies for absence.	-
2	Declarations of Interest To receive any declarations of interest.	3 - 6
3	Minutes To approve the minutes of the meeting held on 6 October 2023 as a true and accurate record.	7 - 10
4	23/01090/FULL - Grasmere Broadleys Hale And Winwood And Land At Sawyers Close Windsor PROPOSAL: Redevelopment of the site including the demolition of existing buildings, erection of x 413 dwellings (Use Class C3), community space (Use Class F2), cycle hub (Use Class F2), formation of new access from Smiths Lane, comprehensive hard and soft landscaping, car parking; drainage and flooding mitigation works, and associated infrastructure. RECOMMENDATION: Defer Legal Agreement APPLICANT: Abri Group MEMBER CALL-IN: N/A EXPIRY DATE: 15 December 2023	11 - 72
5	23/01387/FULL - Broom Lodge And Land At Broom Lodge Stanwell Road Horton Slough PROPOSAL: Subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the dwelling) and erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping. RECOMMENDATION: REFUSE	73 - 116

	<p>APPLICANT: Mr Patel</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 7 December 2023</p>	
6	<p>23/01516/FULL - 59-59A St Leanards Road Windsor</p> <p>PROPOSAL: Part single part two storey side/rear extension, roof extension with 1no. rear dormer, 2no. rear roof terraces, alterations to fenestration and a new refuse and cycle store to provide an additional ground floor commercial unit and a change of use of the first and second floors from retail/offices to provide 4no. dwellings.</p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Mr Allaway</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 11 December 2023</p>	117 - 134
7	<p>23/02143/FULL - RBWM Recycling Site At Windsor Leisure Centre Stovell Road Windsor SL4 5JB</p> <p>PROPOSAL: Cycle park hub and pathway following the removal of the existing recycling units.</p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Mr Tremellen</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRAY DATE: 11 December 2023</p>	135 - 144
8	<p>Planning Decision Report and Planning Appeals Received</p> <p>To note the contents of the report.</p>	145 - 148

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Mikey Lloyd, Mikey.Lloyd@RBWM.gov.uk, with any special requests that you may have when attending this meeting.

Published: Wednesday 29 November 2023



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 Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The 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 within the report, 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, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, 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 within the report.

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 AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) *any unpaid directorships*
 - b) *any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority*
 - c) *any body*
 - (i) *exercising functions of a public nature*
 - (ii) *directed to charitable purposes or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*
- of which you are a member or in a position of general control or management*

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which ***affects*** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) ***affects*** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

THURSDAY 5 OCTOBER 2023

Present: Councillors Amy Tisi (Chair), Mark Wilson (Vice-Chair), David Buckley, Alison Carpenter, Carole Da Costa, Devon Davies, Sayonara Luxton, Julian Sharpe and Julian Tisi

Also in attendance: Councillor Wisdom Da Costa, Councillor Joshua Reynolds and Councillor Ewan Larcombe

Officers: Mikey Lloyd, Mark Beeley, Jo Richards, Jeffrey Ng, Adrien Waite and Helena Stevenson

Apologies for Absence

No apologies for absence were received.

Declarations of Interest

Councillor C. Da Costa declared that her husband Councillor Wisdom Da Costa would be speaking against the first item on the agenda. Councillor C. Da Costa stated she had not been involved in any of his discussions about the item and attended the meeting with an open mind.

Councillor A. Tisi declared that prior to being elected as a councillor in 2019 she had campaigned against development in the green belt of the sites that became a part of the BLP and attended the meeting with an open mind.

Minutes

AGREED: That the minutes of the meeting held on Thursday 7 September 2023 were a true and accurate record.

23/00582/REM - Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor

A motion was proposed by Councillor Sharpe to grant planning permission in line with officer recommendation subject to the conditions as listed in section 14 of the report and the committee update with the additional condition for the developer to submit a plan for parking provisions. This was seconded by Councillor Luxton.

A named vote was taken.

23/00582/REM - Land Adjacent The Hatch And South of Maidenhead (Motion)	
Councillor Amy Tisi	Against
Councillor Mark Wilson	For
Councillor David Buckley	Against
Councillor Alison Carpenter	For
Councillor Carole Da Costa	Against
Councillor Devon Davies	For
Councillor Sayonara Luxton	For
Councillor Julian Sharpe	For
Councillor Julian Tisi	For
Carried	

AGREED: The motion to permit planning was carried subject to the conditions as listed in section 14 of the report and committee update with the additional condition for the developer to submit a plan for parking provisions, with six voting in favour and three voting against.

The Committee was addressed by four speakers. Martin Hall, Objector, Councillor Nick Pellew, Bray Parish Council, James Merchant, the Applicant and Councillor Wisdom Da Costa.

23/01062/FULL - Ditton Manor Ditton Park Road Datchet Slough SL3 7JB

A motion was proposed by Councillor Sharpe to refuse planning permission, in line with officer recommendation, for reasons outlined in section 1.4 of the report. This was seconded by Councillor Luxton.

A named vote was taken.

23/01062/FULL - Ditton Manor Ditton Park Road Datchet Slough SL3 7JB (Motion)	
Councillor Amy Tisi	For
Councillor Mark Wilson	Against
Councillor David Buckley	Against
Councillor Alison Carpenter	Against
Councillor Carole Da Costa	Against
Councillor Devon Davies	For
Councillor Sayonara Luxton	For
Councillor Julian Sharpe	For
Councillor Julian Tisi	Against
Rejected	

REJECTED: The motion to refuse planning permission fell with 5 voting against and 4 voting in favour.

A motion was proposed by Councillor Buckley that the application is deferred to a later date. This was seconded by Councillor Da Costa. It was recommended the applicants made some amendments to the application and the item would return to panel in 3 months or a date agreed by the Head of Planning.

A named vote was taken.

23/01062/FULL - Ditton Manor Ditton Park Road Datchet Slough SL3 7JB (Motion)	
Councillor Amy Tisi	Against
Councillor Mark Wilson	For
Councillor David Buckley	For
Councillor Alison Carpenter	For
Councillor Carole Da Costa	For
Councillor Devon Davies	For
Councillor Sayonara Luxton	Against
Councillor Julian Sharpe	Against
Councillor Julian Tisi	For
Carried	

AGREED: The motion to defer the application until a later date was carried with 6 voting in favour and three voting against.

The Committee were addressed by four speakers. Yasmin Villaruel, Objector, Harry Spawton, Applicant, Councillor Joshua Reynolds and Councillor Ewan Larcombe

Planning Appeals Received and Planning Decision Report

The committee noted the report.

The meeting, which began at 7.05 pm, finished at 10.15 pm

CHAIR.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 1

Application No.:	23/01090/FULL
Location:	Grasmere Broadleys Hale And Winwood And Land At Sawyers Close Windsor
Proposal:	Redevelopment of the site including the demolition of existing buildings, erection of x 413 dwellings (Use Class C3), community space (Use Class F2), cycle hub (Use Class F2), formation of new access from Smiths Lane, comprehensive hard and soft landscaping, car parking; drainage and flooding mitigation works, and associated infrastructure.
Applicant:	Abri Group
Agent:	Mr Gregory Evans
Parish/Ward:	Windsor Unparished/Clewer And Dedworth East
If you have a question about this report, please contact: James Overall on or at james.overall@rbwm.gov.uk	

SUMMARY

- 1.1 The application site comprises an existing affordable housing estate of four apartment blocks, garaging and associated hardstanding for carparking, and green space.
- 1.2 The proposal seeks to redevelop the site to provide 413 dwellinghouses in the form of apartments and townhouses, spread across 9 apartment blocks and 7 rows of townhouses, with associated carparking and landscaping. In addition, the proposal seeks to provide community space and a cycle hub, as well as create a new access off Smiths Lane.
- 1.3 Of the 413 dwellings proposed, 30% would be affordable (124 units), of which 45% are to be social rent (56 units), 35% affordable rent (43 units), 20% shared ownership (25 units). Affordable housing would be secured by legal agreement. The legal agreement will also secure other matters such as off-site highway improvements and a contribution towards; the carbon offset fund, on-site play provision and biodiversity net gain (on-site). Part of the site is currently owned by the Council, which is being transferred to the applicant through a land-transfer agreement. This land-transfer agreement contains a number of requirements for the applicant to abide by, giving the Council additional control. The applicant is Abri a Registered Housing Provider, and it is their intention that all residential units would be affordable in time.
- 1.4 Mitigation is proposed to address potential capacity impacts at the Smiths Lane/Maidenhead Road junction identified by the submitted Transport Assessment. The applicant has agreed appropriate mitigation. Taking account of the existing residential units that exist on site, the need for this mitigation would need to be provided after a net gain of 150 dwellings (342 residential units in total) are built out and occupied. A legal agreement would need to be secured to ensure an appropriate financial contribution is secured to fund off-site highways mitigation. Mitigation is also in the form of the scheme being designed to encourage alternative sustainable modes

of travel. With this mitigation secured, the scheme is considered to be acceptable on transport grounds.

- 1.5 It has also been demonstrated that the proposals would not result in material harm to heritage assets, including non-designated heritage assets, ecology, trees, landscaping or flood risk and would introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of appropriate conditions and/or securing this through the legal agreement.
- 1.6 Section 11 d (ii) of the NPPF, requires for planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance, there are not considered to be any adverse impacts from the scheme that would **significantly** and **demonstrably** outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is recommended the Committee delegates authority to the Head of Planning:	
1.	<p>To grant planning permission on the satisfactory completion of a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> • 30% on-site affordable housing (124 dwellings) <ul style="list-style-type: none"> o 56 Social Rent o 43 Affordable Rent o 25 Shared Ownership • A contribution to the Council's Carbon Offset Fund • On-site play provision • Open space • On-site biodiversity net gain • Travel Plan • Highways contribution • On-site Cycle Hub <p>and a S278 legal agreement for four on-street (Smiths Lane) parking spaces and with the conditions listed in Section 14 of this report.</p>
2.	<p>To refuse planning permission if the required legal agreements to secure the infrastructure in Section 10 of this report have not been satisfactorily completed for the reason that the proposed development would not be accompanied by affordable housing and other associated infrastructure/contribution provision.</p>

2. REASON FOR COMMITTEE DETERMINATION

- The application is classified as a 'major' application due to the size of the application site, and therefore this application should be referred to the Windsor & Ascot Development Management Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located in the north-west of Windsor, approximately 2 km north-west of the town centre. The total site area is 3.59 ha, which comprises land within Abri (applicant) ownership (2.16 ha) and land owned by RBWM (1.19 ha). The land currently within RBWM ownership is being transferred to the applicant through a land-transfer

agreement, which contains a number of requirements for the applicant to abide by, giving the Council additional control outside the remits of planning.

- 3.2 The site is bound to the north by Maidenhead Road (A308) and to the south by Thames Mead Road and Dedworth Manor. The eastern boundary is bordered by open space and the western boundary is formed by Smiths Lane. South of Maidenhead Road, the area surrounding the site is predominately residential, other than the First Steps Pre-School and Sandown Park Care Home to the southeast. North of Maidenhead Road there are two 3-storey office buildings with associated carparking and landscaping and a pub/restaurant to the north-east.
- 3.3 The existing buildings were built circa 1960 and are made up of four medium-rise 8-storey residential blocks of flats, named: Hale, Grasmere, Winwood and Broadleys. Each block contains 48 flats providing a total of 192 existing flats.
- 3.4 There are no ecological or heritage designations located on the site. The nearest ecological designation is the Sutherland Grange Local Nature Reserve (LNR) approximately 500 m west of the Site. Approximately 2 km south of the Site is the Windsor Forest and Great Park Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).
- 3.5 Approximately 2.5 km east of the Site is the Windsor Castle Scheduled Monument. The nearest listed building is located approximately 750 metres south-east of the Site, which is the Dedworth and Clewer War Memorial. There are a number of Conservation Areas in Windsor, with the nearest being Clewer Village Conservation Area approximately 900 m east.
- 3.6 The current access to the site comprises Sawyers Close, a public cul-de-sac road leading into the carparking areas and garaging associated with the existing apartment blocks. Sawyers Close branches off Smiths Lane.
- 3.7 Other than the existing apartment blocks and associated carparking, the site comprises garaging, pedestrian paths, grass 'landscaping', trees and a playground.

4. KEY CONSTRAINTS

- 4.1 The application site lies within the following constraints:
 - Flood Zone 2

5. THE PROPOSAL

- 5.1 The proposal seeks the erection of 413 dwellinghouses with an Area of Play, communal orchard and allotment, and a Sustainable Urban Drainage System (SuDS), which combines as a sunken nature garden. Additionally, the proposal seeks to provide community spaces and a cycle hub.
- 5.2 The residential element of the scheme will be provided across 9 apartment blocks, as well as 7 rows of townhouses. The apartment blocks will have heights ranging from 5 storeys to 8 storeys (although it is worth noting that an element of Block 'C3' will be 4-storeys).
- 5.3 The scheme seeks to provide a total of 654 secure cycle storage spaces and 365 vehicle parking spaces.

- 5.4 The community spaces are to be located in the north-east of the site, on the ground floors of Blocks 'A2' and 'A3' as well as an outdoor communal garden directly south of Block 'A3'. These internal spaces have the potential to host different users and a variety of community events. The outdoor community garden seeks to encourage outdoor community activities.
- 5.5 The community orchard gardens are to be located between Blocks 'B2' and 'C1' and one of the key pedestrian & cycle routes will flow directly through this element of the scheme, linking 'Dedworth Manor and Sawyer's Close Park' to Smiths Lane.
- 5.6 The proposed cycle hub will offer future residents and the surrounding local community access to cycling facilities including bike hire through a cycle library, cycle repair stations, electric charging points and cycle storage.
- 5.7 The proposal seeks to provide 30% on-site affordable housing, with a tenure split as follows:

	Affordable units to be secured in S106	
Social Rent	56	45%
Affordable Rent	43	35%
Shared Ownership	25	20%
	124	

- 5.8 The housing mix provides a high percentage of smaller units weighed as follows:

1-bedroom	126	30.5%
2-bedroom	248	60%
3-bedroom	32	7.5%
4-bedroom	7	2%
Total	413	100%

6. RELEVANT PLANNING HISTORY

Applications

- 6.1 23/00650/EIASCR – Screening Opinion from the Council under Regulation 6 (6) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of [redevelopment at Sawyers Close to demolish existing 4 x 8 storey buildings (192 dwellings) and to provide 417 new affordable dwellings in town houses and apartment buildings up to 8-storeys in height. The site is located in the northwest of Windsor, approximately 2 km north-west of the town centre. The site area for the emerging proposals is 3.59 ha, comprising land within Abri ownership (2.16 ha) and land owned by RBWM (1.19 ha). – No Objection 6 Oct-23

Stakeholder Masterplan

- 6.2 The Sawyers Close Stakeholder Masterplan Document (SMD) provides information on the Sawyers Close redevelopment proposals and provides a masterplan that development at the site should generally accord with. As the site is not a housing allocation within the Borough Local Plan, yet the developer is proposing a significant net increase of new homes, the development passes the threshold in Borough Local Plan Policy QP1 (Sustainability and Placemaking) for the requirement to prepare a Stakeholder Masterplan Document.
- 6.3 On Thursday 30th March 2023, Cabinet unanimously approved the Sawyers Close Stakeholder Masterplan Document (SMD) as an important material consideration for Development Management purposes. The SMD therefore became an adopted document which the future redevelopment of the site shall seek to broadly accord with.

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan (2013-2033)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Tall Buildings	QP3a
Housing Mix and Type	HO2
Affordable Housing	HO3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Open Space	IF4

Community Use	IF6
Utilities	IF7

Windsor Neighbourhood Plan (2022-2033)

The site is located within the Windsor Neighbourhood Plan area, which was adopted as part of the RBWM development plan on 29th June 2021.

Issue	Neighbourhood Plan Policy
Flooding and Water Supply	WAT01
Green and Blue Infrastructure Network	BIO.01
Green Routes	BIO.02
Design	DES.01
Parking	PAR.01
Residential Amenity	RE01

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 6: Building a strong, competitive economy
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide – Adopted
- Emerging Building Height And Tall Buildings (2022)

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- Sawyers Close Stakeholder Masterplan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

267 occupiers were notified directly of the application.

The planning officer posted two notices advertising the application at the site on 19th May-23 and the application was advertised in the Local Press on 18th May-23.

6 letters were received objecting to the application. These letters came from 6 individuals at unique addresses. The comments raised concerns with regard to:

Comment		Where in the report this is considered
1.	Density	Section 10
a.	Concerns relating to the significant increase in the number of dwellings leading to over saturation of housing. A middle ground of 320 units was suggested.	
2.	Relocation of existing residents	Section 10
a.	Requests of residents were not being considered	
3.	Loss of open green space	Section 10
a.	Other open green spaces should be considered for development	
b.	Development proximity to Smiths Lane will result in the loss of open green space	
4.	Building heights	Section 10
a.	Townhouses are to be 3-storeys, whilst the existing houses in the area are 2-storeys	
5.	Flooding	Section 10
a.	Additional buildings will contribute to water displacement during rainfall	
6.	Parking	Section 10
a.	Insufficient consideration given to parking for residents, potentially leading to parking congestion on Smiths Lane	
7.	Trees	Section 10
a.	Questions regarding the fate of existing trees along Smiths Lane in the context of architectural designs showing 'full-grown' trees	
b.	Inquiry about whether these existing trees will be preserved or replaced with full-grown trees if removed	
8.	Traffic	Section 10
a.	Concerns about Smiths Lane's capacity to handle the increased traffic from over 200 new homes	
b.	Objections to having only one parking space per property	
c.	Concerns about visitor and delivery parking	
d.	Reference to past congestion issues caused by redevelopment in the area	
9.	Ecology	Section 10
a.	Concerns about the loss of bat habitat and harm to the ongoing conservation efforts for injured bats	
b.	Request for an ecological assessment by a qualified consultant to protect the pipistrelle bat population	

Additionally, 3 letters were received supporting the application. These letters came from 3 individuals at unique addresses. The comments raised the following points of praise:

Comment		Where in the report this is considered
1.	High-quality homes	Section 10
a.	This development will reduce the number of families living in over-crowded conditions, which currently do not meet the health and wellbeing needs. This development will allow so many families within the Royal Borough to be housing in properties which meet their needs	
b.	Existing flats have an array of issues including damp, silver fish as a result of damp, no hot water, no heating, and no ventilation system. This development and relocation will be very much welcomed	
2.	Provision of housing	Section 10
a.	Will go towards meeting the Boroughs housing needs	
3.	Parking	Section 10
a.	One of the letters of support also reiterated some of the objections in relation to the under provision of parking	

Furthermore, 1 letter was received, which provided general comments on the submission, neither objecting nor supporting the application. This letter understood the need for additional housing, but wanted to raise the following points:

Comment		Where in the report this is considered
1.	Inadequate Travel Plans	Section 10
a.	Concerns that the travel plan does not adequately address the increased number of residents and their vehicles	
b.	Disagreement that there will be a reduction in car usage	
2.	Unrealistic Travel Considerations	Section 10
a.	Disagreement with the idea that all residents' needs can be met locally without the use of cars	
b.	Belief that not everyone works locally, has local friends and family, or avoids holidays and online shopping, making car use necessary	
c.	Emphasis on the feasibility of walking, public transport and cycling, which may not be suitable for everyone due to varying fitness levels	
3.	Parking and Traffic Flow	Section 10
a.	Suggestion that the number of parking spaces needs to be increased, both for residents and visitors	
b.	Advocates for changes to the junction with Maidenhead Road to improve traffic flow and ensure the well-being of future residents and the surrounding neighbourhood	
4.	Public Transport	Section 10

a.	Highlights the necessity of reliable and affordable public transport options to connect residents to surrounding towns	
5.	Healthcare and Education Provision	Section 10
a.	Assumption that research and planning have considered the impact of the increased population with regard to community services	

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Active Travel England	No comment to make as ATE's statutory consultee remit applies only to qualifying consultations that were made valid by the Local Planning Authority (LPA) on or after 1st June 2023.	Noted.
LLFA	<p>The surface water discharge rate from the site will be limited to the greenfield QBAR equivalent. Moreover, the runoff coefficients used within the modelling are conservative values.</p> <p>The approach taken within the MicroDrainage calculations issued on 5th October represents a conservative approach with regards to the modelling of blue roof flow control systems. Moreover, it has been established that there is capacity to increase the volume stored within the bluroofs should that be required.</p> <p>Schematic diagrams have been provided to clarify the arrangements of the cascade models, noting that podium drainage discharges to the below ground drainage.</p> <p>The proposals will provide sufficient surface water treatment.</p> <p>Ground flood levels are proposed to be raised above predicted surface water flood depths.</p> <p>The proposals to offset any impact on surface water flow rates across the site, and surface water volumes retained have been fully considered within the information contained within Appendix F of the FRA.</p>	Section 10
Environment Agency	Comment that they do not wish to comment on the application, and it is for the LPA to ensure flood risk is taken into account in making a decision.	Section 10
Public Health	<p>Design encourages walking and cycling through a pedestrian focused landscape.</p> <p>Design seeks to conceal the car as much as possible. The use of podiums, the retention of trees and the hard landscaping palette focuses on a shared-surface strategy where pedestrians are prioritised to support a healthy community.</p>	Section 10

Consultee responses

Consultee	Comment	Where in the report this is considered
Environmental Health	<p>The contaminated land assessment including Preliminary Assessment and Generic Quantitative Assessment (GAC) are satisfactory. The mitigation measures proposed in sections 4.9 and 5.4 of the GAC should be carried out. To manage this it is recommended that the standard full contaminated land condition is applied.</p> <p>The noise assessment carried out by Sandy Brown has been carried out in accordance with industry best practice and relevant British Standard. Mitigation measures are proposed for both environmental noise sources and that of roof plant noise. These are reasonable and acceptable. If the dynamics of the development change then this risk assessment and its outcomes will require updating.</p> <p>The air quality report authored by XC02 is satisfactory and it is agreed that no general mitigation measures are required as predicted levels of NO₂, PM₁₀ and PM_{2.5s} are well below action levels. There is a potential problem with the potential for dust and noise creation during the construction phase which can be managed via the production of a CEMP which can be conditioned.</p>	Section 10
NatureSpace	<p>If this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.</p> <p>The findings of the ecological report are agreed in that this site does not offer suitable habitat for great crested newts primarily due to the pre-existing buildings, hardstanding, and amenity grassland. The site is bordered to the north by the A308 which acts as a barrier to the dispersal of great crested newts. Similarly, the proposed site is surrounded by residential houses on the south and west side which also acts as a barrier for great crested newts terrestrially dispersing. These barriers combined with the nearest waterbody being over 500m away makes this development very low risk in its impacts to great crested newts and/or their habitats.</p>	Section 10
Highways	Raises no objection, subject to off-site highways mitigation and a Travel plan being secured.	Section 10.
Ecology	The proposals are unlikely to affect priority habitats or protected species and the ecological impact of the proposals during construction will be minimal if a Construction Environmental Management Plan for Biodiversity is implemented.	Section 10.

	<p>The proposals are likely to result in a net gain for biodiversity as is required by NR2 and additional ecological enhancements can be provided within the scheme.</p> <p>Subject to conditions, there are no objections on ecology grounds.</p>	
Conservation	<p>This site is considered to be a potentially sensitive in heritage terms. Dedworth was originally a small Saxon village and the area was developed much later in the 1930s and 1940s when a number of suburban residential estates were constructed. Dedworth Manor house, built in the late Victorian period, lies to the south of the site, off Thames Mead. It is an attractive building and is integral to the history of the development of the area and could be considered a non-designated heritage asset. The Sawyers Close estate was developed on land that belonged to the manor house and it is likely that a number of the trees on the site are remnants from the gardens around the house. The manor originally had a long carriage drive to Maidenhead Road and a lodge on the frontage, part of which appears to remain. The site is likely, therefore, to be sensitive in archaeological terms and it is suggested that Berkshire Archaeology are consulted for advice.</p>	Section 10.
Archaeology	<p>There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The DBA submitted by the applicant and compiled by Wessex Archaeology, highlights a large number of sites of importance within the vicinity of the development. North of the Thames there is a concentration of prehistoric sites and the same level of activity is expected on the south side of the river which has been a focus of settlement activity throughout history. There is evidence for Bronze Age activity to the west of the site and emerging evidence for Roman exploitation of this area of the Thames Valley.</p> <p>As shown, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a pre-commencement condition is applied to secure a programme of archaeological work including a Written Scheme of Investigation (WSI); should permission be granted. This is in order to mitigate the impacts of development and would be in accordance with Paragraph 205 of the NPPF (2023) which 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</p>	Section 10.

	impact, and to make this evidence (and any archive generated) publicly accessible’.	
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Amenity Groups & Other

Consultee	Comment	Where in the report this is considered
Windsor & Eton Society	<p>Poor Layout</p> <ul style="list-style-type: none"> Concerns that the proposed layout with tall blocks in close proximity makes the development oppressive. Mention of podiums raising the development, limiting views at ground level, and disrupting the site's current character 	Section 10.
	<p>Development Proximity to Maidenhead Road</p> <ul style="list-style-type: none"> Opposition to the proposed development's close proximity to Maidenhead Road, which contrasts with the current setback of existing blocks. Belief that this will create a formidable block along the arrival route, negatively impacting the area's character. 	Section 10.
	<p>Excessive Height</p> <ul style="list-style-type: none"> Belief that the number and height of proposed blocks, especially the three tall ones close to Maidenhead Road, are excessive and oppressive. 	Section 10.
	<p>Design Aesthetics</p> <ul style="list-style-type: none"> Critique of the overall design as bland, emphasizing the massive scale of the buildings due to the uniform use of bricks. Suggestion to introduce render to provide relief from the extensive use of brickwork. 	Section 10.
	<p>Overlooking and Privacy Concerns</p> <ul style="list-style-type: none"> Concerns about unacceptable overlooking between flats in Podium C and houses in Podiums B and D. 	Section 10.
	<p>Daylight, Sunlight and Overshadowing</p> <ul style="list-style-type: none"> Worries about poor levels of daylight and sunlight for many proposed flats at some point in the year. Concerns that the height and position of the blocks will cast shadows over communal garden areas, making them uninviting. 	Section 10.
	<p>Loss of Trees</p> <ul style="list-style-type: none"> Strong objections to the removal of healthy trees, particularly horse chestnuts, which are part of the recognized "Green Route" in the Windsor Neighbourhood Plan. Suggestion to protect these trees with Tree Preservation Orders (TPOs) and accommodate them within a revised scheme. 	Section 10.

	<ul style="list-style-type: none"> Concerns about the slow maturation of replacement trees and the lasting impact of tree loss. 	
	<p>Inadequate Parking</p> <ul style="list-style-type: none"> Belief that the parking provision is inadequate and may result in informal parking on the estate and surrounding roads. Doubts about residents using alternative modes of transport and uncertainty about improvements in bus services. Concerns that vans will park in the most convenient locations, potentially leading to height restrictions and parking in the surrounding roads. 	Section 10.
	<p>Community Benefits</p> <ul style="list-style-type: none"> Query about the use of community space and a desire for clarity on "<i>wider benefits to the local community through final contributions</i>" expected via a S106 agreement. 	Section 10.
Windsor Neighbourhood Delivery Group	<p>Layout and Density</p> <ul style="list-style-type: none"> Concerns that the proposed layout with tall blocks and podiums creates an oppressive development. Suggestion to consider sinking parking below ground to address podium limitations. Belief that the high density is out of character for the area and should blend sensitively with the surroundings. 	Section 10.
	<p>Height and Proximity to Maidenhead Road</p> <ul style="list-style-type: none"> Opposition to the proposed blocks' close proximity to Maidenhead Road, which contrasts with the current setbacks of existing blocks. Concerns that the development will harm the character of the area and should be set further back from Maidenhead Road. Emphasis on maintaining open space surrounding Dedworth Manor at the rear. 	Section 10.
	<p>Design Aesthetics</p> <ul style="list-style-type: none"> Suggestion to incorporate local materials into the design to better reflect the area. Critique of the extensive use of the same brickwork on Block A, emphasizing its size, and recommendation to introduce some render for variety. 	Section 10.
	<p>Preservation of Trees and Open Space</p> <ul style="list-style-type: none"> Strong objections to the removal of healthy mature horse chestnut trees along Maidenhead Road, which contribute to the streetscape and are part of the recognized "Green Route" in the Windsor Neighbourhood Plan. Recommendation to accommodate these trees within a revised scheme and maintain the Green Route. Concerns about the removal of healthy trees along Smiths Lane without clear justification. 	Section 10.
	<p>Vehicle Parking and Cycling Provision</p>	Section 10.

	<ul style="list-style-type: none"> • Doubts about the conclusion that residents will use alternative modes of transport due to the remote location of Windsor train stations and intermittent bus services. • Concerns that the parking provision will be inadequate and may lead to informal parking on the estate and surrounding roads. • Mention of the need for vans used for work and the potential for parking issues. • Emphasis on the importance of secure, accessible, and well-designed cycle parking and the need for wide internal roads to accommodate designated cycle lanes. 	
	<p>Community Benefits</p> <ul style="list-style-type: none"> • Lack of clarity about the intended use of the community space and the broader benefits expected for the local community through a S106 agreement. 	Section 10.

10. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i Principle of Development
- ii Flood Risk and Sustainable Drainage
- iii Climate Change and Sustainability
- iv Affordable Housing
- v Housing Provision and Quality
- vi Character, Appearance & Layout
- vii Landscaping & Open Space
- viii Impact on heritage
- ix Highway considerations, sustainable transport and parking provision
- x Impact on neighbouring amenity
- xi Provision of suitable residential environment
- xii Environmental Considerations
- xiii Other material considerations

i. Principle of Development

- 10.1 Policy SP1 of the Borough Local Plan (BLP) confirms that in Windsor, development is permitted where it seeks to enhance the quality of the built environment and does not compromise its character and appearance.
- 10.2 Table 7 (Housing Supply) within the BLP identifies that 1,934 new homes are to contribute to RBWM's housing land supply over the Local Plan period at 'windfall sites', these being non-allocated housing sites in the Borough. The application site is not an allocated housing site within the Borough Local Plan and therefore is classified as a windfall site.
- 10.3 Paragraph 7.7.1 of the BLP states that the Borough is one of the most prosperous areas in the country with very high house prices and lack of supply, particularly with regard to affordable housing. Paragraph 7.7.5 confirms that the Council has a corporate policy to encourage affordable housing. Paragraph 7.7.11 of the BLP notes that the results of the SHMA (Strategic Housing Market Assessment) and the Housing and Economic Land Availability Assessment (HELAA), make clear that the Council is not able to deliver sufficient affordable housing to meet the level of identified need. Therefore, the BLP states that the Council will explore opportunities to deliver affordable housing from other sources of sites and to be determined on a site-by-site basis.
- 10.4 Chapter 11 of the National Planning Policy Framework (NPPF) seeks for development to make the most effective use of land, making as much use as possible of previously-developed or 'brownfield' land. Sawyers Close is a brownfield site, and the proposed re-development would provide an uplift of 221 dwellings, to give a total of 413.

ii. **Flood Risk and Sustainable Drainage**

- 10.5 Flood Zones are categorised as 1, 2, 3a and 3b. Flood Zone 1 comprises land which is at low probability of flooding; Flood Zone 2 comprises land which is at medium probability of flooding; Flood Zone 3a is land which is at high probability of flooding; and Flood Zone 3b is functional floodplain.
- 10.6 In this instance, the application site lies within Flood Zone 2 (medium risk flooding).
- 10.7 In terms of the vulnerability classification of the development, the proposal is deemed 'more vulnerable' as it comprises development for dwellinghouses.
- 10.8 Areas within Flood Zone 2 have been shown to have between 0.1% – 1% chance of flooding from rivers in any year (between a 1 in 100 and 1 in 1,000 annual probability) or between 0.1% – 0.5% chance of flooding from the sea in any year (between a 1 in 200 and 1 in 1,000 annual probability).
- 10.9 Residential development within Flood Zone 2 requires an appropriate flood risk assessment (FRA) to be carried out, and also requires the application of the Flood Risk Sequential Test to show that there are no reasonably available sites at a lower risk of flooding that could accommodate the development.
- 10.10 Policy NR1 of the Adopted Borough Local Plan states that proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is taken into account. It also requires all development (cumulatively or alone) to not:
- Impede the flow of flood water
 - Reduce the capacity of the floodplain to store water

- Increase the number of people, property or infrastructure at risk of flooding
- Cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
- Reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna

10.11 Additionally, Policy NR1 of the BLP states that developments should:

- Increase the storage capacity of the floodplain where possible
- Incorporate Sustainable Drainage Systems in order to restrict or reduce surface water runoff
- Reduce flood risk both within and beyond sites wherever practical
- Be constructed with adequate flood resilience and resistance measures suitable for the lifetime of the development
- Where appropriate, demonstrate safe access and egress and incorporate flood evacuation plans

10.12 Paragraph 167 of the NPPF sets out development should only be allowed within areas at risk of flooding where it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless
 - there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it
 - could be quickly brought back into use without significant refurbishment;
 - it incorporates sustainable drainage systems, unless there is clear evidence that this would be
 - inappropriate;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Sequential Test

- 10.13 It is first necessary to assess whether the flood risk Sequential Test is passed, which is demonstrating that there are no other alternative sites at a lower risk of flooding that could accommodate the development. The applicant submitted a flood risk sequential test which sets out that this project is for the estate regeneration as such there are no other sites that could accommodate the development, as the regeneration has to take place at this site. It is agreed that the flood risk sequential test is passed for this reason.

Risk from Surface Water Flooding

- 10.14 Flooding from surface water remains a residual risk due to the potential for rainfall to exceed the design standard of the proposed drainage system and the effects of climate change on the frequency and severity of rainfall events. However, the proposal has been designed with appropriate mitigation measures and therefore the risk of surface water flooding is therefore considered to be generally low.
- 10.15 It is proposed to raise the ground level across the site in the form of podiums to ensure the ground floor accommodation is not at risk of flooding, a compensation basin will be required to mitigate the offset surface water. An assessment has been undertaken to estimate the displaced volume and provide mitigation in the form of a basin. This assessment has estimated a displaced volume of 1,699m³, and it has been demonstrated that this displaced volume can be stored within the site by the proposed compensation basin located within the south-east corner of the site.
- 10.16 Additionally, dwellings have been placed away from primary flow routes and a swale system is proposed to cut-off and prevent excess surface water from entering the site from the west.

Risk from Groundwater Flooding

- 10.17 Flooding from groundwater remains a residual risk due to the uncertainty of how climate change impacts groundwater flooding. With milder wetter winters, the scale and frequency of flooding may increase; however, warmer drier summers may counteract this effect by drawing down groundwater levels to a greater extent during summer months.
- 10.18 The risk of groundwater flooding in this location is considered to be low and appropriate mitigation measures are noted within the submitted Flood Risk Assessment.

Risk from Fluvial/Tidal Sources

- 10.19 Whilst the site falls within Flood Zone 2; it is noted that Flood Zone 3 lies approximately 90m north of the site, along the River Thames tributary, which receives the surface water runoff from the site. Flood Zone 3 is classified as land which has a 1 in 100 (1%) or greater annual probability of fluvial flooding.
- 10.20 Data from the Environment Agency shows that the site is not at risk of fluvial flooding for the 1 in 30 and 1 in 100-year events (including climate change); however, for the 1 in 1000-year event, the majority of the site to the north is flooded by up to 150mm. The south of the site would reach flood depths between 150-900mm with the south-east of the site reaching over 900mm in flood depths.
- 10.21 Mitigation proposed includes raising the proposed development podiums with a minimum of 300mm freeboard above the 900m flood depth level. Additionally, the floor

levels of all units are to be raised above the surrounding area (as per the building regulations standards) and appropriate maintenance of downstream riparian watercourses, culverts and main rivers are to be carried out by the respective riparian owners and the Environment Agency.

Risk from Artificial Water bodies

- 10.22 The nearest water body to the site is Bourne Ditch Reservoir, located approximately 2km southeast of the site. As a result of this proximity, the site is identified by the Environment Agency as an area to be at risk from flooding during a reservoir breach event.
- 10.23 Flooding from this source is however considered a residual risk as the above reservoirs are currently owned and operated by Thames Water Ltd and are therefore subject to regular inspection and maintenance.

Risk from Public Sewers

- 10.24 Sewer flooding could occur from blockage of private site and building drainage as well as the Thames Water network. This type of flooding from is a residual risk managed by the design of the site drainage and regular inspection and maintenance of the public and private sewer network.
- 10.25 The risk of sewer flooding is considered to be low; however, risk associated with this source may also increase over time due to the effects of climate change. Appropriate mitigation measures are set out within the submitted Flood Risk Assessment, which include:
- Maintaining an appropriate 6.0 m easement around the existing sewers and potable water main
 - crossing the site and allow appropriate easement within detailed design for future connections.
 - Any connections to the existing sewer, will ensure the required upgrades are carried out prior to
 - the occupation of the relevant development areas, to ensure suitable capacity is available.
 - Routine inspection and maintenance of both the on-site and offsite drainage systems to be
 - carried out by the Site management and Thames Water.

Risk from Water Mains

- 10.26 Flooding from water mains is a residual risk with existing mains within the immediate area, identified by Thames Water asset plans. The main threat will be from demolition and reconstruction of new builds as it will include groundworks near existing pipelines; however, appropriate mitigation measures are set out within the submitted Flood Risk Assessment.

Access/Egress

- 10.27 The submitted flood evacuation route plan has been based on surface water depths (1 in 1,000-year event) from Environment Agency DEFRA download service product, which was accessed in November 2023. This shows that the majority of the site is dry,

with the largest concentration of water being in the south-east of the site, where the SuDS is to be delivered.

- 10.28 From the perspective of the 1 in 100-year flood event, the proposed flood mitigation measures (amending levels at the site and the creation of attenuation ponds), allow for the site to remain fully dry.
- 10.29 A low hazard escape route from the site will be available from the existing access onto Smiths Lane (which is being retained) and heading to south along Smiths Lane in 1 in 100-year flood event.
- 10.30 A pre-commencement condition (excluding demolition) is recommended (see condition 5), which requires the submission of full details relating to the proposed surface water drainage system and its maintenance arrangements. This condition is to ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere. The Sustainable drainage systems and surface water attenuation will ensure the risk of flooding to the surrounding area is minimised with no flooding of properties to occur during the 1 in 100-year surface water flood plus 40% climate change event.
- 10.31 As such, the proposal is considered to comply with Policy NR1 of the BLP and Policy WAT01 of the Neighbourhood Plan.

iii. **Climate Change and Sustainability**

- 10.32 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. This is reflective of the Council's Climate Change Emergency and Corporate Strategy aims and initiatives.
- 10.33 The Interim Sustainability Position Statement requires all development proposals (with the exception of householder residential extensions and non-residential development with a floorspace below 100sqm) to make the fullest contribution to minimising carbon dioxide emissions. These developments "*should be net-zero carbon unless it is demonstrated this would not be feasible*" and should be accompanied by "*a detailed energy assessment and a completed Carbon Reporting Spreadsheet to demonstrate how the net-zero target will be met*". Where the net-zero carbon outcome cannot be achieved on-site due to feasibility issues, any shortfall should be provided through a cash in lieu contribution to the Borough's Carbon Offset Fund, which will be ring fenced to secure delivery of greenhouse gas reductions elsewhere in the Borough. This offset is "*required unless it is demonstrated that this would undermine the viability of the development*". Major development proposals should further seek to reduce potential overheating and reliance on air-conditioning systems and demonstrate this.
- 10.34 Paragraph 5.1.1 of the Windsor Neighbourhood Plan supports policy SP2 as it recognises the importance of conserving natural environment as part of the special character of Windsor's public realm, as it is essential to environmental sustainability, including climate change.
- 10.35 The proposed development of 413 dwellings incorporates the following sustainability measures in accordance with the Interim Sustainability Position Statement:
- Fabric First: The development aims to achieve high levels of insulation and low infiltration rates

- for the building fabric.
- Heating Plant: Dedicated Air Source Heat Pumps (ASHP) to generate a low temperature hot water throughout the buildings (Plot B, C & D) and via ambient loop system for Plot A.
- Residential space heating provided by underfloor heating system in each apartment connected to Heat Interface Units (HIU), served via central ASHPs for Plot B, C & D.
- Residential space heating and cooling in each apartment in Plot A provided by fan convectors, served via Water-to-Water Heat pumps connected to ambient loop served via ASHPs.
- Ventilation: Individual Whole house Mechanical Ventilation and Heat Recovery units within each dwelling. MVHR units shall be located within a utility cupboard.
- Domestic Hot Water service to each apartment in Plot B, C & D provided via HIU, served via ASHPs.
- Domestic Hot Water service to each apartment in Plot A via Water-to-Water Heat pumps system, served via ASHPs.
- Photovoltaic panels provided at roof level to comply with Building Regulations.

10.36 Additionally, the applicant has agreed to provide EV charging points for all of the podium undercroft spaces (223). This equates to 63% of the on-site parking, which surpasses the 20% requirement.

10.37 Across the whole scheme, it is anticipated that the proposal will result in a combined saving of carbon reduction by 73% (60% - Be Green: Savings from renewable energy; 13% Be Lean: Savings from energy demand reduction). This total saving of 73% equates to a site-wide carbon emissions reduction of 272.1 tonnes of CO₂ per year.

10.38 Conditions will be attached to the permission to ensure that the developer is bound by the sustainability recommendations within the Sustainability Statement (condition 19) as well as requiring Air Source Heat Pumps (ASHP) and PV details to be submitted (condition 20). In addition, a legal agreement will be secured to obtain the financial contribution for the carbon off-set fund and lifestyle contribution. This breaks down as follows:

Carbon Offset Contribution

- Building Emissions
- 104.6 CO₂ tonnes per year * £2,070 =
- £216,522
- Lifestyle Contribution
- £1,144 (per dwelling) * 413 =
- £472,472
- Total:
- £688,994

iv. **Affordable Housing**

10.39 Policy HO3 of the Adopted Local Plan requires the proposal to provide 30% affordable housing, and also requires a tenure split in accordance with the Berkshire Strategic

Housing Market Assessment (SHMA) 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall.

- 10.40 The scheme seeks to provide a total of 124 affordable dwellinghouses, which equates to 30% of the development ($413 \times 0.3 = 123.9$). This is to be broken down as follows:

	Affordable units to be secured in S106	
Social Rent	56	45%
Affordable Rent	43	35%
Shared Ownership	25	20%
	124	

- 10.41 The proposed tenure split being secured through legal agreement aligns with suggested tenure split set out in Policy HO3 of the BLP and therefore the proposal will contribute to a recognised need for affordable homes within the Borough. As such it is considered that the proposed scheme complies with Policy HO3 of the Borough Local Plan. The affordable homes are to be secured by way of a legal agreement.
- 10.42 The applicant is seeking to provide a Policy compliant amount of affordable housing under this planning application and additional affordable units are to be secured via alternative methods – the transfer of land agreement – which are outside the remit of planning. It is emphasised that that the affordable housing proposed under this application is policy compliant.

v. **Housing Provision and Quality**

- 10.43 Policy HO2 of the Borough Local Plan sets out that development proposals should provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the most recent Berkshire SHMA, which in this case in 2016. It also states that where evidence of local circumstances/market conditions demonstrates an alternative housing mix would be more appropriate, this will be taken into account.
- 10.44 The Housing Size Mix by tenure set out in the 2016 SHMA for Eastern Berks and South Bucks HMA is as follows:

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

10.45 The proposed housing mix is set out below:

1-bedroom	126	30.5%
2-bedroom	248	60%
3-bedroom	32	7.5%
4-bedroom	7	2%
Total	413	100%

10.46 The proposed mix has a focus on delivering smaller 1 and 2-bedroom units; however, this overprovision reflects the need to deliver development at density across the site in line with other objectives of development.

10.47 Furthermore, Policy HO2 of the BLP states that proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3). These accessibility standards are important from an equalities point of view and ensure that future residents are not discriminated against.

10.48 All of the proposed dwellings would comply with the nationally described space standards and 95% of units will meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings). This goes significantly above that required by Policy HO2 and ensures compliance with the accessibility requirements of the BLP, which is looked upon favourably. These measures will be secured in perpetuity by **condition 21**. Amenity space provision is considered appropriate and is further discussed within section x.

10.49 The range of housing types, whilst predominately 1 and 2-bedroom apartments (90.55%) is considered appropriate, given the Council's need for affordable housing. In addition, taking into account the context of the site which already has predominantly 1 and 2-bedroom apartments, and as it is a brownfield site within the settlement where effective use of land is encouraged, it is considered the mix which includes smaller units is appropriate in this case.

vi. **Character, Appearance & Layout**

10.50 As noted within the Section 6 (Planning History), Cabinet unanimously approved the Sawyers Close Stakeholder Masterplan Document (SMD) on Thursday 30th March 2023, which was then subsequently adopted.

10.51 During the course of preparing the Stakeholder Masterplan/application, there was community engagement, and the scheme was presented to an independent Design Review Panel (DRP) which comprised of architects, landscapers, planners and sustainability consultants. Overall, these processes have helped to shape a high quality regeneration proposal for the site, further details of the process and design iterations can be found in the Consultation & Project Evolution section of the submitted Design and Access Statement.

10.52 Policy QP3 of the Borough Local Plan expects all new development to contribute to achieving sustainable high-quality design in the Borough by following a number of design principles, including respecting and enhancing the local character of the environment. Policy DES.01 of the Neighbourhood Plan states that "*Proposals for*

development should demonstrate how they have taken account of design guidance, including the Windsor NP Design Guide”.

- 10.53 The Windsor Neighbourhood Plan Design Guide sets out a number of design principles, which new developments should seek to achieve. These are:
- Aim to blend in and be compatible with, surrounding properties,
 - Where a greater intensity of development is appropriate, to achieve this skilfully using staggering,
 - articulation, spaces between buildings, setbacks etc. to reduce the perceived bulk of buildings,
 - Pay attention to details, creating attractive entrances, using windows and doors to create depth in
 - the building and echoing important details from surrounding buildings without being over fussy,
 - Consider proportion, so that spaces around buildings, storey heights, windows, roof features etc.
 - are appropriate to the area,
 - Use good quality materials chosen from the local palette.
- 10.54 Policy QP3a of the BLP emphasises maintaining existing context heights in established settlements while allowing for increased height in larger developments that establish their own sense of place, with a cautious approach to not exceeding one additional storey. The Tall Buildings SPD further highlights the relevance of the site, Sawyers Close, in Windsor, identifying it as an area featuring four towers, each approximately 8-storeys in height. These towers are considered exceptional within a broader context where typical heights are generally limited to 2 storeys.
- 10.55 The Tall Buildings SPD notes that tall buildings are considered exceptional forms of development and are generally limited to areas with high public transport accessibility and an existing or emerging urban character. The development must adhere to detailed design requirements, ensuring scale, mass, volume, and other factors align with the character of the area and mitigate adverse effects on landscapes and heritage assets. Sustainability, innovative design and biodiversity considerations, each play a key role in assessing the acceptability of the proposal.

Design Principle – Aim to blend in and be compatible with, surrounding properties

- 10.56 All of the existing buildings are 8-storeys in height and are therefore regarded as tall buildings in the context of the area. This is a consideration of significant weight when considering the scale of the proposed buildings. The proposed development comprises a much greater number of buildings, these are laid out within four separate groups (identified as Plots A-D due to the proposed phased construction). However, within the proposed scheme, there is much greater variation in height of the buildings, with a number of the blocks not exceeding 5-storeys in height, and so whilst the scale of many of the proposed blocks, although defined as a taller building according to policy, are of a more appropriate height and scale in the context of the area compared to the existing development. Blocks B1, B4, D1 and D5 which face Smiths Lane which have 2-storey houses would all be three storeys in height (the lowest of the proposed buildings), which pay regard to the smaller scale buildings in this established residential area.
- 10.57 Development has sought to minimise inactive frontages by limiting the 'blind' elevations and providing both private and communal residential entrances. Apartment building entrances are located on the corners of the buildings, creating an interest and activation to both elevations. Where possible on the ground floor the homes have been

placed on the urban plot perimeter, creating domestic, well overlooked streets and spaces in between. The non-residential elements of the development are placed facing the Maidenhead Road.

Design Principle – Where a greater intensity of development is appropriate, to achieve this skilfully using staggering, articulation, spaces between buildings, setbacks etc. to reduce the perceived bulk of buildings

- 10.58 During the preparation of the Stakeholder Masterplan, a significant amount of design evolution occurred, with the scheme becoming less rigid with softer edges, thereby allowing desire lines to open up and encourage movement through the site.
- 10.59 With regard to consideration for the greater intensity of development, building heights and volume arrangement play a key role in the character assessment. On the west and south sides of the site, a 3-storey 'neighbourhood' is proposed, which will aid with 'stepping down' the site to be more in line with the existing context around Smiths Lane and Thames Mead. To the east of the site lies Dedworth Manor and Sawyers Close Park, where it is proposed that 5-storey apartment blocks will face onto this open space. The taller buildings (maximum 8-storeys) are located within the middle and northern parts of the site, with block A2 (middle block of the three along Maidenhead Road) being marked either side by 7-storey buildings. The positioning of buildings of a greater scale closer to the open space to the east and A308 Windsor Maidenhead Road, ensuring smaller scale buildings are located closer to the existing residential area to the west is considered the most appropriate design strategy.
- 10.60 A key element of this application is its ability to ensure fluid movement through the site as well as also allowing views to penetrate through. The existing pedestrian path into the site from the east (through Dedworth Manor and Sawyers Close Park) is proposed to enter into a wide avenue between Plots A and C, continuing west between Plots A and B, as well as continuing south between Plots B & C. Ensuring the provision of these avenues pressurises the layout of any potential scheme and in this case prevents the buildings along Maidenhead Road from being setback further. It is noted that some third-party comments have commented on the prominence of these buildings along Maidenhead Road Whilst it is accepted the proposed buildings will be sited closer to the Maidenhead Road, the proposed buildings are to be constructed of high-quality materials (as discussed in following few paragraphs) and use design features/details to aid with breaking up the façades. Additionally, trees and vegetation are being planted along this frontage to aid with softening its impact.
- 10.61 With regard to materials, brick patterning is used on the façade with a variety of stretcher bond and soldier coursing to create texture while referencing local precedent. Variations in mortar colour applied to the same brick add further interest and are used to articulate window surrounds. Light coloured stone bands and expressed horizontal brick courses are utilised to add detailing and architectural articulation.
- 10.62 The proposed buildings will be finished in brick, and will be varied. The Design and Access Statement sets out five different types of brick, which are to be used; namely:
- Light warm buff multistock brick;
 - Red multi-stock brick;
 - Dark red multi-stock brick;

- Warm brown multi-stock brick;
 - Dark warm brown multistock brick
- 10.63 Similarly, a number of different materials will be used within the façade details palette; namely:
- Warm grey multistock brick;
 - Black / warm dark grey multi-stock brick;
 - White stone effect;
 - White brick or similar
- 10.64 The range of materials selected allow for different combinations to be used across the scheme, creating distinct character areas within a cohesive whole, contributing to the overall place making of the site.
- 10.65 Gable roofs of houses would be clad in tile, while the larger areas of apartment roofs provide opportunity for green / brown roof planting.
- 10.66 The buildings facing Maidenhead Road create a regular frontage along the road and the east-west route within the site, echoing the rhythm of terrace houses to the east.
- 10.67 Activation is encouraged along Maidenhead Road, through the proposed cycle hub (north-west), community centre (north-east) and community use spaces.
- 10.68 On the basis of the assessment above the proposal is considered to satisfy Policy QP3 of the Borough Local Plan and Policy DES.01 of the Windsor Neighbourhood Plan.

vii. **Open Space**

Open Space

- 10.69 Policy IF4 of the Adopted Local Plan sets out that where appropriate open space in the Borough will be protected. Development involving the loss of open space will be permitted where the existing facility would be replaced by equivalent or improved provision in terms of quality and quantity in a suitable location within walking distance of the existing facility. Policy OS.02 of the WNP states that where additional development is proposed which could result in the loss of on-site open space, proposals should be supported by an open space assessment to demonstrate that the open space is no longer needed, and the provision of an equivalent or better alternative provision to be made nearby, since open space must be located close to the residential area it serves.
- 10.70 The scheme seeks to re-provide the existing 9,790 m² of open space and equipped play. A total of 17,840 m² of open space will be re-provided within the scheme through the inclusion of;
- Amenity green space
 - Natural and semi natural space
 - Play space
 - Community Gardens
 - Allotment
- 10.71 12,236 m² of the proposed open space (68.6%) is to be provided at ground level, whilst the remainder (5,608 m²) will be provided at podium level. A full breakdown of this can be viewed in the following table:

	Area Provided (m ²)
Ground Floor (Surface Level) Open Space Typology	
Amenity Soft Landscape	1,241 m ²
Amenity Green Space	3,162 m ²
Natural & Semi Natural	4,773 m ²
Play Space – Children (equipped)	1,478 m ² (includes 4 x 100 m ² LAPs + additional open space)
Play Space – Youth (equipped)	400 m ² LEAP
Community Garden	225 m ²
Private Amenity Landscaped Space	957 m ²
TOTAL	12,236 m²
Podium Level Open Space	
Podium Communal Amenity Space	3,546 m ²
Podium Private Landscaped Space	2,058 m ²
TOTAL	5,604 m²
TOTAL Open Space	17,840 m²

10.72 The proposed play space comprises:

- 4 x Local Areas of Play (LAP's)
- Locally Equipped Area of Play (LEAP)

10.73 The proposed LAPs will offer informal naturalistic 'sensory' play for younger children and are located to distribute play evenly throughout the application site and are designed in keeping with the naturalistic setting of their location.

10.74 The proposed LEAP will comprise a high-quality play space designed predominantly for youth aged 6 years+ and is to replace the existing equipped play space.

10.75 Table 31 of the Borough Local Plan (Open Space Standards) states that developments of 201-500 dwellings should provide a Neighbourhood Equipped Area for Play (NEAP).

10.76 A Neighbourhood Equipped Area for Play is expected to be positioned within 15 minutes of walking distance on a well-used pedestrian route. The equipment used for a NEAP play area is targeted mainly at older children but should contain an area for younger users, stimulating challenging play opportunities with a minimum of 8 play experiences. This includes at least 5 individual items with varied difficulties. With a minimum space of 1000 m² divided into two sections, one for playground equipment and an area of 465 m² of hard surface which is a minimum area for 5-a-side football. The play area should leave space for active play within the boundaries. A minimum 30m buffer should be provided between the activity zone and boundary of nearest dwelling. The area must include fencing if it is placed near roads, however, it can use landscaping to define the boundaries in a public open space. The space also requires seating area with bins for the parents and carers, as well as secure bicycles parking outside of the play space and signage.

10.77 Whilst a NEAP has not been provided alongside this proposal, given their requirements as set out above, it is considered that the provision of one would have a detrimental impact upon the feasibility of the proposal. As specified within the equalities section of

this report (section xiii), the layout has been influenced by the need to ensure that residents benefit from new, purpose built, up-to-date homes at the same location where they currently live and no one will need to move away. This is a conflict with development plan policy. This harm is considered in the planning balance (section 12).

- 10.78 The scheme proposes an orchard at the centre of the application site, between Plots B and C, sitting within the existing area of lower ground. Together with an allotment these will serve the residents of the scheme and immediate surrounding area with on-site food production, which is looked upon favourably.
- 10.79 A sunken garden is proposed in the part of the site closest to Dedworth Manor, which will provide amenity space for residents and visitors while also doubling-up as a mitigation strategy for surface water flooding.
- 10.80 The proposal would provide more open space than existing, and it will be of a higher quality. This provision, management and long term maintenance of the various types of open space will be secured by legal agreement.

Landscaping

- 10.81 Policy QP3 states that a development proposal will be considered high-quality design and acceptable where it provides high quality soft and hard landscaping.
- 10.82 Policy NR3 of the Adopted Local Plan seeks for all developments to protect and retain trees and hedgerows where possible and provide new landscaping as part of the layout.
- 10.83 Policy BIO.02 of the Windsor Neighbourhood Plan identifies Maidenhead Road as a 'Green Route', where it is expected for the proposed development to include the provision of green boundary treatments with trees, vegetation and soft landscaping. Through this provision, the policy seeks to sustain and improve air quality and visual amenity, and the safeguarding, provision and/or enhancement of habitats to facilitate the movement of wildlife.
- 10.84 A soft landscaping scheme has been provided (secured by **condition 12**) with the application, which details how a hierarchy can be created with the main residential streets defined using tree planting and hedgerows and private driveways defined using ornamental planting beds with specimen shrubs to provide height and visual interest. This is detailed within section xii. of this report.
Trees and Soft Landscaping
- 10.85 The development is supported by a landscape masterplan and accompanying management plan which propose new tree planting along key vehicular and pedestrian roads. The application is also supported by an arboricultural impact assessment, which provide an assessment of the quality of the surveyed trees, as well as a Tree Protection and Removal Plan to detail the proposed protective measures to be taken in respect of the trees during development of the site.
- 10.86 A survey of the site was undertaken in June 2020. A total of 100 individual trees were recorded during the survey. Of these, 4 were category U, 3 category C, 35 category B and 25 category A.
- 10.87 There were 8 groups recorded during the survey, 1 was considered to be of A category, 4 are B

category and 3 C category.

- 10.88 The arboricultural impact assessment found that, although some work is required within the root protection areas (RPA) of 21 trees, the majority of the proposed development will all take place outside the RPA of most trees to be retained.
- 10.89 In order to assess the potential impact these works will have on any retained trees, the amount of RPA incursion has been approximately calculated and compared to the total RPA to give a incursion percentage. BS5837 guidance states: “7.4.2.3 *New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA*”.
- 10.90 Only three trees (T41, T99 & T103) will have incursions of more than 20%; however, these incursions are all in areas of existing hardstanding where the sub-base can be reused and should therefore not negatively affect the trees health.
- 10.91 Additional mitigation measures are proposed, which include hand excavation, ‘no-dig’ design principles and the restoration of existing hard-standing to soft-landscape. The specific trees to which these individual mitigation measures apply can be viewed in the Arboricultural Impact Assessment.
- 10.92 A total of 37 trees will need to be removed, the majority of which are low quality category C trees. A full breakdown of the trees to be removed is displayed in the following table:

Category	Total Number	% of Total Removals
A	3	8.1%
B	7	18.9%
C	25	67.6%
U	2	5.4%

- 10.93 The three category A trees comprise x2 Horse Chestnut and x1 Crimean Lime; whereas the seven category B trees comprise x2 Leyland Cypress, x2 Scots Pine, x1 Norway Maple, x1 Horse Chestnut and x1 Wild Cherry.
- 10.94 The majority (13) of the category C trees comprise Scots Pine (7), Field Maple (3), and Silver Birch (3). Planting schemes have been submitted for both ground level and podium level.
- 10.95 At ground level, four types of trees are to be planted site wide, which comprise Field Maple (x18), Silver Birch (x8), Scots Pine (x10) and Cherry Tree (x9).
- 10.96 Additionally at ground level, two types of trees are to be planted as ‘features’ along the key pedestrian/cycle route. These trees comprise English Oak (x2) and Small-leaved lime ‘Greenspire’ (x2).
- 10.97 Along the northern boundary of the site, facing the Maidenhead Road (at ground level), four types of trees are to be planted, which comprise Silver Birch (x2), Hawthorn (x1), Scots Pine (x4) and Bird Cherry (x3). Additionally hedging and shrubbery in combination with these trees will help soften the development in compliance with the Neighbourhood Plan policy BI.O2.

- 10.98 Along the western boundary (Swale) and within the Sunken Garden, seven types of trees are to be planted, which comprise Field Maple (x5), Common Alder (x5), Downy Birch (x8), Bird Cherry (x7), Common Pear (x2), Crack Willow (x10) and Elm 'New Horizon' (x6).
- 10.99 As well as the above tree planting, the ground level will also see the planting of shrubs (seven species across 1,962 m²), hedging (two species across 229 linear metres), wildflowers (5,408 m²) and amenity grass (1,667 m²).
- 10.100 Podium level planting is to consist of 19 trees (Snowy Mespilus Tree (x7), Himalayan Birch (x9) and Broad-Leaved Cockspur Thorn (x3)), 211 linear metres of hedge contained in raised planters and 1,115 m² of shrubs contained in perennial planters.
- 10.101 Whilst 35 trees are to be removed, the planting schedule seeks to introduce 102 trees at ground level and relocate 19 orchard trees, as well as proposed 19 trees at podium level.
- 10.102 The proposed trees at ground level are all to be semi-mature and advanced nursery stock. The trees at podium level are to be between 350-400cm in height.
- 10.103 It is considered that the minor loss of some A and B category trees is overcome through appropriate replanting which would provide a significant number of additional trees. Given the aforementioned, the proposed development is considered to comply with Policies NR3 and QP2 of the Borough Local Plan.

Hard Landscaping

- 10.104 With regard to hard landscaping, a scheme has been submitted (also secured by **conditions 4 & 12**), detailing materials to enhance areas throughout the site and provide key focal points which are reinforced with soft landscaping. A combination of bitmac and various colours of block paving and flag paving (including a proportion of permeable) will provide variety and clear changes between public and private areas.
- 10.105 Given the above, it is considered that the proposed would create a distinctive public realm of high-quality design; and would comply with BLP Policy QP3 of the Borough Local Plan, and Policy BIO.02 of the Windsor Neighbourhood Plan.

viii. **Impact on heritage**

- 10.106 Policy HE1 of the Borough Local Plan requires proposals to demonstrate how they preserve or enhance the character, appearance and function of heritage assets (whether designated or non-designated) and their settings, and respect the significance of the historic environment. It further requires applications for works within archaeologically sensitive areas will be required to include a desk-top archaeological assessment.

Dedworth Manor (Non-designated Heritage Asset)

- 10.107 Dedworth Manor house, built in the late Victorian period, lies to the south of the site, off Thames Mead. It is an attractive building and is integral to the history of the development of the area and could be considered a non-designated heritage asset. The Sawyers Close estate was developed on land that belonged to the manor house and it is likely that a number of the trees on the site are remnants from the gardens around the house. The manor originally had a long carriage drive to Maidenhead Road and a lodge on the frontage, part of which appears to remain.

10.108 The proposal has been sensitively designed with Dedworth Manor in mind, ensuring that buildings are set away from it. A sunken garden is proposed in the part of the site closest to Dedworth Manor, the resulting development will see an improved relationship with Dedworth Manor as none of the proposed buildings are as close as Winwood (an existing 8-storey apartment block, with a large parapet), and those that are closest are a maximum of 3-storeys.

10.109 In this respect, the proposed development is not considered to cause harm to the setting of Dedworth Manor as non-designated heritage Asset.

There are no Listed Buildings or Conservation Areas (designated heritage assets) in close proximity of the site which would be adversely affected by the proposed development. In terms of the relationship with Windsor Castle which is a Scheduled Ancient Monument, the site is some 2.34 km away and this not considered to adversely impact on the setting or views to or from Windsor Castle.

Archaeology

10.110 There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The Desk Based Assessment (DBA) submitted by the applicant and compiled by Wessex Archaeology, highlights a large number of sites of importance within the vicinity of the development. North of the Thames there is a concentration of prehistoric sites and the same level of activity is expected on the south side of the river which has been a focus of settlement activity throughout history. There is evidence for Bronze Age activity to the west of the site and emerging evidence for Roman exploitation of this area of the Thames Valley.

10.111 The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a condition is applied, should permission be granted, in order to mitigate the impacts of development (conditions 10 & 11). This is in accordance with Paragraph 205 of the NPPF (2023) which 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'.

ix. **Highway considerations, sustainable transport and parking provision**

Traffic Generation

10.112 The proposal will result in a net gain of 221 residential units, which will undoubtedly increase the level of traffic activity to/from the site. Modelling assessments from the submitted Transport Assessment indicate that the local highway network and specifically the Smiths Lane/Maidenhead Road junction would be over capacity as a result of the development. Part of the proposed mitigation is in the form of promoting sustainable modes of transport and designing the scheme to allow residents to have choices to travel by modes of transport other than private car by providing a significant amount of secure cycle storage, a cycle hub, and a car club. Whilst a Travel Plan will help reduce the number of car journeys, it is not considered sufficient alone to result in a sufficient reduction in car trips to overcome the junction capacity issues predicted as a result of the development.

10.113 As such, off-site highway mitigation is also considered necessary to mitigate the impacts of the development, specifically on the Smith's Lane/Maidenhead Road junction. The mitigation that has been agreed by the Council and applicant is in the form of a signalised junction on the Maidenhead Road/Smiths Lane junction. The applicant has agreed to make a financial contribution to fund the installation of a signalised junction. Based on the results of the Transport Assessment, it is considered this signalised junction would need to be in place by the time 342 of the new residential units are built and occupied (when a net gain of 150 residential units have been provided). As such, the financial contribution will need to be made to the Council before this point, and an appropriate trigger point for this payment is considered to be when 193 residential units are built and occupied.

Access Provision

10.114 The site currently benefits from an existing access off Smiths Lane and the proposal seeks to utilise this.

10.115 In addition to utilising the existing access, it is proposed that a new vehicular access will be created off Smiths Lane (adjacent 149 & 151 Smiths Lane).

10.116 The existing access (north) is expected to predominantly provide access to Blocks A, B and C given their undercroft podium accesses are located along this internal road. The new access (south) is expected to predominantly provide access to Block D; however, the external parking spaces will also allow Blocks B & C to utilise the southern access road.

Internal Estate Access & Refuse

10.117 With regards to the internal layout of the site, the roads and footways have been designed to the Borough's minimum Highway Standards. The proposed scheme would be suitable for the manoeuvring of refuse vehicles within the estate, capable of serving each refuse bay and dwelling in accordance with the guidance set out in Manual for Streets.

Vehicle Parking

10.118 The Council's Parking Strategy (2004) sets out the requirement for a maximum standard based on the accessible nature of a development; over 800m from a station providing a ½ hourly or better service, is considered to be in an area of 'poor accessibility' and less than 800m is considered to have good accessibility.

10.119 The application site falls within an area of poor accessibility, which sets out the following maximums:

Unit Type	Maximum Parking Standards
1-bedroom units	1 space per unit
2-3 bedroom units	2 spaces per unit
4 or more bedroom units	3 spaces per unit
Flats with communal spaces	1 space per bedroom

10.120 Comparing these maximum parking standards with the proposed units, the following table indicates the maximum number of spaces the development could provide:

Home Type		Maximum Parking Standard	Units	Maximum No. of Spaces
1B2P	Apartment	1	114	114
1B2P WCH	M4(3) Apartment		12	12
2B3P	Apartment	2	1	2
2B3P WCH	M4(3) Apartment		7	14
2B4P	Apartment		238	476
2B4P WCH	M4(3) Apartment		2	4
3B6P	Townhouse	2	32	64
4B6P	Townhouse	3	7	21
Total			413	707

10.121 Paragraph 14.6.3 of the Borough Local Plan states:

“The parking standards in the 2004 Parking Strategy will be used as a guide for determining the appropriate level of on-site parking provision. However, they will not be used to apply maximum standards and consideration will be given to the accessibility of the site...”

10.122 Paragraph 108 of the National Planning Policy Framework expects maximum standards should only be applied where there is compelling justification that they are necessary for managing the local road network, or for optimising the density of development in specified areas.

10.123 The 2021 census data reveals the following parking information specifically relating to Sawyers Close:

- 43.7% of residents do not have a car or van
- 39.3% have one car or van
- 17% have two cars or vans
- 0% have three or more cars or vans

10.124 However; more recent data is available as the March 2022 Future Homes Survey conducted by Abri (results can be found within the Statement of Community Involvement), reveals the following about the existing residents of Sawyers Close:

- 39% of residents do not have a car
 - 47% have one car
 - 14% have two cars
 - Of the residents that did have a car, only 5 (5.5%) had a garage
- It should however be noted that only 47% of the residents responded to the Survey.

10.125 There is a discrepancy with the number of spaces noted within the Design and Access Statement (357) and the Planning Statement (365); however, the Officer has reviewed the submitted “Proposed Site Wide Plans - Level 00” in comparison with the space identification map provided on page 160 of the Design and Access Statement, confirming the total number of spaces to be as follows:

- 223 residential spaces within the podiums (21 of these are disability spaces)
- Block A (west podium) – 32 bays (2 of these are disability spaces)
- Block A (east podium) – 44 bays (2 of these are disability spaces)
- Block B – 53 bays (2 of these are disability spaces)
- Block C – 45 bays (13 of these are disability spaces)

- Block D – 49 bays (2 of these are disability spaces)
 - 109 residential spaces
 - 105 bays within the site
 - 4 bays outside of the site along Smiths Lane (adjacent Block C townhouses)
 - 18 visitor spaces
 - 4 delivery/servicing bays
 - 3 car club bays
- This is a total of 357 parking spaces across the site.

10.126 The 4 bays to be provided outside of the application site, will be secured through a Section 278 Legal agreement.

10.127 Additionally, secure designated motorcycle parking will be provided in line with the Borough's motorcycle parking standard which is currently set at a ratio of 1 to every 20 car park spaces and will comply the IHE Motorcycling guidelines.

10.128 The 18 visitor spaces are provided in the north-east of the site in close proximity to the internal community spaces/centre.

10.129 The delivery/servicing bays and car club bays are scattered evenly across the site.

10.130 The 3 car club spaces are to be provided on site to allow a cheaper alternative to owning a car and are also suitable for those who do not drive very often, but who still need access to a car for some journeys. Future residents will have access to this facility which will play an important role in creating a modal shift away from owning a private car in support of greener transport options. This car club would be secured as part of the legal agreement.

10.131 Applying the car ownership for affordable housing as evidenced by census data and the survey undertaken by Public Health, it would be a reasonable assumption that 61% of the proposed affordable units in this scheme (124 units) would have a car. This 61% is derived from data indicating that 39% of residents do not have a car, and the figure of one car is being used for the remainder in the interest of sustainable transport. Assuming 61% of the affordable residential units would have access to a vehicle, this would result in 76 car parking spaces (1 space per unit) being required for these units. Based on the remaining 281 spaces for the 'market' housing this would work out as approximately 1 car parking space per residential unit of the market housing – more if the 18 motorcycle spaces are taken into consideration. While not a requirement of this planning application, it is understood that the intention of ABRI is to deliver more affordable units on site. In this situation there would be excess parking capacity based on the available data.

10.132 Manual for Streets provides guidance on parking provision for new developments and at paragraph 8.3.10 confirm "*not all parking spaces need to be allocated to individual properties. Unallocated parking provides a common resource for a neighbourhood or a specific development*". The proposal seeks that all on-site parking will be unallocated to provide the most efficient layout without encouraging excessive car dependence; however, the podium undercrofts comprise unallocated parking specific to the buildings to which they relate.

10.133 It is noted that some concerns have been raised in relation to parking – noting that too few spaces are being provided; however, in accordance with the Council's sustainability strategy alternative methods of transport are being promoted – for instance, the scheme proposes to provide a dedicated on-site Cycle Hub (including

high quality cycling facilities), Car Club spaces and a large number of secure cycle spaces.

10.134 The submitted Framework Travel Plan outlines proposals for the proposed development which aims to:

- Reduce the number of car journeys to and from the site
 - Increase the use of public transport, walking and cycling
 - Improve road safety and security, particularly for pedestrians and cyclists
- The Travel Plan is to be secured as part of the legal agreement, ensuring that its recommendations are met.

10.135 The public health team have reviewed the scheme. During a verbal discussion with the Officer, they commented on how the proposed design encourages walking and cycling through a pedestrian focused landscape.

10.136 It was also noted that the proposal seeks to conceal cars as much as possible; and the use of podiums, the retention of trees as well as the hard landscaping palette, all aid the scheme to focus on a shared-surface strategy where pedestrians are prioritised to support a healthy community.

10.137 The parking spaces within the podium undercrofts are to be controlled by a barrier ensuring that only residents of the site are able to utilise them, and that the proposed scheme does not serve as a public carpark for the wider residents of Windsor, which the existing site struggles to control.

10.138 The standards set out within the 2004 Parking Strategy are a starting point, and when read in conjunction with the location of the site, evidence of car ownership levels, and guidance set out within the NPPF it is considered that this is an appropriate level of parking to achieve a balance between the needs of future of residents, highway safety, design, and sustainability.

Pedestrian and cycle access and connectivity

10.139 Policy IF2 'Sustainable Travel' of the Borough Local Plan seeks to encourage sustainable travel. A dedicated on-site Cycle Hub is proposed within the north-west of the development. This location has been strategically positioned to ensure visibility and accessibility from Maidenhead Road for the purpose of serving the wider community. The new Hub will offer future residents and the surrounding local community access to excellent cycling facilities including bike hire through a cycle library, cycle repair stations, electric charging points and cycle storage.

10.140 The scheme proposes to maintain existing desire lines, which run through the site east to west and additionally proposes to add cycle routes to traverse the development. The historic route is reinterpreted and connects the existing desire lines, offering residents and neighbours multiple ways to traverse the site. These proposals will aid with promoting cycling as a viable alternate to the private car.

10.141 Cycle stores for the townhouses are located within the podiums; however, are accessed externally. The cycle storages for the apartment buildings are located at the base of the buildings and they are either accessed externally or from the car park podiums.

10.142 The number of cycle spaces required by the 2004 parking standards is set at a residential standard of one cycle parking place per dwelling, which in this case required

a minimum of 413. The number cycle spaces required by the Council's emerging guidance is 594 as indicated by the following table:

Cycle Parking Requirements			
Home Type	Proposed Homes	Emerging Guidance	Minimum Required
1B2P	126	1	126
2B2P	248	1.5	372
3B6P	32	2	64
4B6P	7	3	21
Visitor		1 per 40 dwellings	10.3
Total	413		594

10.143 The total number of cycle parking spaces the scheme seeks to provide is 654, which is significantly greater than the requirement of the 2004 parking standards and also greater than the requirement of emerging guidance. The high provision of secure cycle storage is a benefit for the scheme, and supports measures in the travel plan to shift the modal behaviour of residents from private car to other sustainable modes of travel. A condition to ensure the provision of this cycle storage is recommended.

Public transport

10.144 The closest public bus stops are located along Smiths Lane and are attended by buses along the following routes: 2 & W1. Route 2 links the site to Slough Town Centre with buses once an hour throughout the day. Route W1 links the site to Windsor Town Centre stopping along Smiths Lane five times per day at the following times 10:05am, 11:55am, 1:55pm, 4:55pm & 6:55pm.

10.145 With the bus-link, residents can utilise trains for a wider public transport link to London Waterloo (Windsor & Eton Riverside) as well as London Paddington and Reading (Slough). The Framework Travel Plan identifies a number of interventions shift dependency on private car to travel and put more focus on sustainable modes of transport.

Highways summary

10.146 With the appropriate mitigation in place, which includes securing the measures of the Travel Plan to reduce reliance on private car, and off-site mitigation in the form of a signalised junction, it is considered the proposed development would have an acceptable impact on the highway network and upon highway safety. It is therefore considered that the proposed development accords with paragraph 111 of the NPPF, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

x. **Impact on residential amenity**

10.147 Policy QP3 (m) of the Adopted BLP seeks to protect the amenity of the occupiers of dwellings both surrounding application site and future occupiers of the proposed development. Section 8 of the Borough Wide Design Guide SPD covers this in detail.

Existing residents

10.148 The proposal seeks the provision of tall buildings, which have the potential to cause a wider impact than low-scale schemes. The scheme has been designed in accordance with the Borough Wide Design Guide SPD and exceeds the separation distance requirements to existing neighbouring dwellings set out within this document.

10.149 In an urban setting some level of overlooking is expected; however, in this instance no detrimental overlooking is considered to arise from the proposed development.

10.150 With regard to overshadowing, a daylight, sunlight and overshadowing assessment has been submitted with regard to the schemes impact upon neighbouring properties. The approach is based on the British Research Establishment's (BRE's) "Site Layout Planning for daylight and sunlight, a Guide to good practice" PJ Littlefair et al. (2022).

10.151 Daylighting levels for potentially affected windows of surrounding developments by the proposed development at Sawyer's Close were found to be acceptable, when assessed against BRE guidelines.

10.152 As for the impact from a sunlight perspective, the impact of the development was found to be acceptable when assessed against BRE guidelines. However, 2 windows, one belonging to 141-143 Smiths Lane and the other belonging to 149-151 Smiths Lane, satisfied the BRE criteria for annual probably sunlight hours APSH only. These windows are limited in their available sunlight hours due to their eastern orientation, making it difficult for them to meet the full winter recommendation; however, they are still expected to receive good levels of sunlight throughout the year. Overall, the proposed development at Sawyer's Close is not considered to have any notable impact on sunlight access to windows of surrounding properties.

10.153 The proposed development is not considered to have any significant impact on the residential amenity of amenity of neighbouring residential amenity.

xi. **Provision of suitable residential environment**

10.154 A key consideration is looking to ensure that the proposed residential development will provide a suitable standard of residential accommodation for new occupiers both in terms of indoor and outdoor living space.

10.155 As stated in the Housing section of this report at paragraph 10.49, all the dwellings have been designed to meet the Nationally Described Space standards and thus would accord with policy HO2 and the Borough Wide Design Guide SPD in this respect.

10.156 The redevelopment proposals will re-provide a range of high-quality different amenity spaces, including the provision of new play spaces for different age groups in accessible locations across the site; new landscaped squares, biodiverse planting, podium gardens and private balconies and terraces for each flat.

10.157 Each apartment unit has been designed with a suitably sized balcony and the townhouses have gardens. These amenity spaces meet the requirements of the Borough Wide Design Guide SPD.

- 10.158 Having regard to section 8 of the Borough Wide Design Guide SPD which sets out separation distances for new residential development, whilst most of the proposed blocks accord with the guidance, there would be a separation distance of 9-12 metres between the apartment blocks proposed within Block C at levels 1-4, when the recommended distance is 15 metres. That said, Table 8.1 of the Borough Wide Design Guide only provides “*Rule of thumb separation distances for residential development*”, which are to be used as a guide and are not set in stone.
- 10.159 The Borough Wide Design Guide SPD notes that in more compact contexts it may not be appropriate to provide the conventional separation distances and that alternative design solutions to maintain privacy will be needed in such instances. These design solutions to mitigate privacy concerns include utilising oblique angles; window design; obscure glazing; screening; gardens and careful room layout planning.
- 10.160 Whilst there are some instances of slightly reduced separation distance, this impacts a minor number of the units within the scheme, as the staggered window design mitigates some of the overlooking harm between residential units.
- 10.161 Additionally, some of the gardens for the proposed townhouses are likely to experience some levels of overlooking; however, in an urban setting some level of overlooking is expected and the level of overlooking which may occur is not considered to be detrimental to warrant refusal on this ground.
- 10.162 A daylight, sunlight and overshadowing assessment has been submitted with regard to the schemes impact upon properties within the proposed development. The approach is based on the BRE’s “*Site Layout Planning for daylight and sunlight, a Guide to good practice*” PJ Littlefair et al. (2022),
- 10.163 While not all of the rooms meet best practice in terms of sunlight/daylight - there would be significant improvements in the overall standard of accommodation and level of amenity provided within the regeneration scheme when compared to those provided by the existing estates. Overall, it's considered the scheme would result in a high level of amenity for existing (relocated) and new residents.
- 10.164 As for the impact from a sunlight perspective, guidance states at least one habitable room is required to meet the criteria per dwelling. The study identified a total of 209 living spaces located across the first three floors of the development, considered to be the worst-case in terms of sunlight access. Of these worst-case units, 73.2% of the living areas were found to meet the BRE recommendations.
- 10.165 15.8% of the rooms were subject to high levels of obstruction due to the density optimisation design of this scheme, and to mitigate this, they have been provided with a generous amount of external private amenity via 2.0m deep balconies and therefore are still considered to receive a good level of sunlight throughout the year. The remaining 11% fell short of the BRE recommendations by 30min or had limitations due to be north facing.
- 10.166 Overall, it can be concluded that the design offers optimum accessibility to sunlight for all living spaces within the proposed development.

- 10.167 Regarding overshadowing, for an amenity space to “appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March”. A review of the site plan showed that there are five amenity or open spaces which are part of the proposed development. A Solar Access Analysis was undertaken on these amenity areas for the full 24 hours on 21 March as set out by the BRE.
- 10.168 The results showed that 4 of the 5 assessed spaces achieve at least 2 hours of sunlight across at least 50% of their areas on 21 March, hence meeting the BRE recommendation.
- 10.169 The remaining space, the podium of Block C (A4), was found to achieve at least 2 hours of sunlight over 24% of the space on 21 March. Whilst this is below the recommended level, it should be considered that this external amenity space is expected to be used most frequently in summer, and during these months the angle sun is higher and therefore a greater area of the space is expected to achieve 2 hours of sunlight. An assessment on 21 June found that 73% of the space received at least 2 hours of sunlight, well above the 50% recommended benchmark.
- 10.170 Overall, the scheme as a whole is expected to receive good levels of sunlight across the external shared amenity spaces.
- 10.171 Whilst some of the properties do not fully meet the BRE recommendations, most of the proposed units accord with the recommendations. In the context of this large-scale development, this is considered to be a minor harm of the development which is discussed in the planning balance.

xii. **Environmental Considerations**

Ecology

- 10.172 Paragraph 174 of the NPPF states new development should minimise impacts on and provide net gains for biodiversity. Similarly, Policy NR2 in the BLP outlines that development proposals are expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites. Policy BIO.01 of the Neighbourhood Plan requires development proposals to deliver biodiversity net gains in addition to protecting existing habitats and species.

Designated Sites & Habitats

- 10.173 The Preliminary Ecological Appraisal conducted by the RPS group in April 2023 concludes that habitats on the site, primarily comprising hardstanding, buildings, and amenity grassland, are not priority habitats according to the NPPF. The report suggests that these habitats should not be a constraint to development.

Windsor Forest and Great Park SAC

- 10.174 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. Windsor Forest and Great Park comprises 95% woodland, 4.5% dry grassland/steppes and 0.5% inland water bodies.

- 10.175 Windsor represents old acidophilous oak woods in the south-eastern part of its UK range. It has the largest number of veteran oaks *Quercus* spp. in Britain (and probably in Europe), a consequence of its management as wood-pasture.
- 10.176 Violet click beetle *Limoniscus violaceus* was first recorded at Windsor Forest in 1937. The site is thought to support the largest of the known populations of this species in the UK.
- 10.177 The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives.
- 10.178 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.
- 10.179 In this case the proposed development, is not considered to have a significant effect on Windsor Forest and Great Park, due to the nature of the development and distance of the proposal from the SAC.

Bats

- 10.180 The bat survey reports from the RPS Group (April 2023 and updated October 2023) confirm that no bat roosts were found in buildings and trees on the site. Recommendations from the report include a sensitive lighting scheme to prevent adverse effects on roosting bats. The revised development plans indicate retention of important habitat areas identified during 2021 bat survey transects. An external lighting scheme will be conditioned (see condition 18).

Other Protected Species

- 10.181 The ecological report concludes that the site is not suitable for badgers or other protected species; however, the areas of scrub optimal for hedgehogs are retained in the layout plans. Precautions to protect nesting birds during construction are recommended and can be incorporated into a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). See recommended condition 17.
- 10.182 NatureSpace Partnership have reviewed the submitted ecological report and are in agreement with its findings, in that this site does not offer suitable habitat for great crested newts primarily due to the pre-existing buildings, hardstanding, and amenity grassland. The site is bordered to the north by the A308 which acts as a barrier to the dispersal of great crested newts. Similarly, the proposed site is surrounded by residential houses on the south and west side which also acts as a barrier for great crested newts terrestrially dispersing. These barriers combined with the nearest waterbody being over 500m away makes this development very low risk in its impacts to great crested newts and/or their habitats.
- 10.183 If this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

Biodiversity Net Gain

10.184 A biodiversity net gain calculation undertaken by RPS group in August 2023 indicates an 11.56% net gain in area habitat and a 7800% increase in linear habitats. The proposed measures, include new street trees, green roofs, relocated communal gardens, and native hedge planting. The report suggests that a more detailed Biodiversity Net Gain Plan should be submitted and approved before the commencement of development works. A condition is recommended to secure a detailed biodiversity net gain plan (see condition 16).

Biodiversity Enhancements

10.185 The consultation response recommends integrating bird and bat boxes, as well as native and wildlife-friendly landscaping, to fulfil the requirements outlined in Paragraphs 174 and 180 of the NPPF. It is recommended that this is secured by an appropriately worded condition.

Summary

10.186 The proposals are unlikely to impact priority habitats or protected species, and the ecological impact during construction will be minimal with the implementation of a Construction Environmental Management Plan for Biodiversity. The proposals are expected to result in a net gain for biodiversity, as required by Policy NR2, and additional ecological enhancements can be accommodated within the scheme.

10.187 Subject to the recommended conditions, the proposal is considered to comply with Policy NR2 of the Borough Local Plan and Policy BIO.01 of the Windsor Neighbourhood Plan.

Environmental Protection

Air Quality

10.188 Policy EP2 of the Borough Local Plan seeks proposals aim to contribute to conserving and enhancing the natural and local environment, by avoiding putting new or existing occupiers at risk of harm from unacceptable levels of air quality. Development proposals should demonstrate how air quality impacts have been considered and if significant air pollution increases are expected, appropriate mitigation measures are required.

10.189 The Council's Environmental Protection Officer has reviewed the air quality report and found it to be satisfactory. Officers agree that no general mitigation measures are required as predicted levels of NO₂, PM₁₀ and PM_{2.5s} are well below action levels. There is a potential problem with the potential for dust and noise creation during the construction phase.

10.190 With that said, dust and noise creation during the construction phase of development is covered by legislation outside the remits of planning and therefore it is considered that a planning condition for this would be unreasonable.

Noise

- 10.191 Policy EP4 of the Borough Local Plan seeks proposals in areas significantly affected by road noise to demonstrate via a noise impact assessment, effective mitigation measures in order for a scheme to be supported.
- 10.192 The applicant has submitted a Noise Assessment, which has been reviewed by the Councils Environmental Health department.
- 10.193 The facade sound insulation requirement varies across the site, ranging from Rw + Ctr 38 dB at the north of the site, to Rw + Ctr 26 dB at the south of the site. High performance glazing will be required in the noisiest areas. Mechanical ventilation will be provided across the site. The assessment of noise levels during overheating indicates the maximum allowable open areas for windows around the site. These open areas, in conjunction with other mitigation measures demonstrate that the noise requirements can be met during overheating.
- 10.194 Officers are satisfied that this has been carried out in accordance with industry best practice and relevant British Standard. Mitigation measures are proposed for both environmental noise sources and that of roof plant noise. With the provision of the attenuation measures noted in the Noise Report (April 2023), this is expected to be capable of meeting the relevant plant noise limits. These are reasonable and acceptable. The Noise Report will be conditioned – see condition 24.

Contaminated Land

- 10.195 Policy EP5 of the Borough Local Plan seeks to ensure that no harm will arise from contamination to the health of future users & occupiers of sites and neighbouring land.
- 10.196 Potential contaminants of concern are:
- Heavy metals and metalloids
 - PAHs (Poly-cyclic Aromatic Hydrocarbons)
 - TPH (Total Petroleum Hydrocarbons).
 - Asbestos containing materials (ACMs)
- 10.197 Review of the BGS Estimated Background Soil Chemistry for the area, which is presented in the Groundsure report, suggests that natural concentrations of the analysed heavy metals are unlikely to exceed health-based criteria for residential use.
- 10.198 The contaminated land assessment including Preliminary Assessment and Generic Quantitative Assessment (GAC) have been reviewed by the Councils Environmental Health department and are considered satisfactory. The mitigation measures proposed in sections 4.9 and 5.4 of the GAC should be carried out. To secure this, it is recommended that the standard full contaminated land condition is applied.

Fire Safety

- 10.199 For tall buildings, the Council have a duty to consider fire safety. The application is accompanied by a Fire Statement, dated April 2023. This Fire Statement outlines the minimum fire safety provisions required for the proposed development, which is to be compliant with the functional requirements of the Building Regulations 2010, Approved

Document B (AD B)-Volume 1 and 2: 2019 edition (incl. amendments May 2020 and December 2022).

10.200 Some of the provisions being made to ensure the scheme is safe from a fire hazard perspective are:

- In blocks over 9m, automatic fire suppression will be provided, which will include the installation
 - of sprinkler systems
- In blocks over 18m (all bar the apartments within Plot C), a protected corridor will connect two
 - sets of stairs within each apartment block, at all levels (except ground), with a set of fire doors
 - creating a separation
- Each staircase will be constructed as a firefighting stair/shaft, which will be accessible directly
 - from outside and in the instance of single stair apartment buildings – access will be via connecting corridor direct from outside, without connection to ancillary accommodation
- Building elements will be constructed from steel frame and concrete slab
- Stair enclosures are protected by ventilated lobbies/corridors, through the provision of natural ventilation via internal smoke shafts
- All components of the proposed façade will be reviewed, and the external wall system will be
 - designed to ensure that it is compliant with the latest requirements and will achieve class A2-s1,
 - d0 or better
- Internal flat layouts are traditional design, incorporating a protected entrance hall and a fire
 - detection and alarm system
- The town houses will be provided with a protected stair enclosure serving each floor
- Roadways will be constructed to meet the width and weight carrying requirements for pumping
 - appliances
- Hose laying distances are limited to no more than 45m from a dry main outlet (for buildings without rising mains) and within 18m (for buildings with rising mains)

10.201 The subsequent design Fire Strategy reports under the RIBA Plan of Work (2020) are recommended to be secured via condition – see condition 22.

xiii. **Other Material Considerations**

Equalities Act

10.202 The Equalities Act 2010 plays a vital role in planning applications by prohibiting discrimination based on protected characteristics such as age, disability, gender, and race. It mandates that developments must be accessible to people with disabilities, both in design and consultation processes. Public consultations must be inclusive, providing information in accessible formats and physically accessible venues. Developers and planning authorities may need to conduct Equality Impact Assessments to evaluate potential adverse effects on different groups within the community, promoting fairness and equity. Additionally, the Act requires the fair

allocation of affordable housing and the making of reasonable adjustments to accommodate the needs of individuals with disabilities. Overall, the Equalities Act ensures that planning and development processes are conducted fairly, inclusively, and without discrimination.

10.203 The public consultations for this planning application were conducted in an accessible manner, ensuring that relevant persons had a physical letter posted to them, in addition to two physical site notices being displayed at either end of the site (western vehicle entrance and eastern pedestrian entrance). Furthermore, the application was advertised in the press and the Councils website.

10.204 As noted within paragraphs 10.49, the scheme will ensure that 95% of the units meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings).

10.205 Residents will benefit from new, purpose built, up-to-date homes at the same location where they currently live. No one will need to move away.

Moving Strategy

10.206 It is important to note that in order to facilitate the redevelopment proposals for Sawyers Close to bring this scheme forward, a moving strategy is required to ensure that all existing residents will only need to move home once, during the development of the site. This requirement has influenced the layout and design of the scheme.

10.207 The first phase of re-development will be constructed in the southwest corner of the site allowing residents from Winwood block and Hale block to move into the new residential units. Following this Hale block would be dismantled. The second phase of development will take place and once completed, the remaining residents from Winwood will move into the new dwellings in phase 2. Winwood block would then be deconstructed and a phased approach to development will continue at the site which will see new homes erected for existing residents to move into. Therefore, no resident would need to move away from the site during construction which would minimise disturbance to them.

10.208 The phasing strategy is recommended as a condition to ensure that existing blocks are only demolished once a sufficient number of units have been constructed to ensure those residents in the blocks to be demolished have a home to move to. This would be required to ensure compliance with Policy HO3. See condition 2.

10.209 The assessment of this application has taken into consideration the Equalities Act and is considered to be compliant with this legislation.

Legal Agreement Requirements – Section 106

10.210 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

10.211 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

Carbon Offset Contribution

10.212 The energy performance and sustainability credentials of are discussed in section iii of the report. The scheme cannot be net carbon zero, there is a requirement for the scheme to make a contribution to the Council's carbon off-set fund. The developer has agreed to enter into a Section 106 legal agreement, which would secure a carbon offset contribution totalling £688,994 (Building Emissions: £216,522 and Lifestyle: £472,472).

10.213 The figure (£688,994) arrived at and agreed is in line with the calculations imposed by the Interim Sustainability Position Statement.

Affordable Housing

10.214 Policy HO3 of the Borough Local Plan states, "*The Council will require all developments for up to 10 dwellings gross...to provide on-site affordable housing in accordance with the following: b) On all other sites¹, (including those over 500 dwellings) – 30% of the total number of units*".

10.215 The developer has agreed to enter into a Section 106 legal agreement, which would secure the provision of 124 on-site affordable housing units, as set out within the table noted in paragraph 10.41 This proposed on-site affordable housing is compliant with Policy.

Highways Contribution

10.216 A highways contribution (the figure is yet to be agreed) is to be secured for the purpose of funding the installation of Signals at the junction between Smiths Lane and Maidenhead Road. The contribution will be paid at the trigger point of a net increase of 150 dwellings on-site, i.e. occupations of 342 dwellings (192 existing occupations plus 150 additional dwellings), as this is the figure that modelling demonstrates an over capacity of the junction.

Biodiversity net gain

10.217 Policy NR2 of the Borough Local Plan requires development proposals to "*avoid the loss of biodiversity and...demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric*."

10.218 The provided metric identifies an on-site biodiversity net gain of 11.56% for area habitats and a 7800% net gain in linear habitats.

10.219 For the purpose of this application - without this legal agreement, the scheme is compliant with Policy NR2 and current national planning policy; however, this is being secured to ensure compliance with fast approaching national planning legislation which will seek major development to provide 10% biodiversity net gain.

LEAP and LAPs

¹ a) states, "*On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;*" – therefore given this site is not greenfield, b) applies.

10.220 The application proposes both a LEAP & four LAPs and the developer has agreed to enter into a legal agreement, which would secure these areas, their management, and to ensure they are open to the public.

Car Club

10.221 The application proposes to provide a car club, which will consist of 3 on-site car club spaces to allow a cheaper alternative to owning a car and are also suitable for those who do not drive very often, but who still need access to a car for some journeys.

Legal Agreement Requirements - Section 278

10.222 A section 278 agreement (or S278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council (in our capacity as the Highway Authority) to make permanent alterations or improvements to a public highway, as part of a planning approval.

10.223 The off-site highway improvements sought by way of a Section 278 will include the provision of four parking spaces on Smiths Lane, adjacent Plot C.

10.224 These off-site highway improvements are required to ensure the application fully complies with the site allocation proforma and therefore the S278 is considered to meet the three tests.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 This development is CIL liable.

11.2 CIL money is by law, required to be spent on the provision, improvement, replacement, operation, or maintenance of infrastructure needed to support development. This would include GP surgeries and schools.

11.3 The final CIL payment will be calculated and agreed on the commencement of development. Based on current calculations it is anticipated to be in the region of £10,842,645.11 ($34,361.1^2 \text{ m}^2 * £315.55^3$) which will contribute towards the delivery of identified infrastructure within the Borough.

11.4 With that said, certain forms of development are exempt from CIL – affordable housing being one of those. As such, it is not foreseen that this development will be liable for any CIL payments.

12. PLANNING BALANCE AND CONCLUSION

12.1 The proposed development complies with many of the adopted development plan policies, however, there is conflict with some of the policies – IF4 (open space) and QP3(m) (Character and design of new development – Amenities).

12.2 The Council currently cannot demonstrate a 5-year housing land supply, with the assessed level of supply currently being calculated at 4.88 years. As such in accordance with paragraph 11 of the National Planning Policy Framework (NPPF), the

² Net additional gross internal floor area (residential only)

³ Indexation Rate 2023 @355 for Residential (C3) developments outside of Maidenhead

presumption in favour of sustainable development applies. The NPPF explains that this means:

“(d)....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.”*

- 12.3 Whilst a shortfall of 0.12 years is not particularly large, the presumption in favour of sustainable development applies nonetheless.
- 12.4 The scheme would result in minor harm with regard to the daylight, sunlight and overshadowing for some of the proposed dwellings (predominantly those at the lower levels of block A1, A2 & A3 (those facing inside towards the podiums); Block B2 (first floor – north, east and south-facing); Block B2 (second floor – north-facing); Block C3 (north-west corner); and the ground floor of townhouse Blocks B1, B3 & B4. Paragraph 124 c of the NPPF sets out that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 12.5 It is noted that a Neighbourhood Area of Play NEAP has not been provided as required by policy IF4 of the Adopted Local Plan, although given the space and separation distance requirements these need for such a space, it is considered that this has the potential to impact the feasibility of the proposal. There is conflict with this policy.
- 12.6 The planning application is providing 30% of units to be affordable housing, with a large proportion of these being social rent, which is the tenure most needed within the Borough to meet affordable housing needs. Although not proposed in the application, the applicant is a registered provider and the intention is to make all of the dwellinghouses affordable over time.
- 12.7 The scheme would deliver 221 net additional dwellinghouses, making a significant contribution to the 5-year housing land supply, and this is afforded significant weight as a benefit. The existing site does not make efficient use of land. This scheme would provide housing on a brownfield site within the settlement and would make efficient use of land. Paragraph 129 of the NPPF sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 12.8 Additionally, the proposed scheme seeks to provide high quality accommodation, which would be a significant improvement in comparison to the existing units. All of the proposed units would meet the nationally described space standards and would have access to private amenity space as well as communal open space. The proposed buildings are of a good quality design, and would improve the appearance of the existing site.

- 12.9 The scheme includes internal community facilities, which would provide benefits to the local community, with the visitor bays located adjacent these facilities so that the wider community can take advantage of these provisions.
- 12.10 The scheme has been designed in a manner of encouraging sustainable transport, with a significant amount of cycle parking available to all residential units; all podium undercroft parking being provided with EV charging points; and a car club.
- 12.11 The scheme would provide an on-site biodiversity net gain of 11.56% for area habitats and a 7800% net gain in linear habitats, which exceeds what is required by the Policy NR2 of the adopted local plan. The open spaces within the scheme would be of an improved quality than the existing open space. The scheme promotes sustainable travel over reliance on car, which is supported by planning policy.
- 12.12 There are significant benefits surrounding the proposal which more than adequately demonstrate that the proposal is justified and planning permission should be forthcoming, subject to conditions and the Section 106 legal agreement to secure a contribution towards the Council's carbon off-set fund, affordable housing, biodiversity net gain, play provision and the Section 278 legal agreement securing off-site highway improvements.
- 12.13 Overall, applying Section 11 d (ii) of the NPPF, there are not considered to be any *adverse impacts from the scheme that would **significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***"

13. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout
- Appendix B – Plans

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until a phasing plan setting out the timetable and sequence of demolition and construction, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of ensuring all existing residents are appropriately accommodated in accordance with the Equalities Act.
- 3 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Borough Local Plan QP3.
- 4 No development above slab level shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough

- Local Plan QP3.
- 5 No development (excluding demolition) shall commence on the site until a surface water drainage scheme for the development, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include:
1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
 2. Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems.
 3. 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 National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 6 Works shall be carried out in accordance with the approved Drainage Strategy Report (dated April 2023; received 3 May-23), the Flood Risk Assessment (dated April 2023; received 3 May-23), the associated Appendices of each document; and the Flood Evacuation Route (received 16 Nov-23).
- Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 7 Prior to any equipment, machinery or materials being brought onto the site in association with the construction of this permission, tree protection fencing in accordance with British Standard 5837 and the approved tree protection plan (ref JSL4090_710 - Appendix B of the Tree Survey & Arboricultural Impact Assessment; dated April 2023, received 3 May-23) shall be erected and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 8 The development shall be carried out in accordance with the Arboricultural Impact Assessment (dated April 2023; received 3 May-23).
- Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 9 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: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 10 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and

approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

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

- 11 The Development shall take place in accordance with the Written Scheme of Investigation (WSI) approved under condition (10).The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition (10) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 12 Works shall be carried out in accordance with the approved hard and soft landscaping schemes and associated planting plans (ref 1470-HED-DR-L-300 & 1470-HED-DR-L-301). The scheme shall be implemented within the first planting season following the substantial completion of the development in accordance with the approved details. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Borough Local Plan QP3, NR3.

- 13 Prior to occupation of each plot, 100% of the related podium undercroft parking spaces shall be provided with fast (<7 kW) electric vehicle (EV) charging points. These facilities shall thereafter be retained and kept available in association with the development at all times.

Reason: To ensure that the development is provided with adequate electric vehicle charging facilities and promotes sustainable transport. Relevant Policies - Borough Local Plan IF2.

- 14 Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a) to d) 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 d) has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to

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

- a survey of the extent, scale and nature of contamination.
- as assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o 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 Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination.

b. 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.

c. 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/ 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.

d. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of part a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b), 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 c).

Reason: To reduce the risk of contamination - Relevant Policy Local Plan EP5.

- 15 Prior to the commencement of the development above slab level, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including integrated bat and bird boxes and holes at ground level in boundary walls and fences for hedgehogs to pass through, and wildlife friendly landscaping (to accord with any approved or pending landscaping plans), shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved.

- Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF.
- 16 No development above slab level, shall commence until a Biodiversity Net Gain Plan [based on the net gain information] that details how the habitats on the site will be created, established, managed, and monitored (including details of the frequency of monitoring periods), in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall demonstrate that there will be a minimum of a 10% uplift in biodiversity units using the DEFRA Metric. The Biodiversity Net Gain Plan shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
- Reason: This condition will ensure that the development results in a Biodiversity Net Gain Of at least 10% above baseline levels, in accordance with paragraphs 174 and 180 of the NPPF and Policy NR2 of the Borough Local Plan.
- 17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- Reason: To minimise impacts on biodiversity in accordance with paragraph 179 and 180 of the NPPF and adopted policy NR2.
- 18 Prior to the installation of external lighting, a report detailing the external lighting scheme and how this will not adversely impact upon wildlife; shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux
- The lighting scheme shall be implemented in accordance with the approved details and shall not be altered without written permission from the Local Planning Authority.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF and Policy QP3 of the Borough Local Plan.
- 19 The development must be carried out in accordance with the sustainability recommendations noted within the submitted and approved Sustainability Statement (dated April 2023; received 3 May-23) and Energy Statement (dated April 2023; received 3 May-23).
- Reason: In the interests of promoting sustainable development in accordance with Borough Local Plan Policies QP1 and SP2.
- 20 No part of the development shall be occupied until details of Air Source Heat Pumps and PV Panels have been to be submitted to and approved in writing by the Local

- Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- Reason: In the interests of promoting sustainable development in accordance with Borough Local Plan Policies QP1 and SP2.
- 21 95% of units must meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings).
- Reason: To make reasonable provision for most people to access the dwellings and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with limited mobility and some wheelchair users. Relevant Policy - Borough Local Plan HO2.
- 22 Prior to occupation of each plot, the subsequent design Fire Strategy reports under the RIBA Plan of Work (2020), referred to within the submitted Fire Statement (dated April 2023; received 18 May-23) shall be submitted to and approved in writing by the LPA. The fire safety measures shall be implemented in accordance with the approved details and shall not be altered without written permission from the Local Planning Authority.
- Reason: In the interest of fire safety in accordance with planning gateway one.
- 23 Works shall be carried out in accordance with the recommendations set out within the approved Ecology reports:
- Bat Survey Report (dated April 2023; received 3 May-23)
 - Preliminary Ecological Appraisal (dated April 2023; received 3 May-23)
- Reason: To ensure the protection of nesting birds should they be on site in accordance with Policy NR2 of the BLP and Policy ENV 1 of the DNP.
- 24 Works shall be carried out in accordance with the recommendations set out within the approved noise report (dated April 2023; received 3 May 2023), in accordance with British Standard BS 8233:2014.
- Reason: To ensure a satisfactory level of amenity for all future residents of the development and to protect external amenity areas. Relevant Policies - Borough Local Plan QP3, EP1 and EP4.
- 25 No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
- Reason: : In the interests of highway safety and the free flow of traffic. Relevant Policies: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 26 No building hereby permitted shall be occupied until that part of the access road which provides access to and around the building, including all the marked out parking spaces has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of highway and pedestrian safety and to facilitate vehicles entering and leaving the site safely, in a forward gear. Relevant Policies: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 27 Prior to the occupation of each block hereby approved, vehicle parking spaces shall have been provided for each block in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The spaces approved shall be retained for parking in association with the development.
- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 28 Prior to the occupation of each block, covered and secure cycle parking facilities shall have been provided for each block 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: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.

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

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

Informatives

- 1 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: Revised version January 2007 The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 3 It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and safety Executive at Priesley House, Priestley Road, Basingstoke, Hants, RG24 9NW for further information and advice.
- 4 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in ****

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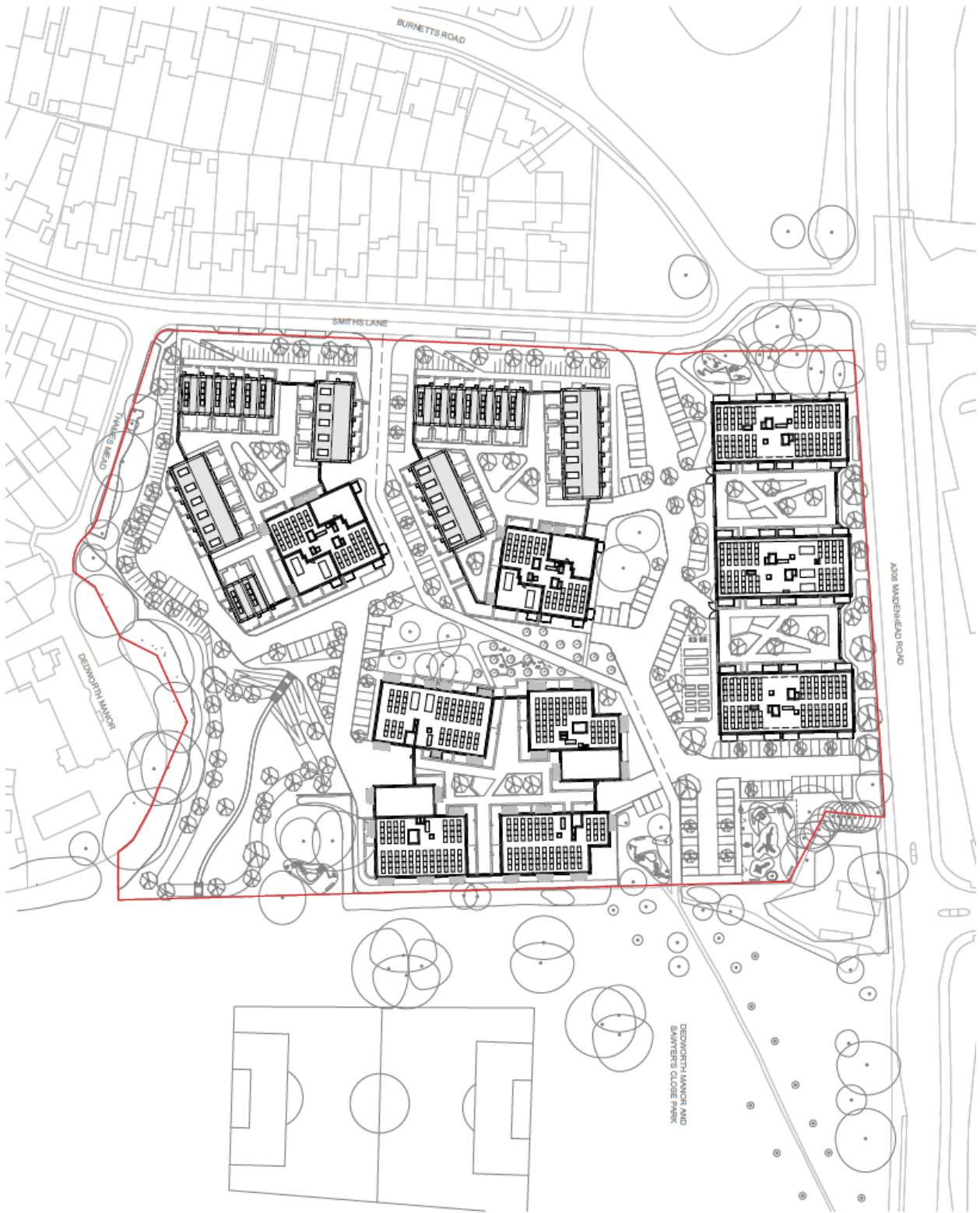
APPLICATION 23/01090- Sawyers close

APPENDIX A – SITE LOCATION PLAN AND SITE LAYOUT



This plan is a site location plan and site layout for the proposed development. It is intended to provide a clear and concise overview of the site and its surroundings. The plan is based on the information provided in the application and is subject to change without notice. The plan is not a guarantee of any kind and should not be used as a basis for any decision. The plan is provided for information only and does not constitute an offer of any kind. The plan is the property of the applicant and should be kept confidential. The plan is not to be used for any other purpose without the written consent of the applicant.

Site Name: Sawyers Close
 Site Address: Sawyers Close, London, W12 7LJ
 Site Area: 1.2 hectares
 Site Use: Residential (R3)
 Site Status: Proposed Site Wide Plans - Level 00
 S.C. Ref: J22. 08. 09. A. 02003
 F.O.D. - F.O.S. PLANNING
 Name of Consultant: F.O.S. PLANNING
 Date of Issue: 12/08/2023
 Scale: 1:1000
 PRP
 0203 7003 1100



NOTES:

1. The site plan is based on the site visit on 15/08/2023. The site visit was conducted by the Planning Officer and the Planning Manager. The site visit was conducted at the site of the proposed development.
2. The site plan is based on the site visit on 15/08/2023. The site visit was conducted by the Planning Officer and the Planning Manager. The site visit was conducted at the site of the proposed development.
3. The site plan is based on the site visit on 15/08/2023. The site visit was conducted by the Planning Officer and the Planning Manager. The site visit was conducted at the site of the proposed development.
4. The site plan is based on the site visit on 15/08/2023. The site visit was conducted by the Planning Officer and the Planning Manager. The site visit was conducted at the site of the proposed development.
5. The site plan is based on the site visit on 15/08/2023. The site visit was conducted by the Planning Officer and the Planning Manager. The site visit was conducted at the site of the proposed development.

Scale: 1:500
 North Arrow

PRP PROJECT
 0203 7863 1200

PRP PROJECT
 0203 7863 1200

PRP PROJECT
 0203 7863 1200

PRP PROJECT
 0203 7863 1200



The information contained in this drawing is for reference only and does not constitute an offer of any financial product or service. It is intended to provide a general overview of the proposed development and is not intended to be used as a basis for investment decisions. The information contained in this drawing is subject to change without notice and should be read in conjunction with the relevant prospectus and other documents. The information contained in this drawing is not intended to be used as a basis for investment decisions. The information contained in this drawing is subject to change without notice and should be read in conjunction with the relevant prospectus and other documents.



1:1000 Scale
 Date: 12/12/2023
 No. of Sites: 1
 No. of Units: 100

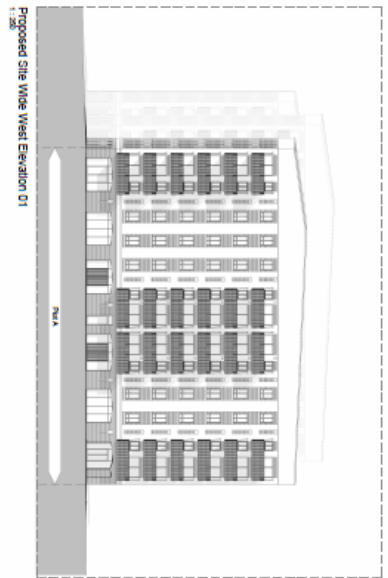
Sawyer's Close
 Proposed Site Wide Plans - Level 02

8C-PRP-ZZ-02-DR-A-2023

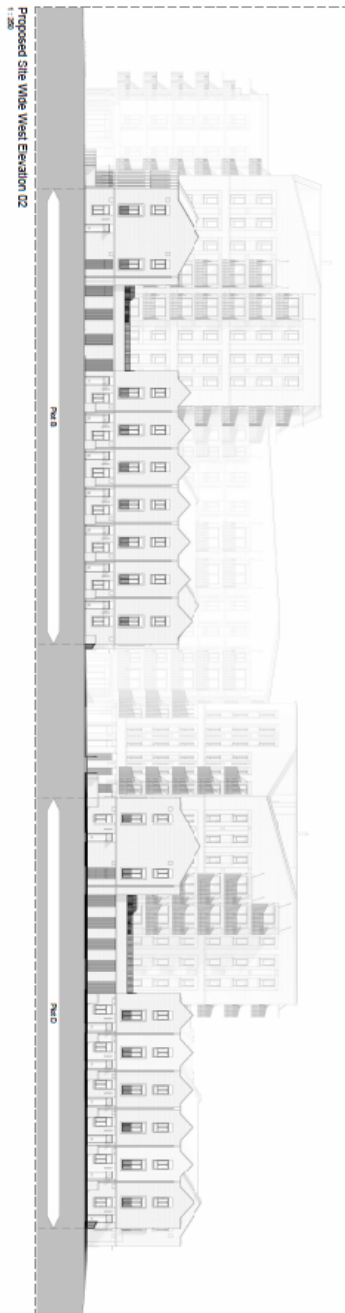
PRP - FOR PLANNING
 Client: PRP
 Contact: PRP
 Date: 12/12/2023

PRP
 PRP
 020 788 1330

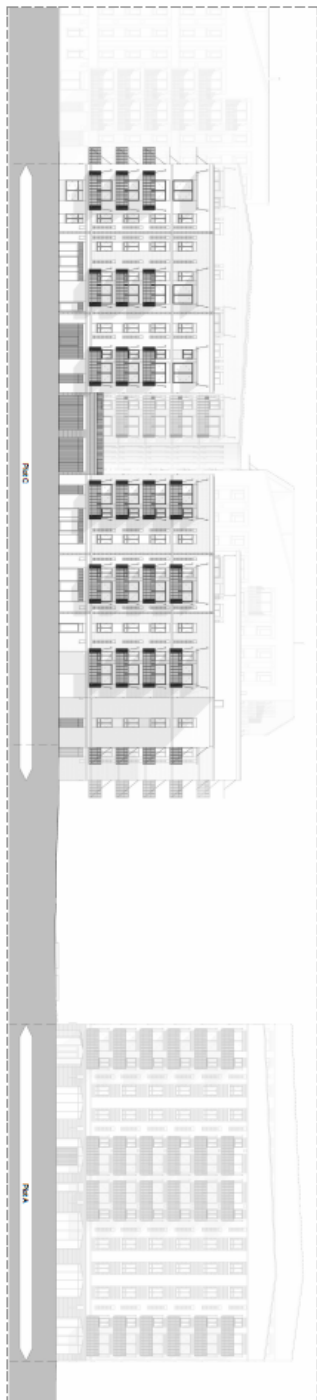
APPENDIX B – PLANS AND ELEVATIONS



Proposed Site Wide West Elevation 01
1:200



Proposed Site Wide West Elevation 02
1:200



Proposed Site Wide East Elevation
1:200

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 WWW.PRP-CONSULTANTS.COM



Proposed Plot D - East Elevation
1 : 20



Proposed Plot D - North Elevation
1 : 20

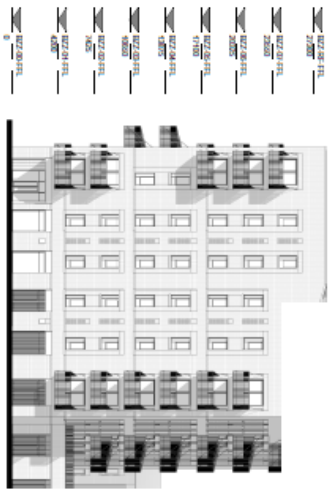


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08 Sawyer's Close, King's Cross, London, N1C 4AE
 Tel: 020 7323 1230
 Email: info@sawyersclose.co.uk
 Sawyer's Close
 Proposed Plot D - North & East Elevations
 SC-PRP-DZ2-ZZ-DR-A-02100
 P00 - FOR PLANNING
 Issue 03 - 2024-10-10 10:00 AM - 1:20 PM

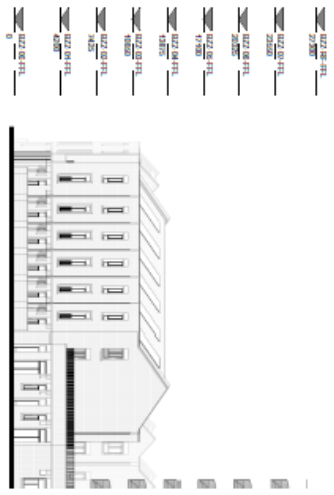
PPR-0148
 London
 020 7633 1230



Proposed Plot B - North Elevation
1:200



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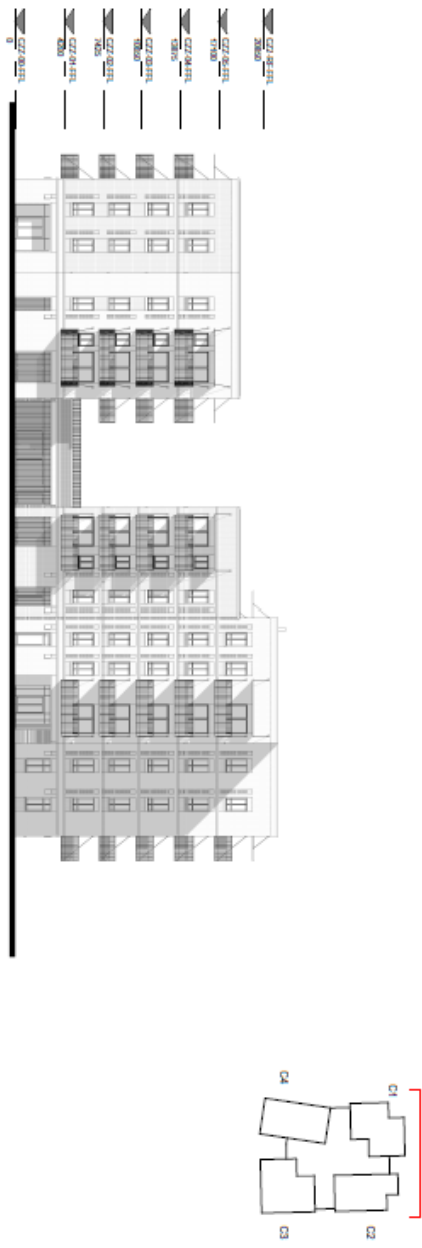


Proposed Plot B - East Elevation
1:200



200 Sawyer's Group, Inc.
1000 North Washington
Chicago, IL 60610
Sawyer's Group
Proposed Plot B - North & East Elevation
SC-PRF-BZZ-ZZ-DR-A-02100
P00 - FOR PLANNING
DRAWN BY: CHANG, J.C. DATE: 03/20/2023 SCALE: 1:200
PROJECT: 20230313000

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Proposed Plot C - North Elevation
1/200



Proposed Plot C - East Elevation
1/200

NO. 20201 Thompson Avenue
 2ND FLOOR
 CHANGING ROOMS
 CHANGING ROOMS
 CHANGING ROOMS
 CHANGING ROOMS

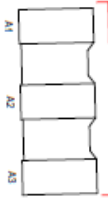
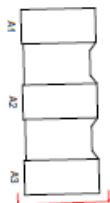
Samper's Class
 Proposed Plot C - North & East Elevations

80-PRP-GZ2-ZZ-DB-A-02101
 P00 - FOR PLANNING
 DRAWN BY: CHANGING ROOMS
 CHECKED BY: CHANGING ROOMS
 SCALE: AS SHOWN

PRP CONSULTANTS
 10011 W. 15th Avenue, Suite 100
 Denver, CO 80202



FIG. A - East Elevation
1:200



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THE ARCHITECT'S OFFICE HAS CONDUCTED VISUAL QUALITY ASSESSMENT OF THIS PROJECT AND CONSIDERS THE PROPOSED PROJECT TO BE VISUALLY COMPATIBLE WITH THE SURROUNDING AREA. VISUAL QUALITY IMPROVEMENTS ARE RECOMMENDED TO ENHANCE THE VISUAL QUALITY OF THE PROJECT AND TO MITIGATE ANY POTENTIAL VISUAL IMPACTS OF THE PROJECT.

SCALE: 1" = 20'-0"

DATE: 08/11/2023

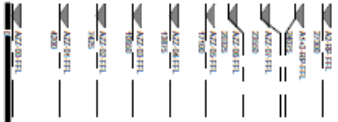


FIG. A - North Elevation
1:200



300 Alexander Park, Vancouver, BC
V6V 1K2
Sawyer's Close
Proposed Plot A - North & East Elevations
SC-PRP-AZZ-ZZ-DR-A02100

P00 - FOR PLANNING
1295 W. 41st Avenue, Vancouver, BC V6M 1Y4
PRP PROJECT
Liam
025.025.1200

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 2

Application No.:	23/01387/FULL
Location:	Broom Lodge And Land At Broom Lodge Stanwell Road Horton Slough
Proposal:	Subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the dwelling) and erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.
Applicant:	Mr Patel
Agent:	Mrs Brigid Taylor
Parish/Ward:	Horton Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Nick Westlake on or at nick.westlake@rbwm.gov.uk	

1. SUMMARY

- .1 The development is a full application for the subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the dwelling) and erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.
- .2 The proposed development is considered to represent inappropriate development in the Green Belt for which there are no very special circumstances which outweigh the harm through inappropriateness and the other harm identified in this report. Aside from the harm to the Green Belt, that the NPPF instructs should be given substantial weight, the development would also create a significant urbanising impact on this rural location, detracting from the wider village setting and nearby heritage assets. Other harm arising from the scheme includes; an internal layout that fails to meet the minimum technical requirements for road widths and parking, a drainage scheme that has not been derived from scientific on ground testing, the likely loss of trees to the perimeter of the site that currently shield the site from the countryside beyond, the lack of a biodiversity net gain calculation, poor standards of residential amenity and the loss of an employment use.
- .3 The weight given to the harm arising from the scheme significantly and demonstrably outweighs the benefits of the scheme that can be summarised as the provision of 14 new dwellings (1 house is in existence), this includes a 33% provision of affordable housing. Very Special Circumstances therefore do not exist.
- .4 At the time of decision, no legal agreement is in place to secure the affordable housing nor the necessary sustainability measures. Given the level of in principle objections to the proposal, Officers have not pursued the costly exercise of sealing a legal agreement, until the 'in principle' reasons are overcome. However, as these two reasons for refusal have been given no weight in the balancing process, due to the expectation that the legal agreement would have been a formality in the event of a positive recommendation.

It is recommended the Committee refuse planning permission for the reasons given in Section 12 of this report:

1.	The proposed development, by virtue of the layout, scale, form and height of the proposed new dwellings would not engage the exemption criteria of the NPPF paragraph 149 e) or paragraph 149 g) of the NPPF 2023. The development is therefore considered inappropriate development which is by definition harmful to the Green Belt. There is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2023), Policy QP5 of the adopted Borough Local Plan (2022) and Policy NP/HOU4 – Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
2.	The proposed development, by virtue of its cramped, overdeveloped layout, lack of set back from Stanwell Road, together with the excessive scale, height and incongruous external appearance in particular, the wide spread use of mansard roofs; fails to respect the characteristics of the existing site and the immediate village context, having a harmful intrusive urbanising impact on this rural village edge location. The proposal is considered to be contrary to Sections 12 of the National Planning Policy Framework, Policy QP1 and QP3 of the adopted Borough Local Plan (2022) and Policies NP/HOU1 Good Quality Design, and NP/HOU2 - Footprint, Separation, Scale & Bulk and NP/HOU4 – Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
3.	The current proposal would entail the loss of 1,205 sq metres of commercial space. The applicant has not provided any credible / robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. The application therefore fails to comply with Policy ED3 of the Borough Local Plan (2022)
4.	No legal agreement has been provided to secure the affordable housing provision. Furthermore, the tenure of the affordable housing has not been agreed. Therefore, the proposal fails to secure the affordable housing, this is considered contrary to Policy HO3 of the Borough Local Plan (2022).
5.	No legal agreement has been secured to ensure the carbon offset contribution for the scheme to offset the impact of the proposal. Furthermore, the flats to be created have not been included in the energy statement, meaning an accurate calculation of the Carbon Offset fund is not possible. The proposal is therefore contrary to policy SP2 of the Borough Local Plan (2022), Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement (2021).
6.	The proposals do not set out a quantifiable biodiversity net gain. As such, the proposed development is contrary to Policy NR2 of the Borough Local Plan 2013-2033 and Policy NP/OE2 Ecology, of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
7.	The proposed new hard surfacing and buildings lines of plots 5, 6 and 7 will fall close to and in part within the root protection zones of trees on the northern and western boundaries, in particular the Category B Trees. The close proximity to the trees is likely to both hinder the growth potential of these trees and give rise to pressure from future

	<p>occupiers to allow works to the tree to reduce or remove the perceived nuisance. These existing trees play an important role in shielding the site from external public views. Furthermore, the proposal is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of these garden's rear garden space and associated internal living and dining room spaces, from their primary outlooks. The proposal, therefore, fails to comply with Section 15 of the National Planning Policy Framework, Policy NR3 and QP3 m), of the adopted Borough Local Plan (2022) and Policy NP/OE1 Landscape of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
8.	<p>The proposal would lead to less than substantial harm to the Grade I Building St Michael's Church and the two Grade II Listed Lych Gate and the church yard wall, opposite the host site. The due in part to the unsympathetic forward building lines and also the positioning of the new entrance, proposal would reduce the openness between the two sites and lessen the architectural and historical interest by introducing a overdeveloped, suburban layout to the area. It represents less than substantial harm to the significance of the designated heritage assets. The public benefits of housing supply and the provision of affordable dwellings would not outweigh the harm as identified in the other reasons for refusal in this decision notice. Therefore, the proposal is considered to be contrary to Paragraph 202 of the National Planning Policy Framework, Policy HE1 of the Borough Local Plan (2022) and Policy NP/HOU2 Footprint, Separation, Scale & Bulk of the Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
9.	<p>The proposed flatted developments result in overlooking to the neighbouring properties of plot 10 and plot 2 in particular. There is also insufficient communal amenity space for future occupants of the first floor flatted developments. The bike and bin store due to its location, forms an uneighbouringly feature in close proximately to plot 10's front elevation. This would lead to an unnecessary loss of residential amenity for future users of this dwelling. As such, the proposed development fails to provide a good standard of accommodation for future occupiers and is contrary to Policy QP3 of the Borough Local Plan (2022), the Borough Wide Design Guide and Policy NP/HOU1 Good Quality Design of the Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
10.	<p>In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding. The proposal development also fails to pass the sequential test. Therefore, the proposal is contrary to Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan (2022) and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The host site is rectangular in nature, approximately 50m wide and 70m deep and lies to the north of Stanwell Road (total 0.36 ha). The land includes a two-storey, pitched roof, residential dwelling known as Broom Lodge, with a footprint of 236m². This is set back approximately 18m from Stanwell Road. The dwelling benefits from a front and rear grassed garden area, the rear garden is enclosed by residential outbuildings. A strip of land between 13m and 18m around the northern and western perimeter of the site, is given over to what appears to be an active builder's yard with elements of storage. The land consists of areas of hardstanding, stockpiles of building waste, car parts, a dilapidated caravan and approximately six shipping containers.
- 3.2 The land to the east of the host site is within the blue line ownership of the applicant. This land to the east is 25m wide and 70m deep, fronting Stanwell Road. The land consists of a single storey residential dwelling with rooms in the roof, set back some 35m from Broom Lodge. To the east of this residential building are several single storey commercial buildings that extend up to the northern boundary. Hardstanding is provided to the front of the site. Beyond the eastern boundary is an open agricultural field.
- 3.3 The owner runs a small scale storage and warehousing undertaking from this location. There are two access points into the site. To the immediate west of the site (outside the red line area) is an open recreational green field with separate enclosed play equipment area within the south east corner. To the north of the host site, there are open agricultural fields. To the south, on the southern side of Stanwell Road, set back approximately 50m from Stanwell Road, is St Michael's Church.
- 3.4 There are no protected trees on site or nearby, although the host site is enclosed to the south by a circa 3m tall laurel hedge. Mature hedging and tree planting is evident on the northern and western boundaries in particular, successfully enclosing the site. Other than the two-storey residential dwelling, all the buildings in the red line area are single storey, the surrounding vegetation successfully shields and encloses site from public vantage points.
- 3.5 KEY CONSTRAINTS**
- 3.6 The site lies within the designated Green Belt. The EA maps show the site to be within Flood Zones 1, with a small portion of the southern frontage of the site in flood zone 2. Grade I Listed St Michael's Church is opposite, together with a Grade II listed entrance gate known as Lych Gate and associated church wall. The host site is located within the defined village envelope of Horton. The site is also within a sharp sand and gravel safeguarding area.
- 3.7 The applicant states in their Design and Access Statement at point 2.8. That the Council has accepted that the host site is Previously Developed Land/ Brownfield, as set out in the Housing and Employment Land Availability Assessment 2019. This conclusion is not accepted by the Local Planning Authority. Although the host site is found within this document, this does not mean the site area is taken out the Green Belt or that the site is automatically classified as Previously Developed Land. The HEELA document is a 'scoping' document looking at 'potential' sites that could be developed. Therefore, only very limited weight is attached to this document. The host site is not on the Brownfield Register, and it has not been classified as an allocated Housing site. The site is also within the London Heathrow consultation area. The airport itself is approximately 2 miles away due east. Planes can be seen and heard frequently overhead.

4. THE PROPOSAL

- 4.1 The proposal is for the subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the existing dwelling) and separately, the erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.

Plot	Dwelling Size and Type
1	Semi-detached 96m ² GIA 3B/5P
2	Semi-detached 96m ² GIA 3B/5P
3	Semi-detached 96m ² GIA 3B/5P
4	Semi-detached 96m ² GIA 3B/5P
5	Detached 144m ² GIA 4B/7P
6	Semi-detached 82m ² GIA 2B/4P
7	Semi-detached 105m ² GIA 3B/6P
8	Semi-detached 105m ² GIA 3B/6P
9	Semi-detached 82m ² GIA 2B/4P
10	Detached 82m ² GIA 2B/4P
11	Flat 77m ² GIA (in existing two storey building) 2B/3P
12	Flat 78m ² GIA (in existing two storey building) 2B/4P
13	Flat 58m ² GIA (in existing two storey building) 1B/2P
14	Flat 52m ² GIA (in existing two storey building) 1B/2P
15	Flat 50m ² GIA (in existing two storey building) 1B/2P

- 4.2 In total there are:

3 x 1-bedroom Flats
2 x 2 -bedroom Flats
3 x 2-bedroom House
6 x 3-bedroom House
1 x 4 bedroom House

- 4.3 The proposed site plan 071-S01 shows the part demolition (30 sq.m) of the existing dwelling (front porch and rear extension) and the addition of an 18sq.m extension (two storey front gable extension and single storey rear extension); the building will then be converted into separate flats (plots 11-15). The proposal also involves the erection of 10no. semi-detached and detached dwellings with garages on the Site (plots 1-10). The existing vehicle access would be stopped up and a new access created centrally located running immediately adjacent to the host dwelling. This access shall include a pedestrian on one side.
- 4.4 The proposed new dwellings would all be 2 storey, there are six different designs, that all have with front gables with pitched roofs. The three first floor flats all would have external balconies created.

5. RELEVANT PLANNING HISTORY

Application Ref	Description	Decision and Date
10/50080/UCO	Change of use of the site to utility company storage site without PP	Enforcement case closed 7 July 2010 No evidence of utility vehicles or materials being stored.
09/50191/UCU	Use of yard at side and rear as contractors' yard for Balfour Beatty without P.P	Enforcement case closed 5 June 2009 Some vans using the land as depot.
08/50041/UCU	1. increased activity and new building works. 2. Expired P.P. 96/74900 3. use of land for storage	Enforcement case closed 25 Nov 2008 Site visit indicates that the owner is doing some repair work and some ext. works to an end garage on an outbuilding.
99/03522/UCU	Use of site for parking/storing two commercial vehicles	Enforcement case closed 10 Sept 1999
98/02585/UCU	Old dogs home being used for car repairs. Also lorries coming & going	Enforcement case closed 21 April 1998. Various visits made but could not see any evidence of car repairs.
96/74900	Change of use of former kennels to storage use	Application Permitted February 1997 (delegated powers)
93/00450	Creation of vehicular access and erection of 2m high front boundary wall and entrance gates	Application Permitted October 1994 (delegated powers)
93/00449/FULL	Erection of two storey side extension	Application Permitted June 1993 (delegated powers)
89/00559/OUT	Erection of a detached house on land adjacent to Broom Lodge.	Refuse November 1989

6. DEVELOPMENT PLAN

6.1 The main relevant policies are:

Borough Local Plan: Adopted Feb 2022 (BLP)

Issue	Policy
Sustainability and Placemaking	QP1
Design in keeping with character and appearance of area	QP3
Housing Mix and Type	HO2
Affordable Housing	HO3
Impact on Green Belt	QP5
Noise and light pollution	EP3 & EP4
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Nature Conservation and Biodiversity	NR2
Sustainable Transport	IF2
Historic Environment	HE1
Loss of employment floorspace	ED3
Open Space	IF4
Rights of Way and Access to Countryside	IF5

Horton and Wraysbury Neighbourhood Plan, Adopted June 2020

Issue	Policy
Conserves locally important heritage asset	NP/BE2
Presumption in favour of sustainable development	NP/SUSTDEV01
Management of the Water Environment	NP/SUSTDEV02
Good Quality Design	NP/HOU1
Footprint, Separation, Scale and Bulk	NP/HOU2
Smaller Properties and Housing Mix	NP/HOU3
Re-development and Change of Use	NP/HOU4
Water Supply, Waste Water, Surface Water And Sewerage Infrastructure	NP/HOU5
Landscape	NP/OE1
Ecology	NP/OE2

Other Material Considerations

National Planning Policy Framework Sections (NPPF) (September 2023)

Section 2- Achieving Sustainable development
Section 5- Delivering a sufficient supply of homes
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 13- Protecting Green Belt land
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15- Conserving and enhancing the natural environment

- Borough Wide Design Guide SPD- Adopted 2020
- Environment and Climate Strategy
- RBWM Landscape Character Assessment 2004
- RBWM Parking Strategy 2004
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement (Sustainability and Energy Efficient Design – March 2021)

- Sustainable Design and Construction Supplementary Planning Document 2009
- Corporate Strategy

7. CONSULTATIONS CARRIED OUT

Comments from interested third parties

7.1 A total of 4 neighbours were directly notified. The application was advertised by way of a site notice (posted at site on 26th May 2022) and advertised in the Maidenhead Advertiser on 26th May 2022.

7.2 No comments have been received.

7.3 Consultees and Organisations

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comment as it falls outside our remit as a statutory planning consultee	Noted
Lead Local Flood Authority	Objection Without onsite testing it cannot be know if the infiltration rate is lower than the slowest rate of infiltration indicated as being viable by The SuDS Manual, (which has been assumed in the modelling). If the rate is lower than this, then it is not clear how the drainage design can be delivered to the required standards.	See paragraphs: 8:80 to 8:92
Highway Officer	Objection Insufficient parking detrimental impact on Stanwell Road. Objectional internal layout Technical Drawings absent in the proposal.	See paragraphs: 8.54 to 8:72
Thames Water	No objections there is capacity to accommodate the foul waste	See paragraphs: 8.82
Environmental Protection	No Objection Conditions suggested regarding: -Ground contamination investigation and remedial measures; - Noise insulation against aircraft noise; - Construction working hours; - Collection and delivery times;	See paragraphs: 8.78

	<p>- Contaminated Land</p> <p>Informatives suggested regarding:</p> <ol style="list-style-type: none"> 1. Dust 2. Smoke 3. Asbestos 	
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Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	<p>No Objection</p> <p>Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.</p>	See paragraphs: 8.103 to 8.105
RBWM Ecological Consultant	<p>Objection</p> <p>It has not been demonstrated through quantifiable methods, that there will be a “net gain in biodiversity” and as such that the proposals comply with policy NR2.</p> <p>The property, all out buildings and the single tree were found to have negligible potential to support roosting bats and therefore no further survey or mitigation is required with regards to roosting bats. The site was found to have no habitat to support other protected species such as great crested newt, reptiles or badgers.</p>	See paragraphs: 8.93 to 8.97
Housing Enabling Officer	<p>No Objection</p> <p>The site is in a designated rural area and delivers 10+ dwellings. Policy HO3(b) requires 30% of the dwellings to be affordable housing, and the site is not greenfield. 33% of the proposed dwellings will be affordable tenure – plots 11 to 15.</p>	See paragraphs: 8.66 to 8.72
Tree Officer	<p>Objection</p> <p>In the absence of a shadow survey showing the tree when they are mature, it is not possible to say with certainty whether the trees would affect the reasonable enjoyment of the properties.</p> <p>The development, by compromising the realistic retention and replanting the trees on the northern and western boundary is considered harmful to the amenity of the area.</p>	See paragraphs: 8.98 to 8.102
Conservation Officer	<p>Objection</p>	See paragraphs: 8.42 to 8.53

	<p>Less than substantial however at the lower end of the scale to the nearby Heritage Assets Paragraphs 199 and 202 within the National Planning Policy Framework (NPPF, 2021) would be relevant in this case.</p> <p>Duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would also need to be considered by the decision maker in determining this application.</p> <p>If approved the recommended conditions are:</p> <ul style="list-style-type: none"> - Level 1 building recording - Sample of all external materials, finishes and colours 	
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Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Horton and Wraysbury Parish Council	<p>Objection</p> <p>The Parish Council accept the concept of development however object to the current set of plans. Key points:</p> <ul style="list-style-type: none"> - This is considered over-development of a relatively small plot - The entrance, an opposite camber on a concave bend, is historically known to be dangerous and there is concern with regards to the numbers of vehicles entering and exiting the site with poor lines of sight. - There is not adequate provision for parking, the Neighbourhood Plan Policy NP/HOU1 - Good Quality Design requires a minimum one for each flat and one bedroomed house and 2 for each 2 or 3 bedroomed house 	<p>Comments noted and covered in the Assessment</p> <p>Had the LPA been minded to grant permission conditions would have been imposed regarding permitted, development rights, ground contamination; noise insulation measures; and lighting scheme.</p>

	<p>- Although not being in a flood zone, is very close to the flood zone 3 area and adequate provision should be made to protect the properties from potential damage and drainage provision should acknowledge the possibility of floods</p> <p>In the event of an approval the Parish have a series of comments and recommendations relating to the following aspects:</p> <ul style="list-style-type: none"> • Future Use • Neighbours, parking and access • Flood & green belt concerns • Construction • Housing Mix 	
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8. EXPLANATION OF RECOMMENDATION

8.1 The main considerations are:

- i) Green Belt
- ii) Loss of the existing industrial use
- iii) Sustainable Design and Construction
- iv) Impact on Character, Appearance and Heritage Assets
- v) Highway Safety and Parking
- vi) Housing mix and Affordable Housing
- vii) Residential Amenity
- viii) Flooding and Drainage
- ix) Ecology
- x) Trees
- xi) Archaeology
- xii) Housing Land Supply Planning balance and conclusion

i) Green Belt

8.2 The following three questions are relevant when considering Green Belt policy.

1. Whether the proposals constitute inappropriate development in the Green Belt?
2. The impact on the openness and purposes of the Green Belt?

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development?

1. Whether the proposals constitute inappropriate development in the Green Belt?

8.3 The site is identified within the BLP as being within the Green Belt where neighbourhood policy NP/HOU4 and BLP policies SP1 and QP5 apply. Policy SP1 identifies that the Green Belt will be protected from inappropriate development in line with Government Policy. Policy QP5 states that the Council will protect against inappropriate development (as defined by the NPPF), unless very special circumstances apply. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF. Policy NP/HOU4 says where the properties or sites are located within the Green Belt the developments concerned should have no greater impact on the openness of the Green Belt than that of the existing building or buildings. The NPPF states in paragraph 147 that “inappropriate development” is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the NPPF states that the construction of new buildings in the Green Belt is “inappropriate development”, subject to some specific exceptions including:

NPPF para 149 e) limited infilling in villages and;

NPPF para 149 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

8.4 This aforementioned national guidance is replicated in part within Policy QP5 that makes specific reference to settlement boundaries when considering limited infilling in villages. The host site is located within the settlement boundary of Horton as defined by the adopted policies map of the BLP for the purposes of Policy QP5.

8.5 Nevertheless, the applicant is of the view the development involves the limited infilling in a village, and also the partial redevelopment of PDL which delivers affordable housing without causing substantial harm to openness. This being exception criteria 149 e) and g) of the NPPF. Therefore, an assessment of each of the exemption criteria is required.

8.6 Exemption criteria 1. Limited infilling in villages.

8.7 Officers accept the development location is found in the village of Horton. The supporting text of Policy QP5 (at paragraph 6.18.9 of the BLP) provides guidance on what is meant by ‘limited infilling’:

“For the purposes of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.”

- 8.8 With this in mind. Officers do not accept that the host site is located within a ‘small gap in an otherwise continuous frontage’. The recreation park to the west and agricultural fields to the east fails to make the host site as one being found within a continuous frontage. The second aspect to the policy of infilling of small gaps within built development is also relevant. With the requirement of ensuring the development is appropriate to the scale of the locality, not having an adverse impact on the character of the locality.
- 8.9 The host site is without question in part untidy and unkempt (adjacent to the northern and western boundaries in particular). However, the host building and associated front and rear garden’s, with rear ancillary outbuildings is quite different; boasting a quaint rural character. Admittedly, the tall laurel hedge hides this fact from public view. It is also relevant that the existing buildings on site (other than the main dwelling) are all single storey with flat or shallow roofs. Although several have an industrial appearance and a negative impact on the character and appearance locally. Due to their height and position (mostly offset from the boundaries of the site), they are not readily visible from outside of the site or from any public viewpoints. Furthermore, the existing areas of hardstanding within the site are not readily visible from outside of the site and do not result in any significant loss of openness in the Green Belt.
- 8.10 In comparison, the proposed development of 10 new detached two storey dwellings, including keeping the existing host residential building and converting that to form 5 flats, when considered against the level of built form currently, would be a significant overdevelopment to what is presently on site. What is proposed is effectively a new mini housing estate, although within the village boundary, this new estate shall be readily visible from the east and west due to the lack of a continuous frontage within the street and the removal of the hedge to the front of the site. Thus, Officers fail to consider the development to be ‘limited’ in nature, due to the form and quantum of development proposed.
- 8.11 Exemption criteria 2. Limited Infilling of Previously Developed Land

NPPF para g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 8.12 Assessing the impact of a proposal on the openness of the Green Belt, so the planning practice guidance says (See: Paragraph: 001 Reference ID: 64-001-20190722), requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment, openness is capable of having both spatial and visual

aspects. In other words, the visual impact of the proposal may be relevant, as could its volume. These concepts are discussed in more detail below.

- 8.13 With regards to the second exemption criteria this is predicated on the assumption that part of the site is classified as 'previously developed land'. It is noted in the Glossary in Annex 2 of the NPPF (July 2023) that previously developed land is defined as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This **excludes** (emphasis added) land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as **residential gardens** (emphasis added), parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

- 8.14 Officers accept that the land around the perimeter of the site appears to have been in non residential use for a number of years, this is evidenced by aerial photography. However, no certificate of lawfulness has been submitted to formalise this use. Furthermore, there are no sworn affidavits that the land has been used for B8 purposes (see 1.11 of the Design and Access Statement) for a period of 10 years or more and no other supporting evidence. As such, it is left to Officer discretion what weight is given to the area of land around the curtilage of the host site. Ultimately, based on the evidence submitted, namely aerial photographs and series of closed enforcement cases that concluded no breach had occurred (see history section), officers do not consider there to be sufficient evidence to demonstrate the continued commercial use of the land for 10 years. Furthermore, to make a judgement on such limited evidence could also set an undesirable precedent for other similar applications in the Borough. A certificate of lawfulness application needs to be submitted to formalise the use, where appropriate due diligence on the use of the land can take place, including possible advertising locally that could support or otherwise such claims. Officers would also mention that B8 Storage and Distribution sites benefit from a range of permitted development allowances detailed within the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 7 Class H – Extensions etc of industrial and warehouse. Large industrial style buildings can be built on such B8 sites without requiring Planning Permission even though its Green Belt. Therefore, correct due diligence needs to take place when considering such B8 claims. As a point of reference, a Builders Yard would instead be a Sui Generis use, not a B8 use class.

- 8.15 Therefore, Officers only accept the host residential dwelling as previously developed land. The residential garden space is not included, nor are the residential garden buildings enclosing the rear garden space. The conversion of an existing building to 5 flats is acceptable in principle. Equally, the amendments to the host building to formulate this change are supported. Given the structures affixed to the rear of the host building are being removed, the additions result in a slight reduction in overall floor space on the existing building. The resultant development is not a disproportionate addition over and above the size of the original building. As such, accords with paragraph 149 g) of the NPPF.

- 8.16 However, this leaves an assessment on the 10 new residential dwellings, both detached and semi detached in nature, all market dwellings. Clearly this would have a greater impact on the openness of the Green Belt than the existing development, therefore the first aspect of the exemption criteria is not engaged. In terms of the second aspect of the exemption criteria, namely:

'not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

- 8.17 In this case, it has not been proven that the land around the permitter of the site can be classified as Previously Developed Land. Even it was, there are no affordable houses proposed on this part of the site. There are 10 market dwellings, this is not considered a sufficient quantum of affordable dwellings to demonstrate compliance with the exemption criteria.
- 8.18 It is important to note that not all of the areas within the claimed 'commercial perimeter area' are covered with buildings and structures, and as such there are large areas within this curtilage which remain open. Equally, the NPPF Glossary definition of PDL states that it should not be assumed that the whole of the curtilage should be developed.
- 8.19 Ultimately what is proposed is considered a significant overdevelopment of the site and fails to satisfy the exemption criteria g) of Paragraph 149 of the NPPF. The existing commercial styled outbuildings (not the residential outbuildings), due to their scale, height and location, have a low negative impact on the Green Belt. However, the proposed No. 10, new 2 storey dwellinghouses would be considerably taller than all the existing single storey outbuildings on the site. Therefore, even if the new houses were confined to an area within the footprint area of the existing commercial undertakings. Officers consider that the development would still have a much greater impact on the openness of the Green Belt than the existing buildings on the site and thus be deemed to be inappropriate development. Overall, the development would significantly reduce the level of openness of the site, leading to an unacceptable encroachment into the Green Belt, urbanising and harming the established rural character.

2. Impact on the purposes of the Green Belt?

- 8.20 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 8.21 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- 8.22 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- a) to check the unrestricted sprawl of large built-up areas;

8.23 The site is located in a rural location, on the edge of the village of Horton. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. As a result, the development would not result in the unrestricted sprawl of a large built up area and therefore would not conflict with this purpose.

- b) to prevent neighbouring towns from merging into one another;

The development would not conflict with this Green Belt purpose.

- c) to assist in safeguarding the countryside from encroachment;

8.25 The proposal would involve the creation of significant level of new built development, leading back into the site and prominent on the street scene in what is currently a single residential dwelling with low rise outbuildings to the rear. The general level of activity on the site associated with the existing use, also seems to be low key. As a consequence of the layout, volume and height of the proposed development, Officers consider there would be objectional levels of encroachment towards the countryside to the north. Especially when one considered the likely loss of trees on the boundaries of the site as a consequence of the layout.

8.26 The nearby neighbouring residential development to the west is linear in form, well set back from the road. The introduction of 10 houses on this site would introduce a high density, suburban form of development; it would not only lead to a loss of openness of the Green Belt but it would also be harmful to the established low density rural character of the area. Taken together with the levels of activity associated with the proposed development, it would be an intrusive form of development.

8.27 Overall, it is considered that the proposed development is inappropriate development in the Green Belt as it would have a far greater impact on openness than the existing development on the site. The 10 new residential dwellings would therefore contribute to encroachment of the countryside and is contrary to the purposes of the Green Belt.

- d) to preserve the setting and special character of historic towns;

The host site is not located in a Conservation Area. However, the impact on the heritage assets on the opposite side of the road is considered unacceptable. This is discussed in more detail in other sections of this report.

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.28 There is no spatial imperative why this rural Green Belt village land is required to accommodate the proposals, or why so many dwellings are proposed. Thus, allowing unrestricted development on land outside of urban areas would conflict with the aim of directing development towards the urban environment. Therefore, the proposed new dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

8.29 In light of the above analysis, it is considered that the proposals would be contrary to purposes c) and e) of the above 'purposes of the Green Belt'. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development?

8.30 The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 stipulates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whether there is a case of very special circumstances that exist which clearly outweigh the harm to the Green Belt. No very special circumstances have been advanced by the applicant. However, Officers accept that the inability of Local Authority to maintain a 5 year housing supply, must be afforded some weight in the deliberation against the harm identified above. The most recently published figures show 4.83 year supply in the Authority, so the development would help in small part to offset this. The planning balance is discussed at the end of this report.

ii) Loss of the existing industrial use

8.31 Policy ED3 3) of the adopted Borough Local Plan states: 'Where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further consideration to be taken into account will be the significance to the local economy of the use to be lost.'

8.32 Irrespective of whether the 10 year continued use is demonstrated in the future or not, the Policy ED3 needs to be adhered to for the loss of this industrial land. Indeed, Policy ED1 notes there is a shortage of industrial space and limited scope to allocate new sites.

8.33 The applicant's planning statement in para. 2.9 states: 'There is no loss of employment floorspace associated with this proposal, as the B8 areas of the Site are occupied by open air storage, storage containers and a caravan. The permanent storage building is outside the red line boundary and to be retained as such.' Officers would contest the assumption 'there is no loss of employment floor space'. If the area around the residential curtilage, in particular the northern and western boundary of the site are being considered as commercial floor space due to being used for builders yard purposes. The applicant needs to provide supporting evidence to show that the site has been marketed for an appropriate period of time to account for this loss. Also, that the loss would not harm the local economy due to the suitability of other nearby sites.

8.34 No information has been provided. Therefore, it is considered that in the absence of a thorough marketing exercise to demonstrate the loss of employment space is not significantly to the local economy. The application has failed to comply with adopted Borough Local Plan Policy ED3.

iii) Sustainable Design and Construction

8.35 Policy QP 3 of the Borough Local Plan states:

- 8.36 1. *New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:*
- a. Is climate change resilient and incorporates sustainable design and construction which:*
- minimises energy demand and water use*
 - maximises energy efficiency; and*
 - minimises waste.*
- 8.37 Policy SP 2 Climate Change states:
1. *All developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.*
- 8.38 The Council's Interim Sustainability Position Statement (ISPS) sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions. If new dwellings cannot achieve carbon zero, carbon offset contributions are required and these contributions would need to be secured by way of a S106 Legal Agreement. In order to calculate the amount of contributions, the applicant would need to submit detailed calculations (SAP) which quantify the carbon emissions. Other requirements in the ISPS include the provision of electric vehicle charging points, provision of high speed internet connection, 3-phase power supply and measures to minimise water consumption.
- 8.39 This application is accompanied by an Energy Statement April 2023, by Beat. Within this document, the applicant is working from the Sustainable Design and Construction Supplementary Planning Document (SPD) Dated June 2009. However, fails to mention the requirements of the (ISPS) or any of the recently adopted policies on this subject. Nevertheless, the proposed scheme shall include new dwellings with enhanced U-Values as well as an Air Source Heat Pump for Heating & Hot Water. This shall achieve 'at least' 10% of its energy demand from renewable or low-zero carbon technologies. The SAP calculations (Appendix 1 of the Energy Statement) provides a figure of 93% of their energy from renewable or low carbon technologies across the new houses but omits the flats. Therefore, the proposal does not adhere to the ISPS that requires 12% of the energy to be generated from renewables **of all** (emphasis added) new developments. The development is not proposing to install any EV charge points. Nevertheless, in the event of an approval, this factor could have been included as a Planning condition also.
- 8.40 According to the Council's Interim Sustainability Position Statement, new development should be net-zero carbon unless it is demonstrated this would not be feasible. Any non-net-zero carbon developments will be required to make a carbon offset contribution and it will be secured by an S106 planning obligation. The legal agreement was not pursued due to the other objections associated with this application. Therefore, in the planning balance, this lack of a signed S106 agreement is given no weight against the scheme as this would have been a formality of any approval. Nevertheless, in the absence of a legal agreement and the carbon reduction figures across the entire development the likely adverse impact of climate change associated with this development has not been overcome. The proposal therefore fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim Sustainability Position Statement.
- 8.41 The Design Stage Water Efficiency Calculation Report, submitted with this application confirms the water usage for the dwelling to be 110 litres/person/day. The applicant

did not complete a schedule to confirm the water usage fixtures and fittings. Therefore, the calculation is based on an assumed water usage target for each of the fitting types. However, Officers accept this can be controlled via planning condition.

iv) Impact on Character, Appearance and Heritage Assets

- 8.42 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Also, Paragraph 130 states, developments should be sympathetic to local character, however not preventing or discouraging appropriate innovation or change. Local Plan Policy QP1 (Sustainability and Placemaking) is consistent with these overarching objectives and states all new developments should positively contribute to the places in which they are located and inter alia, be of high quality design that fosters a sense of place and contributes to a positive place identity.
- 8.43 Policy QP3 also seeks to achieve a high quality sustainable design by inter alia respecting and enhancing the local character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, and materials. Neighbourhood Policy NP/HOU1 Good Quality Design, also requires development to responds positively to the local townscape and NP/HOU2 - Footprint, Separation, Scale & Bulk, seeks to respect the footprint, separation, scale, bulk and height of the buildings in the surrounding area. Also, importantly, that new development should respect established building lines.
- 8.44 The Horton and Wraysbury Neighbourhood Plan (Nov 2019) and accompanying Neighbourhood character assessment provides a detailed assessment of the area and surrounding environment. It is noted within the character assessment that the site forms part of the village character area. It is located on the eastern periphery, leading towards open farmland and the gravel pits. The RBWM Landscape Character Assessment shows the site within the 'Settled Developed Floodplain' location.
- 8.45 As established, to the south of the site is the Grade I Listed, St Michael's Church, a historic parish church with parts dating back to the 12th century. Adjacent to Sandwell Road is Lych Gate, the entrance to the churchyard which is Grade II Listed, the wall to the west of the church is also Grade II Listed, all these heritage assets form part of a group.
- 8.46 Duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state when considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This sentiment is covered in local Policy HE1 of the BLP.
- 8.47 Given this relationship to nearby heritage assets the Conservation Officer has commented on the proposals. Ultimately, the Conservation Officer considers there to be less than substantial harm to the heritage assets. However, the level of harm is at the lower end of the scale. Nevertheless, the heritage assets nearby the host site would be negatively impacted by the proposals. This is due in particular to the forward positioning of plots 1 and 2, that having a greater impact to their setting. Also, the loss of the vegetation to the front of the site, and the moving (and intensification) of the access to a more central position. Effectively, opening up the site with a high-density housing development. The proposed new access road would be almost opposite Lych Gate, this is not considered to preserve or enhance the feature that would be prominent

on weddings for example, due to the presence of cars potentially queuing to access or leave the host site. Overall, the proposal would reduce the sense of openness between the opposing sites.

- 8.48 Paragraphs 199 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 8.49 Paragraph 202 of the NPPF says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, due to the harm to the Green Belt, streetscene and other reasons for refusal listed in this recommendation, despite aiding in the housing deficit, and the provision of affordable units, which is given significant weight, the public benefits are not considered to outweigh the less than substantial harm identified.
- 8.50 With regards to the layout specifically, when assessed against the rest of the street scene. Currently, the host dwelling sets a positive precedent in terms of front building line. As one goes westwards into the village from the host site, it is clear there is a significant set back of at least 11m, up to 13m from the front building lines of the nearest dwelling on both the northern and southern side of the road. The proposed forward projection of Plots 1 and 2, some 5.5m back from the boundary is considered an unnecessary forward projection that fails to respect the established character of the village in this locality. Ultimately, indicative of a wider overdevelopment of the site.
- 8.51 The Borough Wide Design Guide identifies that new development that occurs at the back of plots, as the proposal does in part, can have a detrimental impact on character, amenity and functionality if not treated sensitively. It is therefore important that backland development remains subordinate to existing buildings on the street frontage and is not overly prominent in the character and appearance of the area.
- 8.52 Principle 6.11 sets out the following criteria:
- All backland development should be subordinate to the existing buildings on the street frontage and not be overly prominent in the character and appearance of the area;
 - It should ensure that it:
 - a. Does not harm the existing character of the local area;
 - b. Relates positively to the existing layout and urban form;
 - c. Maintains the quality of the environment and does not result in the loss of green or blue infrastructure;
 - d. Creates or maintains satisfactory amenities for the occupiers of both the new and the existing surrounding properties; and,
 - e. Does not result in unacceptable noise and disturbance for properties adjacent to accessways serving the backland development.
- 8.53 Officers conclude that only part e) of the above would be adhered to. Officers agree with the Conservation Officer that there are also concerns in terms of the proposed mansard style roof forms to the plots to the rear of the site (5, 6, 7, 8 and 9). Officers agree, they would appear to be poorly integrated elements which would detract from the overall design aesthetic of the development, reducing its quality as a place. The ridge heights of the proposed dwellings on the northern boundary especially are approximately 0.4m taller than the host building failing to represent a subordinate appearance to the host building. Given the relatively exposed position especially to the

west, Officers do not consider the development would preserve or enhance the character of the area. What is proposed is an overdevelopment of the site, cramp in nature, harming the streetscene, rural character of the area and heritage assets. Contrary to the aforementioned design and heritage policies, detailed above.

v) Highway Safety and Parking

- 8.54 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development should provide safe, convenient, and sustainable modes of transport.

Sustainable Modes of Transport

- 8.55 The site is within a good walking distance of local shops, services and public transportation. Overall, it is within a sustainable location, and this allows future occupants an opportunity to use sustainable modes of transport.

Access and layout

- 8.56 This application is accompanied by a Transport Statement (TA), which is produced by RGP on behalf of the applicant. The Council's Highways Authority has been formally consulted on this application and have objections to the proposal. The concerns are documented in their response dated 10/11/2023. However, amended plans have been received on the 24/11/2023, addressing the following issues; sweep path drawings, road widths enlarging, one extra parking space provided, parking sizes to meet standards. Collectively, these overcome the Highways reasons for refusal.
- 8.57 With regards to the omission of Drawing 004 - Standard Car Swept Path, from the submitted TA, this has been provided in the latest update pack, cars, refuse trucks, and emergency vehicles can all clearly safely enter and exit the site. No objection is raised. There were concerns regarding the depth of parking for plots 2 and 4 in particular. The Highway Design Guide says parking bays should be at least 5m between the back of the pavement or property boundary (the face of the wall, fence or hedge) and the front of a building. A minimum distance of 6.0m is required if the car is parked in front of the entrance to the house or garage. The amended layout from the latest plans address this concern, the updates also cater for adequate parking sizes for the flatted developments. Overall, no objection is raised on these aspects.
- 8.58 The internal road width was in part 4.2m (adjacent to the 5 flats). The RBWM highways design guide standards and the number of dwellings served it would be expected that a minimum road width of 4.8m and a single 2m footway be provided. The updated plans address this concern, no objection is raised.
- 8.59 The Highways Department has not objected to the stopping up of the existing access and the moving of the access to a more central location. Officers agree with this conclusion. Suitable visibility splays of 2.4m x 43m are provided in both directions as shown in the TA. Officers do not consider a speed survey is necessary to inform the 43m visibility splays. After driving the stretch of road, there are speed humps in both directions immediately outside the site, with 'slow' marking on the ground. Therefore, the speed survey is not required. Also, not objectional to Officers is the requirement not to wheel a refuse bin or bicycle through parking spaces. Most of the spaces are over 3.2m wide and as such, this

request from Highways is considered unreasonable. Revised plans have been received that show the garages enlarged to provide space for both bikes and cars. Therefore, no objection is raised in that regard. Also, Officers accept the size of the bike and bin store for the flats could have been controlled via planning condition.

Vehicle Movements

- 8.60 Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. The transport technical note sets out that the number of trip generated from the proposed development would be 3 during the AM peak and 2 during the PM peak. The overall number of movements is expected to be 45 per day on comparison to 5 per day currently. Officers note the Highways Officer's comments in this regard.
- 8.61 Despite the proposed development generating likely more vehicle movements than the existing development. The overall level of traffic that is likely to be generated by the proposed development is not considered to have a significant material impact on the existing highway network. No objection is raised.

Parking

- 8.62 Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area. Neighbourhood Plan Policy NP/HOU1 - Good Quality Design, seeks to ensure that there is adequate off-street parking provided for the proposals. The parking requirement is greater at a neighbourhood level than Borough wide. Accordingly, the parking standards are provided below.

	Horton & Wraysbury Parking Standards	RBWM Parking Standards
Accommodation type	Number of car parking spaces	Maximum Parking Standard (Areas of Poor Accessibility)
1 bedroom house or flat	Minimum of 1 off road space	1 space per unit
2-3 bedroom dwelling	Minimum of 2 off road spaces	2 spaces per unit
4 or more bedrooms	Minimum of 3 off road spaces	3 spaces per unit
Visitor Parking	Additional 2 spaces per 5 dwellings	N/A

8.63 The Neighbourhood Plan requires a Visitor Parking rate of 1 space per 10 dwellings. With this in mind, Officers agree that given 15 dwellings are proposed, 2 visitor spaces would be appropriate. The following table shows the parking standards applied to the development. (Parking spaces constituted by Garage Parking are included in brackets). Officers note the error in the original Highway Officer calculation, however the below table is considered accurate.

Accommodation type	Proposed Quantum	Proposed Parking by Development	Horton Wrasbury Standards (applied to development) & RBWM Standards (applied to development)	Number of Parking Spaces	Number of Parking Spaces
1 bedroom house or flat	3	4 (0)		3	3
2-3 bedroom dwelling	11	21 (7)		22	22
4 or more bedrooms	1	2 (1)		3	3
Visitor Parking		1 (0)		2	N/A
Total	15	28(8)		30	28

8.64 Based on the standards provided above, for the 15 dwellings proposed, a provision of 28 designated spaces and 2 visitor parking spaces is required. The current parking spaces provided meet the RBWM standards although fall short of the Horton and Wrasbury parking standards (by 2). Officers agree with the Highway Officer that the RBWM standards should apply in this case, therefore no objection is raised.

8.65 The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. No electric vehicle charging facilities are proposed. However, it is considered that such details can be secured by a planning condition. Overall, there is no highways related objection to the proposal.

vi) Housing Mix and Affordable Housing

8.66 Policy HO2 of the Borough Local Plan deals with Housing Mix and Type and states amongst other things:

1. The provision of new homes should contribute to meeting the needs of current and projected households by having regard to the following principles

a. provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016, or successor documents. Where evidence of local circumstances/market conditions demonstrates an alternative housing mix would be more appropriate, this will be taken into account.

b. be adaptable to changing life circumstances

2. The provision of purpose built and/or specialist accommodation with care for older people will be supported in settlement locations, subject to compliance with other policy requirements.

3. Development proposals should demonstrate that housing type and mix have been taken into account and demonstrate how dwellings have been designed to be adaptable.

8.67 The 2016 Berkshire SHMA identified a need for a focus on 2 and 3 bedroom properties in the market housing sector with an emphasis on 1 bedroom units in the affordable sector. The table below shows the mix of housing recommended across the whole housing market area in the 2016 SHMA.

	1 bed	2 bed	3 bed	4+ bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

Table 12 Housing Size Mix by tenure set out in 2016 SHMA for Eastern Berks & South Bucks HMA

8.68 The proposed scheme provides a total of 3 x 1-bedroom dwellings, 5 x 2-bedroom units 6 x 3-bedroom units and 1 x 4 bedroom dwellings. In terms of percentages, they are as follows:

- 6% of the total proposed dwellings would be 4-bedroom;
- 40% of the total proposed dwellings would be 3 bedroom;
- 33% of the total proposed units would be 2-bedroom;
- 20% of the total proposed units would be 1-bedroom.

8.69 The 2-bedroom and 3-bedroom dwellings would make up 73% of the total dwelling on the site. Overall, it is considered that the proposed housing mix is acceptable, and in line with aims of Policy HO2. Policy NP/HOU3 'Smaller Properties & Housing' of the Neighbourhood Plan states, all housing proposals of five or more units should deliver at least 20% of these units as one- or two-bed properties. This has been achieved via the flats all being 1 or 2 beds.

8.70 In terms of Policy HO3 (affordable housing) of the adopted Borough Local Plan requires:

- a) on greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
- b) on all other sites (including over 500 dwellings) – 30% of the total number of units.

- 8.71 The planning statement advises that the proposal would include 5 affordable units on site (33% of the total). Of this number, 3 would be 1 bed flats and 2 would be 2 bed flats. The Housing Enabling Officer states there is a local housing need for 2/3/4 bed family flats and houses and has no objection to this provision. However, the Housing Officer said the tenure of the 5 flats should be social rent as this is the primary tenure stated in BLP, Policy HO3. Also, that it is not feasible to mix social rent with other affordable tenures in the same block. However, this tenure mix has not been agreed so it is unclear whether it complies with HO3 and no s106 to secure in any event. Policy HO 3 requires affordable housing at 30% for developments on non Green Field sites. However, as the site is located in the Green Belt, the restrictions are tighter as explained in the section above. An exception to Green Belt policy could be via the provision all or a greater percentage of affordable housing, effectively making the site a 'rural exception site'. However, this is caveated by the requirement of being 'limited' (NPPF 149 f) Officers consider the term 'limited' means, in nature and scale to the context of the area. This proposal is not considered 'limited' in nature or scale. Therefore, the provision of 33% affordable housing on development is only given minor weight in this case.
- 8.72 A legal agreement is required to secure appropriate on-site affordable housing. In the absence of such an agreement, the proposal fails to comply with policy HO3. The legal agreement was not pursued due to the other objections associated with this application. Therefore, in the planning balance, this lack of a signed S106 agreement is given no weight against the scheme as this would have been a formality of any approval. However, limited weight was given to failure to agree to the tenure mix of the affordable housing units.

vii) Residential Amenity

- 8.73 In terms of whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties within the site, this is required by paragraph 130 (f) of the NPPF, also within the BLP Policy QP3 m). The Borough Design Guide also provides guidance on residential amenity, including private garden sizes.

Amenity of neighbouring occupiers

- 8.74 Given the distances between the proposed buildings and the existing neighbouring properties outside the red line area. The existing nearby dwellings would not experience and significant loss of sunlight/daylight, outlook or privacy.

Amenity of future occupiers

- 8.75 All the gardens and balconies meet the standards set out in the RBWM Design Guide SPD, and the dwelling / flat sizes comply with the NDSS. The flats are dual aspect that this is a positive to the development. However, there is no communal outdoor space for the 5 five flats. In particular the 3 dwellings on the first floor. This is contrary to Principle 8.6 of the RBWM Brough wide Design Guide. There is space for this area to be included, however, for now it must be considered a reason to object to the proposal.
- 8.76 The proposed houses would, for the most part, face into the application site, with rear garden areas abutting the application boundary. The estate would be served by single

access road. With regards to overlooking concerns within the site, Officers chiefly have concerns with regards to the proposed balconies associated with plots 13 and 15.

8.77 Table 8.1 of the Borough Wide Design Guide SPD sets out the minimum separation distances for front to front, rear to rear and front/back to flank relationships for both 2 storey and above. The flank to rear relationship should be 15m and this is not been met in relation to the balcony for flat 14 and the rear garden space of Plot 10. The distance is barely 7m to the flank wall, looking directly into the rear garden space of the neighbouring dwelling. Therefore, this relationship fails the residential amenity test with regards to overlooking and over dominance. Equally, the balcony at Plot 13 is approximately 11m from the flank wall/ rear garden of plot 2. Again, at this elevated level, this distance is considered unneighbourly and objectional creating actual and perceived overlooking concerns. Officers also object to the design of the bin and bike store. This is immediately next to the front kitchen window of Plot 10, this is considered unneighbourly in terms of overlooking and disturbance. Officers have reviewed the first floor flank window of the dwelling in the blue land area and assessed the distance to the rear wall at Plot 10. The distance of circa 16m is considered acceptable, in accordance with the Design Guide.

8.78 The Environmental Protection unit has suggested various conditions and informatives regarding

ground contamination investigation and remedial measures; noise insulation against aircraft noise; a lighting scheme; construction working hours; collection/ delivery times, dust and smoke control. These matters would have been covered by conditions and/or informatives, if the recommendation was to grant planning permission. As would the mitigation measures as outlined in Cass Allen Noise Impact Assessment, submitted with this application.

8.79 Borough Local Plan Policy IF4 deals with Open Space provision. Appendix F identifies that a development of this size (11-200 dwellings) would need a Local Area of Plan (LAP) and a Local Equipped Area of Play (LEAP) within 100m and 400m respectively from dwellings. Immediately to the west of the site is a playing field with a locally equipped area of play, given the circumstances Officers do not consider it reasonable to provide any additional resources in this regard.

viii) Flooding and Drainage

8.80 Policy NR1 of the adopted Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.'

8.81 Policy NR1 6) states: Development proposals should:

- a) increase the storage capacity of the floodplain where possible
- b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
- c) reduce flood risk both within and beyond the sites wherever practical
- d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
- e) where appropriate, demonstrate safe access and egress in accordance with the Exception Test and incorporate flood evacuation plans where appropriate.

- 8.82 Additionally, Neighborhood Local Plan Policy NP/SUSTDEV 02 'Management of the Water Environment', seeks appropriate undertakings to improve and reduce the overall flood risk. While Policy NP/HOU5 'Water Supply, Wastewater, Surface Water And Sewerage Infrastructure', requires development proposals to demonstrate that there is surface water drainage, both on and off the site to serve the development and that it would not lead to problems to existing or new users. Drainage on the site must maintain separation of foul and surface water flows. Thames Water has confirmed they have capacity to deal with the expected foul waste. This can be suitably controlled via planning condition.

Fluvial Flooding

- 8.83 The FRA submitted with the application demonstrates a small section of the south east corner and southern frontage is located within Flood Zone 2. The rest of the site is within Flood Zone 1. Indeed, all the proposed 10 new dwelling houses, will be located within the northern and western portions of the site, all within the Flood Zone 1 area. The new dwellings will therefore be at low risk of fluvial or tidal flooding. The existing dwelling is proposed to be converted into flats as part of the proposed development, this is located on the edge the Flood Zone 2 area.
- 8.84 With regards to development in Flood Zone 2 needing to pass the sequential test. In this case, the proposal involves the change of use of an existing two storey residential dwelling, which will be retained in residential use, but subdivided into smaller units. The applicant has stated that in accordance with paragraph 168 of the NPPF and footnote 56 of the same, there is no need to satisfy the sequential or exception tests for development involving change of use, despite the nearby Zone 2 classification. This view is not shared by Officers, the proposal involves significant operational development to facilitate the change of use including a new access created, with the associated intensified residential use. As such, a Sequential Test should be undertaken. A current Sequential Test has not been carried out; therefore this forms a reason to object to the proposal.
- 8.85 The applicant identifies that the RBWM's Strategic Flood Risk Assessment (SFRA) 2017, involved a sequential test of this site. The SFRA 2017, confirmed that (along with 8 other similar sites in the nearby area), there are no alternative sites in areas of lesser flood risk, because the available Flood Zone 1 sites were all required for RBWM to deliver its housing and employment requirements. The SFRA goes on to say of the host site although there are no alternative sites in areas of lower flood risk, the site is deliverable, subject to a satisfactory Flood Risk Assessment being prepared and approved. Officers don't accept that the 2017 Strategic Flood Risk Assessment (SFRA) provides a current review of the Sequential Test assessment for the site. The 2017 (SFRA) should have been the starting point from which an updated document should have been provided, taking into consideration the current circumstances in the local area.
- 8.86 With regards to the exception test, there is no requirement to undertake the exception test, this is in accordance with the Flood Zone and Flood Risk table in the Planning Practice Guidance, (Paragraph: 077 Reference ID: 7-077-20220825). SFRA says of the site, there may be safe egress to the south but further investigation will be needed as there is localised flood risk. There is space to north or the west of the site that is within flood zone 1. The northern route can be accessed via the blue line area to the east via Plots 9 and 10. As such, in the event of an approval, an evacuation / emergency plan would have been a condition of that recommendation.

- 8.87 With specific focus on the FRA submitted with this application. The FRA demonstrates that the site is located within an area that is at risk of flooding from reservoirs. The submitted FRA mitigates this by stating that reservoirs are subject to statutory inspection. Therefore, it is anticipated that, 'artificial sources' of flooding in the vicinity of the proposed development will be adequately maintained. Officers accept this explanation and raise no objection. The FRA concludes the drainage and surface flooding arrangements are acceptable.
- 8.88 The (Lead Local Flooding Authority) LLFA and the Environment Agency (EA) have been consulted on this application. The EA have confirmed the development is under their consultation threshold and they make no comment on the proposals. There was no evacuation or emergency plan and accompanying operation & management plan for the EA to comment on submitted with the application. This would come about via the Planning Condition process.

Surface Water Flooding

- 8.89 With regards to the LLFA, they raise a series of concerns with regards to the details of the drainage strategy that amount to an objection to the current scheme (see consultation section). The main concerns related to a lack of information of how the infiltration rate of $6.9 \times 10^{-5} \text{m/s}$ was achieved, given that it appears that the only viable means of surface water discharge from this site. There was no evidence of on site testing. Furthermore, as referenced within the FRA the site is at risk of groundwater flooding, which would adversely impact the performance of the permeable paving. There was no evidence of testing the level of the groundwater table at the site, that could affect the performance of the permeable paving. Also, there is no detail to demonstrate how the permeable paving/geocellular storage arrangement will operate.
- 8.90 The applicant has responded in an email dated 09/11/2023, responding to the questions of the LLFA saying the following regarding the first two points in particular:
- '1. the infiltration rate of $6.9 \times 10^{-5} \text{m/s}$ has been derived from CIRIA's 'The SuDS Manual', which sets this rate of infiltration out as the slowest rate at which the use of infiltration techniques would be viable... as testing is yet to be undertaken at the site, this value has been applied as a worst-case scenario, demonstrating that the use of infiltration techniques would be acceptable to manage surface water runoff should the infiltration rate be found to be no slower than this rate.*
- 2. ...As previously stated, it is intended that groundwater testing be undertaken at the site to determine the depth of the water table prior to the detailed design of the surface water management strategy.'*
- 8.91 However, the LLFA have confirmed that without on site testing at this stage, Officers cannot know if the infiltration rate is lower than the slowest rate of infiltration indicated as being viable by The SuDS Manual. The current proposal assumed this rate. If the rate is lower than this, then the LLFA cannot see how the drainage design can be delivered to the required standards. This conclusion is considered a logical answer and on site tests at this stage is not considered an unreasonable request. The latest LLFA response was sent to the agent on 10/11/2023, at the time of writing no further updates have been received.
- 8.92 As a result of these deficiencies, there is not sufficient evidence demonstrate that a SuDS scheme can be implemented at this site to meet the required standards. No on-

site testing of the rate of infiltration has been provided, nor has any mitigation been put forward to account for the risk from groundwater which is a known issue at this site. Fundamentally without that information it has not been established that surface water flood risk from the development can be managed in the manner that the applicant has suggested. Therefore, given any evidence to the contrary, Officers recommend the proposal to be objected to on grounds of insufficient drainage information has been submitted with the application. Contrary to Policy NR1 of the BLP, also Policy NP/SUSTDEV 02 Management of the Water Environment and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Neighborhood Local Plan.

ix) Ecology

- 8.93 Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value and the presence of protected species. Paragraph 174 of the NPPF reads: "Planning policies and decisions should contribute to and enhance the natural and local environment".
- 8.94 The site comprises of buildings, hard standing and vegetation including grassland, trees, hedgerows and scrub. While the site is surrounded by farmland, with a number of large waterbodies, including those that are designed sites, in close proximity. Furthermore, there are roof works to the host residential dwelling. The LPA's Ecologist notes there are several records of protected species within 1km of the site including bats and birds.
- 8.95 A Preliminary Ecological Survey Report (AA Environmental Ltd, October 2023) has been provided as part of this application. The property, all out buildings and the single tree were found to have negligible potential to support roosting bats and therefore no further survey or mitigation is required with regards to roosting bats. The site was found to have no habitat to support other protected species such as great crested newt, reptiles or badgers. The ecology report states that the tree and other vegetation have the potential to support nesting birds. In the event of an approval, a condition would have been used to ensure the development works do not adversely affect nesting birds.
- 8.96 Policy NR2 states that development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. Whilst the submissions refer to there being a biodiversity net gain, this has not been quantified through the use of a biodiversity metric. Paragraph 180 a) of the NPPF says:
- 'When determining planning applications, local planning authorities should apply the following principles:*
- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.*
- 8.97 The applicant was sent RBWM's updated Ecology comments on the 06/11/2023, however at the time of writing no response / additional information has been submitted on this point. Therefore, insufficient information has been provided in this application to determine a quantifiable biodiversity net gain, either on site, off site or via monetary contribution. As such, the proposed development is contrary to paragraph 180a) of the

NPPF, Policy NR2 of the Borough Local Plan 2013-2033 and Neighbourhood Planning Policy NP/EN4 of the Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2011-2026).

x) Trees

- 8.98 The applicant has submitted an arboricultural assessment from DPA April 2023. The tree report indicates that no principal trees need to be removed to accommodate the proposed development and the scheme provides ample opportunity for new tree planting and landscaping. The Tree Officer has no objection to the loss of the three category C trees or the laurel hedge to the front of the site. Although there is sufficient room for planting mitigation to take place, the current indicative planting lay is not considered sufficient to soften the development from the street scene. Officers consider this can be controlled via planning condition.
- 8.99 However, in discussion with the Tree Officer, Officers have concerns with regards to the layout of the proposed dwellings and the relationship with the trees on the western and northern boundaries in particular. Trees of particular concern are T8, T9 and T10 that are Category B trees. Several other lower category trees on the trees on the northern and western boundary are considered under threat, due to the proximity of the proposed dwellings, namely, T11, G4, T3 and G2.
- 8.100 Collectively these trees play an important role in screening the host site from the countryside to the north and also the recreational play area to the west. The concern is that the root protection areas adjacent to plots 5, 6, 7 and 9 are very close to the building lines of the residential dwellings and their garages. Also, as the farmers field is located to the north, that is routinely ploughed, the Tree Officer considers there would be larger areas of root protection south of their location, where the land is not ploughed. With regards to Plots 5, 6 and 7; they are between 6.5m and 8m from the Cat B trees, while the patio areas are within the root protection areas. Any future rear extensions would also be located within the root protection area, Officers do not consider it reasonable to simply remove PD rights to prevent extensions from happening in the future as an acceptable solution. Ultimately, the rear building lines should be moved further away from the northern boundary. The layout is considered an over development of the plot, creating development too close to the boundaries, this is indicative of that concern.
- 8.101 Officers also have concerns that in the absence of a shadow survey showing the trees on the northern and western boundaries when they are mature, it is not possible to say with certainty whether the trees would affect the reasonable enjoyment of the properties and their habitable spaces.
- 8.102 Therefore, the development, by compromising the realistic retention and replanting the trees on the northern and western boundary is considered harmful to the amenity of the area. There are not considered to be sufficient public benefits to outweigh the anticipated harm to these trees. Officers are therefore of the opinion that the proposal would not be compliant with policies Policy NR3 of the Borough Local Plan 2013-2033 and Policy NP/OE1 – Landscape of the Policy Neighbourhood Plan 2011-2026 that seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. The development is also considered contrary to Para. 131 of the NPPF that seeks for existing trees to be retained wherever possible. The residential amenity concern is covered via BLP Policy QP3 m), that seeks to ensure new development has no unacceptable effect on the amenities enjoyed by occupants.

xi) Archaeology

- 8.103 The Council's Archaeological consultant has provided comments on the application. There are potential archaeological implications associated with this proposed scheme as demonstrated by Berkshire Archaeology's Historic Environment Record.
- 8.104 The site lies within the archaeologically rich Thames Valley that have clear evidence for settlement from prehistory. The site is within the historic village of Horton, which is mentioned in Domesday and must therefore have early Medieval origins. The field adjacent to the north has several recorded crop marks of uncertain date suggesting that the site is close to potential archaeology. It is also located opposite the historic church of St Michael which dates from the 12th century and was likely built in close proximity to the community it served.
- 8.105 As shown, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. If the application was being recommended for approval, a condition would be included to ensure that the works were carried out in accordance with a written scheme of investigation. This is in accordance with Paragraph 205 of the NPPF(2023) which 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'. Also, BLP Policy HE 1, that requires such studies in archaeologically sensitive areas.

xii) Planning Balance Housing land supply and conclusion

- 8.106 The LPA has recently published details of a 4.83 year housing land supply. However, as the site is a Green Belt location and there are clear reasons for refusing the development, the titled balance of the NPPF is not engaged. This is in accordance with Paragraph 11 d i) of the NPPF.
- 8.107 Officers consider the development is inappropriate development in the Green Belt, and the NPPF is clear that harm to the Green Belt should be afforded substantial weight. The NPPF sets out 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. Significant weight is attributed to the contribution towards providing additional housing in the Borough. Affordable housing provision, a prerequisite for any development over 10 units, is only marginally above the minimum requirement of 30%. However, considering this is a rural location and Green Belt land is only given limited weight. Importantly, Officers have concluded not all the site can be considered 'Previously Developed Land', in accordance with the NPPF definition.
- 8.108 The other weighting given on this development are identified below.

Summary of the Harm against the Very Special Circumstances / Public Benefits

Harm	Weight (given in the Planning Balance)	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development (Reduction in openness of the Green Belt / Conflict with the purposes of including land in the Green Belt)	Substantial	A net increase of 14 dwellings and lack of Five Year Housing Supply	Significant Weight
Lack of Biodiversity Net gain	Significant	33% Affordable Housing	Limited Weight
Unproven drainage scheme	Significant		
Impact on street scene	Moderate		
Poor residential amenity	Moderate		
Impact to trees	Moderate		
Impact on Heritage Assets	Limited Weight		
Loss of commercial space	Limited Weight		
Failure to agree tenure of Affordable Housing	Limited Weight		
Lack of S106 to secure Affordable Housing	No Weight – as this could be overcome		
Lack of S106 to secure Carbon Offset requirements	No Weight – as this could be overcome		

8.109 Paragraph 8 of the NPPF reminds the reader that in seeking to achieve sustainable development the planning system has three roles, an environmental role to protect and enhance our natural, built and historic environment; including making effective use of land. An economic role which aims to help build a strong, responsive and competitive economy. Finally, a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places.

8.110 With regards to the Environmental aspects of sustainable development, there are objections to development in the Green Belt by reason of inappropriateness, impact upon the openness and the encroachment into the countryside. Furthermore, there are concerns regarding, drainage, biodiversity net gain, heritage and loss of boundary vegetation. This is chiefly due to the significant overdevelopment of the scheme.

8.111 It is accepted that the scheme would help 'socially' with regards to the provision of additional housing in the area. However, the expansive design, excessive scale and

incongruous (to the local area) layout of the development fails to result in a well designed development.

8.112 Paragraph 81 within Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. While not specifically referring to the loss of such employment and business development it is nevertheless reasonable to conclude that some weight must be given to the loss of such floorspace, particularly that which is currently in use and providing industrial space for local businesses.

8.113 Taking these factors into account, it is not considered that there are considerations which constitute Very Special Circumstances which out weight the harm to the Green Belt (which is afforded substantial weight), and the other harm identified in this report. The scheme is not considered to be a sustainable undertaking and the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole.

9. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 960 sq metres of additional floorspace.

10 CONCLUSION

As this report sets out, the proposed development does not comply with the relevant local planning policies and the National Planning Policy Framework. It is therefore recommended that planning permission is refused for reasons listed below.

11. APPENDICES TO THIS REPORT

Appendix A - Site location plan
Appendix B – Site layout drawings

1 The proposed development, by virtue of the layout, scale, form and height of the proposed new dwellings would not engage the exemption criteria of the NPPF paragraph 149 e) or paragraph 149 g) of the NPPF 2023. The development is therefore considered inappropriate development which is by definition harmful to the Green Belt. There is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2023), Policy QP5 of the adopted Borough Local Plan (2022) and Policy NP/HOU4 - Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).

2 The proposed development, by virtue of its cramped, overdeveloped layout, lack of set back from Stanwell Road, together with the excessive scale, height and incongruous external appearance in particular, the wide spread use of mansard roofs; fails to respect the characteristics of the existing site and the immediate village context, having a harmful intrusive urbanising impact on this rural village edge location. The proposal is considered to be contrary to Sections 12 of the National Planning Policy Framework, Policy QP1 and QP3 of the adopted Borough Local Plan (2022) and Policies NP/HOU1 Good Quality Design, and NP/HOU2 - Footprint, Separation, Scale & Bulk and NP/HOU4 - Redevelopment & Change Of Use of the Horton and Wraysbury

- Neighbourhood Plan (2011-2026).
- 3 The current proposal would entail the loss of 1,205 sq metres of commercial space. The applicant has not provided any credible / robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. The application therefore fails to comply with Policy ED3 of the Borough Local Plan (2022)
 - 4 No legal agreement has been provided to secure the affordable housing provision. Furthermore, the tenure of the affordable housing has not been agreed. Therefore, the proposal fails to secure the affordable housing, this is considered contrary to Policy HO3 of the Borough Local Plan (2022).
 - 5 No legal agreement has been secured to ensure the carbon offset contribution for the scheme to offset the impact of the proposal. Furthermore, the flats to be created have not been included in the energy statement, meaning an accurate calculation of the Carbon Offset fund is not possible. The proposal is therefore contrary to policy SP2 of the Borough Local Plan (2022), Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement (2021).
 - 6 The proposals do not set out a quantifiable biodiversity net gain. As such, the proposed development is contrary to Policy NR2 of the Borough Local Plan 2013-2033 and Policy NP/OE2 Ecology, of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
 - 7 The proposed new hard surfacing and buildings lines of plots 5, 6 and 7 will fall close to and in part within the root protection zones of trees on the northern and western boundaries, in particular the Category B Trees. The close proximity to the trees is likely to both hinder the growth potential of these trees and give rise to pressure from future occupiers to allow works to the tree to reduce or remove the perceived nuisance. These existing trees play an important role in shielding the site from external public views. Furthermore, the proposal is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of these garden's rear garden space and associated internal living and dining room spaces, from their primary outlooks. The proposal, therefore, fails to comply with Section 15 of the National Planning Policy Framework, Policy NR3 and QP3 m), of the adopted Borough Local Plan (2022) and Policy NP/OE1 Landscape of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).
 - 8 The proposal would lead to less than substantial harm to the Grade I Building St Michael's Church and the two Grade II Listed Lych Gate and the church yard wall, opposite the host site. This is due in part to the unsympathetic forward building lines and also the positioning of the new entrance, proposal would reduce the openness between the two sites and lessen the architectural and historical interest by introducing a overdeveloped, suburban layout to the area. It represents less than substantial harm to the significance of the designated heritage assets. The public benefits of housing supply and the provision of affordable dwellings would not outweigh the harm as identified in the other reasons for refusal in this decision notice. Therefore, the proposal is considered to be contrary to Paragraph 202 of the National Planning Policy Framework, Policy HE1 of the Borough Local Plan (2022) and Policy NP/HOU2 Footprint, Separation, Scale & Bulk of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
 - 9 The proposed flatted developments result in overlooking to the neighbouring properties of plot 10 and plot 2 in particular. There is also insufficient communal amenity space for future occupants of the first floor flatted developments. The bike and bin store due to its location, forms an uneighbouringly feature in close proximately to plot 10's front elevation. This would lead to an unnecessary loss of residential amenity for future users of this dwelling. As such, the proposed development fails to provide a good standard of accommodation for future occupiers and is contrary to Policy QP3 of the Borough Local Plan (2022) , the Borough Wide Design Guide SPD and Policy NP/HOU1 Good Quality Design of the Horton and Wraysbury Neighbourhood Plan

- (2011-2026).
- 10 In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding. The proposal development also fails to pass the sequential test. Therefore, the proposal is contrary to Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan (2022) and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).

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APPLICATION NUMBER 23/01387/FULL - BROOM LODGE, STANWELL ROAD, HORTON

APPENDIX A – SITE LOCATION PLAN AND BLOCK PLAN



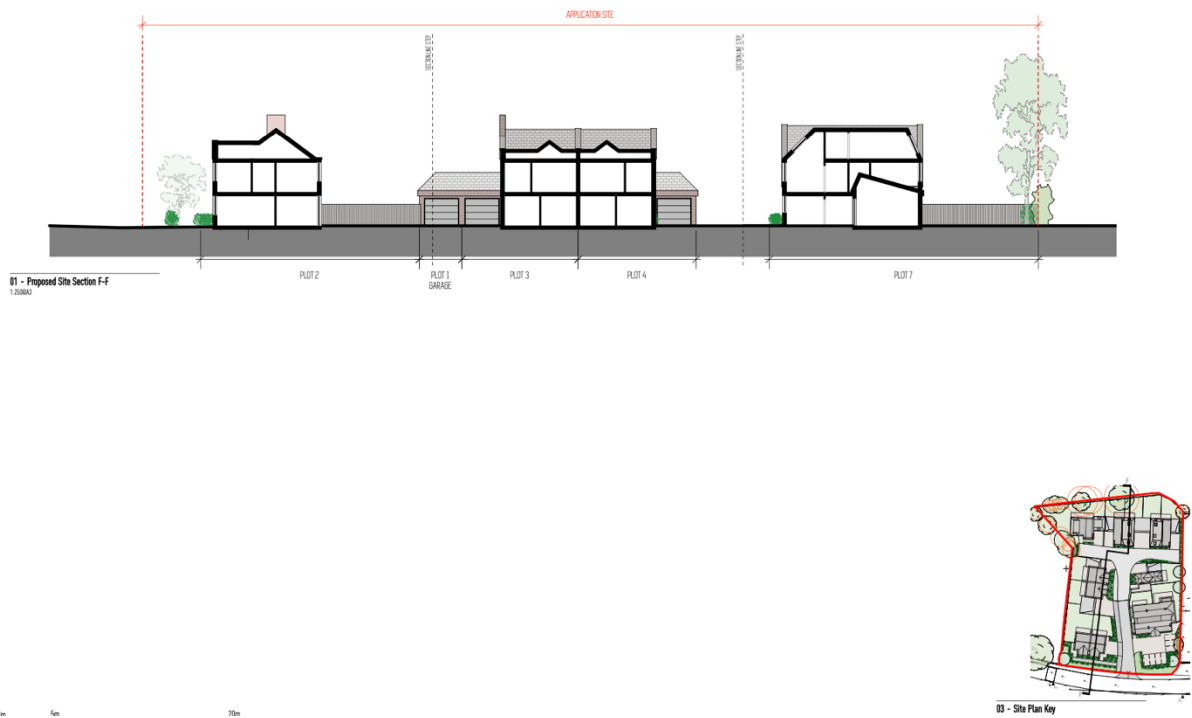


APPENDIX B – PLANS & ELEVATIONS

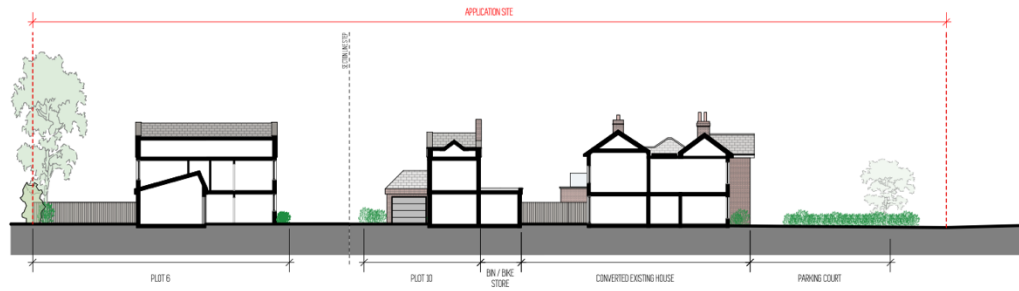
Existing Cross Section



Proposed Cross Section (looking west from within the site)



Proposed Cross Section (Looking east from inner road and South from outside the site)



01 - Proposed Site Section D-D
1:10000



02 - Proposed Site Section E-E
1:10000



03 - Site Plan Key

Existing Front / side elevation



01 - Existing Front Elevation
1:10000



02 - Existing Flank Elevation
1:10000

Proposed Front / Side Elevations



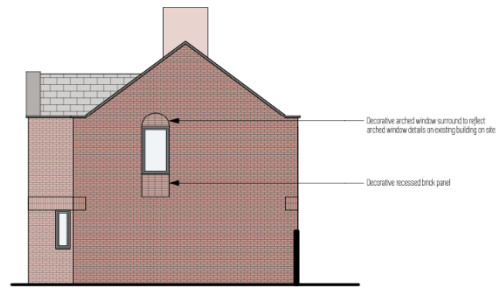
01 - Proposed Front Elevation
1:100&A3



Plots 1/2



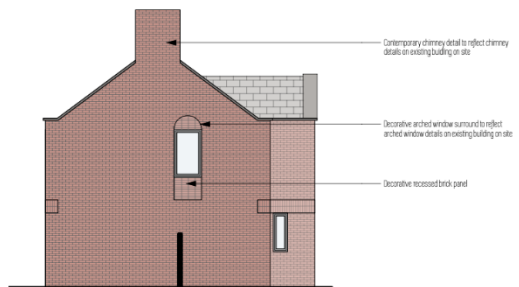
01 - Proposed Front Elevation
1:100&A3



02 - Proposed Flank Elevation
1:100&A3

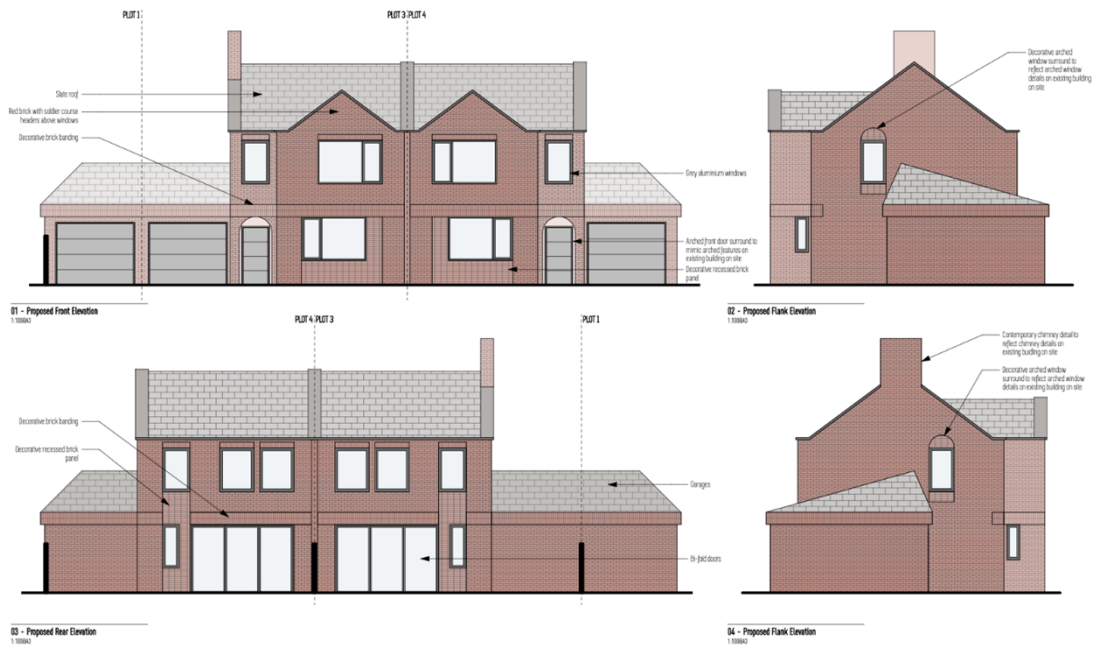


03 - Proposed Rear Elevation
1:100&A3

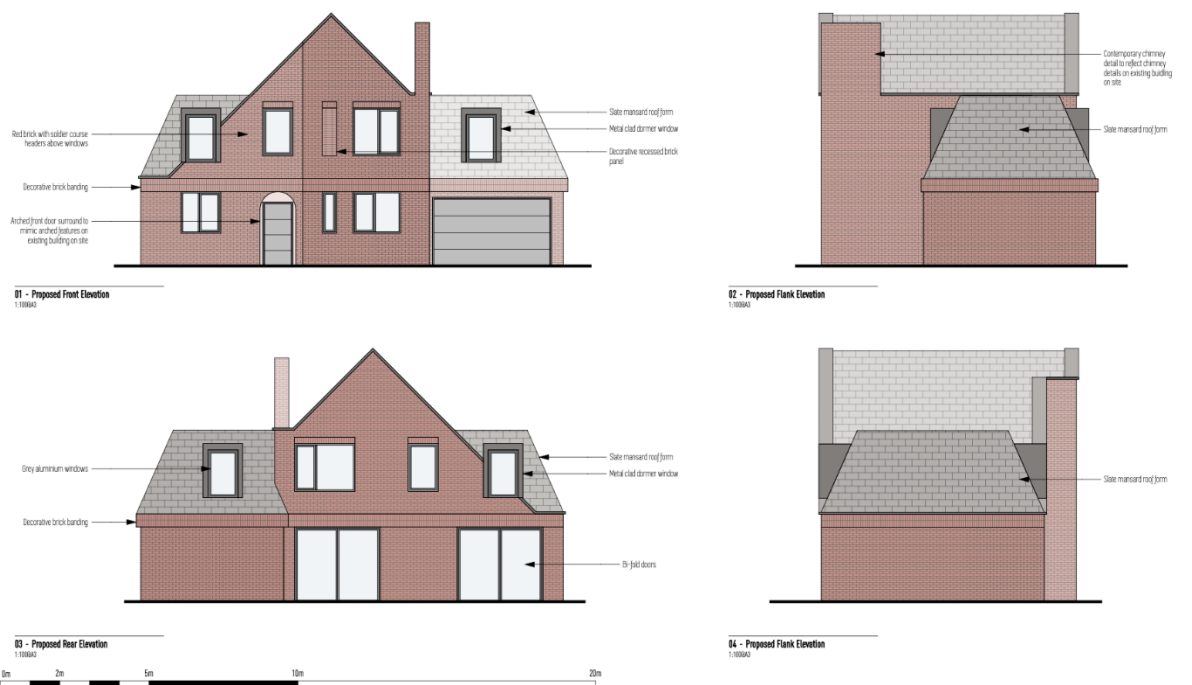


04 - Proposed Flank Elevation
1:100&A3

Plots 3/4

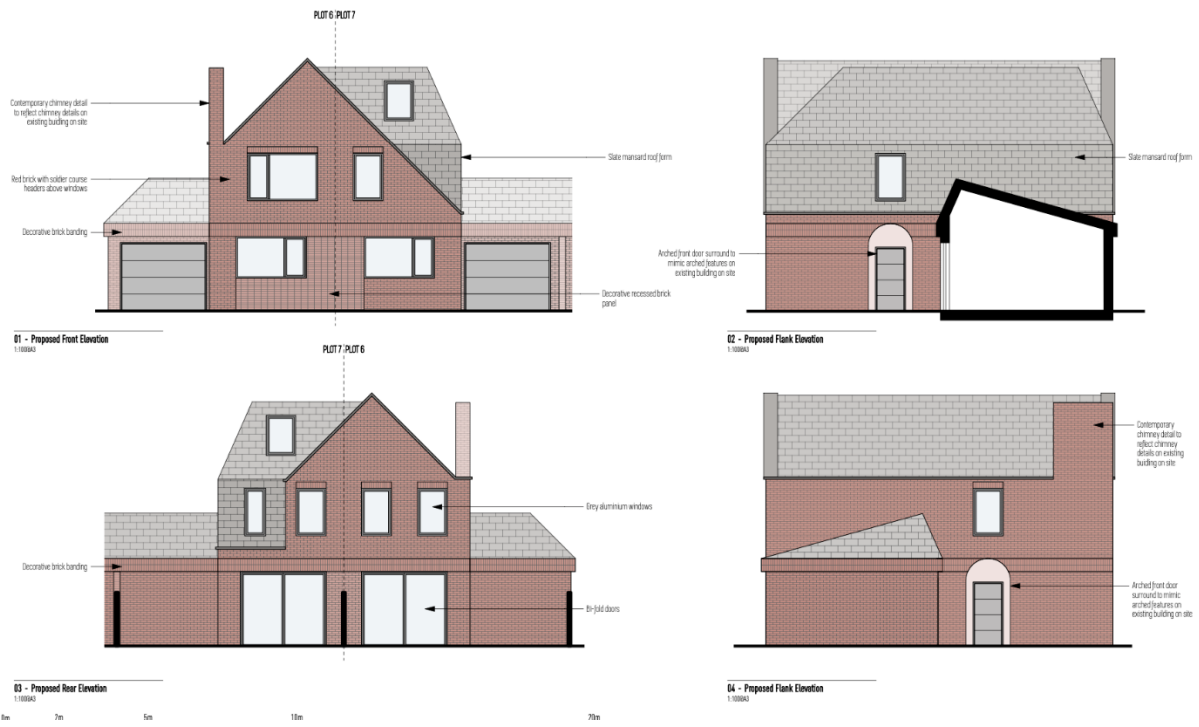


Plot 5

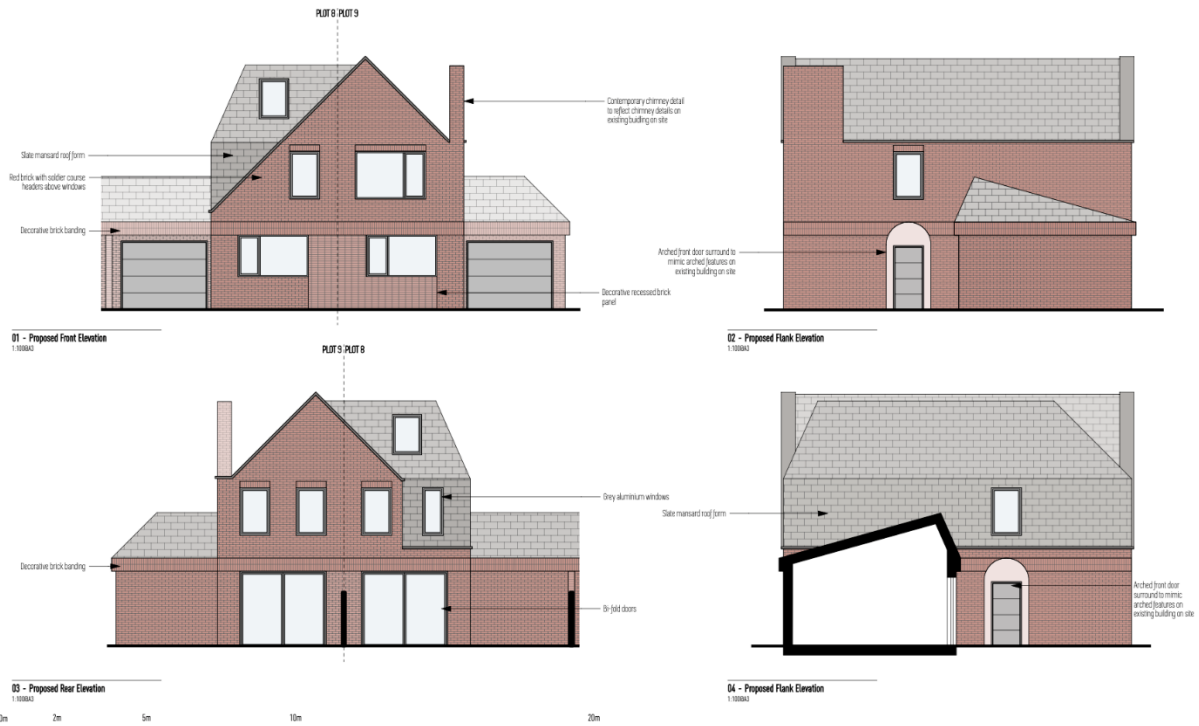


Client Name	Plot 5	LAMB ARCHITECTS ARCHITECTS 1000 1000 1000
Project Name	Plot 5	
Project Location	Plot 5	Date: 10/20/2023 Project: Proposed Elevations Plots 5 Drawing No: 017-4526

Plots 6/7



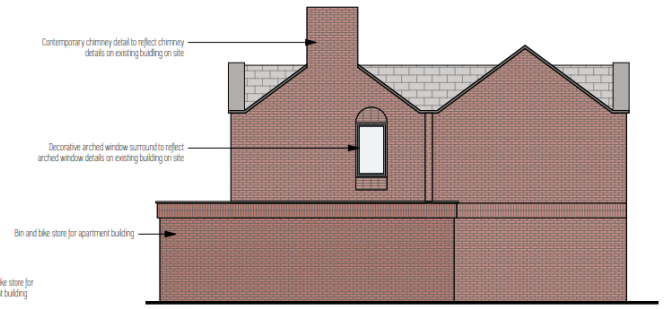
Plots 8/9



Plot 10



01 - Proposed Front Elevation
1/2024



02 - Proposed Flank Elevation
1/2024

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 3

Application No.:	23/01516/FULL
Location:	59 - 59A St Leonards Road Windsor
Proposal:	Part single part two storey side/rear extension, roof extension with 1no. rear dormer, 2no. rear roof terraces, alterations to fenestration and a new refuse and cycle store to provide an additional ground floor commercial unit and a change of use of the first and second floors from retail/offices to provide 4no. dwellings.
Applicant:	Mr Allaway
Agent:	Mr David Howells
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	

11 1. SUMMARY

- The proposal involves the extension and conversion of numbers 59 and 59A St Leonards Road in Windsor town centre. The site lies within the secondary shopping frontage and the proposal is for the provision one additional commercial unit (Class E) to the rear at ground floor and a total of 4 residential units at first and second floor. The site lies within the Inner Windsor Conservation Area and is surrounded to the north and south by residential properties in Temple Gate and Chesterton Place.
- The proposal is considered to cause less than substantial harm, at the lower end of the scale, to the significance of the Conservation Area. However, it is considered that the public benefits of providing additional residential properties and securing the optimum viable use of the site would outweigh the harm in this case.
- The proposal is acceptable in all other respects including its impact on the living conditions of the neighbouring properties and on highway and parking grounds.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of a unilateral undertaking to secure the carbon off set contribution required in Section 10 of this report and with the conditions listed in Section 15 of this report.
2.	To refuse planning permission if a unilateral undertaking to secure the carbon off set contribution required in Section 10 of this report has not been satisfactorily completed.

2. REASON FOR COMMITTEE 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 Committee as the application has been called in by Cllr Julian Tisi, irrespective of the recommendation,

due to a number of complexities including parking, loss of amenity (in particular potential loss of privacy for neighbouring residents) and that the building is within the Inner Windsor Conservation Area.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises numbers 59 and 59A St Leonards Road, an attractive pair of late 19th/early 20th century buildings. The buildings front onto the eastern side of St Leonards Road, within Windsor Town Centre and within a secondary shopping frontage. The ground floor of number 59A was up until recently occupied by Millars cafe and is now vacant. The ground floor of number 59 is occupied by a picture framing business. The picture framing business also occupies the rear portion of number 59A. The first and second floors are vacant and were last occupied as an office (Class E).
- 3.2 The site backs onto Trinity Yard, a courtyard comprising retail units and a gym all within the applicant's ownership. Residential properties to the north in Temple Gate are separated from the application property by an access drive serving Trinity Yard. To the south of the site lies number 61 St Leonards Road, a funeral directors with residential above. Chesterton Place, a flatted development lies to the south, separated from the application site by number 61 and an access drive/parking area.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Inner Windsor Conservation Area and a Secondary Shopping Frontage. The site lies within the 'Victorian and Edwardian suburbs' classification set out in the Townscape Assessment. The site falls outside the Windsor Neighbourhood Plan Area.

5. THE PROPOSAL

- 5.1 Permission is sought to extend and convert the existing buildings to provide an additional commercial/retail unit at ground floor and provide a total of 4 flats comprising 2 x 1 bed flats and a studio flat at first floor and a 2 bed flat at second floor level.
- 5.2 The proposal includes an infill extension at the rear, comprising a part single/part two storey rear extension and a roof extension incorporating a dormer window. First and second floor rear roof terraces are proposed and glass privacy screens have been added to the first floor roof terrace. Some alterations to the fenestration are proposed including the insertion of an additional first floor window in the northern elevation to serve a bedroom and a first-floor door in the southern elevation to replace an existing window. The front elevation would remain unchanged. Access to the first and second floor flats will be via an existing ground floor door in the northern elevation.
- 5.3 The existing commercial units at ground floor would be retained and reconfigured and a new commercial unit created at the rear. A refuse/bin store and cycle store are proposed to be provided within two existing garages within Trinity Yard.

6. RELEVANT PLANNING HISTORY

- 6.1 The relevant planning history is set out below and includes a current application, reference number 23/01390/FULL, relating to Trinity Yard, owned by the same applicant and pending consideration.

Reference	Description	Decision
23/01390/FULL	Creation of 5no. individual Class E units and 1no.B8 unit together with bin/refuse and cycles stores,	Pending Consideration
22/02897/CLAMA	Prior approval for change of use of first and second floors from commercial, business and service (Class E) to create 1 x studio, 1 x 1 bed and 1 x 2 bed self-contained flats (use class C3 – residential)	Prior approval required and granted 19.12.22
21/03376/FULL	Part change of use of existing building from retail and office to residential, part single part two storey rear extension with x 1 first floor rear facing balcony above, roof extension, x 1 rear dormer with x 1 second floor rear facing balcony to create x5 dwellings and alterations to fenestration.	Withdrawn 19.10.22
21/02356/CLASSO	Change of use of the first and second floors from offices to residential for 3no.flats	Prior approval required and refused 23.9.21
18/00854/FULL	Change of use of ground floor shop unit from Class A1 (retail) to Class A3 (cafe/restaurant).	Permitted 14.5.18
98/77520/FULL	Change of use of second floor (suite 5) from office to admin and technical support centre for private car hire company	Permitted 20.1.99

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan:

Issue	Policy
Climate Change	SP2
Character and Design of New Development	QP3
Other Sites and Loss of Employment Floorspaces	ED3
Windsor Town Centre	TR2
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Noise	EP4
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

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 15 – Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- a) Borough Wide Design Guide
- b) Inner Windsor Conservation Area Appraisal 2015

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

40 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 28th June 2023 and the application was advertised in the Local Press on 7th July 2023.

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

Comment	Where in the report this is considered
1. Lack of parking – parking in nearby streets is already overcrowded. Sufficient off-street parking should be provided.	Section 8v
2. Increase in noise and disturbance from large outdoor roof terraces	Section 8iv
3. Overlooking and loss of privacy of neighbouring properties in Temple Gate and Chesterton Place.	Section 8iv
4. Adverse impact on road and pedestrian safety –increase in traffic via narrow access where visibility restricted.	Section 8v
5. Flats 4 & 5, Chesterton Place have living room and bedroom windows approx. 10m from proposed terraces.	Section 8iv
6. No noise or sound insulation.	Section 8iv
7. Garages in Trinity Yard could be used for parking	Section 6 & 8v
8. Loss of natural light.	Section 8iv

9	The main door serving the flats would lead out onto the busy access road and would cause noise and disturbance to occupiers of Temple Gate.	Section 8iv
10.	Proposal does not address previous concerns relating to balconies and does not enhance the character and appearance of the Inner Windsor Conservation Area.	Sections 8iii & 8iv
11.	Bats in the area	Section 8vi
12.	The new first floor window will look directly into bedroom windows in Temple Gate.	Section 8iv
13.	Fire safety is questioned – 4 properties accessed via a narrow stairwell.	Covered under building regs.
14.	New glass door in south elevation will directly face windows/skylights in Chesterton Place –loss of privacy.	Section 8iv
15.	Bin area insufficient to accommodate refuse for commercial businesses and 4 new flats.	Section 8iv

Consultees

Consultee	Comments	Where in the report this is considered
Conservation Officer	Summary: The proposal would cause less than substantial harm at the lower end of the spectrum to the significance of the Conservation Area – Object.	Section 8iii
Ecology Officer	No objection on ecological grounds subject to a condition to secure biodiversity enhancement.	Section 8vi
Environmental Protection	Future and existing sensitive receptors need to be protected from noise. No objection subject to conditions (noise containment & aircraft noise).	Section 8iv

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

1. Principle of Development

10.2 BLP policy ED3 states that where a change of use from an economic use to another use is proposed, credible and robust evidence of an appropriate period of marketing for an economic use must be provided to demonstrate that the proposal would not cause unacceptable harm to the local economy. A further consideration will be the significance to the local economy of the use to be lost. The first and second floors are currently vacant however the last known use was as an office (Class E). The proposal from office (Class E) to residential would conflict with policy ED3 since no evidence of an appropriate marketing exercise has been supplied. However, in this case there is a fall-back position as the change of use of the first and second floors from Class E to 3 residential units has already been granted prior approval under application

22/02897/CLAMA and significant weight can be given to this fall-back position as there is a realistic expectation that it would be implemented in the event of this application being refused.

- 10.3 The site lies within Windsor Town Centre and a secondary shopping frontage. BLP policy TR2 'Windsor Town Centre' supports proposals in secondary frontages where they contribute to the existing character, function and vitality of the street or surrounding environment and proposals for residential use on upper floors throughout Windsor town centre will be encouraged.
- 10.4 The commercial units fronting St Leonards Road are to be retained and the retail function and viability of the secondary shopping frontage would be unaffected. New commercial development is encouraged in town centre locations and the principle of an additional commercial Class E unit in this location is accepted.
- 10.5 The principle of the development is accepted and accords with BLP policies TR2 and ED3.

2. Climate Change and Sustainability

- 10.6 Local Plan policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The Council's Interim Sustainability Position Statement sets out certain requirements which will be sought for new developments including a reduction in carbon emissions and includes conversion of existing buildings where new dwellings are being created.
- 10.7 The application has been accompanied by an updated Sustainability and Energy Statement prepared by Bluesky Unlimited dated 14th November 2023. The carbon emission calculation includes the proposed extensions and an estimate of emissions from the conversion of the building. The SAP calculations for the apartments are based on the installation of heat pump hot water cylinders. The total carbon dioxide emissions are assessed as 2,417 kg CO₂ per year and a carbon off set payment of £5,003 is required. Water efficient devices to achieve the 110 Litres per person per day target are also to be installed.
- 10.8 Subject to securing a Unilateral Undertaking to secure the carbon off-set contribution and securing a condition to ensure the proposal is undertaken in accordance with the measures set out in the updated Energy Statement, the proposal accords with BLP policy SP2 and the ISPS.

3. Impact on character and appearance including heritage assets

- 10.9 The building lies within the Inner Windsor Conservation Area and the application has been accompanied by a Design & Access Statement and a Heritage Statement.
- 10.10 Local Plan policy HE1 requires development proposals to demonstrate how they preserve or enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment. Works that would cause harm to the significance of a heritage asset will not be permitted without a clear justification in accordance with legislation and national policy.
- 10.11 Local Plan policy QP3 requires new development to contribute towards achieving sustainable high quality design and development proposals will be considered high

quality design and acceptable where it achieves a number of design principles including respecting and enhancing the local or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, scale, bulk, massing and materials, amongst other things and respecting and retaining high quality townscapes.

- 10.12 The existing buildings dates from the late 19th /early 20th century and comprise part of a short terrace of properties fronting St Leonards Road. The front elevation facing St Leonards Road includes traditional shopfronts, a projecting gable at roof level oversailing a square oriel window, timber frame detailing and bargeboards. The front elevation would remain unaltered. To the rear is a projecting gable constructed in a London stock brick with red brick dressing. The entire roof is finished in plain clay tiles with a clay ridge tile detail. The existing building makes a positive contribution to the street scene and contributes to the character of this part of the Conservation Area, forming a distinct entrance to Trinity Yard.
- 10.13 The proposed extensions at ground, first and second floors would be contained within the small rear yard to the south of the rear range. The proposed extension to the building, by virtue of its massing and horizontal emphasis, the proposed crown roof and tiled balustrades to the roof terraces, would fail to respect the character, grain and form of the host building. The additions to the building, however, are to the rear and largely contained between the existing outrigger of No.59 and the two storey neighbouring building No.61, the harm to the character of the existing building and wider area is therefore limited.
- 10.14 The proposals, including the glass privacy screens are considered to cause less than substantial harm, at the lower end of the scale and would have a minor detrimental effect on the character and appearance of the Conservation Area. This harm needs to be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use (paragraph 202 of the NPPF) and this is set out in the planning balance in Section 12.

4. Impact on the living conditions of neighbouring occupiers and future occupiers

- 10.15 Local Plan policy QP3 requires development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance and sunlight and daylight, amongst other things. Local Plan policy EP4 requires development proposals to consider the noise and quality of life impact on recipients in existing nearby properties and the intended new occupiers ensuring they will not be subject to unacceptable harm. Development proposals that generate unacceptable levels of noise and affect quality of life will not be permitted.
- 10.16 Temple Gate is a relatively modern housing development comprising 12 properties to the north of the site separated from the application properties by a drive/access serving Trinity Yards. The flank (southern) elevation of Temple Gate is blank and has no windows directly facing the application site. There are windows, including bedroom windows, facing out onto a communal parking area within the Temple Gate development. Chesterton Place is a modern, flatted development to the south of the site separated from the application property by number 61, a funeral directors and an access/parking area. There are first and second floor windows in the northern elevation of Chesterton Place including dormer windows which serve living room and bedroom windows and a small, glazed balcony serving Flat 5. These windows currently look out onto the roof of number 59A. The residents of both Temple Gate and Chesterton Place

have raised concerns that the proposal would result in overlooking and loss of privacy and result in noise and disturbance from the roof terraces.

- 10.17 Opaque privacy screens have been added to the first-floor roof terrace to prevent any overlooking or loss of privacy to any neighbouring properties. The second-floor roof terrace would be fully hidden behind the existing rear projecting gable of number 59a and number 61 St Leonards Road. The first-floor terrace would measure 12 sq.m and the second floor roof terrace would measure 24 sq.m. It is not anticipated that the roof terraces would generate an unacceptable level of noise and disturbance to neighbouring residents or introduce any unacceptable level of overlooking or loss of privacy.
- 10.18 An additional first floor window is proposed in the northern elevation to serve a living/dining room. This window would look out onto the blank elevation of Temple Gate and any views into any windows in Temple Gate would be somewhat oblique. The replacement of a first-floor window with a glazed door in the south elevation of the existing building would not introduce an unacceptable level of overlooking or loss of privacy to Chesterton Place. The use of an existing side door in the northern elevation to access the flats would not result in an unacceptable level of noise and disturbance to occupiers of Temple Gate.
- 10.19 The proposal would have no unacceptable impact on the living conditions of the neighbouring properties in terms of light, privacy and noise and disturbance. The site backs onto commercial properties in Trinity Yard and would have no unacceptable impact on these properties.
- 10.20 The Environmental Protection team has raised no objection to the proposal but have suggested conditions be secure details relating to acoustic insulation to contain internally generated noise and to insulate all habitable rooms against aircraft noise.
- 10.21 Subject to securing appropriate conditions the proposal would accord with Local Plan policies QP3 and EP4.

Future Occupiers

- 10.22 The proposed flats meet the minimum standards set out in the nationally described space standards. Whilst only two of the flats would have external amenity space in the form of roof terraces it is acknowledged that in this type of historic, urban environment it may not always be possible to provide external amenity space for all the flats. There is public amenity space within easy walking distance of the site and no objection is raised on the grounds of lack of amenity space. The proposal provides a betterment in terms of amenity for future occupants compared to the fall-back position which provided no amenity space.
- 10.23 A communal bin store and secure cycle store are shown to be provided in the existing garages in Trinity Yard and these facilities are sufficient to serve the proposed development.
- 10.24 Overall, the proposal would achieve good living conditions for future occupiers in accordance with Local Plan policy QP3.

5. Highways and parking

- 10.25 Local residents have raised concern about the lack of parking and have referred to existing parking difficulties in the surrounding roads. The site is located in a town centre

location in a highly sustainable location, within easy walking distance of local amenities and public transport links including two train stations. Car free development in town centre locations is accepted as being in line with the governments objective of promoting sustainable transport modes. Paragraph 111 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.

- 10.26 The fall-back position (prior approval 22/02897/CLAMA) already allows 3 flats which could be implemented if this application is refused. No objection was raised to the previously withdrawn application on highway or parking grounds. Whilst it was suggested that future occupiers should be prevented from obtaining parking permits, given that these are issued separately by the RBWM Parking Team it is not considered appropriate or necessary to secure a condition or S106 agreement to this affect.
- 10.27 The bin store and cycle store are now shown to be provided within the existing garages in Trinity Yard which has enabled the area to the rear of number 59 and 59A to be retained as a turning area for the wider benefit of Trinity Yard.
- Subject to securing appropriate conditions the proposal accords with BLP policies IF2 and QP3.

6. Ecology & Biodiversity

- 10.29 The application has been accompanied by a Preliminary Bat Roost Assessment and an Emergence Survey (Cherryfield Ecology, February 2023 and June 2023) which have been undertaken to an appropriate standard. The report concludes that the building is unlikely to host roosting bats and there is no objection to the proposal on ecological grounds.
- 10.30 BLP policy NR2 states that ‘opportunities to incorporate biodiversity in and around development should be encouraged’. Proposals are also required to demonstrate a net gain in biodiversity. In this regard a planting bed is shown to be provided to the rear of the building. The area supports a population of swifts whose numbers have declined in recent years partly due to a lack of nesting sites commonly found in buildings. Details of biodiversity enhancements such as swift bricks/boxes can be secured by condition.
- 10.31 Subject to securing appropriate conditions, the proposal accords with BLP policy NR2.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development would be CIL liable based on the following:

Reason for liability	new residential development, more than 100 sqm of new dev
CIL Charging Rate	£240
New floorspace	Approx 255 sq.m new residential floorspace created by approved development

12. PLANNING BALANCE

- 12.1 Duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 need to be considered by the decision maker in determining the application. Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing optimum viable use.'

- 12.2 The Council is currently not meeting its 5-year housing land supply. The proposal would bring forward a total of 4 residential units, which is 1 more than the prior approval scheme. The proposal would also result in an increase of commercial floorspace within this town centre location. On balance it is considered that securing optimum viable use of the site would outweigh the less than substantial harm (which has been identified to sit at the lower end of the scale) in this case.

13 CONCLUSION

- 13.1 The proposal is acceptable in all other matters and should be approved.

14. APPENDICES TO THIS REPORT

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

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

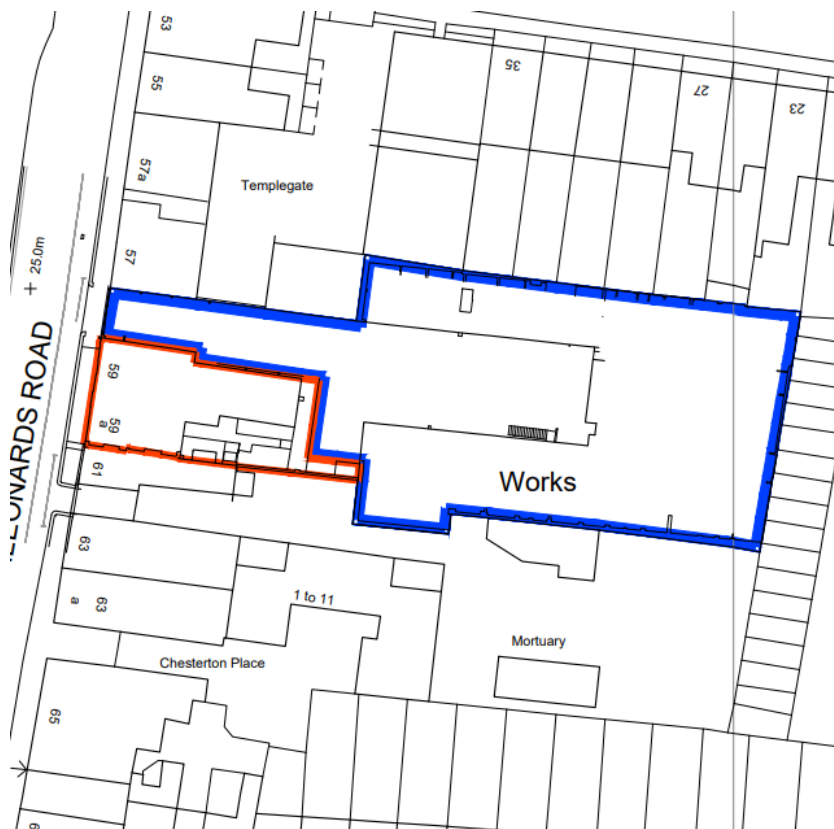
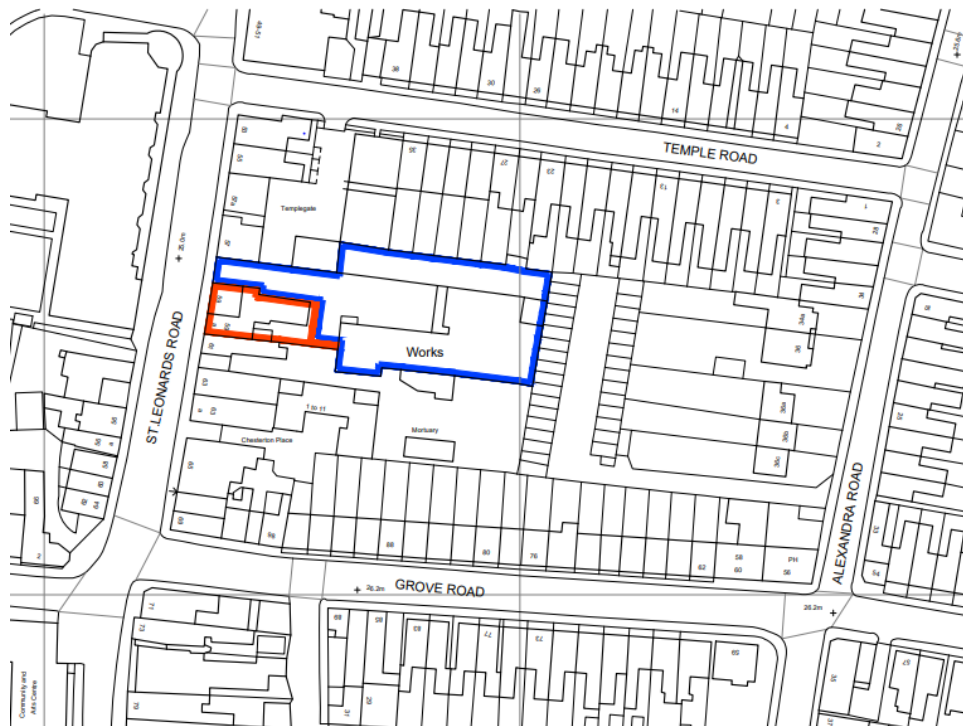
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 A sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing to be used shall be prepared on site and approved by the Local Planning Authority in writing prior to the commencement of work. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 3 Prior to the commencement of development details of the roof tile to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 4 Prior to the installation of new external doors and windows, details including the manufacturer and product information of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 5 The rear ground floor commercial unit shall only be occupied by a Class E use as set out in the Town and Country Planning (Use Classes) Order 2020 (as amended).

- Reason: To protect the amenities of the neighbouring residential properties. Relevant Policies - Local Plan QP3.
- 6 Prior to occupation of the flats the opaque privacy screens as shown on the approved drawings shall be installed and maintained in accordance with the approved details.
Reason: To protect the living conditions of the neighbouring residential properties. Relevant Policies - Local Plan QP3.
- 7 Prior to the completion of the development, details of biodiversity enhancements, including swift boxes/bricks integrated into the proposed extension and details of wildlife planting to be provided in the 'planted area' shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed and a simple plan showing their location and photographs of the enhancements in situ shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance biodiversity in and around the development .Relevant Policies - Local Plan NR2.
- 8 The turning space to the rear of the buildings shall be kept free and available for vehicles using Trinity Yard.
Reason: To facilitate vehicles entering and leaving the highway in a forward gear. Relevant Policies - QP3 and IF2.
- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan QP3 and IF2
- 10 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - QP3 and IF2.
- 11 The development shall be carried out in accordance with the measures set out in the Sustainability and Energy Statement dated the 14th November 2023, prepared by Bluesky Unlimited.
Reason: To help mitigate climate change. Relevant policy - Local Plan SP2.
- 12 No development shall take place until details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The assessment shall include the effects of local commercial noise on the proposed residences and the survey shall be carried out in accordance with industry best practice and British Standards. The approved measures shall be carried out and completed before the use commences and shall be retained/ maintained in good working order at all times.
Reason: To protect the residential amenities of the area. Relevant Policy - Local Plan
- EP4
13 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.
Reason: To ensure an acceptable living environment for future occupiers. Relevant

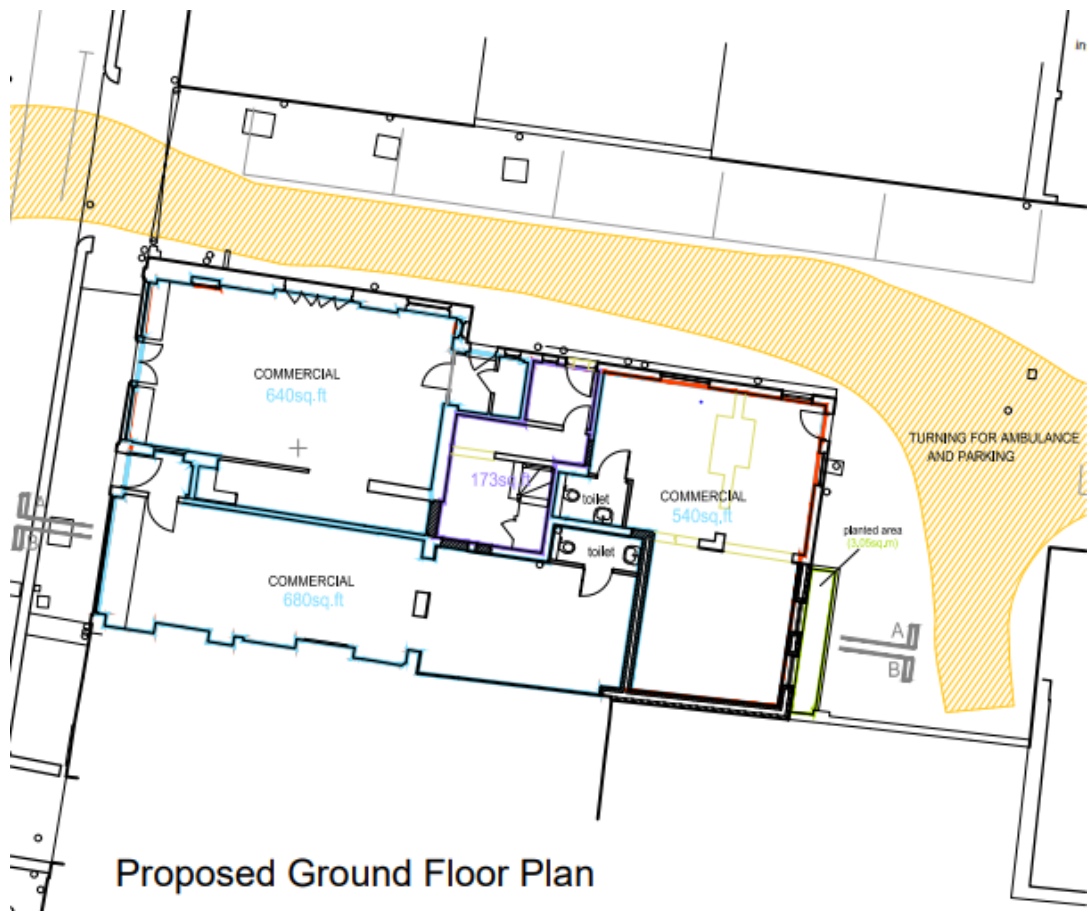
- 14 Policies Local Plan QP3 and EP4.
The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

APPLICATION NUMBER 23/01516/FULL - 59-59A ST LEONARDS ROAD, WINDSOR

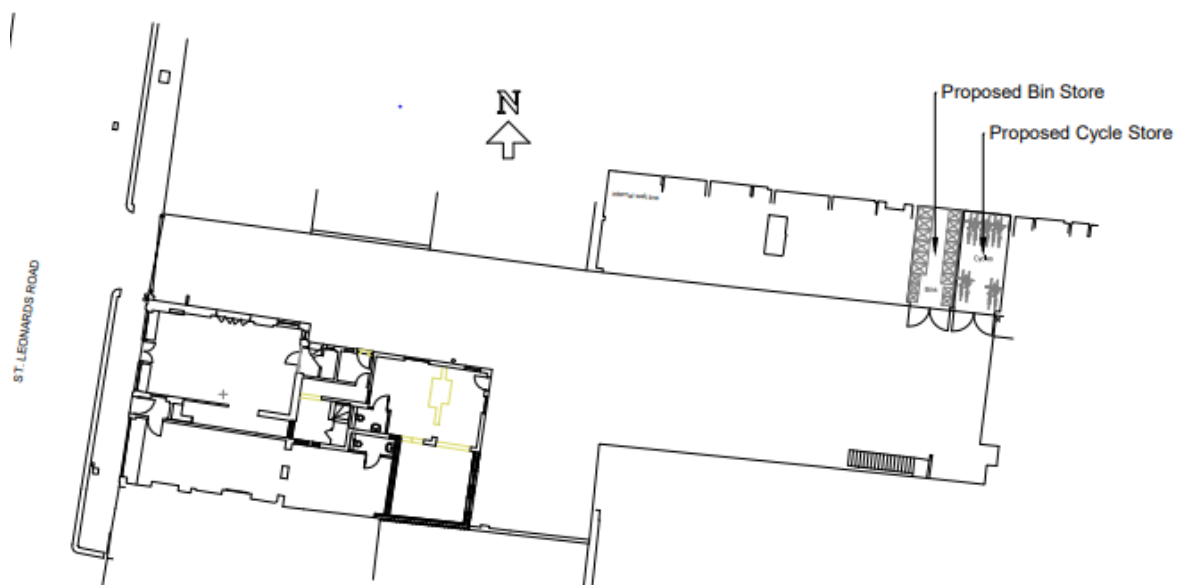
APPENDIX A – SITE LOCATION PLAN & LAYOUT



APPENDIX B – PLANS & ELEVATIONS

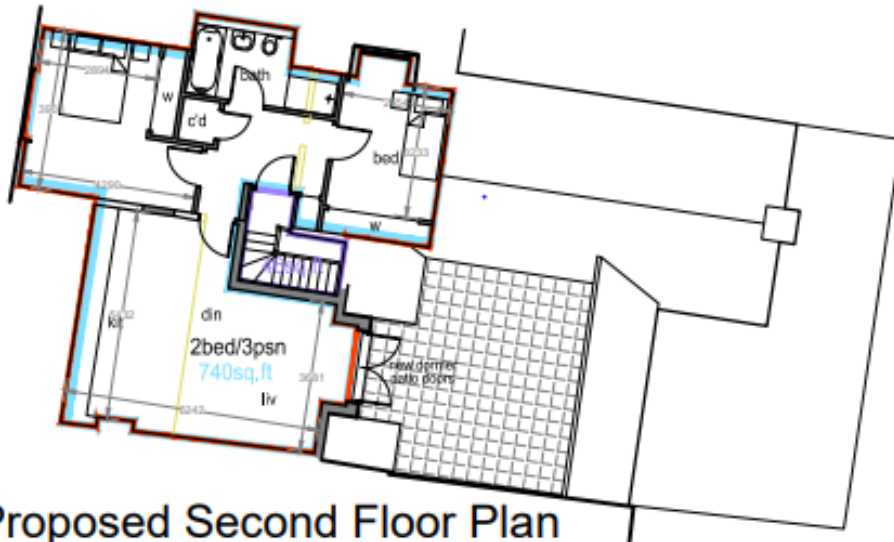


Proposed Ground Floor Plan





Proposed First Floor Plan



Proposed Second Floor Plan

PROPOSED ELEVATIONS

Front elevation



Side elevation

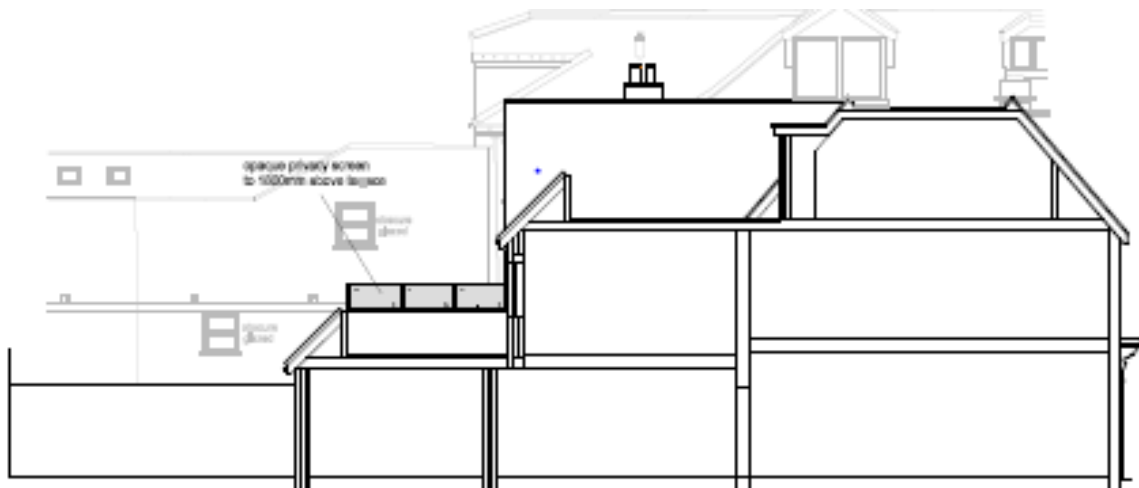


Rear elevation



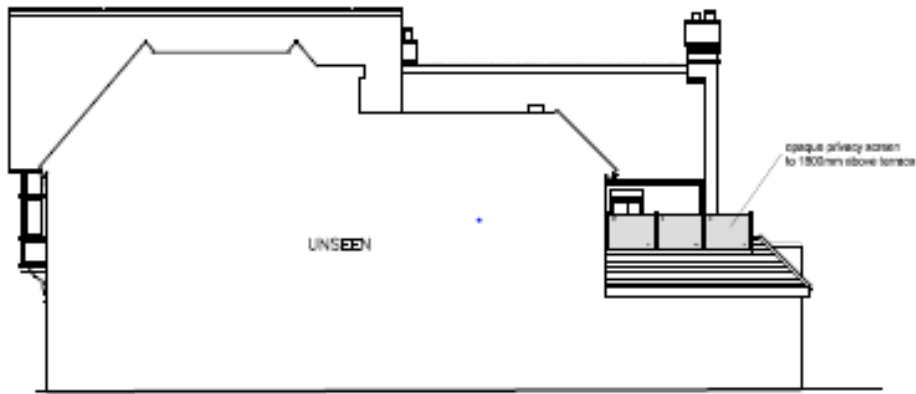
Scale: 20:00 PROPOSED REAR ELEVATION

Cross section



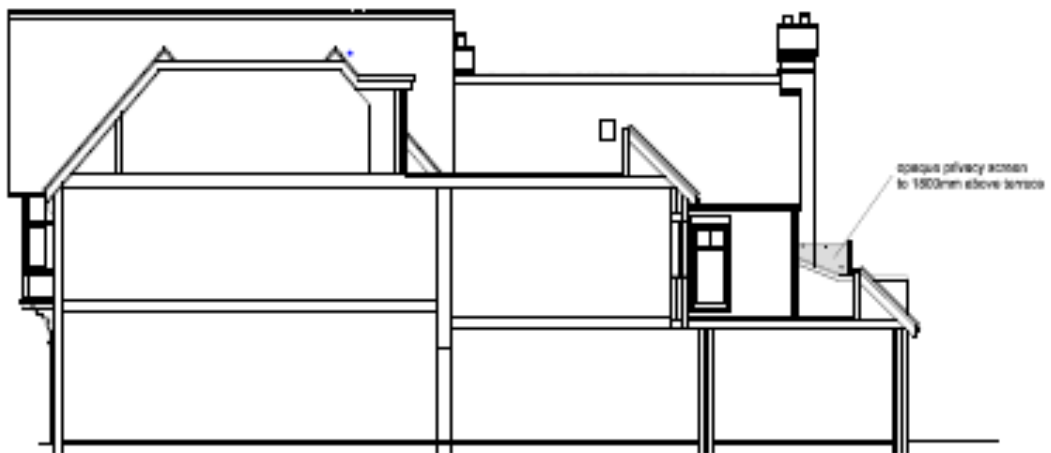
Scale: 20:00 PROPOSED SECTION B-B

Side elevation



0.01 20.00 PROPOSED SIDE ELEVATION

Cross section



0.01 20.00 PROPOSED SECTION A-A

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 4

Application No.:	23/02143/FULL
Location:	RBWM Recycling Site At Windsor Leisure Centre Stovell Road Windsor SL4 5JB
Proposal:	Cycle park hub and pathway following the removal of the existing recycling units.
Applicant:	Mr Tremellen
Agent:	Not Applicable
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

- The proposed cycle parking hub would replace an existing recycling facility located in Stovell Road, close to Windsor Leisure Centre. The proposal would help encourage cycling, a sustainable mode of transport, and is acceptable in terms of appearance and flood risk.

It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.

2. REASON FOR COMMITTEE 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 Committee as the application is submitted by RBWM.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies to the front of Windsor Leisure Centre on Stovell Road. It comprises an RBWM recycling facility with large metal bins placed on a concrete slab. It is enclosed on 3 sides by brick piers and wooden fencing. To the front of the site is a grass verge and a CCTV column. There are parking spaces associated with the leisure centre and an access road to the west and a service road to the east. A row of self-seeded sycamore trees run along the northern boundary of the site. The National Cycle Network Route 4 runs beneath the adjacent Royal Windsor Way and along Stovell Road to the south.

4. KEY CONSTRAINTS

- 4.1 The site lies within Flood Zone 2 and the river Thames setting.

5. THE PROPOSAL

- 5.1 Permission is sought to construct a cycle parking hub to replace the existing recycling facility. Funding has been secured from Active Travel England for the borough's first

secure cycle parking garage. The steel frame structure (anthracite grey) would have toughened safety glass on 3 sides, a Plastisol panel (anthracite grey) on the rear elevation and a sedum roof. The structure would measure 3.15m in height, 7.45m in width and 6.26m in depth and provide parking for 36 cycles including two tier racks, Sheffield stands, cargo stands and a pump and repair stand. There will be lockers provided for cyclist to store helmets and belongings. The entry system for the structure would be via a bookable app to provide 24/7 access.

- 5.2 A new pathway is proposed across the grass verge to serve the cycle parking hub. A timber knee rail fence, 0.45m in height, would provide a barrier between the cycle hub and the parking spaces to the west.

6. RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

7 DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Character and Design of New Development	QP3
River Thames Corridor	QP4
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

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

Supplementary Planning Documents

- a) Borough Wide Design Guide

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

No occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 15th September 2023.

No comments have been received.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection	See section 10v

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

1. Principle of Development

10.2 The existing recycling facility attracts fly tipping and most of the bins have now been removed due ongoing costs of clearing the fly tipping. The recycling centre is no longer required as all items recycled at the site can either be recycled at home or at the Stafferton Way Household Waste and Recycling Centre, Vicus Way, Maidenhead. The provision of a cycle park hub would help encourage cycling, a sustainable mode of transport in accordance with BLP policy IF2. It would complement the highway works undertaken to make walking and cycling easier, safer and more attractive as part of the Borough’s adopted Local Cycle and Walking Infrastructure Plan. The cycle park hub would be located on one of the main cycle routes into Windsor Town Centre and would be used by people using the leisure centre. It would help to address residents’ feedback regarding the security of current cycle parking arrangements at the leisure centre.

10.3 The principle of replacing the existing recycling facility with a cycle parking hub is accepted.

2. Flood Risk

10.4 The application site lies within Flood Zone 2 (medium probability of flooding) and lies approximately 110m to the south of the river Thames. The application has been accompanied by a Flood Risk Assessment.

10.5 The Flood Risk Vulnerability Classification for the proposed development is ‘Water Compatible’ which would be appropriate within Flood Zone 2 and no sequential or exception test is required. The structure, to be installed on the existing concrete slab provides a gap between the bottom of the toughened glass/wall surrounds and the slab level. The structure would be floodable not impede flood flow or increase flood risk elsewhere.

10.6 The proposal would be acceptable in terms of flood risk and accords with BLP policy NR1 and the guidance set out in the NPPF.

3. Character and Appearance

10.7 The cycle hub would be set well back from the road frontage behind the existing grass verge and would replace the existing recycling facility and enclosure. The structure

would not appear unduly prominent or obtrusive in this location and would have an acceptable impact on the character and appearance of the site itself and the locality in general.

- 10.8 The proposals would have no adverse impact on the setting of the river Thames and the proposal accords with BLP policies QP3 and QP4.

4. Trees

- 10.9 The proposal would necessitate the removal of some self-seeded sycamore trees along the northern boundary of the site. The Council's tree officer has raised no objection to the removal of these trees subject to the planting of a hornbeam tree (size 10-12cm in girth) to the north of the site.

- 10.10 Subject to securing a condition for the replacement tree planting, the proposal accords with BLP policy NR3 and QP3.

5. Highways

- 10.11 The Highway section has raised no objection to the proposal and the provision of secure cycle parking would accord with BLP policies QP3 and IF2.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable

12. CONCLUSION

- 12.1 The proposal is acceptable for the reasons set out above and accords with the policies set out in the BLP.

13. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and block plan
- Appendix B – plans and elevation drawings

14. 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 A hornbeam tree (*carpinus betulus*) with a minimum girth size of 10-12cm shall be planted in the location specified on drawing titled ' Tree Cycle Park Windsor Leisure Centre' received on the 1st September 2023 within the first planting season following the completion of the cycle parking hub. If the tree should die, is found dying or becomes diseased within 3 years of being planted, it must be replaced with the same tree unless any variation is first agreed in writing by the Local Planning Authority.

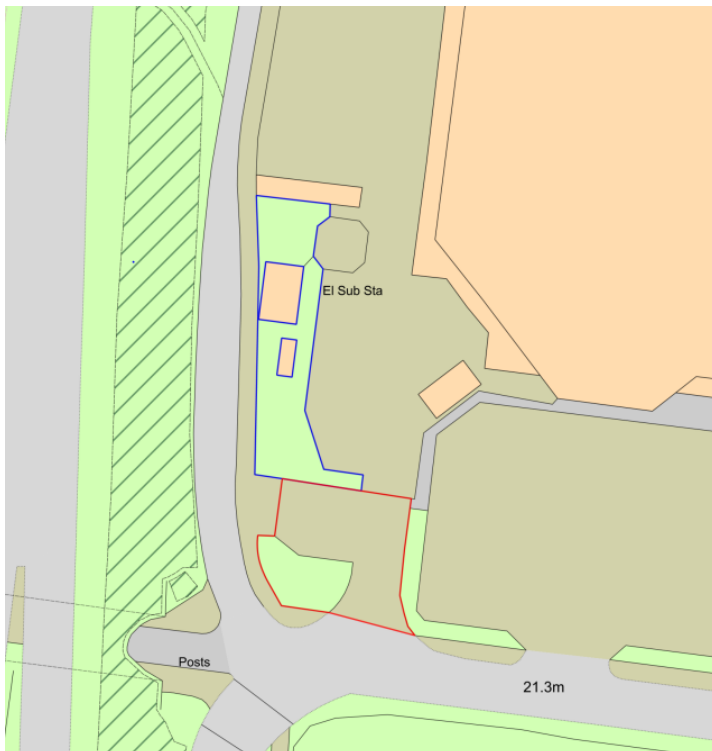
Reason: To replace the self seeded trees which are to be removed along the northern boundary of the site, to provide a continuation of tree cover in the interest of visual

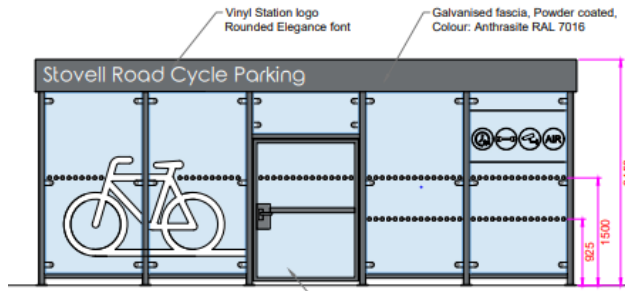
- amenity. Relevant Policy - Local Plan NR3.
- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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**APPLICATION NUMBER 23/02143/FULL - RBWM RECYCLING SITE, WINDSOR LEISURE CENTRE,
STOVELL ROAD, WINDOR**

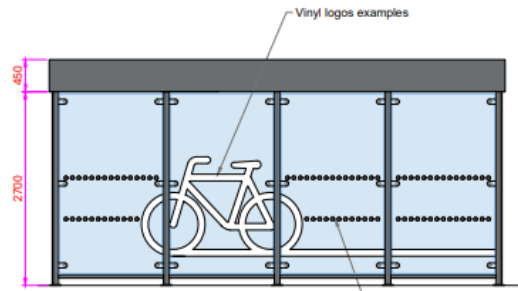
APPENDIX A – SITE LOCATION PLAN AND BLOCK PLAN





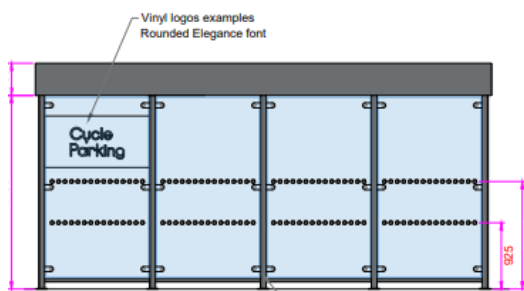
ELEVATION A
(Front - Facing Stovell Road)

Sliding entrance door, with glazed toughened safety glass panels. Maglock security lock or equivalent approved



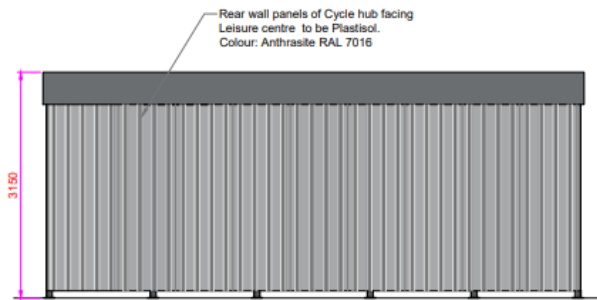
ELEVATION D
(Side)

Manifestations dots to be permanent to all glazed areas. Min. 50mm high at heights above ground level: 925mm & 1500mm



ELEVATION C
(Side)

New steel frame Cycle hub Colour: Anthrasite RAL 7016



ELEVATION B
(Rear - Facing Leisure centre)

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Agenda Item 8

Appeal Decision Report

25 September 2023 - 27 November 2023

Windsor and Ascot

Appeal Ref.: 23/60026/REF **Planning Ref.:** 22/01187/FULL **Plns Ref.:** APP/T0355/W/22/3307946

Appellant: Mr Nicholas Daley **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Construction of x9 apartments, including associated access, tree works, landscaping and parking, following demolition of existing buildings.

Location: **The Frith Brockenhurst Road Ascot SL5 9HA**

Appeal Decision: Dismissed **Decision Date:** 30 October 2023

Main Issue:

Appeal Ref.: 23/60054/REF **Planning Ref.:** 22/02316/FULL **Plns Ref.:** APP/T0355/W/23/3317969

Appellant: Mr & Mrs Dagan **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Replacement fence to the front elevation and new pedestrian gate, new front porch, replacement of the rear window with a new door and window and changes to part of the front external finish.

Location: **Virginia Water Lodge Buckhurst Road Ascot SL5 7QA**

Appeal Decision: Dismissed **Decision Date:** 2 November 2023

Main Issue: The proposal would harm the Listed Building and would fail to preserve the heritage asset and its setting. No public benefits identified. The proposal would fail to comply with Local Plan Policy HE1 and would result in an uncharacteristic and unsympathetic development.

Appeal Ref.: 23/60055/REF **Planning Ref.:** 22/02317/LBC **Plns Ref.:** APP/T0355/Y/23/3317960

Appellant: Mr & Mrs Dagan **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Consent for a new front porch, replacement of the rear window with a new door and window and changes to part of the front external finish.

Location: **Virginia Water Lodge Buckhurst Road Ascot SL5 7QA**

Appeal Decision: Dismissed **Decision Date:** 2 November 2023

Main Issue: The proposal would harm the Listed Building and would fail to preserve the heritage asset and its setting. No public benefits identified. The proposal would fail to comply with Local Plan Policy HE1 and would result in an uncharacteristic and unsympathetic development.

Appeal Ref.: 23/60056/REF **Planning Ref.:** 22/00721/OUT **Plns Ref.:** APP/T0355/W/22/3311901

Appellant: Mr Inchbald **c/o Agent:** Mr. Andrew Murphy Stansgate Planning, Unit 4, The Courtyard
Timothys Bridge Road, Stratford Enterprise Park STRATFORD-UPON-AVON Warwickshire
CV37 9NP

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

Description: Outline application for access, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of 28 apartments following demolition of the existing buildings.

Location: **Old Boundary House And New Boundary House London Road Sunningdale Ascot**

Appeal Decision: Dismissed **Decision Date:** 8 November 2023

Main Issue:

Appeal Ref.: 23/60057/REF **Planning Ref.:** 22/01517/LBC **Plns Ref.:** APP/T0355/Y/23/3315121

Appellant: Dr Erik Svensson West Wing Ouseley Lodge Ouseley Road Old Windsor Windsor SL4 2SQ

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

Description: Consent for a replacement gas boiler with flue.

Location: **West Wing Ouseley Lodge Ouseley Road Old Windsor Windsor SL4 2SQ**

Appeal Decision: Allowed **Decision Date:** 22 November 2023

Main Issue:

Appeal Ref.: 23/60067/REF **Planning Ref.:** 22/03183/FULL **Plns Ref.:** APP/T0355/D/23/3320394

Appellant: Mr Baumgart Wisteria Cottage Cheapside Road Ascot SL5 7QH

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

Description: Single storey side extension with covered porch, single storey rear infill extension, replace flat roof with pitched roof to single storey rear element, replacement roof and raising of the ridge, 2no. front dormers, alterations to fenestration and 2no.parking spaces following the demolition of the greenhouse and garage.

Location: **Wisteria Cottage Cheapside Road Ascot SL5 7QH**

Appeal Decision: Dismissed **Decision Date:** 31 October 2023

Main Issue:

Appeal Ref.: 23/60072/REF **Planning Ref.:** 22/03226/FULL **Plns Ref.:** APP/T0355/D/23/3323842

Appellant: Mr G Bhullar **c/o Agent:** Mr Terence Telles First Floor 1 Hythe Street DARTFORD DA1 1BE

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

Description: Changes to existing roof to enlarge habitable accommodation within the roof space and alterations to fenestration.

Location: **124 Springfield Road Windsor SL4 3PU**

Appeal Decision: Dismissed **Decision Date:** 22 November 2023

Main Issue:

Planning Appeals Received

25 September 2023 - 27 November 2023

Windsor and Ascot

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.: 23/60079/REF **Planning Ref.:** 22/02060/FULL **PIns Ref.:** APP/T0355/W/23/3324640
Date Received: 9 October 2023 **Comments Due:** 13 November 2023
Type: Refusal **Appeal Type:** Written Representation
Description: First floor infill extension with x2 dormers above to create accommodation in the roof space and the creation of x6 apartments.
Location: **Flat At 96 Dedworth Road Windsor SL4 5AY**
Appellant: Altiora Investments Limited Sunnybrook George Green Road George Green Slough SL3 6BG

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 23/60080/REF **Planning Ref.:** 22/01431/FULL **PIns Ref.:** APP/T0355/W/23/3319983
Date Received: 9 October 2023 **Comments Due:** 13 November 2023
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a commercial unit (use class E), x14 dwellings including associated vehicular/pedestrian access, parking, bin storage and landscaping, following demolition of existing buildings.
Location: **RSG Motor Group Halfpennys Garage Kings Road Sunninghill Ascot SL5 7BT**
Appellant: Mr G Woodward Wooldridge Developments Ltd. C/o Agent

Ward:
Parish: Datchet Parish
Appeal Ref.: 23/60084/REF **Planning Ref.:** 22/01737/FULL **PIns Ref.:** APP/T0355/W/23/3321814
Date Received: 2 November 2023 **Comments Due:** 7 December 2023
Type: Refusal **Appeal Type:** Written Representation
Description: Part demolition of existing dwelling, new building accommodating x6 flats, bin and cycle storage, new access route, car parking, landscaping and boundary treatment.
Location: **Land To The Rear of 27 To 29 And 29 Slough Road Datchet Slough**
Appellant: Mr Arnold Ward Setplan Town And Environmental Consultants Shenron St. George's Road Salfords RH1 5RD

Ward:
Parish: Horton Parish
Appeal Ref.: 23/60085/ENF **Enforcement Ref.:** 23/50035/ENF **PIns Ref.:** APP/T0355/C/23/3329755
Date Received: 6 November 2023 **Comments Due:** 18 December 2023
Type: Enforcement Appeal **Appeal Type:** Written Representation

Description: Appeal against: Without Planning Permission, the erection of the front boundary wall with associated piers, and gate in the approximate position marked with a blue line on the attached plan

Location: **193 Coppermill Road Wraysbury Staines TW19 5NW**

Appellant: Sonia Sandhu 193 Coppermill Road Wraysbury Staines TW19 5NW

Ward:

Parish: Wraysbury Parish

Appeal Ref.: 23/60086/REF **Planning Ref.:** 22/03301/FULL **Plns Ref.:** APP/T0355/W/23/
3322464

Date Received: 8 November 2023 **Comments Due:** 13 December 2023

Type: Refusal **Appeal Type:** Written Representation

Description: 1no. detached dwelling.

Location: **Land Adjacent To 32 Windsor Road Wraysbury Staines**

Appellant: Alice Hopkins **c/o Agent:** Mr. Richard Simpson 15 Vale Court Ealing Road BRENTFORD TW8 0LN