

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

28 February 2018

Item: 1

**Application No.:** 16/03438/FULL

**Location:** Former Windsor Rackets And Fitness Club Helston Lane Windsor

**Proposal:** The erection of five additional close care suites at fourth floor level

**Applicant:** Mr Hughes

**Agent:** Mr John Montgomery

**Parish/Ward:** Windsor Unparished/Clewer North Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

**1.1 SUMMARY**

- 1.2 This case has been brought to Panel to deal with a technical matter of decision-making, rather than with the planning merits of a proposed development. Permission is sought to add five close-care apartments (Class C2 – Residential Institutions) to the scheme of development already permitted on the site, which comprises a 72-bed nursing home, 58 close-care suites and communal facilities, parking and landscaping, and revised site access arrangements, approved in January 2012. The additional units are proposed to be constructed at fourth floor level, atop and set in from the plan area of the northern-most part of the approved development, in a rooftop extension similar in design to that of the “sky lounge” included in the approved scheme above part of the four storey central section of the building.
- 1.3 The application was reported to Panel on the 8<sup>th</sup> November 2017. The recommendation to Panel at this meeting was to defer powers to the Head of Planning to progress the legal agreement. Essentially, the legal agreement would secure the preparation and adoption of a strategy for the evacuation of the close care suites and of the care home via a route passing through the main building (approved under a separate planning permission and therefore technically a different development) emerging from it at its southern end where, in the event of flooding, calculated flood water levels and the distance from public highway access to a place of safety would be minimised.
- 1.4 However, the recommendation also set out that the application would be reported back to Panel if the legal agreement was not completed by the 31<sup>st</sup> January 2018 (Panel agreed to this recommendation). The legal agreement was not completed on the 31<sup>st</sup> January 2018, and as such the application is reported back to this Panel. The contents of the legal agreement are agreed, and the UU is awaiting the signatories of the relevant parties (for which there are many). It is anticipated that the legal agreement will be completed by mid-late February 2018.
- 1.5 For all the reasons set out in the main and update reports for the March 29<sup>th</sup> and May 24<sup>th</sup> Panel meetings last year, Councillors have already resolved that, subject to the safeguards of conditions and a legal agreement or Unilateral Undertaking, planning permission can be granted for the development of five additional close care suites on the fourth floor of the building granted approval under 11/00403/FULL (as amended). From the time of the last Panel meeting that discussed this scheme there has been no change in national or local planning policy, nor any revision of the proposed development, that would indicate that the proposal is no longer acceptable (subject again to appropriate conditions and legal agreement safeguards). Consequently, it is considered that the proposed development would be acceptable.
- 1.6 The recommended conditions are the same as those previously considered and agreed by the Panel in November.

**It is recommended that the Panel defers and delegates authority to the Head of Planning to grant planning permission, with the conditions and informatives listed in Section 4 below, on completion of a satisfactory legal agreement or Unilateral Undertaking to secure measures to ensure a safe means of escape in the event of flooding through the development on the site approved under separate planning permission.**

## **2. BACKGROUND PAPERS FOR THE APPLICATION**

- 2.1 For a description of the site, its planning history, the proposed development, relevant national and local planning policy, and an explanation of the recommendation, together with consultation comments and representations made by neighbours and members of the public, please refer to the main agenda reports and update reports for this planning application for the Windsor Urban Development Management Panels can be found here:

<http://rbwm.moderngov.co.uk/ieListMeetings.aspx?Act=earlier&CId=362&D=201801031900&MD=ielistmeetings>

## **3. APPENDICES TO THIS REPORT**

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

## **4. CONDITIONS AND INFORMATIVES RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The units of residential accommodation hereby approved shall be used only for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification) or any equivalent classification of use which is defined by the level of care associated with the occupation of the accommodation. No part of the development shall be first occupied until details of the scope and duration of care facilities and services to be provided to occupiers of the close care suites have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and services shall be kept available for use by residents of the development at all times.  
Reason: To ensure that the residential accommodation provided is appropriately used and retained to meet the identified housing needs of the area. Relevant Policies - Local Plan H3, H8 and H9 and guidance contained within the NPPF 2012.
- 2 The Leylandii hedge along the western boundary of the site shall be retained and maintained and, if in part or whole it is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, it or that part of it shall be replaced within the first planting season following such event, in accordance with a scheme of replacement tree planting that shall have first been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and protects the amenities of the neighbouring residents. Relevant Policies - Local Plan DG1, N6 and guidance contained within the NPPF 2012.
- 3 No part of the development shall be first occupied until measures to ensure appropriate levels of sound insulation have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.  
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.
- 4 No part of the development shall be first occupied until measures to ensure that occupiers are adequately protected from air pollution have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the

duration of the occupation of the development.

Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.

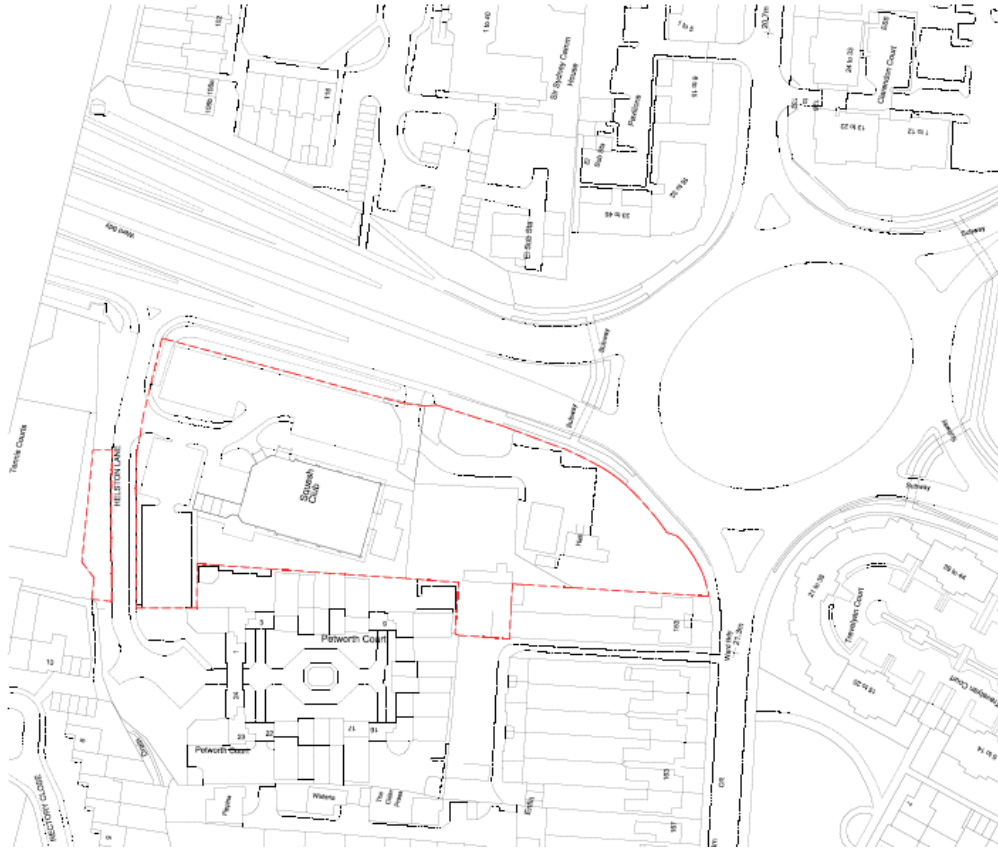
- 5 No part of the development shall be first occupied until the vehicular access to the site has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the duration of the occupation of the units.  
Reason: To secure a safe and convenient means of vehicular access to the site in the interests of road safety. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 6 No part of the development shall be occupied until vehicle parking and turning space for one vehicle has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall at all times be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking and turning facilities in the interests of the safety and convenience of all users of the highway network. Relevant Policies - Local Plan P4, DG1 and guidance contained within the NPPF 2012.
- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 8 No part of the development hereby approved shall be first occupied until details of the hard and soft landscaping of the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall show the escape route for all users of the building in the event of flooding. The details required shall comprise the design, appearance, construction details, materials, levels and finish for all free-standing or retaining structures and means of enclosure, and all roads, paths, external parking spaces and other hard surfaced areas, and the location, species, size and planting density of all trees, hedges, shrubs herbaceous plants and areas to be grassed, together with programmes of implementation and after care (of a minimum of 5 years). The landscaping scheme shall be completed in accordance with the implementation programme, and any trees or other plants which die, are damaged or destroyed or become no longer viable within 5 years of the completion of the implementation programme shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of amenity, the provision of safe escape from the building in the event of flooding, and the protection of the water environment, in accordance with national and local planning policy as set out in policies DG1, H10, F1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan and guidance contained within the National Planning Policy Framework 2012.
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

- 1 This permission is governed by and shall be read together with the Agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated xx xx 2017.
- 2 The applicant is reminded of the need to enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the new and the stopping-up of the existing vehicular access.

## Appendix A

### Location plan



### Block layout plan



## Appendix B



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

