

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 2

Application No.:	19/01144/FULL
Location:	Riders Country House Hotel Bath Road Littlewick Green Maidenhead SL6 3QR
Proposal:	Change of use from C1 (Hotel) to C2 (Residential Care Home), together with associated parking, landscaping, provision of amenity space and a rear porch extension (part retrospective).
Applicant:	Windsor Clinical And Home Care Services Group Ltd
Agent:	Mr Douglas Bond
Parish/Ward:	Hurley Parish/Hurley And Walthams Ward
If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chrisie.ellera@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site is located on the south side of Bath Road, close to its junction with Jubilee Road in Littlewick Green. The existing two-storey building used to function as a hotel with a small dining and bar area. The site is located in the Green Belt and Littlewick Green Conservation Area.
- 1.2 This is a full planning application for the change of use of the site to function as an 18 bed residential care home (C2 use). A small lounge and dining area is shown on the ground floor, along with kitchen area, manager's office and nursing station. A single storey rear porch is shown on the plans, this has been built. 10 parking space are proposed to the front of the site and 7 further parking spaces set to the rear. A designated ambulance bay is also show within the frontage. Bin storage is proposed to the east of the existing building and a cycle store to the south eastern corner of the site. Proposed landscaping is shown to the front of the site in the form of some shrubbery and trees. The rear amenity space is proposed to have planting, an outdoor seating area and proposed pagodas.
- 1.3 The principle of the proposed development is not considered to be inappropriate in the Green Belt, would not affect the setting of the Conservation Area and would be visually acceptable. There is no evidence to demonstrate that the proposed development would not provide a suitable residential environment for future occupiers.
- 1.4 The proposed development is not considered to harm neighbouring amenity. The development is not considered to raise any significant issues in terms of highway safety or capacity and would provide a suitable level of parking for a scheme of this size. The proposed development is not considered to raise any significant environmental issues. The proposed development would bring the building back into use and would provide towards the Council's five year housing land supply.
- 1.5 The proposed development is located in an inaccessible location where there would be reliance on the car and lack of community services for future occupiers and whilst this does weigh against the scheme there are no specific planning poleis which resist this form of development in this location.
- 1.6 As the proposed development is considered to be appropriate development in the Green Belt the tilted balance is engaged. It is not considered that the harm significantly and demonstrably outweigh the benefits of the scheme.
- 1.7 There are no development plan policies nor material consideration which indicate that this application should be refused. For these reasons and based on matters which are within the remit of planning the application is recommended for approval.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Hunt who's reason for the request was in the public interest

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south side of Bath Road, close to its junction with Jubilee Road in Littlewick Green. The existing two-storey (former) hotel building is set back from the highway and fills the majority of the width of the site. The remainder of the site is predominantly hardsurfaced. From the evidence available it would appear that the previous hotel use of the existing building included 20 bedrooms, and a small restaurant and bar area.
- 3.2 The site is located in the Green Belt and Littlewick Green Conservation Area. Residential properties lie to the south, east and west with open fields opposite on the other side of Bath Road.

4. KEY CONSTRAINTS

- 4.1 The key planning policy constraints for the application site are as follows:
- Green Belt
 - Conservation Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This is a full planning application for the change of use of the site to function as a residential care home (C2 use). The floor plans submitted in connection with the application show the proposed use would contain 18 bedrooms over the ground and first floor. A small lounge and dining area is also shown on the ground floor, along with kitchen area, manager's office and nursing station. The second floor is shown to accommodate staff rest area and changing facilities. Whilst officers have not entered the building (but have walked around the exterior of the site and surrounding area on a number of occasions) it is understood that much of the internal conversion has already taken place.
- 5.2 The proposed plans show a single storey porch located to the rear of the building. This has been built and the applicants are seeking retrospective planning permission for this.
- 5.3 The existing in and out drive to the site frontage is proposed to be retained. 10 parking spaces are proposed to the front of the site and 7 further parking spaces at the rear. A designated ambulance bay is also shown to the frontage. Bin storage is proposed to the east of the existing building and a cycle store to the south eastern corner of the site.
- 5.4 Landscaping is shown to the front of the site in the form of some of shrubbery. The rear amenity space is proposed to have planting, an outdoor seating area and proposed pagodas.
- 5.5 During the consideration of the application further details were submitted so that all proposed landscaping was located within the redline of the application site. Amended floor plans were submitted to show that a bed could be accommodated into each of the units and windows omitted from floor plans.
- 5.6 A letter from 'Care for Quality' was also submitted during the consideration of this application.
- 5.7 All revisions and additional information that has been submitted has been subject to a full neighbour consultation exercise.

5.8 The Officer has refused to accept as part of the application amended plans which involved an external lift shaft. This was installed without the benefit of planning permission half way through the consideration of this application. Officers refused to accept this as part of amended plans as it fell outside of the description of the planning application and the LPA were under no obligation to amend the description of development to accommodate works undertaken to the building further to the submission of this application. It is understood that this lift shaft has now been removed from the building. Trees also have been removed from the site without permission. Separate enforcement action is being sought over these potential breaches of planning permission.

Reference	Description	Decision
18/02677/FULL	Change of use from C1 (Hotel) to (C2) Residential Care Home and alterations to fenestration	Refused: 14.02.2019
<p>The above planning application was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. Due to insufficient information, it has not been demonstrated to the satisfaction of the Local Planning Authority that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located. It has therefore not been sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt., nor that the proposal would preserve and enhance the Conservation Area. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) GB8 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Adopted Alterations), emerging Policies SP5 and HE2 of the Borough Local Plan: Submission Version, 2018 and paragraphs 43, 146 and 189 of the National Planning Policy Framework 2018. 2. In the absence of an appropriate landscaping scheme, the proposal fails to improve the character and quality of the area in which it is located and the way it functions. The proposal is therefore poor design contrary to paragraph 130 of the NPPF, Policy DG1 of the Local Plan and Policies SP2 and SP3 of the BLPSV. 3. Having regard to the nature of the proposed use as a residential care home, there is a lack of sufficient and good quality amenity space for future residents of the development. This is poor design and contrary to paragraph 127 of the NPPF and Policy SP3 (k) of the BLPSV. 4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would provide adequate on-site refuse and recycling facilities. Accordingly, the proposal is contrary to paragraph 8 of the National Planning Policy for Waste (October 2014), paragraph 127 a) of the NPPF, Policy DG1 of the Local Plan and Policy SP3 (n) of the BLPSV. 		
18/01438/FULL	Change of use from C1 (Hotel) to (C2) Residential Care Home with associated parking.	Refused: 24.07.2018
12/03467/FULL	Two storey rear extension (Renewal of permission granted under applications 09/02454 + 04/01449).	Permitted: 07.03.2013 This planning permission

		has expired and does not appear to have been implemented.
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6. DEVELOPMENT PLAN

6.1 The Development Plan comprises the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted in June 2003) and associated proposals map. Policies from the Local Plan were saved by a Direction made in 2007 by the Secretary of State for Communities and Local Government under the Planning and Compulsory Purchase Act 2004.

Policies of relevance include:

- GB1 Acceptable uses and development in the Green Belt
- GB2 Unacceptable development
- GB3 New Residential Development
- N6 Trees and development
- N7 Hedgerows
- CA1 Development in Conservation Areas
- CA2 Guidelines on Development affecting Conservation Areas
- CA 6 Car parking in Conservation Areas
- DG1 Design guidelines
- NAP1 Road/rail noise and development
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- H3 Affordable housing within urban areas
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

6.2 Policies of relevance include:

- ENV 1 Sustainable Development
- SP1 Spatial Policy
- Gen2 Quality Design
- Gen3 Areas of Special Character
- Gen4 Local Employment Sites
- Gen5 Community Facilities
- T1 Accessibility and Highways safety
- T2 Residential Parking

6.3 These policies can be found at https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

- 7.1 This document was revised in February 2019 and acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF (2019) is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.

Section 4- Decision-making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

- 7.2 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.3 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.4 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Document

Planning for an Ageing Population SPD (2010)

- This SPD provides a list of requirements to ensure that our ageing population is adequately considered in new development. This document was published some 9 years ago and much of its requirements have been superseded by modern day building regulations (specifically the requirements for lifetime homes). Limited weight can therefore be given to the requirements of these policies terms of lifetime home requirements.

Other Local Strategies or Publications

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

More information on these documents can be found at:

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 17 occupiers were notified directly of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on 20th May 2019 and the application was advertised in the Local Press on 9th May 2019.
- 8.3 53 letters were received from individual addresses including the Littlewick Green Society objecting to the application, comments made can be summarised as:

Comment		Where in the report this is considered
1.	There is no need for additional care homes	Para 9.69
2.	Concerns about the Certificate A and ownership	Noted, there is no evidence to demonstrate the applicants do not own the building and the plans have been amended to remove proposed planting outside of the site redline boundary.
3.	The hotel is a vital asset and should not be lost	Para 9.69
4.	No evidence to support assertions that no further extensions are needed to accommodate the proposed use	Para 9.11- 9.30
5.	The applicants have already undertaken works without planning permission	Para 9.10
6.	The proposed development would harm the Green Belt and Conservation Area	See relevant sections (issue ii and issues iii)
7.	The proposed landscaping shows planting outside of the application boundaries	Para 5.4
8.	Insufficient amenity area	Para 9.39
9.	Concerns about highway safety including parking and access and egress for deliveries	Para 9.50- 9.55
10.	Concerns about noise and disturbance from the resulting use	Para 9.49
11.	Concerns about the viability of an 18 bed care home and how the applicants will seek further extensions.	Para 9.11- 9.30
12.	Development would be contrary to the Local Plan and the intensification of activities in the Conservation Area.	Report assessment sets out the Officer position.
13.	Concerns about community safety	Para 9.70

14.	Consider the development would provide suitable amenity for future occupiers	See section Issue iv) Provision of a suitable residential environment
15.	The forecourt is common land and cannot be enclosed	Noted
18.	Care homes should be located in sustainable locations	Para 9.45
19.	Landscaping is superficial	Para 9.35

Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objections	Para 9.31- 9.33
The Highway Authority	No objection to the proposal subject to complying with conditions of parking, turning and refuse/ cycle stores.	Para 9.50- 9.55

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections subject to conditions regarding plant noise, kitchen extract systems. Plant conditions and vehicle deliveries.	Para 9.61
Parish Council	<p>The site is fronted by common land which therefore cannot be enclosed and must retain open access. The A4 is a busy/fast road, and the safety of proposed residents needs to be fully considered.</p> <p>There is insufficient parking for staff changeovers, visiting health practitioners and other professions such as chiropody and hairdressing.</p> <p>The site offers limited access to public transport. There may be errors in the applicant's statement that they are in full ownership of the site, as some of the common land is shown on the Land Registry to be in the hands of other landowners. The Parish Council remains concerned that space for patient welfare appears to be very restricted.</p> <p>If the Borough is minded to approve the application then the Parish Council considers that full information on the proposed use should be obtained, and that it should be firmly conditioned that the site is for the care of those aged 65 or over (for the avoidance of any ambiguity).</p> <p>The Parish Council also request that any parking provision should only be assessed once the number of proposed employees is more accurately defined.</p>	Issues raised have been fully considered within the report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Background and policy context
- ii Principle of the development in the Green Belt
- iii Design Considerations including impact on Heritage Assets
- iv Provision of a suitable residential environment
- v Impact on neighbouring amenity
- vi Highway Considerations
- vii Environment Considerations
- viii Other Considerations

Issue i) Background

9.2 With reference to the above planning history, application 18/02677/FULL was refused on the 14.02.2019. The reasons for refusal are set out above in the planning history.

9.3 Officers visited the site on the 12.06.2019 and on the 04.09.2019 and it was observed that conditions on site have not changed since the previous refused application 18/02677/FULL. In July 2019 it was brought to the attention of the Case Officer that unauthorised works were taking place at the site, namely the insertion of an external lift, this matter was referred to the Planning Enforcement Team for further action. Separate action has been undertaken by the Council's Enforcement Team and these unauthorised works do not form part of the consideration of this application.

Policy context

9.4 There has been no material change in the Local Plan since the previous decision. However, the NPPF (2019) has been updated since the previous decision. The Updated Revised National Planning Policy Framework (NPPF) (2019) and Housing Delivery Test are a material consideration in this revised planning application. As the Council's adopted Local Plan is more than five years old, the starting point for calculating the 5 year housing land supply, for the purposes of decision making, should be the 'standard method' as set out in the NPPF (2019).

9.5 Paragraphs 11 of the NPPF (2019) states that:

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.6 Footnote 7 of the NPPF (2019) clarifies that, for decision-taking, policies which are most important for determining the application are out-of-date include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.7 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate the five year supply of deliverable housing sites that is required by the National Planning Policy Framework (the Framework). The so-called 'tilted balance' contained in paragraph 11(d)(ii) of the Framework is therefore engaged (this is discussed further in paragraphs 9.11.1 to 9.11.6). Moreover and in line with footnote 7 to paragraph 11(d) of the Framework, the development plan policies which are most important for determining the application are also therefore deemed to be out-of-date. These policies are considered to be those associated with the principle of the development in the Green Belt, Impact on Heritage and design (policies GB1, GB2 (A) GB8 and CA2 and DG1) contained in the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). The reasons why these are considered to be 'most important for determining the application' are because matters regarding ensuring good design, sufficient affordable housing and the impact on trees formed a key reason for refusing the last planning application on this site. These policies are therefore attributed limited weight in the determination of this application.
- 9.8 Significant weight was also previously given to the BLPSV. However as set out above, at the time of writing the report the Council are currently undertaking a consultation on proposed amendments to the Borough Local Plan. The BLPSV policies therefore remain a material consideration in planning applications but given the current status of the Borough Local Plan, limited weight can be attributed to these policies in terms of decision making for this application.
- 9.9 The below assessment is made having due regard to the above policy context and therefore the material change in the weight attributed to the relevant planning policies since the last decision.
- 9.10 Applications also have to be considered on their individual merits irrespective of what actions the site owners may have undertaken to this property without the benefit of planning permission or indeed what actions they may have taken on other development sites within their ownership in the Borough.

Issues ii) Principle of the development in the Green Belt

- 9.11 Refusal reason 1 of planning application 18/02677/FULL sets out that:
- 1. It has not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located and therefore not sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt, nor that the proposal would preserve and enhance the Conservation Area. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) GB8 and CA2 of the Local Plan 1999 (including Adopted Alterations), emerging Policies SP5 and HE2 of the Borough Local Plan: Submission Version, 2018 and paragraphs 43, 146 and 189 of the National Planning Policy Framework 2018.*
- 9.12 Policy GB1 of the Adopted Local Plan (2003) sets out acceptable uses and development in the Green Belt, which differs from the NPPF (2019) and therefore cannot be considered to be up-to-date. Policy GB2 of the Local Plan addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Policy GB8 deals with change of uses in the Green Belt, similarly this is not consistent with the NPPF. Therefore, policies GB1, GB2 and GB8 are not considered up-to-date. Limited weight is therefore given to these policies and the *appropriateness* of this development in the Green Belt will be made in line with the NPPF.
- 9.13 Paragraph 146 of the NPPF (2019) makes it clear that only certain other forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within in. This includes (para 1146(d)) "the *re-use of buildings provided that the buildings are of permanent and substantial construction*".

- 9.14 With reference to the previous planning application on this site, it was established that the building is of a permanent and substantial construction capable of conversion. The last application was refused (in part) on the grounds that it had not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located and therefore not sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt.
- 9.15 Accordingly the principle of the change of use to a care facility is acceptable subject to it preserving Green Belt openness and not conflicting with the purposes of including land within it, having due consideration that the lawful use of the existing site is to function as a hotel.

Preserve the openness of the Green Belt

- 9.16 Turner V SSCLG [2016] EWCA CIV 466 has established a number of key principles in relation to openness, including that it is not simply about volume and that the visual impact of development is implicitly about openness. Similarly Council and Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor [2018] EWCA Civ 489 (16 March 2018) establishes that an assessment of the likely effects of the development on the landscape, visual impact on openness was “quite obviously” relevant to its effect on the openness of the Green Belt. Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin) establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the change”.
- 9.17 This Case Law is a material consideration. The above Case Law establishes that ‘openness of the Green Belt’ is not limited to the volumetric approach; the word ‘openness’ is open-textured and many factors are capable of being a material consideration.
- 9.18 The external alterations proposed as part of this application involved the erection of a single storey rear porch (retrospective) and the bin/ cycle storage area. Paraphernalia associated with the proposed landscaping are also shown on the proposed plans. Planting to the frontage of the site is also shown. However (and contrary to the assertions in the applicants planning statement) given the space available it is unlikely that any meaningful planting, and certainly not mature trees, can be accommodated within the area in the applicant’s ownership.
- 9.19 Overall and given the size and scale of the proposed alterations and their location to the rear of the site, the physical additions proposed as part of this application are unlikely to materially affect the openness of the Green Belt and thus could be argued to preserve the openness of the Green Belt.
- 9.20 The refusal reason associated with the previous application was predicated on the grounds that the proposal had not demonstrated that the accommodation shown was effectively fit for purpose and that therefore further extension(s) and/or alteration(s) would not be required to the property thus having an impact on the openness of the Green Belt and/or design.
- 9.21 Amended plans have been submitted during the consideration of the application to demonstrate that a single bed can be accommodated for each unit with space around for visitor’s chairs and en-suite facilities. Each unit would have windows and a diner area, living room and kitchen are all shown as part of the application. An internal lift is also proposed, as well as ancillary staff accommodation.
- 9.22 The applicants claim that it is not anticipated that the care home will require any further extensions in order for it to function in an appropriate manner. They further claim that the proposed plans have been shared with the Care Quality Commission (whom are the independent regulator of health and adult social care in England) and that the proposed plans meet with the registration requirements of the Care Quality Commission, such that it would not be necessary to extend the property to function as a care home or provide any necessary additional facilities.

- 9.23 The Officer's requested written confirmation of this, however none has been forthcoming and the applicants planning agent has advised that written confirmation is only possible once works have been implemented. In support of the application, the applicants have instead submitted a brief letter from Care for Quality which states that "*the proposal at The Riders is fit for purpose and will provide a high quality care facility consistent with all the regulatory requirements*". It is unclear what role "Care for Quality" has within such an assessment and certainly none has been submitted in support of this letter, the aforementioned organisations website sets out that they assist with Quality Monitoring of care homes.
- 9.24 In summary, and whilst it is unclear how such weight should be attached to this letter, there is little evidence to demonstrate that in terms of physical capability the site could not, on the face of it, function as a residential care facility based on the submitted plans.
- 9.25 Officers do have concerns regarding the viability of a care facility function for only 18 beds. However there is no planning policy to require a viability assessment. In the event the applicants were to attempt to justify future development at such a stage such assertion regarding 'need' for such accommodation would have to be considered on its individual merits and be supported by robust evidence to refute the claims their planning agent and supporting evidence has made as part of this application that the nursing home is fit for purpose.

Conflict with the purposes of including the site within the Green Belt

- 9.26 If it is accepted that the size and space of the existing building can reasonably accommodate the proposed care home use and that the scheme as proposed would not impact on, thereby preserving, the openness of the Green Belt. The next requirement of the NPPF (2019) is to ensure that the proposal would not conflict with the purposes. The five purposes of the Green Belt are contained in paragraph 134 of the NPPF (2019). These are as follows:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns 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.
- 9.27 Given that this development is for the change of use of the building (and retrospective planning permission for the entrance porch) it is not considered that the proposed development would have a material effect on openness and therefore would not result in any coalescence (purposes a or b). The existing use of the site is for a hotel and used to have a modest dining and bar area, which was open to the general members of the public. It is not regarded that an 18 bed care home would result in an intensified/urbanising use which would result in encroachment into the countryside. External alterations are limited and as discussed further below in para 9.31- 9.33 are not considered to affect the Conservation Area therefore not affecting the setting and special character of Littlewick Green. The scheme would make use of an existing building and therefore represents making use of a vacant site. It is therefore not considered that this proposal would undermine this purpose.
- 9.28 The proposed external alterations associated with this application are listed above in para 5.2-5.4. Paragraph 145 (g) of the NPPF provides for:

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

- 9.29 Overall these are all considered to be small and modest forms of development which are not considered to materially have a greater impact on the openness of the Green Belt than the existing development.
- 9.30 On this basis this proposal is considered to represent appropriate development in the Green Belt.

Issue iii) Design Considerations including impact on Heritage Assets

- 9.31 The application site is located in the Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy CA2 of the Local Plan sets out the guidelines on development affecting conservation areas, the most relevant ones being: the requirement to enhance or preserve the character or appearance of the area and the protection of views that contribute to the distinctive character of the Conservation Area.
- 9.32 The NPPF (2019) identifies conservation areas as designated heritage assets and that great weight should be given to the asset's conservation, this includes their setting.
- 9.33 The external alterations include the single storey rear porch and the conversion of part of the rear car park to amenity space with bike and refuse storage area. Due to the limited historic interest to the rear the proposed extensions/ alterations are not considered to affect the historic interest or setting of the Conservation Area and are therefore considered to preserve the Conservation Area. The Council's Conservation Officer has confirmed they have no objections to the scheme as proposed/ built.
- 9.34 Refusal reason 2 of planning application 18/02677/FULL relates to the absence of an appropriate landscaping scheme and the proposal therefore failing to improve the character and quality of the area in which it is located and the way it functions.
- 9.35 The site is currently surrounded by hardstanding. Landscaping plans were submitted as part of the application and subsequently amended so that all proposed planting is contained within the site boundaries. Towards the frontage some limited areas of planting are shown. Given the level of parking proposed it is unlikely the scheme will be able to deliver mature trees to the extent proposed in the plans (within land in the applicant's ownership). However the development will provide a level of soft landscaping currently void at the frontage of this site. Similar to the rear of the site and whilst enclosed the level of landscaping is proposed for future occupiers, although it is noted that artificial lawn is proposed to be usable throughout the year. Accordingly the proposed development is considered to provide adequate landscaping.
- 9.36 This is however not considered to be a benefit of the scheme, simply necessary planting required to provide a setting for a scheme of this nature and to mitigate the trees removed from the rear of the site

Issue iv) Provision of a suitable residential environment

- 9.37 Refusal reason 3 of application 18/02677/FULL relates to there being lack of sufficient and good quality amenity space for future residents of the development contrary to paragraph 127 of the NPPF and Policy SP3 (k) of the BLPSV.
- 9.38 The Officer Report for application 18/02677/FULL states that:
- Irrespective of the type of care to be provided, (no details are provided on this), an attractive environment and meaningful amenity space is important to the wellbeing of all people, whatever their age or circumstances. This is considered particularly to be the case where residents require round the clock care and where open space is not easily accessible, as is the case with this application. Even if residents have limited mobility or are bed-ridden, the outlook from their rooms should be of the highest quality possible*
- 9.39 The proposed amenity space now includes an area proposed to initially be retained as back of house/service area (circa a further 90- 100sqm) and would equate to amenity space of circa 460 sqm to the rear of the site which would have likely previously operated as a parking area for the hotel. The area would be enclosed and includes soft and hard landscape areas. As a matter of guidance the amenity space proposed would be 20% of the site area. However the Council has no adopted standards for open space associated with Care Facilities. Overall this would appear to provide adequate amenity space for future occupants of a building of the size currently proposed.

- 9.40 Whilst no specific refusal reason was given in this regard, the Officer Report for the previous application on this site raised concerns about the location of the site and the property being in a fairly inaccessible location which could potentially isolate residents whose wellbeing, having regard to their need for full-time care, could be further harmed.
- 9.41 Paragraph 127 of the NPPF (2019) states that development should *function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.... relate places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*
- 9.42 In terms of this revised application, the number of beds has been reduced and the amenity space increased. However the site remains in a rural and unsustainable location in which there are limited activities or amenities in walking distance to the site. There are no local in close proximity facilities (with exception of a very modest shop at the petrol station on Bath Road) and whilst near to bus stops, such buses are currently infrequent (circa one bus every two or so hours). Certainly the site could not be considered as one located in a sustainable location. Therefore the provision of a suitable residential environment for future occupiers is of paramount importance, arguably more so than that expected from a 'typical' residential scheme.
- 9.43 All units would have suitable outlook, lighting and whilst some rooms would be modest in size, these appears to be sufficient space to accommodate a single bed and space for chairs and visitors, as well as each unit having en-suite bathroom facilities. Communal facilities are also now proposed in the form of a ground floor living room and dining facilities for the 18 future occupiers and as set out above the amenity space would appear relatively proportionate to the current built form and number of units proposed.
- 9.44 Therefore the proposed development is considered, based on the evidence provided and in the context of planning policy, to provide a suitable residential environment. There are separate regulations and guidance for care facilities that they are also required to comply with and it is not the role of planning to replicate these.
- 9.45 The location of the site remains one in an unsustainable and inaccessible location but has not previously formed a reason for objecting to the scheme. This will be considered further as part of the wider planning balance

Issue v) Impact on neighbouring amenity

- 9.46 No objections were previously raised on potential impact on neighbouring amenity in the consideration of application 18/02677/FULL. It was then considered that:

Having regard to the existing hotel use and the apparent straight forward conversion of the building to residential care home with no proposed external changes, it is not considered that the proposal would harm the living conditions of any neighbours in terms of loss of privacy, loss of day/sunlight, from having an overbearing appearance or from noise and disturbance. Even if the scheme required work at a later date, any material development would likely require planning permission which the Local Planning Authority, in terms of any impact on neighbours, would have more control over, (as opposed to development required under separate legislation/guidelines that may potentially harm the Green Belt and/or Conservation Area).

- 9.47 The applicants are now, as part of this planning application, seeking retrospective planning permission for a single storey rear porch which they installed to the property without the benefit of planning permission. In terms of the impact on neighbouring amenity it is not considered to affect the amenities of local residents in terms of loss of light/ overbearing impact.
- 9.48 The proposed refuse storage area looks to be located to the eastern side of the property, adjacent to the boundary with the driveway to the adjoining residential properties. This is considered to be an appropriate location for the private refuse collection. The refuse area would

be enclosed by 1.8m high boundary fence and gates and is not considered to affect neighbouring amenity in terms of loss of light/overbearing impact.

- 9.49 A proposed 'Gated Eco Cycle shelter' some 2.2m in height is proposed. Whilst this would be located close to the boundary with Thicket Cottage, given this would only be marginally above the height of the boundary treatment it is not considered it would result in a significant loss of light/ or overbearing impact.

Noise

- 9.50 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life. It is not considered that the proposed use would cause unacceptable noise and disturbance to adjoining residential uses above and beyond the activities which could lawfully be undertaken as the building functioning as a hotel.

Issue vi) Highway Considerations

- 9.51 No objections were previously raised on potential impact on Highways safety capacity or parking grounds in the consideration of application 18/02677/FULL. The previous application was for a 21 bed car home scheme as opposed to the 18 bed facility now proposed. In views of this and given the former use of the site as a hotel it is not considered that the proposed development would raise any issues in terms of highway safety or capacity grounds. The proposed development provides sufficient car parking for a use of this nature, in line with Council's current Parking Standards (2014).
- 9.52 There was no objections to the provision of cycle parking under the previous application, albeit under this application this is now proposed to be located in the south eastern corner of the site.
- 9.53 However, refusal reason 4 of the above refused application was on the basis that it had not been demonstrated that the proposal would provide adequate on-site refuse and recycling facilities.
- 9.54 The Highway Authority in their consultation response still highlight that the refuse storage facility will be provided to the rear of the site and that the store is 37m from the adopted highway and does not comply with the Local Authorities current carry distance requirements which are set at 30m for residents and 25m for operatives. However, refuse stores are shown to the eastern end of the existing building, adjacent to the driveway to Thicket Cottage and shown to be less than 20m from the highway. Therefore the comments from the highway authority do not reflect the arrangement now proposed. During the consideration of the application these have been amended to show how they can be secured (to take into consideration any clinical waste). The plans state that the refuse collection for a care home facility would be taken by a private operator and not the Council who deals with domestic waste collection. In any case these are now shown to be of an appropriate distance from the highway and the proposed plans show there is sufficient space for the relevant refuse to be provided in a secure location, adjacent to the in and out drive facility so that refuse collectors can operate this facility safely.
- 9.55 The facilities are located close to the access point to the adjoining residential properties however it would be set sufficiently far away from the dwelling house to prevent any undue noise and disturbance.
- 9.56 On this basis the proposed development does not raise any issues in terms of highway safety, capacity or parking and provides suitable refuse storage area for the proposed development. The Parish request for the parking to be assessed once the use is operational does not accord with the considerations of a planning application which require an assessment be made as part of the process.

Issue vii) Environment Considerations

- 9.57 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity.
- 9.58 No Ecological Assessment has been submitted in connection with this planning application. However, the site was all laid to hardstanding and appears to be of limited biodiversity value. As part of this development a level of soft landscaping is proposed and therefore it is considered that proposed biodiversity enhancements can be secured by way of condition (see condition 5).
- 9.59 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies.
- 9.60 The NPPF para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 9.61 No information associated with incorporating sustainable principles has been submitted as part of this application and this weighs against the proposed development. However, in the event permission is forthcoming, a condition could likely secure that this be provided as part of the proposed development (see condition 6).
- 9.62 The Council's Environmental Protection Team have requested a number of conditions regarding plants noise and kitchen extraction systems. Any such equipment would likely constitute development requiring planning permission and as such would be subject to separate planning permission; informatives to this affect are therefore recommended. Conditions regarding deliveries are also requested by Environmental Protection. In such a rural location it would be difficult for the LPA to enforce such conditions and as such would not meet the tests for conditions. Conditions are also requested regarding a scheme to minimise artificial lighting, it is not considered that such a condition is necessary or relevant to a scheme of this nature. The sites lawful use is as a hotel where there is a dining area and bar open to the public.
- 9.63 This is not a scheme in which the Lead Local Flood Authority (LLFA) would be consulted on, in any case given the proposed development would reduce the level of hardstanding which covers the site and proposes to introduce additional soft landscaping it is not considered that the proposed development raises any issues in terms of Sustainable Urban Drainage.

Issue viii) Other Material Considerations

- 9.64 The applicants, in their planning statements have made reference to appeal(s) in different areas which they consider relevant. However they have not set out the reason why a site in Kent would be comparable to this application site (apart from both being located in the Green Belt).

Housing Land Supply

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

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

- iii. 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*
- iv. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.66 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

9.67 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019). At the time of writing, the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). Whilst a C2 (care home) is not a residential use, it does count towards a Council's five year housing land supply position and therefore follows that it is a type of housing.

9.68 The proposed development is also considered to be appropriate development in the Green Belt and as such and whilst in a 'protected area' this would not provide a clear reason for refusing the development proposed. On this basis it is considered that the tilted balance has been engaged.

Other benefits of the scheme

9.69 For a scheme of 18 bedrooms the proposed development would result in the equivalent of 10 units towards housing land supply (factored by a 1.8 ratio) this is given moderate weight as a benefit. In respect of economic benefits, it is acknowledged that future employees of the development may result in some economic benefits resulting from this scheme. However, as the scheme proposed to employ 20 persons full time the impact on the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight and indeed it is understood that much of the internal works have already taken place.

Other matters raised from local residents

9.70 The comments from local residents are noted and whilst it is agreed that there is limited evidence to demonstrate need for such a use there are no policy requirements which prevent justification for a change of use on these grounds (only that greater weight as a planning benefit is given to use/ development where a need can be demonstrated.) Similarly there are no planning policies which restricts the loss of hotel use.

9.71 Some concerns about public safety have been raised. There is nothing to indicate that a care home facility would not operate safely in such a location. Moreover it is considered that care homes should be encouraged to form part of the wider community fabric of a local area. (A Secure care facility falls within a different use class which would require separate planning permission).

9.72 The Parish Council requests that the use be limited to elderly care for those over 65. The application has been considered as a care home irrespective of age or disability. There is no planning policy based justification for restricting the use to a more defined demographic.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.5 it is considered that in this instance the tilted balance should be applied. The principle of the proposed development is not considered to be inappropriate in the Green Belt, would not affect the setting of the Conservation Area and would be visually acceptable. There is no evidence to demonstrate that the proposed development would not provide a suitable residential environment for future occupiers.

- 11.2 The proposed development is not considered to harm neighbouring amenity. The development was not considered to raise any significant issues in terms of highway safety or capacity grounds and would provide a suitable level of parking for a scheme of this size.
- 11.3 The proposed development is not considered to raise any significant environmental issues. The proposed development would bring the building back into use and would provide towards the Council's five year housing land supply.
- 11.4 The proposed development is located in an inaccessible location where there would be reliance on the car and lack of community services for future occupiers.
- 11.5 The tilted balance is engaged. It is not considered that the harm outweighs the benefits of the scheme.
- 11.6 There are no development plan policies nor material considerations which indicate that this application should be refused. For these reasons and based on matters which are within the remit of planning the application is recommended for approval
- 11.7 Conditions are recommended for the implementation of the approved plans within 6 months or prior to the commencement of the use, whichever is sooner.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Within six calendar months of the date of this decision or prior to the development being occupied, whichever is sooner, full details of hard and soft landscaping works (including elevations of walls gates and fences) shall be submitted to and approved in writing by the Local Planning Authority.

Any approved soft and hard landscaping works, including tree planting shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details.

- 2 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved plans. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear in accordance with the National Planning Policy Framework (2019) and Local Plan policy T5.

- 3 No part of the development shall be occupied until secure cycle parking facilities have first been provided on site 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 cycle parking facilities in order to encourage the use of alternative modes of transport and encourage sustainable modes of transportation in accordance with the National Planning Policy Framework (2019) and Local Plan policies T7 and DG1

- 4 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 enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1 and the National Planning Policy Framework (2019).

- 5 Prior to any occupation of the development details of biodiversity enhancements relating to the development as a whole shall be submitted to and approved in writing by the Local Planning

Authority. This shall include a schedule of undertaking that the proposed works and maintenance and management of these areas shall accord with the proposed landscaping works set out in condition 3. Thereafter the works shall be carried out and maintained entirely in accordance with these approved details.

All agreed biodiversity enhancements shall be undertaken and maintained in accordance with an agreed management plan.

Reason: In the interest of biodiversity enhancements as required by the National Planning Policy Framework (2019).

- 6 Within six calendar months of the date of this decision or prior to the development being occupied measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be completed and maintained in accordance with these approved details.

Reason: No indication has been provided of what sustainability measures will be incorporated into the proposal and as such it is necessary to ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework (2019).

Informatives

- 1 The Applicants are advised that the construction of external kitchen extract equipment, air conditioning units or any other external plant would likely constitute development that would require the submission of a separate planning application.
- 2 The development that has been applied for includes a food business. Separate to Planning Permission all for food businesses are required to register with their local Environmental Health Department. The applicant is advised to contact commercial@RBWM.gov.uk for further details.