

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

**DEVELOPMENT MANAGEMENT PANEL**

21 October 2020

Item: 3

<b>Application No.:</b>	20/01145/FULL
<b>Location:</b>	Windsor Garden Centre Dedworth Road Windsor SL4 4LH
<b>Proposal:</b>	The demolition of the existing buildings and structures, and the construction of a Class A1 discount food store with associated access, car parking and landscaping.
<b>Applicant:</b>	Aldi Stores Limited
<b>Agent:</b>	Alan Williams
<b>Parish/Ward:</b>	Bray Parish/Clewer And Dedworth West
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The redevelopment of the existing garden centre with a food store is considered to be acceptable in principle and the proposal would constitute appropriate development in the Green Belt.
- 1.2 The building has been sympathetically designed and the majority of the landscaping is to be retained with some additional tree planting/ landscaping provided. The proposal would not detract from the character and appearance of the site itself or the locality in general and would adequately preserve the setting of the adjacent grade II \* listed building.
- 1.3 The proposal would incorporate mitigation measures to help limit the amount of noise and disturbance to the adjoining properties and would have no adverse impact on their amenities.
- 1.4 It has been adequately demonstrated that the proposal would have no adverse impact on the surrounding highway network or highway safety. The proposal is also deemed to be acceptable in terms of ecology, flood risk and drainage.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission with the conditions listed in Section 13 of this report following the satisfactory completion of a s106 agreement to 1) secure an appropriate financial contribution towards sustainable transport measures to improve public transport accessibility 2) secure an appropriate financial contribution towards highway infrastructure improvements on the local highway network and 3) secure a Travel Plan.</b>
2	<b>To refuse planning permission if an undertaking to secure the necessary highway improvements and travel plan is not secured by 13<sup>th</sup> January 2021 (12 weeks), unless an extension is agreed in writing with the LPA, for the reason that the proposal would be harmful to highway safety and the free flow of traffic and would not be a sustainable form of development contrary to policy T5 of the Local Plan and paragraphs 108, 109, 110 and 111 of the NPPF.</b>

**2. REASON FOR PANEL DETERMINATION**

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

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site lies on the northern side of Dedworth Road (B3024) to the west of Windsor. The site measures 0.85 hectares and currently comprises a garden centre with outdoor display areas and car parking for approximately 100 cars, served by an existing vehicular access onto

Dedworth Road. The main building has vertical timber cladding and a corrugated iron roof. As well as a garden centre the building accommodates Maidenhead Aquatics and Pets Corner, a cafe and small indoor children's play area. A hand car wash operates at the front of the car park.

- 3.2 The periphery of the site is reasonably well screened by trees and vegetation and a landscaped embankment runs along the site frontage. To the east of the site lies a private access road and the suburban residential area of Dedworth. To the north lies open fields. To the west lies The Old Farmhouse, a grade II\* listed building (a B & B), The Old Farmhouse Cottage (used as staff accommodation) and Bishops Hall (a barn used as outpatients consulting rooms) which form part of the Cardinal Clinic, an independent psychiatric hospital/clinic. To the south of Dedworth Road lies Fair Acres Farm which comprises several small business units and residential properties. This part of Dedworth Road is semi-rural in character.

#### **4. KEY CONSTRAINTS**

- 4.1 The site lies within the designated Green Belt and adjacent to a Grade II\* listed building, 'The Old Farmhouse'. The site lies within Flood Zone 1.

#### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 Planning permission is sought to demolish the existing garden centre buildings and structures and the construction of an 1,864 sq.m (GEA) Class A1 food store (net retail sales area of 1,315 sq.m). The car park would provide 113 parking spaces including 4no. spaces for disabled users, 9no. parent and child designated spaces, 2no. electric car parking spaces with infrastructure to be installed for a further 20 electric parking spaces in the future. There are 5no. Sheffield hoops to provide cycle parking for 10 bicycles under the store canopy. The car park would be served by the existing vehicular and pedestrian access and would remain unchanged. Most of the trees and planting around the periphery of the site would be retained with some additional planting.
- 5.2 The proposed building would be sited in a similar position to the existing building and would be set well back from the site frontage. The building would have a flat roof with an overall height of 5.5m. The proposed building would have a greater width than the existing building and a reduced depth. The building would comprise retail floor area (1,315 sq.m), a warehouse, plant room, staff room, manager's office, meeting room and toilets. The delivery loading bay and plant compound would be enclosed by a 4m high acoustic fence and would be sited on the western side of the building. Some of the plant equipment is located internally in order to minimise noise and ensure external landscaping along the western boundary can be maximised. The main store entrance would be sited on the south eastern corner of the building and would look out across the car park and face the site entrance. The store is proposed to operate between the hours of 0800 to 2200 Monday to Saturday and between 1000 and 1800 on Sundays. Deliveries would be a maximum of 2 per day between the hours of 0700 and 2200 Monday to Saturday and one delivery between 0900 and 1700 on a Sunday.
- 5.3 During the course of the application some revisions have been made which include:
- The relocation of the 4m high acoustic fence away from the western boundary of the site.
  - Inclusion of timber cladding to the external elevations of the store building.
  - Revisions of the external plant compound.
  - A more robust landscape scheme.
  - Relocation of cycle parking closer to the store entrance
  - Slight re-configuration of the car parking layout.
- 5.4 The application has been accompanied by supporting documents including a Design and Access Statement, a Planning Statement and Statement of Community Involvement.

5.5 The relevant planning history relating to this site is set out below:

<b>Application Ref</b>	<b>Description of Works</b>	<b>Decision and Date</b>
466203	Erection of a garden centre building with ancillary cafe, outdoor display areas and associated car parking.  An appeal against the imposition of conditions 1 & 2 (landscaping conditions) attached to 466203	Planning Permission granted 27 <sup>th</sup> April 1990  Dismissed February 1991
10/00529/FULL	Demolition of existing canopy (422 metres square), erection of a covered walkway (334 metres square), replacement of existing gates.	Permission granted April 2010.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Parking & Highways	P4, T5, T7
Trees & Hedgerows	N6 & N7
Green Belt	GB1, GB2
Setting of Listed building	LB2
Retail Development	S5
Noise	NAP3

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

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4 - Decision-making

Section 7 - Ensuring the vitality of town centres

Section 9 - Promoting Sustainable Transport

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

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

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Housing Development Sites	HO1	HO1
Sustainable Transport	IF2	IF2
Shops outside defined centres	TR6 & TR7	TR6 & TR7
Historic Environment	HE1	HE1
Managing Flood Risk	NR1	NR1
Trees, Woodlands and Hedgerows	NR2	NR3
Nature Conservation	NR3	NR2
Environmental Protection	EP1, EP2, EP3 & EP4	EP1, EP2, EP3 & EP4
Infrastructure and Developer Contribution	IF1	IF1

- 7.1 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.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. In October 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.
- 7.3 These documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### Supplementary Planning Documents

- 7.4
- Borough Wide Design Guide (June 2020)

### Other Local Strategies or Publications

- 7.5 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

30 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 22.5.20 and 30.6.20 and the application was advertised in the Local Press on the 28.5.20 and 2.7.20.

214 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	There is a need for another supermarket	Not a material planning consideration
2.	The scheme is sensitively designed	Noted
3.	Aldi would be a welcome addition and create more jobs	Noted
4.	Will provide healthy competition	Not a material planning consideration
5.	Traffic generated by supermarket will be nothing compared to traffic congestion from housing development.	Needs to be assessed on its own highway considerations
6.	A low-cost supermarket will benefit local families.	Not a material planning consideration
7.	Opening hours will benefit local community especially those working shifts.	Noted
8.	Secure jobs will be a boon to local economy.	Noted
9.	Nearest Aldi store 10 miles away	Not a material planning consideration
10	Many residents live within easy walking distance of the new store	Noted

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

Comment		Where in the report this is considered
1.	The Cardinal Clinic, an independent psychiatric hospital borders the site and is set within extensive grounds. The extended opening hours and noise from lorries and customer traffic will have a detrimental effect on the tranquillity of the environment which is essential to the wellbeing of patients.	See paragraphs 9.34-9.43
2.	The car wash facility at the garden centre has caused noise issues to The Old Farmhouse B & B and the outpatients department at Bishops Hall.	9.34-9.43
3.	Aldi's trading hours and the delivery ramp next to the boundary with The Old Farmhouse and the Cottage (staff accommodation) and Bishops Hall will be intrusive and could affect the viability of the businesses.	9.34-9.43
4.	Noise and disturbance will disrupt outpatients' consultations at Bishops Hall.	9.34-9.43
5.	Many more car movements will cause extra noise and air pollution and cause traffic congestion. The A308 is already overloaded during peak times.	9.27-9.46 & 9.47-9.70
6.	The delivery ramp on the boundary between The Garden Centre and The Old Farmhouse will produce extra noise from deliveries.	9.34-9.43
7.	A garden centre is acceptable in the Green Belt, but not a retail store.	9.2-9.14
8.	The licenced Borehole supplying water to The Cardinal Clinic is sited approx. 50m from the garden centre building. This needs to be considered if new foundations are planned.	9.85
9.	Inappropriate development in the Green Belt.	9.2-9.14
10	No very special circumstances to justify large supermarket in Green Belt. Conflicts with NPPF and planning policies	9.2-9.14

11	Already a large supermarket (Tesco) close to the site. Community is already well served with shops.	Not a material planning consideration
12	The Old Farmhouse is a grade II * listed building dating back to the 15 <sup>th</sup> century and is run as a B & B – siting of a delivery ramp close to this building will damage business.	9.34-9.43
13	Predominantly residential area – development could cause considerable disturbance to local homes.	9.34-9.44
14	Garden centre offers a coffee shop, children's play area and local garden and gift shopping experience with little impact on the local community – residents would have quite a drive to find a similar amenity.	9.5
15	Insufficient parking	9.49-9.50
16	Road is not wide enough or designed to accommodate a high flow business.	9.51-9.62
17	Application needs to be considered in conjunction with the housing allocation site AL21/HA21 in the Borough Local Plan – the awaited A308 survey is long overdue but it is obvious that the levels of noise and pollution would be too excessive.	9.37-9.46 & 9.47-9.70
18	The area needs a garden centre – it is an important community asset	9.5
19	Impact on local small grocery outlets	Not a material planning consideration
20	Proposed retail store will generate significantly more traffic and will have extended opening hours – the existing Tesco store has limited hours and independent access for deliveries.	9.55-9.59
21	No alterations are proposed to the existing vehicle access which is potentially dangerous.	9.51-9.62
22	RBWM recognises that there are already significant traffic issues on the A308 'corridor' and is participating in a government funded study to consider necessary improvements to this key route. A comprehensive assessment of traffic impacts is required.	9.64
23	There are no pedestrian footways on Oakley Green Road and levels of risk to pedestrians walking to and from the supermarket will be exacerbated.	9.65-9.67
24	The garden centre and adjacent land were seriously flooded in 2014 and the Environment Agency maps reveal that the land is susceptible to surface water flooding.	9.77 – 9.80
25	Not the right location for an Aldi store	9.2-9.5
26	Needs to have a dedicated right lane ( as with existing Tesco store) and speed limit reduced to 30mph.	9.54
27	Opening hours should be restricted to same hours as garden centre or same hours operated by Tesco. Tesco superstore opens at 9am and closes at 8pm on weekdays, other than Fridays when it closes at 9pm	9.34 – 9.43
28	If permission is allowed the proposed development for housing should be removed from the Borough Local Plan due to the combined traffic and pollution effects of both developments.	9.2-9.5
29	Noise and pollution caused by ramp and cooling plants next to fence between The Old Farmhouse and the site will severely encroach onto The Old Farmhouse ( 4* silver award B & B), Bishops Hall (an out-patient department for the Cardinal Clinic comprising 8 consulting rooms) and The Cottages occupied by staff and their family.	9.34-9.43
30	Aldi store will attract significantly more customers and more outside activity from vehicles movements, parking, slamming of car doors, trolley parking, shouting etc. Activities would be spread over an additional 40 hours per week.	9.34-9.43
31	Aldi proposal needs planning permission and therefore needs to be assessed against policies relating to Green Belt, traffic, amenity and heritage.	Section 9

32	Delivery and unloading activities could start at 7am and finish at 11pm and vehicles reversing will be accompanied by loud reversing alarms causing noise and disturbance to the adjoining site.	9.34-9.43
33	Increase in air pollution from additional number of customers and heavy vehicles adjacent to neighbouring properties.	9.33
34	Aldi claim to be providing 27 new (full time equivalent) jobs but 60 full time jobs, plus work of 30 additional consultants at the Cardinal Clinic could be jeopardised.	9.34-9.43
35	The Inspector conducting the Examination of the Draft Borough Local Plan has specially referred to concerns which ' have been raised in relation to the effect of this development (housing allocation AL21) upon the well-being of patients being treated at the Cardinal Clinic Mental Health Facility'	9.2-9.5
36	Plant compound directly adjacent to adjacent property – noise from refrigerators and cooling plant would be 24 hours per day.	9.38
37	Light pollution from floodlit car park and service areas.	9.32
38	The site falls within a much larger site allocated for approximately 450 houses, community run, educational facilities as well as sports pitches and open space – the BLP must be given very limited weight. The application pre-empts the BLP and conflicts with its proposals for the site.	9.4
39	Detrimental to the setting and amenity of the grade II* listed building.	9.19-9.24
40	No public transport to the site, very narrow footpath along this narrow stretch of road and no cycle paths.	9.44-9.67
41	Council needs to consider imposing traffic restrictions to lorries along this stretch of road and Aldi should contribute towards these changes to facilitate this safer route.	9.44-9.67
42	2 electric vehicle charging stations is not adequate	9.44-9.67
43	Existing entrance to the site is unsuitable to cater for both entry and exit traffic and will increase the level of danger.	9.44-9.67
44	Concern that store will generate food waste and abandoned trolleys.	9.84
45	Planned buildings, delivery areas and car park would be sited very close to the children's clinic in Bishops Hall – would cause distress and difficulty to children with special needs.	9.34-9.43
46	Drainage problems -drains are regularly blocked. Raw sewage comes up through the drains and drains will not cope with more pressure on them.	9.77-9.80
47	HGV ban on Oakley Green Road came into force in January 2020.	9.44-9.67
48	Light from building will cause disturbance	9.32
49	Increase in footfall could increase crime	9.83
50	Loss of wildlife	9.72-9.76
51	Opening hours of the garden centre are 9am-5pm Monday to Saturday and 10am-5pm on Sunday.	9.34-9.43
52	Traffic analysis conducted on October 23 <sup>rd</sup> 2019 – this was half term and not representative of 'normal' term time.	9.55
53	Traffic analysis assumes peak time to be 1700-1800 however daily traffic heavy between 1500-1800.	9.44-9.67
54	Replacement community facilities including a cafe and facilities for elderly and young families need to be considered.	9.5
55	Over provision of car parking will encourage car borne trips to the store; lack of sustainable travel options and being located outside the built-up residential area – contrary to NPPF and RBWM Parking Strategy. Full review of the trip generation of the proposal needs to be undertaken and it has not been demonstrated that a servicing vehicle can safely access and egress the site without being required to drive into the path of oncoming vehicles.	9.49-9.50
56	Impact on Windsor Town Centre	9.3

57	In response to the examination Inspector's questions regarding site allocation AL21 in the emerging local plan the Council anticipates a carefully designed, well landscaped, comparatively low density housing development with gardens and open space, on the part of the site adjoining the grade II * heritage asset and the tranquil Cardinal Clinic. It does not anticipate a popular discount store, with daily 16 hour opening hours within metres of the adjacent site. This demonstrates how unsuitable the discount store would be adjacent to the grade II* listed building and highly respected mental health hospital, the Cardinal Clinic and the application should be refused.	9.19-9.43
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In addition, a petition has also been signed by the staff of The Cardinal Clinic (46 signatures) opposing the application for the following reasons:

- Cardinal Clinic's Out-patient suite of 7 rooms (Bishops Hall) is within a few metres of the boundary. It is crucial that a peaceful, quiet and uninterrupted environment is provided for Consultations with patients.
- Cardinal Clinic, established 44 years ago is not a locked hospital. To have a store next door, selling alcohol could present a problem for patients with alcohol dependency.
- The necessary deep foundations and planned ramp adjacent to boundary will almost certainly damage The Old Farmhouse, a grade II\* listed building.
- The site is Green Belt land.
- Local roads are already over capacity – frequent tailbacks of traffic at junction.
- Pollution levels are already above recognised limits at some places on the A308 – Aldi will have twice as much traffic as Garden Centre.
- The drains in the Dedworth Road are insufficient to deal with present load – flooded with sewage many times in the past.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Section	No objection on parking or highway grounds subject to appropriate conditions and a section 106 agreement to secure an appropriate financial contribution towards sustainable transport measures to improve public transport accessibility; an appropriate financial contribution towards highway infrastructure improvements on the local highway network and a Staff Travel Plan.	See paragraphs 9.44- 9.67
Lead Local Flood Authority	Recommend that planning permission be granted subject to a suitably worded condition.	Paragraphs 9.77-9.80

### Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	Revised scheme has overcome original objections.	9.19-9.24
Historic England	No comment – (not required to be consulted)	Noted

Environmental Protection	No objection subject to appropriate conditions.	9.32-9.43
Tree Officer	No objection subject to appropriate conditions	9.68-9.71
Environment Agency	No comment – (not required to be consulted)	Noted
Ecology Officer	No objection subject to suitable conditions	9.72-9.76
Berkshire Archaeology Officer	No requirement for archaeological mitigation	Noted
Crime Prevention Design Advisor	No objection to revised scheme	9.83
Thames Water	No objection. Informative to be added	9.85
Bray Parish Council	<p>Bray Parish Council objects to this planning application, for the reasons listed below.</p> <p><b>Green Belt GB1</b></p> <p>The site is in the Green Belt and not a Brownfield Site as indicated by the applicant. Current Planning Policy would allow a Garden Centre but the development of a food store is inappropriate within a Green Belt location.</p> <p>Although the site is shown as being within an area (AL21) in the latest version of the Council's Draft Borough Local Plan (BLP) which is allocated for new housing and is proposed to be removed from the Green Belt, this version of the BLP has not been examined by a Planning Inspector and has therefore not been adopted by the Council. As it stands, the BLP carries very little weight in terms of planning policy and must be disregarded in terms of the decision on this planning application. In any event, neither the BLP nor any other planning policy document allocates this land as a food store.</p> <p><b>Absence of Very Special Circumstances GB2</b></p> <p>The applicants put forward an argument that because a garden centre with a larger building exists on the site, this amounts to very special circumstances in favour of the development. Each planning application must be considered on its own merits, and there is no justification for permitting a large food store in the Green Belt.</p> <p>The applicants argue that retailing use in the</p>	See paragraphs 9.6-9.14

	<p>existing building means that there can be no objection to the development of a large retail food store. This ignores the entirely different use of the two shops. The current garden centre is designed for un-rushed, leisurely shopping whereas the proposed food store will be filled with essential goods and designed to accommodate maximum numbers of shoppers. The proposed store will cater for a very significant increase in shoppers who will visit the store over considerably longer hours. The character of these two shops will have little or no similarity between them.</p> <p>The applicants claim this will be the only cut price store in the area but have not taken into consideration the Lidl store in Maidenhead.</p> <p>The applicants argue that this location is central to their expected customer base, but the location is a rural green belt site, with overcrowded roads, poorly served by public transport and poor walking routes.</p> <p><b>Highways, Traffic, Transport and Access</b></p> <p>The application site is served by a local road network which is already congested at many times of day and unsuitable for further heavy traffic. The location is poorly served by public transport. No suggestions have been made to how existing traffic conditions or public transport services might be improved as a result of their proposed development.</p> <p>The site is within 0.5 miles of the junction of the B3024 with the A308 and the Parish council has previously made public its concern regarding levels of road traffic on this road and is a partner in a study of this areas. It is also concerned about the effects of pollution and congestion from additional traffic on the already busy Dedworth Road and so does not support the proposal for these reasons.</p> <p>The application does not seek to change the current access points and Councillors are concerned about the dangers, particularly turning right out of the site on this busy and congested road.</p> <p><b>Impact on Neighbours</b></p> <p>To the immediate west of the application site is a group of buildings including the Cardinal Clinic, a highly regarded private hospital, renowned for its treatment for mental illness. Its' success is due to its peaceful and attractive setting.</p> <p>Their work would be severely disturbed by the arrival of a busy food store, with customers parking, collecting trolleys, entering and leaving the premises, and heavy delivery vehicles arriving and unloading especially as these activities would take place between the hours of 7am and 11pm, six days</p>	<p>See paragraphs 9.44-9.67</p> <p>See paragraphs 9.25-9.43</p>
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	<p>per week, with reduced opening hours on Sunday. This is not comparable to the presence of the current garden centre, which has far less intensive use and greatly reduced opening hours.</p> <p>It would be disastrous for the patients and specialists if the Cardinal Clinic were to be forced to curtail or cease its activities because of the disturbing and incessant presence of a busy food store on adjacent land.</p> <p><b>Heritage</b></p> <p>The Council's constraints list indicated that the development would be within 10 metres of valued heritage asset, the grade II * Listed Old Farmhouse, and the buildings within its curtilage. These buildings form part of the group of buildings of which the Cardinal Clinic is a major part, and are used as bed and breakfast accommodation, staff accommodation, and for outpatients of the Clinic. The grade II* listed Farmhouse is one of the most important historic buildings in the locality and has been excellently maintained by its owners.</p> <p>Historic England have submitted an objection to the Draft BLP which allocated the application site as part of an area for new housing, on grounds of its impact on this heritage asset. A large food store on this land would be considerably more inappropriate, within 10 metres of the listed building, paying no respect or regard for this important and historic structure. Indeed, the applicants have emphasised their disregard for this heritage asset by choosing to locate the heavy vehicle delivery point and loading bay at the closest available point to the listed building.</p> <p>The Parish Council requests that RBWM refuses this application on grounds of:</p> <ol style="list-style-type: none"> <li>i. Unacceptability in a Green Belt location.</li> <li>ii. Absence of very special circumstances for development in a Green Belt</li> <li>iii. Increase in traffic congestion in the A308 corridor</li> <li>iv. Hazardous additional turning movements into and out of Dedworth Road</li> <li>v. Unacceptable detriment to amenities of the Cardinal Clinic and ancillary residences and uses</li> <li>vi. Detrimental impact on heritage asset in close proximity: The Old Farmhouse Grade II * Listed Building.</li> </ol>	<p>See paragraphs 9.19-9.24</p>
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**Others**

Group	Comment	Where in the report this is considered
Windsor & Eton Society	<p>The Windsor and Eton Society have considered these proposals and object to the design of the building and inadequate landscaping which we see as the urbanisation of this site in the green belt. We request this PA be refused for reconsideration.</p> <p>We do not object, in principle, to the garden centre being replaced by an Aldi store. As the proposed store does not constitute the 'multi-functional community hub' which the Borough have expressed the wish to see provided on this site, we will expect to see plans for this community facility when proposals come forward for the rest of the site.</p> <p>The design of the proposed building is extremely bland, does not convey a positive 'Sense of Place' for the locality as per the National Design Guide, and cannot be said to be an improvement over the existing building, which at least has some character. The proposed building could be in any town, anywhere.</p> <p>Aldi have the opportunity on this site here in the Windsor green belt to develop a building which is unique in terms of community enjoyment, a building that many will use, or may pass every day, as per C1 The National Design Guide. The use of more suitable materials, such as wood, in this location should be considered.</p> <p>The landscaping proposals of the whole site need to be more carefully considered and increased, in particular to soften the unbroken extent of tarmac of the car park. A good example of landscaped parking areas can be seen at Convent Court in Hatch Lane where the parking spaces are surrounded by hedges with trees. In addition to cycle parking for staff at the rear of the building customer cycle parking should be provided at the front entrance for accessibility and natural surveillance.</p> <p>In relation to the boundary planting. We hope that the bund will be retained which is pleasingly planted along the boundary with Dedworth Road. This will help to soften the impact of the development, particularly as the large, high Aldi sign at the entrance would increase the sense of urbanisation. We are also concerned that significant planting and trees will be maintained along the western boundary which borders The Old Farmhouse which is a 15<sup>th</sup> century Grade II* listed building . This heritage building so close to the boundary and it is important that any building or works do not harm this structure in any way.</p>	<p>See paragraphs 9.15-9.18</p> <p>See paragraphs</p> <p>See paragraphs 9.19-9.24</p>
Windsor Neighbourhood Plan	<p>The site is adjacent to the Windsor Neighbourhood Plan area and the Garden Centre is currently used by many residents in the Windsor area. Any future development of the site will impact on the community of West Windsor and the wider area.</p> <p>The WNP Committee would like to make the following comments on the application.</p>	

	<p>The design of the new store is disappointing. It uses a generic design of many Aldi stores usually found on retail and business parks and has failed to respond to its context which is a rural area in the Green Belt. The proposed building has a wide elevation facing the road and this is emphasised by the horizontal band of windows, the fascia and long flat roof. There is no arrival point. The proposed materials do not reflect those in the wider area where buildings are predominantly brick with tiled pitched roofs. The design should be amended to introduce more appropriate materials, include a corner feature at the entrance by changing to the roof design, possibly a clock feature similar to the current building.</p> <p>Only ten additional trees are proposed over the whole site which is fewer than the number to be felled. The landscaping scheme should include additional new trees and particularly more across the car park. This will better screen the building, provide habitat and shade to vehicles.</p> <p>The cycle parking provision is insufficient (only 5 hoops provided) and poorly located. They should be moved nearer the entrance where they will be more convenient for shoppers who cycle to the store and will have better public surveillance.</p> <p>The amenities of the local community will be diminished by the loss of the cafe on the site which has over many years been used as a meeting place. We would request that consideration is given to replacing this facility on the site.</p> <p>In summary it is considered that the proposal is not of high quality and fails to meet the requirements of Chapter 12 of the National Planning Policy Framework, and particularly paragraph 127. Please take the opportunity to ensure that the application improves the design and landscaping.</p>	<p>See paragraphs 9.15-9.18</p> <p>See paragraphs 9.68-9.71</p> <p>See paragraph 9.48</p>
<p>Oakley Green &amp; Fifield Residents Association</p>	<p>Summary:</p> <p>Oakley Green &amp; Fifield Residents Association (OGFRA) strongly objects to the above application for the following reasons:</p> <ul style="list-style-type: none"> <li>• Conflict with Green Belt policies – construction of retail store is an inappropriate development and contrary to the NPPF and RBWM planning policies. There are no VSC to justify a large retail store in the Green Belt.</li> <li>• Pre-emptive of BLP Examination – the site lies within the proposed AL21 site allocation in the draft BLP for 450 residential units, public open space, football and rugby pitches and educational facilities no mention of retail facilities. The application is premature and the BLP should carry very little weight.</li> <li>• Traffic issues – traffic data does not give meaningful assessment of impact of store and level of traffic it will generate. Retail store will</li> </ul>	<p>See paragraphs 9.6-9.14</p> <p>Paragraph 9.4</p>

	<p>generate significantly more traffic than the existing garden centre. Aldi is seeking extended opening hours. The existing Tesco store located 500m along Dedworth Road has more limited hours and independent access for deliveries. Majority of visits will be by car. Local bus services, pedestrian and cycle access is limited. No alterations to the existing vehicle access is proposed. Significant impact on the surrounding roads. Additional traffic generated by proposed store cannot be justified until the A308 'corridor' study is complete. Comprehensive assessment of traffic impacts required.</p> <ul style="list-style-type: none"> <li>• Air quality and noise – The proposed development, on site activity and associated increase in traffic will exacerbate existing noise and air pollution on roads in the area and have a detrimental impact on surrounding residential and business properties including the Cardinal Clinic and The Old Farmhouse. The position of the loading/unloading bay on the western boundary is adjacent to the outpatient and consulting rooms for the Cardinal Clinic and will have a serious impact on operation.</li> <li>• Heritage Assets – The Old Farmhouse is an important Grade II* listed building and is run as a B &amp; B and the income support helps to support the upkeep of the building. Two other listed buildings located close to the site could be adversely affected by increased noise and pollution.</li> <li>• Flooding – Garden Centre site and adjacent land were seriously flooded in 2014 and the EA maps reveal that the land is susceptible to surface water flooding. Further assessment of flood risk of the whole of the AL21 site allocation should be looked out. The current main drains are also at capacity.</li> </ul> <p>Aldi claim to be creating 40 jobs, but in reality this is simply replacing jobs lost at the Garden Centre and could lead to other job losses in small business along Dedworth Road.</p> <p>Aldi claim that their store has unique characteristics as a 'discount store' and that this constitutes very special circumstances that could allow development on this Green Belt site. However, whilst many residents may welcome the availability of a 'discount store' in the Windsor/Maidenhead area, this is not relevant from a planning perspective, and this is not the right location.</p>	<p>Paragraphs 9.43-9.67</p> <p>Paragraphs 9.33-9.43</p> <p>Paragraphs 9.19-9.24</p> <p>Paragraphs 9.77-9.80</p> <p>Paragraphs 9.6-9.14</p>
<p>The West Windsor Residents Association</p>	<p>Summary:</p> <p>The West Windsor Residents Association (WWRA) oppose the planning application based on unique planning issues of this particular site. We recognise that there is strong support for an alternative food retail choice and employment prospects and support residents on low income that are looking for more affordable food shopping. We would therefore be interested in supporting the developer to find an alternative more appropriate site.</p>	

	<p>Traffic levels are a major concern in this area. Deliveries and access directly affect The Old Farmhouse and the Saxon Barn and is unacceptable. Excessive opening times would result in excessive volumes of traffic mostly affecting Oakley Green Road, Dedworth Road, Ruddlesway, Gallys Road and Smiths Lane. Supermarket would mean greater volumes of traffic, with accompanying pollution, especially when considered in the unique context of the Cardinal Clinic which relies on tranquillity for rehabilitation of their patients.</p> <p>A supermarket is not acceptable on green belt land. The proposal adversely affects the openness impact test. The precious Green Belt should be protected and request that the application is refused for being contrary to policies GB1 and GB2 and cite concerns on highways, flood risk and protection of heritage assets.</p> <p>If the application is to be granted, we urge the Planning Authority to consider the following:</p> <ul style="list-style-type: none"> <li>• Guarantees on traffic flow – only main roads (A roads) to be used.</li> <li>• Delivery times to be restricted to normal working hours with further restrictions on Sundays.</li> <li>• Local employment priority</li> <li>• Sight lines must not exceed the existing structure</li> <li>• Existing weight limits on local roads must be adhered to</li> <li>• Development must be as ‘green’ as possible.</li> <li>• Electric charging points should be considered.</li> <li>• Replacement community facilities including cafe and facilities for elderly residents and young families.</li> </ul>	<p>See paragraphs 9.34-9.43</p> <p>See paragraphs 9.6-9.14, 9.29-9.24</p>
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

### i Principle of development

9.2 The original planning permission for the garden centre was granted in 1990 (reference number 466203) for the erection of a garden centre building with ancillary cafe, outdoor display areas and associated car parking. It is generally accepted that garden centres fall within a retail use and would fall within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020, formerly Class A1 (retail) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing garden centre includes several retail concessions including Bonmarche, Maidenhead Aquatics, Pets Corner and Regatta Great Outdoors. There is also a cafe and a small children’s play area within the building and a car wash which operates at the front of the site. It is accepted that these are ancillary to the primary activity of the garden centre which is retail sales and that the lawful use of the site falls within Class E (formerly Class A1). The existing retail use is not subject to any use/opening hour restrictions.

9.3 Typically it would be expected that new retail development should be located within a town centre location to accord with the guidance set out in paragraphs 86-89 of NPPF and Local Plan policy S5 and emerging policy TR6. However the existing lawful use of the site falls within Class E (formerly Class A1 retail) and the existing retail use is not subject to any use/opening hours restrictions and there are no restrictions that limit the goods that can be sold from the premises. The provision of a new food store would also fall within Class E and there would therefore be no material change in the use of the site. In addition, the floor area of the proposed store would be

less than the existing floor area. As a result, neither a sequential test nor an assessment of the impact on the vitality and viability of the town centre is required in this case.

- 9.4 The site falls within the draft allocation site AL21 ‘Land west of Windsor, north and south of the A308’ which is allocated for approximately 450 residential units, strategic public open space, formal pitch provision for football and rugby, multifunctional community hub and educational facilities. Only limited weight can be given to the emerging Borough Plan at this time however it is considered that the policy aspirations for this site could still be delivered.
- 9.5 Whilst some of the representations have referred to the existing garden centre as a community asset/ hub, no policy objection can be raised to the loss of the existing garden centre. The principle of the re-development of the site as a food store is acceptable, subject all other issues set out below.

## ii Impact on Green Belt

- 9.6 The site lies within the designated Green Belt and the government attaches great importance to Green Belts. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to ‘prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.7 Furthermore paragraph 145 of NPPF states that a local planning authority should regard the construction of new building as inappropriate in the Green Belt unless it falls within the list of exceptions which includes:
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- 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.’*
- 9.8 Further guidance published on the 22<sup>nd</sup> July 2019 clarifies what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt and includes the visual impact and volume of a proposal and the degree of activity likely to be generated such as traffic generation.
- 9.9 The proposal needs to be assessed against adopted Local Plan policies GB1 and GB2 and emerging policy QP5, which are generally consistent with the guidance set out in the NPPF.
- 9.10 The replacement building is proposed to be sited in a similar position to the existing building and a comparison between the existing building and proposed building is set out below:

	<b>Existing</b>	<b>Proposed</b>
Gross external Area	2,167 sq.m	1,864 sq.m
Height –central ridge	8.3m	5.5m
main ridge	5.7m	5.5m
Eaves	3.6m	5.5m
Width	48.8m	55-64m
Depth	45m	32-34m
Volume	11,181 cu m	10,244 cu m

- 9.11 From the calculations the footprint and the volume of the proposed building would be less than the existing building. The hipped roofs have been replaced with a flat roof, but overall, the height and massing would be less than the existing building. The proposal would result in a reduction in footprint and volume and as such, the proposed built form would not result in a greater impact on the openness of the Green Belt or be materially larger than the building it replaces.
- 9.12 The degree of activity generated by the proposed development should also be considered in relation to the assessment of the impact on the openness of the Green Belt. Given there is no change in the use of the site or an increase in proposed floorspace it would not be considered reasonable to suggest that there would be an increase in the level of activity proposed that would harm the openness of the Green Belt.
- 9.13 Overall it is considered that the proposed development would have no greater impact on the openness of the Green Belt and the proposal would constitute appropriate development in the Green Belt and accord with the guidance set out in the NPPF and Local Plan policies GB1 and GB2.
- 9.14 Whilst it is noted that the emerging Borough Plan seeks to remove the site and the wider allocation site from the Green Belt this can only be given limited weight at this time.

### **iii Impact on the character and appearance of the site itself and locality in general**

- 9.15 Paragraph 127 of the NPPF and Local Plan policy DG1 set out the design guidelines and seek to ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The application has been accompanied by a Landscape and Visual Impact Appraisal.
- 9.16 As set out above the overall height, footprint and volume is less than the existing building and the store would be in a similar position to the existing garden centre building. The height has been kept to a minimum and the overall height and massing is considered to be acceptable. The store entrance would look out across the car park and face the site entrance. The proposed store is contemporary in design, having simple form and a flat roof. The elevations would be white rendered and during the course of the application the materials have been revised to include vertical timber cladding to help soften and improve the aesthetics of the building in this semi-rural location. The whole of the western elevation would be timber clad to help soften its appearances along the landscaped boundary facing 'The Old Farmhouse'. The window frames, doors and cantilevered canopy would be dark grey in colour. The simple cantilevered canopy at the store entrance would provide cover for the cycle parking and the trolley bay area.
- 9.17 The majority of the landscaping and planting around the periphery of the site would be retained and some additional planting is proposed. The retention and provision of landscaping is considered important in order to maintain the character and appearance of the site itself and the locality in general. The car park would be surfaced in black macadam and broken up with some tree planting which would also help to improve the appearance of the car park.
- 9.18 The layout of the site would remain similar to the existing site layout and no alterations are proposed to the existing vehicular access. The proposed building has been sympathetically designed and is set well back from the road frontage. The building would sit comfortably within the site and it is not considered that the proposal would detract from the overall character and appearance of the site itself or the locality in general. The proposal would accord with paragraph 127 of the NPPF and Local Plan policy DG1.

### **iv Impact on the setting of the adjacent listed building**

- 9.19 The site lies adjacent to a grade II \* listed building, The Old Farmhouse, a 15<sup>th</sup> century hall house which lies immediately to the west of the site. The impact on the setting of this listed building needs to be assessed. Local plan policy LB2 states that the Council will have special

regard to the preservation of listed buildings and their settings and will ensure that proposals do not adversely affect the grounds and/or setting of listed buildings. The application has been accompanied by a Heritage Statement and Archaeological Desk-Based Assessment.

- 9.20 As a grade II \* designated heritage asset considerable importance and weight should be given to preserve or enhance its setting. The original rural setting of the Old Farmhouse has long since been lost, however it does retain a sense of detachment from the surrounding development. It sits within a large plot and is partially screened from the existing garden centre building and car park by mature and semi-mature deciduous and evergreen trees and shrubs, although there are currently some gaps in the vegetation/screening between The Old Farmhouse and the garden centre building.
- 9.21 Whilst the overall height and massing of the proposed building is considered acceptable, the Conservation Officer raised initial concerns regarding the design of the building and the siting of the delivery loading bay and plant close to the western boundary of the site. It was considered that by placing these services at this point, the proposal would have an impact on the aesthetic and function of the heritage asset and an increased sense of urbanisation. The proposed 4m high acoustic fence, originally to be sited along the western boundary, was also considered to have a detrimental impact on the setting of the Old Farmhouse and concern was raised that light pollution could also further erode the setting of the listed building.
- 9.22 The possibility of flipping the store round in order to relocate the loading bay on the eastern side of the building was explored during the course of the application. However the relocation of the loading bay to the eastern side of the store would have resulted in operational and circulation issues within the car park and the customer entrance and exit would have had to have been relocated to the western end of the site which would have caused significantly more noise and disturbance to the adjacent properties and created a less attractive appearance from the site entrance.
- 9.23 The proposal has however been revised to include the repositioning and reduction in the size of the external plant compound and the acoustic fence has been pulled away from the western boundary and is now sited alongside the loading bay to help minimise its aesthetic impact. In addition, a more robust tree planting and landscaping scheme is proposed to fill in the gaps along the western boundary. The lighting layout has also been revised to minimise the lighting levels along the western boundary. Timber cladding has also been added to the external elevations to help improve the overall design and appearance of the proposed store.
- 9.24 Overall the mitigation measures put forward in the revised scheme are considered to remove the previous objections and it is considered that the amended proposal would adequately preserve the setting of the adjacent listed building and the proposal would accord with Local Plan policy LB2.

#### **v Impact on the amenities of the neighbouring properties including noise and disturbance**

- 9.25 Paragraph 180 of the NPPF states *'Planning policies and decisions should also 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. In doing so they should:*
- a) Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) Limit the impact on light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

- 9.26 Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries. Emerging policies EP3 and EP4 refer to light and noise pollution. Development proposals should seek to avoid generating artificial light pollution where possible and proposals that are likely to have a detrimental impact on neighbouring residents, the rural character of an area or biodiversity should provide effective mitigation measures. Development proposals that generate unacceptable levels of noise and affect quality of life will not be permitted. The application has been accompanied by an Environmental Noise Assessment and Proposed External Lighting and Luxplot details.
- 9.27 In this case it is important to consider the proposals impact on the amenities of the neighbouring properties in terms of light, outlook, privacy, light pollution, noise and disturbance and in particular in terms of the immediate neighbours to the west of the site, 'The Old Farmhouse' (B & B), The Old Farmhouse Cottage (staff accommodation) and 'Bishops Hall' which provides consulting rooms in association with the Cardinal Clinic.

#### Impact on light, outlook and privacy

- 9.28 The existing garden centre building is currently sited between 5m and 8m from the western boundary of the site and has a hipped roof measuring 3.6m at eaves, rising to 5.7m in height. The western boundary is partially screened by an existing 3m high fence and trellis and some trees and planting.
- 9.29 The proposed store building would be sited in a similar position to the existing building, between 5.5m and 7.5m from the western boundary. It is designed with a flat roof, with an overall height of 5.5m. A 4m high acoustic fence is proposed to run alongside the loading bay and plant compound and would be sited between 1m and 5.8m from the western boundary. A distance of approximately 20m and 27m would be maintained between the proposed acoustic fence and building and the neighbouring B & B, The Old Farmhouse. Greater distances of between 22m and 32m would be maintained between the acoustic fence/plant compound and the proposed store and the neighbouring residential property, The Old Farmhouse Cottages (staff accommodation). A distance of approximately 16m and 17m would be maintained between the acoustic fence/plant compound and corner of the proposed store and Bishops Hall, the consulting rooms used in connection with the cardinal clinic.
- 9.30 The proposed flank elevation facing the neighbouring site would be clad in timber and no windows are proposed in this elevation. Additional planting is proposed to be provided between the store/ loading bay and the western boundary to help enhance and fill in the gaps in the existing screening.
- 9.31 Overall it is considered that sufficient distance would be maintained between the proposal and the neighbouring properties and the siting, height, scale and design of the proposal would not appear unduly prominent or obtrusive when viewed from the neighbouring site and the proposal would not result in an unacceptable loss of light, outlook or privacy to these properties.

#### Light pollution

- 9.32 During the course of the application a revised external lighting scheme has been submitted to reflect the amended site layout, to minimise the light levels along the western boundary and to deliver appropriate lighting levels at the site access. The scheme includes 6m high columns within the car park which are proposed to be switched off between the hours of 2200 and 0700. Other lights include loading bay lights which would be controlled by detectors and wall downlights on the store building itself, which would operate during darkness for low level security. The external lighting has been designed in accordance with guidance set out by the Institute of Lighting Engineers to help reduce nighttime light pollution. The lux levels have been plotted and it has been adequately demonstrated that there would be no unacceptable level of artificial light pollution which would be detrimental to neighbouring properties or the character of the locality in general.

### Air quality

- 9.33 Some concern has been raised regarding the potential impact of the proposal on air quality particularly in terms of the increase in traffic movements. The proposed development site is not within or close to an air quality management area and based on the existing local air quality conditions (nearest monitoring site is WM1 in Longmead) the risk of the air quality objectives being exceeded as a result of the proposed development is low.

### Noise and Disturbance

- 9.34 A significant amount of concern has been raised to the potential for noise and disturbance to the adjacent site and in particular in terms of The Old Farmhouse (a B & B), The Old Farmhouse Cottage (staff accommodation) and 'Bishops Hall' which provides consulting rooms in association with the Cardinal Clinic. Concern has been raised that the tranquillity of the neighbouring site will be unduly affected.
- 9.35 The proposed store would have a similar car parking layout to the existing site, with car parking being provided at the front. The loading bay and plant compound is proposed to be sited on the western side of the store building approximately 20m and 25m respectively from 'The Old Farmhouse', the nearest noise sensitive receptor. The existing garden centre is currently open between the hours of 0900 and 1700 Monday to Saturday and between 1000 and 1630 on Sunday. A Hand Car Wash currently operates from the car park. The Tesco store in Dedworth Road is surrounded by residential properties and the store is open between the hours of 9am and 8pm every day except on a Friday when it is open between 9am and 9pm and on a Sunday between 10am and 4pm.
- 9.36 The proposed store is to operate between the hours of 0800 and 2200 Monday to Saturday and between 1000 and 1800 on Sundays. Deliveries by articulated lorries would be a maximum of 2 per day between the hours of 0700 and 2200 Monday to Saturday and one delivery on a Sunday between the hours of 0900 and 1700. The application has been accompanied by an Environmental Noise Assessment which has been updated to reflect the latest changes to the scheme and includes the 4m high acoustic fence alongside the loading bay and the plant compound. The size of the external plant compound has also been reduced. The object of the assessment is to determine how noise that may be generated from the proposal would affect residential amenity. The main impacts have been identified as noise from fixed mechanical plant, noise from servicing activity and noise from trading activity.
- 9.37 A noise survey was carried out at the site between Wednesday 11<sup>th</sup> and Thursday 12<sup>th</sup> September 2019 to establish the existing noise climate in the vicinity of the site, at a position representative of the closest residential properties to the proposed store. The noise levels measured during the survey were noted to be principally caused by road traffic and aircraft sources. The Environmental Protection team has confirmed that the methodology and the details provided in the noise assessment are satisfactory.

### Noise from mechanical service plant

- 9.38 The fixed plant would comprise refrigeration and ventilation equipment. During the course of the application the plant compound has been reduced in size and moved further away from the western boundary. The gas cooler unit is to be provided externally and the compressor packs are to be located internally within the back of house area of the proposed store building. It is considered appropriate to set plant noise limits through the imposition of a suitably worded condition based on the survey of background sound levels. In this case the noise rating level limits of 44 dB between the hours of 0700 and 2300 hours and 32 dB at all other times is considered appropriate and this can be secured by condition. In addition, a scheme for the insulation of plant in order to minimise the level of noise emulating for the plant can be secured by condition, as well as restricting the hours of repair and maintenance of plant.

### Noise from customer car parking activity

- 9.39 The noise from customer car parking activity has been assessed and the predicted car park noise levels are significantly below the existing daytime ambient noise climate. The closest proposed car parking spaces are approximately 17 metres from the nearest property at The Old Farmhouse. The predicted levels at The Old Farmhouse would be 42 dB LAeq,1hr (peak time) and 37 dB LAeq,1hr (off peak). The car parking would be the dominant noise and noise from the use of trolleys would be within the predicted levels. From the data it is concluded that the store could trade between 0700 and 2300 hours without giving rise to significant adverse impact. However, the store opening hours are proposed to be between 0800 and 2200 hours.

### Noise from delivery activity

- 9.40 Service vehicles would enter the site from Dedworth Road and then manoeuvre in the car park so that they would reverse into the loading bay which would be located on the western side of the store. Two deliveries by articulated lorry per day are proposed, Monday to Saturday with one delivery on a Sunday. The loading bay would be located 5.8m from the western boundary of the site and 21m from the nearest sensitive noise receptor. Noise levels of the different components of service activity have been measured in the report using data from similar Aldi stores. The calculations have been revised to take account of the installation of the 4 metres high acoustic grade fence alongside the loading bay/plant area. Overall, the report concludes that deliveries could be made between 0700 and 2300 hours without associated noise giving rise to significant adverse impact.
- 9.41 The Environmental Protection team is satisfied that the methodology and details of the assessment are acceptable and concludes that the noise emissions from the operations of the proposed development would not cause significant adverse impact. Despite this conclusion and given the amount of local concern raised to potential noise and disturbance it was considered appropriate to explore the possibility of reducing the delivery times to between 0800 and 2200 Monday to Saturday and to between 1000 and 1700 on a Sunday. The applicant has however indicated that these reduced hours would cause operational issues as it is important that Aldi has a window of opportunity to get fresh produce into store before the store opens at 8am. They have therefore indicated that they would be prepared to reduce the delivery hours to between 0700 and 2200 Monday to Saturday and 0900 to 1700 on Sundays.
- 9.42 In addition, the application has been accompanied by a Quiet Delivery Scheme in help provide some additional comfort that the deliveries would not cause unacceptable impacts on amenity. The scheme provides a guide for delivery operations for the proposed store and sets out specific measures to ensure that the store deliveries will be carried out in a quiet manner and would not result in any detriment to amenity. The proposed method of deliveries would comprise vehicles docking directly onto the building with a seal between the vehicle and store. This means that goods are transferred from the lorry trailer to the warehouse without travelling outside and this contains the noise within the building and the lorry trailer. No external cages are required. Other measures include switching off the vehicles reversing alarm outside store opening hours. Appropriate conditions can be secured to restrict the hours of delivery and to ensure that the Quiet Delivery Scheme is implemented in order to protect the amenities of the neighbouring properties.
- 9.43 Based on an assessment of the noise standards it is not considered that the noise generated by the proposal would have a significant impact on the adjoining properties in terms of noise and disturbance. On this basis and subject to the imposition of suitable conditions the application is considered to comply with paragraph 180 of the NPPF, Local Plan policy NAP3 and emerging policies EP3 and EP4.

### **vi Highways & Parking**

- 9.44 The site is located to the north of the B3024 Dedworth Road and is currently served by a vehicular access off Dedworth Road. The site lies approximately 4.3km to the west of Windsor Town Centre. The application has been accompanied by a Transport Statement which provides

an assessment of the Transport matters and includes delivery and servicing details and trip generation data. Swept path analysis and a Draft Staff Travel Plan have also been supplied.

- 9.45 Paragraph 108 and 109 of the NPPF states that in assessing specific applications for development it should be ensured that:
- *Appropriate opportunities of promote sustainable transport modes can be – or have been – taken up given the type of development and its location;*
  - *Safe and suitable access to the site can be achieved for all users; and*
  - *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

- 9.46 Local Plan Policy T5 states that all development proposals will be expected to comply with the Council's adopted highway design standards. Local Plan policy P4 requires all development proposals to provide car parking in accordance with the Council's parking standards and Local Plan policy T7 requires adequate provision for cyclists.

- 9.47 The existing site is in Class A1 use and has a GFA of 2,167 sq.m and over 100 car parking spaces. A hand car wash operates from the front of the site. Vehicle access to the site is via a standard priority junction measuring approximately 9.2m in width. A footpath runs along the northern side of Dedworth Road and there is a pedestrian crossing to the east of the site. There is no footpath on the southern side of Dedworth Road in the vicinity of the site. The road is subject to a 40-mph speed limit changing to 30mph approximately 30m to the east of the site entrance. There are bus stops on Dedworth Road within 300m of the application site (route 16).

- 9.48 The site access is proposed to remain unchanged. During the course of the application the parking layout has been adjusted and the number of car parking spaces revised from 117 to 113 which includes 9 parent and child spaces, 4 disabled spaces and 2no electric charging spaces. A further 20 passive spaces are shown to be provided to meet future demand when ownership of electric vehicles increases. Five cycle hoops, providing a total of 10 cycle parking spaces have been re-sited closer to the store entrance and the store canopy provides shelter for the cycle parking. A pedestrian route through the car park from the south eastern corner of the site to the store entrance will be demarcated to help improve pedestrian access. Tactile paving is to be provided on both sides of the existing bell-mouth access. Servicing would be via the existing site access and through the car park and swept path analysis has been provided.

### **Parking**

- 9.49 The Borough's Parking Strategy (2004) for A1 food retail units sets a maximum standard of 1 space per 14 sq.m which would equate to a total (based on net sales area of 1,315 sq.m) of 94 car parking spaces. A total of 113 parking spaces are shown to be provided and whilst this would exceed the maximum standards, based on Aldi's own experience with stores of similar size, the proposed provision would ensure displaced parking is avoided. It is therefore concluded that the additional 19 spaces above the Borough's maximum standard would be acceptable and the proposal is acceptable in terms of parking.

- 9.50 The provision of 2 electric charging spaces with the possibility of providing a further 20 spaces in the future is acceptable and the revised cycle parking is also acceptable.

### **Servicing and access**

- 9.51 Two deliveries per day by articulated lorry with one delivery on a Sunday is proposed and it is anticipated that these deliveries would be undertaken during off peak times. One or two smaller vehicle deliveries per day such as local milk deliveries are also proposed. This would be substantially less than would be expected for larger supermarkets where an average of 6-10 lorries per day could be expected.

- 9.52 Swept path analysis has been provided to show the tracking of an articulated lorry and to show how it would leave the loading bay and exit the site. Following some amendments to the parking layout it has now been demonstrated that there is adequate manoeuvring and turning space within the site.
- 9.53 It is acknowledged that the site access does not facilitate two-way opposing movements across the site access whilst lorries are manoeuvring into and out of the site. Given however the number of articulated lorries that would be manoeuvring in and out of the site (a maximum of 2 per day) and that these movements are likely to be during off peak times it is not anticipated that the level of impact on the safe free flow of traffic would be significant and no objection is raised on this ground.
- 9.54 Some of the representations have suggested a right-hand turn lane is provided. However right-hand turn lanes are only considered necessary on a trunk road where there is an emphasis on providing an unimpeded route for through traffic. The level of vehicular activity generated by the proposal would not warrant a right-hand turn lane in this location.

### **Traffic Generation**

- 9.55 Full TRICS data has been provided for the existing garden centre and proposed development. The original traffic survey was conducted on Wednesday October 23<sup>rd</sup>, 2019, the week before half term. The TRICS data has been amended to include trips undertaken on a weekend (Saturday). To derive the number of peak hour trips, the TRICS database was used to predict the traffic generated by the development and then compared with the survey results for the existing garden centre, as well as the TRICS analysis of a typical garden centre.
- 9.56 At a high level (on Saturdays), the proposals will generate over 190 and 175 trips across the AM and PM peak periods, respectively. During the weekdays, the proposal is predicted to generate a net increase of 23 trips in the AM peak and 110 trips in the PM peak. It is therefore concluded that the proposal would lead to an increase in vehicular activity when compared to the existing garden centre. However, it is acknowledged that the site already falls within a Class A1 use and allowing for such use, the site could attract similar levels of vehicular activity associated with an A1 food retail use.
- 9.57 The applicant has put forward the case that the store will attract trips that are already on the local highway network, known as pass-by trips. They claim that typically, new food stores only lead to about 10% completely new traffic, with the remainder forming pass-by and diverted trips (secondary trips) which are already on the local highway network.
- 9.58 Furthermore, the site lies around 600m west of a major A1 food retail store, and notwithstanding the above the Council's Highway officer has confirmed that it is expected that between 25-35% of pass-by trips attracted to the development are already present on the local highway network, with a lesser percentage attributed to diverted trips (already present on the surrounding road network, but diverted from their existing route to the site). Given the presence of the existing major retail store, evidence suggests that as a percentage, the pass-by trips are likely to be at the upper range limit.
- 9.59 Having regard to the Transport Statement and taking account of the potential for A1 non-food retail usage on site, in addition to the presence of the nearby food retail unit, it is concluded that the introduction of the proposed food retail store is unlikely to lead to a material effect on the surrounding local highway network.

### **Highway Safety**

- 9.60 The road traffic accident data obtained in the last 5 years shows several slight accidents at the A308/Oakley Green Road junction, 1 serious incident at the Dedworth Road/Oakley Green Road junction, 1 slight accident at the site entrance, 2 slight incidents at the Ruddlesway junction with Dedworth Road and 1 serious incident on Dedworth Road between Tinkers Lane and White Horse Road.

- 9.61 It is understood that the Borough intends to improve the highway infrastructure across the A308 corridor and the B3024 Oakley Green Road. Those familiar with the Oakley Green Road and Dedworth Road junction will note that the visibility splays to the right measured from Dedworth Road offer drivers restricted visibility splays to see and be seen by a car proceeding in a southerly direction along Oakley Green Road.
- 9.62 It is therefore considered reasonable in this case to seek to secure an appropriate S106 contribution to fund highway improvements in the local highway network, which is proportional to the development's impact.

### **Travel Plan**

- 9.63 The core aim of the Staff Travel Plan is to reduce single occupancy vehicle trips to and from the site, and to increase use of public transport, walking and cycling. An amended draft Travel Plan (July 2020) has been submitted but further changes are required before it can be approved. The Travel Plan can be secured prior to occupation of the site by a S106 Agreement.

### **A308 corridor study**

- 9.64 Some of the representations refer to the A308 corridor Study. The purpose of the study is to assess the current performance of the A308 corridor, identify levels of growth and impact from committed development; development mitigation measures to alleviate existing issues and accommodate growth; and identify potential funding sources in delivering new highway infrastructure and transport services. This current application however needs to be assessed on its own merits.

### **S106 Contributions**

- 9.65 The site lies in an area serviced by a bus route that offers a regular, but not frequent service. The pedestrian environment is also quite poor, which in this instance could dissuade staff and customers to readily access the site by sustainable modes of transport. Where levels of accessibility through public transport, cycling and walking are unacceptable it would be expected that developers would either take action or make a financial contribution to promote accessibility by public transport to reduce the need to travel and improve the capacity of the highway network. Therefore, a financial contribution towards sustainable transport measures to improve public transport accessibility will need to be secured.
- 9.66 As stated above there is restricted visibility at the Oakley Green Road and Dedworth Road junction and therefore it would be reasonable to seek a financial contribution in this case to fund highway improvements to the local highway network that is proportional to the development's impact. This can be secured by an appropriate S106 agreement.

- 9.67 Subject to imposing appropriate conditions relating to parking, cycle parking and a construction management plan and securing a s106 agreement for improving public transport accessibility, highway infrastructure improvements and a Travel Plan, it is considered that the proposal is acceptable on highway and parking grounds and would accord with Local Plan policies T5, P4 and T7.

### **vii Trees & Landscaping**

- 9.68 The proposal needs to be assessed in terms of Local Plan policy N6 and emerging policy NR2. There is a significant band of trees and vegetation surrounding the existing site particularly along the southern (front) and western boundaries. The landscape strategy is based around maintaining as much of the existing soft landscaping, trees and boundary treatment as possible and enhancing it with new planting. The application has been accompanied by soft landscape proposals, Arboricultural Impact Assessment & Tree Protection Plan and an Arboricultural Method Statement.

- 9.69 Following some initial concerns some adjustments have been made to the layout and landscape proposal. An updated landscape scheme and AIA and Method Statement have been submitted. Eleven trees are shown to be removed which include one B grade tree, five C grade trees and five trees in very poor condition (category U trees) together with one C-grade hedge. The loss of these trees will be compensated for by planting 17 new trees and the location of these trees are shown on Soft Landscape Proposals Plan 1369-01 Rev E. It includes the additional planting along the western boundary including three evergreen trees (Scots pine, holly and yew) and Portuguese laurel hedge to help screen the acoustic fencing; some tree planting across the car park and some additional planting close to the site entrance. The new trees will provide an age and species diversity that will enhance the resilience of the existing tree canopy cover. The Arboricultural Method Statement includes a specification of the tree protection fencing during the construction phase to protect the retained trees (TPP-1D). It also includes a method statement for installing the new acoustic timber fencing to avoid root damage to the retained trees and a method statement for the installation of the cellular confinement systems to protect the roots and soil of some of the adjacent trees. The plant compound is proposed to be laid on top of the geocell surface using a no-dig methodology so that normal strip foundations are not required.
- 9.70 The more robust evergreen planting along the western boundary in the vicinity of the loading bay and external plant compound should provide good screening. The tree works, protection details and the landscaping proposals are considered acceptable. The only outstanding issue relates to the underground pits for the trees in the car park. However, this detail can be adequately covered by condition.
- 9.71 Subject to the imposition of suitably worded conditions, the proposal would accord with Local Plan policy N6 and emerging policy NR2.

### **viii Impact on Ecology**

- 9.72 It is necessary to demonstrate that the proposal maintains, protects and enhances the biodiversity of the site to accord with emerging policy NR3 and the guidance set out in section 15 'conserving and enhancing the natural environment' of the NPPF. The application has been accompanied by an ecological assessment.
- 9.73 An extended Phase 1 habitat survey was undertaken by Tyler Grange LLP (May 2020) and has been undertaken to an appropriate standard. It concludes that, overall, the site is of low ecological value with the main habitats to be affected by the proposal comprising buildings and hard standing. All the buildings were considered unsuitable for use by roosting bats, along with the majority of trees. Four trees were recorded as having potential to support roosting bats, of which only one is proposed to be removed. This tree has low potential to support roosting bats and therefore, following best practice guidelines, no further surveys are required. The ecologists has however recommended that the tree is soft felled using methodology within the Bat Conservation Trust best practice guidelines in order to ensure bats are not harmed during the tree felling and this can be secured by condition.
- 9.74 The site lies within 2km of several statutory and non-statutory designated sites including Windsor Forest and Great Park Special Area of Conservation (SAC) and lies adjacent to habitat suitable to support protected and priority species such as bats and breeding birds. No direct impacts are considered, however in order to mitigate for the potential indirect impacts such as pollution (noise, dust, runoff, disturbance), the ecology report recommends a Construction Environmental Management Plan (CEMP) is implemented during the works. This can be secured by a planning condition.
- 9.75 Additionally, in accordance with paragraph 175 of the NPPF, which states that "*opportunities to incorporate biodiversity in and around developments should be encouraged*" a condition should be secured to ensure that enhancements for wildlife are provided within the new development. The report provides suitable enhancement measures (native species planting, installation of bird and bat boxes and creation of log piles) and recommends an ecological management plan is implemented. In addition, it is recommended that the close board fence contains gaps at the

base in order for hedgehogs and other wildlife to be able to transverse the site to surrounding areas. These recommendations can be secured via a planning condition.

- 9.76 Overall the proposal is considered to be acceptable on ecological grounds subject to the imposition of appropriate and suitable conditions and would accord with the guidance set out in the NPPF and emerging policy NR3.

### **ix Drainage and Flood Risk**

- 9.77 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment which includes a surface water drainage strategy, flood risk statement, foul water drainage strategy and operation and maintenance details. The site lies within Flood Zone 1 (Low risk of flooding). The EA maps reveal that the site is susceptible to surface water flooding. The proposal needs to incorporate a Sustainable Drainage System in order to restrict or reduce surface water run-off in line with paragraph 165 of the NPPF.
- 9.78 Following initial comments provided by the Lead Local Flood Authority on the surface water drainage strategy further information and appended documents have been provided (dated 15<sup>th</sup> July 2020). Following this additional information the LLFA has recommended that planning permission is granted subject to a suitably worded condition being secured requiring details of a surface water drainage scheme, based on the submitted sustainable drainage strategy being submitted to and approved in writing by the Local Planning Authority.
- 9.79 Some of the representations have referred to issues relating to blockages and foul discharge/flooding. Thames Water has confirmed that they are aware of the instances of sewer blockages in the area and confirmed that the public sewer in Oakley Green Road is due to undergo planned maintenance (cleaning) in November 2020. They have confirmed that the cleaning programme is under constant review and if the number of instances in Dedworth Road increase this decision will be revisited by Thames Water. In terms of sewer capacity, Thames Water has raised no concerns relating to foul flows discharged from the site as the change in use from a garden centre to a supermarket would only result in a minimal change in flow, hence the impact on capacity would be negligible.
- 9.80 Thames Water has raised no objection to the proposal in terms of the Waste Water Network and Sewage Treatment Works infrastructure capacity. The application is deemed to be acceptable in terms of flood risk and drainage and accords with the guidance set out in the NPPF and emerging policy NR1.

### **Other Material Considerations**

- 9.81 Aldi has confirmed that the store would employ between 30-50 staff and the preference would be to recruit staff locally.
- 9.82 The site lies within an historic contaminative land use and a Phase1 Desk Study Assessment Report has been submitted with the application. The assessment has recommended an appropriate intrusive investigation and further monitoring of the site including an asbestos survey. A contaminated land condition will be imposed.
- 9.83 The proposal corresponds with Secured by Design recommendations including an open and visible car park and cycle parking, appropriate landscaping planting to allow visibility across the site, CCTV to store entrance and secure fencing to back of house areas. The Crime Prevention Design Advisor has raised no objection to the revised scheme.
- 9.84 Trolleys are to be secured via a coin-operated chain, encouraging customers to return trolleys after use.
- 9.85 The applicant has confirmed that procedures will be established to minimise water pollution by following best practice guidance from the Environment Agency's Pollution Prevention Guidance

notes on the Prevention of Pollution, works to watercourses and working at demolition and construction sites.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is not CIL liable.

## **11. CONCLUSION**

11.1 The redevelopment of the existing garden centre with a food store is considered to be acceptable in principle and the proposal would constitute appropriate development in the Green Belt.

11.2 During the course of the application amendments have been secured and the building is considered to be sympathetically designed and improvements have been made to the proposed landscape scheme. Overall, the proposal is considered to be in keeping with the character and appearance of the site itself and the locality in general and would adequately preserve the setting of the adjacent grade II \* listed building.

a. Additional information/revisions have been obtained to ensure that adequate mitigation measures to help limit the amount of noise and disturbance to the adjoining properties is secured and the proposal should have no adverse impact on their amenities. It has also been adequately demonstrated that the proposal would have no adverse impact on the surrounding local highway network or on highway safety and the proposal is deemed to be acceptable in terms of ecology, flood risk and drainage.

11.4 Overall it is considered that the proposal accords with the policies set out in the development plan and the guidance set out in the NPPF and should be approved.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B - Proposed site plan
- Appendix C - Proposed floor plan
- Appendix D - Proposed Elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

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

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

2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

3 No development 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 - Local Plan DG1.

4 The food store hereby permitted shall only operate between the hours of 0800 and 2200 Mondays to Saturdays and between the hours of 1000 and 1800 on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.

5 The service deliveries by any vehicle used for commercial purposes shall only be made between the hours of 0700 and 2200 Monday to Saturday and only on a Sunday, Bank or Public Holiday between the hours of 0900 and 1700. Only two deliveries per day shall be carried out by

articulated lorry Monday to Saturday with only one delivery by articulated lorry carried out on a Sunday or Public Bank Holiday.

Reason: To protect the amenities of adjoining occupiers and in the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan NAP3 and T5.

6 The Quiet Delivery Scheme received on the 15th September 2020 shall be implemented in full in conjunction with the proposed use and maintained thereafter.

Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.

7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 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 condition 4 has been complied with in relation to that contamination.

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

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

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

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

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Authority.

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

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

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

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

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

8 Prior to the occupation of the building the 4m high acoustic fencing shall be installed in accordance with the details shown on the proposed site plan, 190201-1300-P12 and the acoustic screen details provided by 'hales sawmills ltd' received on the 15th September and thereafter maintained.

Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.

9 The rating level of the sound emitted from the site shall not exceed 44 dBA between 0700 and 2300 hours and 32 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

10 Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

It is recommended that the scheme is in accordance with British Standard (BS) 4142:2014, Method for rating and assessing industrial and commercial sound.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

11 Works of repair or maintenance of plant, machinery or equipment shall only be carried out at the site between 0800 and 1800 hours Mondays to Fridays, 0800 and 1300 on Saturdays and at no time on Sundays, or Bank Holidays or Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

12 The lighting within the car park shall be switched off between the hours of 2200 and 0700.

Reason: To protect the residential amenities of the area. Relevant Emerging policy EP3

13 The development shall be implemented in accordance with the lighting layout plan P185-402-D received on the 24th September 2020 and thereafter maintained.

Reason: To prevent light pollution and to protect the residential amenities of the area. Relevant Emerging policy EP3

14 No part of the development shall be occupied until vehicle parking spaces (including accessible spaces and the electric vehicle charging points approved) have been provided in accordance with the details shown on drawing number 190201-1300 Rev P10. This provision 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 could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

15 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 T7, DG1.

16 No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP shall include

- a site plan

- confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with RBWM Highways and a commitment to repair any damage caused;

- provision for the parking of vehicles of site operatives and visitors;

- details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements;

- details of vehicle routing from the site to the wider strategic road network;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council

- a scheme for recycling/disposing of waste resulting from demolition and construction works;

- measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access;

- avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway.

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

17 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

18 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works 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. These details shall include the provision of pits underneath the car parking bays to provide optimum rooting volume for the 4 *Carpinus betulus* Frans Fontaine. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

19 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars (Bosky Trees tree protection plan and arboricultural method statement, dated 2nd September 2020) before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

20 The development shall be undertaken in accordance with the details set out in the Arboricultural Method Statement (Bosky Trees) dated 2nd September 2020 which includes the method for installing the acoustic timber fencing and the method of installing the cellular confinement

systems.

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

21 The tree with low potential to support roosting bats that is scheduled for felling, must be checked by a suitably qualified ecologist immediately prior to tree works, who will then advise whether roosting bats (or evidence of roosting bats) are present. Should bats or evidence of bats be found, no works affecting the roosts are to commence until any relevant licence(s) have been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy submitted to and approved in writing by the local planning authority.

Reason: To ensure that bats, a protected species, are not adversely impacted upon by the development in accordance with Paragraphs 170 and 175 of the NPPF.

22 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.

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 Paragraphs 170 and 175 of the NPPF.

23 Prior to the commencement of development, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings/ retained trees, creation of log piles and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved. A brief letter report from a suitably qualified ecologist confirming that these enhancements have been installed, including a simple plan showing their location and photographs of the boxes, bricks or tiles, log piles, hedgehog gaps and native planting in situ, is to be submitted to and approved in writing by the local planning authority.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF

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

Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.

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

Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.

Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

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

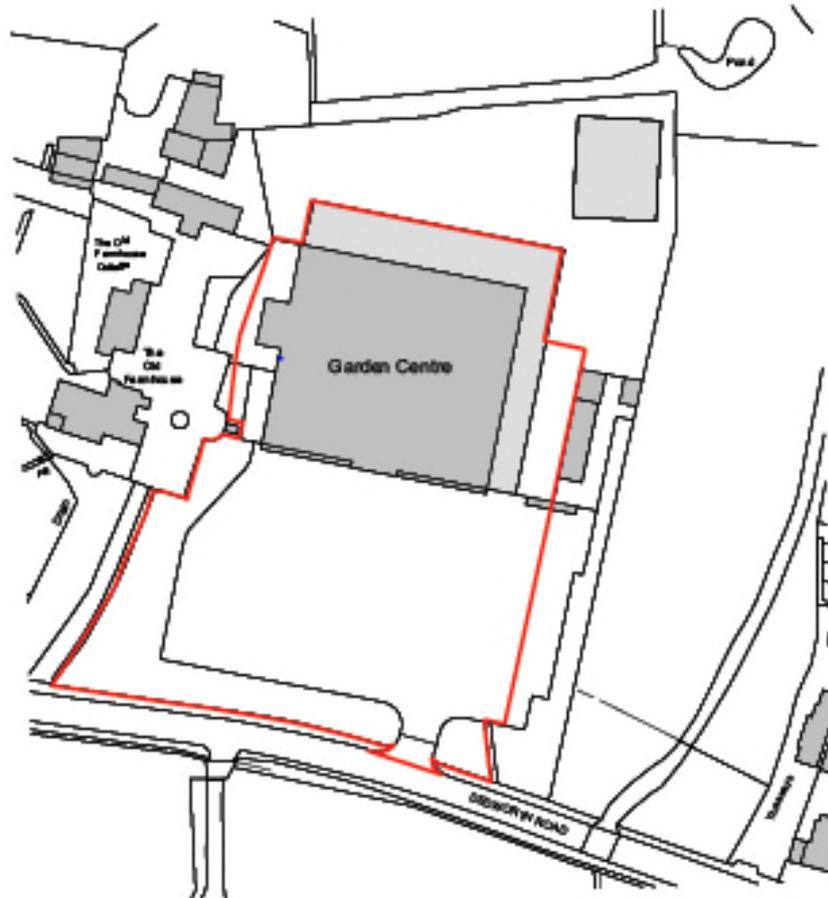
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk)
- 2 applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 3 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. Only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team on 01628 683538 before burning and follow good practice.
- 4 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Applications forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

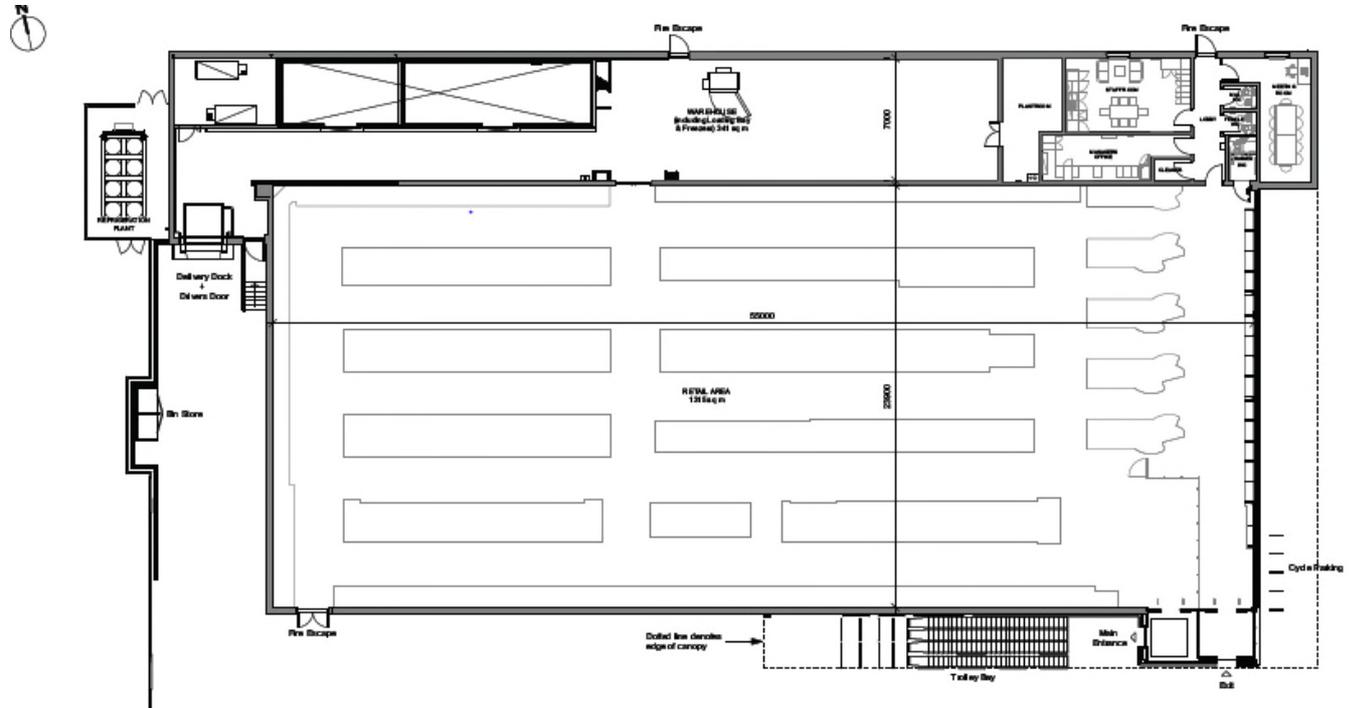
# PLANNING APPLICATION 20/01145/FULL – WINDSOR GARDEN CENTRE

## APPENDIX A - LOCATION PLAN

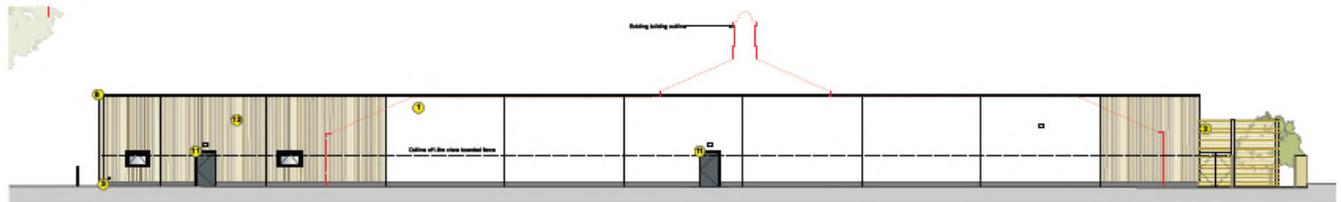




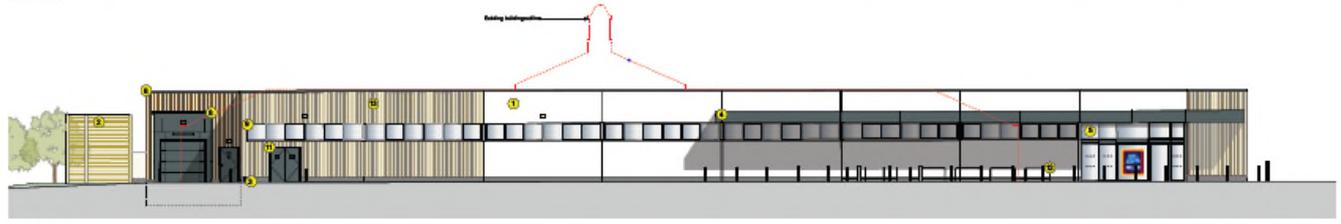
APPENDIX C - PROPOSED FLOOR PLAN



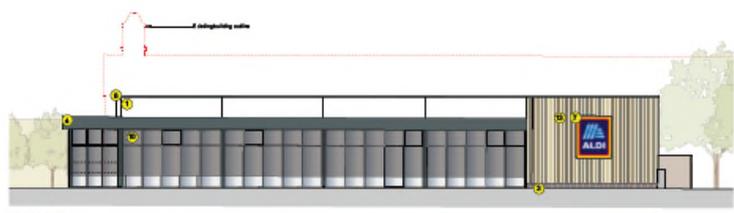
# APPENDIX D - PROPOSED ELEVATIONS



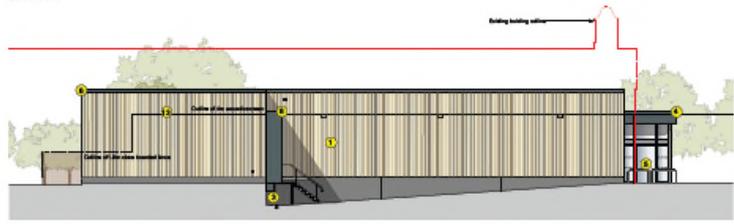
North Elevation



South Elevation



East Elevation



West Elevation

- KEY**
- 1 White render
  - 2 An fabric acoustic screen alongside ramp and plant enclosure
  - 3 Red brick piers
  - 4 Corusec Bricks, 8mm thick Aluminium panels with polyester powder coated finish, colour Anthracite PA6, 7016
  - 5 Entrance - Polyester powder coated aluminium (PA6, 7016) entrance
  - 6 Panels, Powder coated aluminium to B55416, colour anthracite gray PA6, 7016
  - 7 Wall mounted internally illuminated logo sign - subject to separate advertisement consent application
  - 8 Sectional overhead door - pol coated steel (PA6, 7016)
  - 9 High level ribbon windows
  - 10 Slagford - polyester powder coated aluminium (PA6, 7016)
  - 11 Steel storage drums - polyester powder coated colour gray (PA6, 7016) (Green colour PA6, 7016)
  - 12 Trolley bay rails - satin finish stainless steel
  - 13 Vertical timber cladding



**ALDI**

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Project: Bessdown

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