

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

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 3

Application No.:	20/00935/FULL
Location:	Essex Lodge 69 Osborne Road And Annexe Essex Lodge 69 Osborne Road Windsor
Proposal:	Construction of x10 flats with associated landscaping, parking and bin store and alterations to the existing access, following demolition of the existing building.
Applicant:	Sorbon Estates Ltd
Agent:	Mr Kevin Scott
Parish/Ward:	Windsor Unparished/Old Windsor
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal seeks planning permission to demolish an existing two storey Victorian building close to Windsor town centre and replace it with a three storey building comprising 10 x 2 bed apartments with associated car parking and landscaping. The current scheme follows two recent appeal decisions to build 14 and 12 flats on the site which were both dismissed.
- 1.2 The number of units has been reduced to 10 and amendments have been made to the scheme which include a reduction in the buildings footprint, bulk and mass and improvements to its design, layout and landscape provision. The distance between the proposed building and the adjacent Lime tree has also been increased.
- 1.3 Overall it is considered that the proposal has satisfactorily addressed the previous Inspectors concerns and the proposal would have an acceptable impact on the character and appearance of the site itself, the locality in general and the adjoining Conservation Area.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission on the satisfactory completion of an undertaking to secure the public realm/landscape improvements in Section 9 of this report and with the conditions listed in Section 13 of this report.

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.
- The application has also been called into Panel by Cllr Lynne Jones, if recommended for approval, on the grounds that the site has a long and complicated planning history and has generated much local interest. The building is a non-designated heritage asset and one of a pair at opposite sides of the junction on the edge of the conservation area.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a triangular shaped, prominent corner plot, located at the junction of Osborne Road and Bolton Avenue, close to Windsor town centre. The site currently comprises a detached, two storey Victorian building which is in use as a physiotherapy centre and a single residential unit. The site is enclosed by a close boarded fence and is completely hard surfaced with no trees within the site. There are trees on the adjacent highway land.

- 3.2 The site occupies one of five corners of the gyratory/ roundabout. The two corners of the roundabout which lie within the Conservation Area contain buildings of generally moderate scale including Kings House which is similar in architectural style and date to the application site. This building and the application site are considered to have some gateway qualities, being located on a main junction into the town centre. The remaining two corners accommodate flatted buildings of more substantial scale and mass, Dene House and Knights Place.
- 3.3 The application site lies adjacent to Heron Lodge, a three storey flatted development which fronts onto Osborne Road. Two storey detached dwellings lie to the south of the site in Bolton Avenue.

4. KEY CONSTRAINTS

- 4.1 The application site lies south of the Inner Windsor Conservation Area which runs along the northern side of Osborne Road. The site lies within the 'leafy residential suburbs' character area as designated in the Townscape Assessment.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish the existing building and erect a 3 storey building comprising a total of 10 x 2 bed apartments with associated parking for 14 vehicles (8 within the undercroft and 6 surface spaces). Cycle parking for 10 bicycles is to be provided within the undercroft and a communal bin store is to be provided within the surface car park. The existing vehicular access onto Osborne Road is to be closed and the existing vehicular access onto Bolton Avenue is to be relocated slightly further north of the existing access.
- 5.2 The current proposal has reduced the overall footprint, size, bulk and massing of the proposed building and introduces some design changes. As before the building would replicate some of the existing timber detailing and rendering above the proposed brickwork at ground and first floor level. The height of the building would measure 10m adjacent to Heron Lodge rising up to 11.5m closer to the gyratory/ roundabout. Railings and hedge planting are proposed around the perimeter of the site with some tree planting also proposed.
- 5.3 There is an extensive planning history relating to this site which is set out as follows.

Reference	Description	Decision
02/82395/COU	Change of use from residential to medical consultancy (Class D1) with ancillary residential use.	Permitted 25.10.02
11/01187/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Withdrawn
11/02309/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Refused on 2 nd December 2011 and dismissed on appeal 7.08.12
13/01689/FULL	Redevelopment of existing site to provide 14 apartments with associated basement parking and access.	Refused on 13 th September 2013 and dismissed on appeal 21.3.14
18/03027/FULL	Construction of new building comprising 11 x two bedroom and 3 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure.	Refused on 16.1.19 and dismissed on appeal 20.12.19
19/00916/FULL	Construction of new building comprising 10 x 2 bedroom and 2 x one bedroom flats with associated parking, alterations to existing access and new bin enclosure.	Refused on 5.7.19 and dismissed on appeal 20.12.19

5.4 The last application (reference number 19/00916/FULL) was for 12 apartments and is the most pertinent to this current application. It was refused for the following reasons:

- The proposed development, by virtue of its siting, size, layout and design would appear cramped and over prominent which would be detrimental to the streetscape and harmful to the spacious character and appearance of the site itself and the locality in general and the setting of the Conservation Area. The proposal would result in less than substantial harm to a Heritage Asset, the adjacent Conservation Area and the public benefits of the scheme are not considered to outweigh this harm. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3, HO5 and HE1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in sections 12 and 16.
- The proposed development, because of its siting, size, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and visual amenity of the locality and contrary to local plan policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3 and NR2 of the Borough Local Plan 2013-2033 Submission Version.

5.5 In considering the recent appeal for the 12 apartments the Inspector focused on the following key areas of concern:

- Layout, bulk and massing of the building – the corners of the building were considered to be located too close to site boundaries and the building would come closer to the gyratory/roundabout, increasing the sense of enclosure and reducing the sense of spaciousness; and the building had a complex roof form.
- Lack of space to provide significant soft landscaping, in keeping with the spacious ‘leafy residential’ character.
- Potential harm to the Lime tree in Bolton Avenue which is considered to make a meaningful, positive contribution to the street scene.

The Inspector concluded that the proposed development would have a harmful impact on the character and appearance of the area, including the setting of the nearby Conservation Area, contrary to local plan policies DG1, H10, N6 and CA2. It was concluded that there would be no conflict with Policy H11 in terms of scale and density.

5.6 The current scheme has sought to address the Inspectors concerns as follows:

- A reduction in the size, mass and bulk of the building including a reduction in the number of apartments to 10, a reduction in the footprint, the corners of the building have been pulled back from the site boundaries, the elevation facing the gyratory/roundabout has been set back further and a more simplified roof form provided.
- More space has been provided around the building to provide for improved landscaping and tree planting to help enhance the ‘leafy’ character.
- More space has been provided between the building and the adjacent Lime tree.

5.7 During the course of the application further amendments have been made and include:

- The north eastern corner of the building adjacent to Heron Lodge on the Osborne Road frontage has been set back at first floor and second floor level in line with Heron Lodge.
- Windows have been inserted into the undercroft parking area to help improve the design.
- The relocation of the cycle parking within the undercroft has enabled a further slight reduction in built footprint along the Osborne Road frontage.

- The footprint of the building in the south western corner has been slightly adjusted to remove the corner of the building/foundations from the root protection area (RPA) of the Lime tree and the balcony supports within the RPA have been deleted.
- Part of the roof ridge on the Bolton Road frontage has been dropped down by 0.6m to reduce the bulk of the roof and a chimney has been added to help break up the elevation facing the roundabout.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Impact on Conservation Area	CA2
Trees	N6
Community Facilities	CF1

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 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting Sustainable Transport
 Section 12 - Achieving well-designed places
 Section 16 - Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing Density	HO5
Historic Environment	HE1
Trees, Woodlands and Hedgerows	NR2
Infrastructure and Developer Contribution	IF1
Community Facilities	IF7

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Historic Environment	HE1
Trees, Woodlands and Hedgerows	NR3
Infrastructure and Developer Contribution	IF1
Community Facilities	IF6

- 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 will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 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 (adopted June 2020)

Local Strategies or Publications

- 7.5 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Inner Windsor Conservation Area Appraisal (2015)

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

64 occupiers were notified directly of the application.

The planning officer posted the statutory site notice advertising the application on both road frontages on the 7th May 2020 and the application was advertised in the Local Press on the 7th May 2020.

16 letters have been received objecting to the application. This includes letters received from 'Other Groups and Organisations' set out below. The objections are summarised as follows:

Comment	Where in the report this is considered
1. Size, layout and height of building would appear overbearing and out of character with surrounding buildings.	Paragraphs 9.1-9.13
2. Object to loss of building	9.1-9.13
3. Object to loss of businesses – area is saturated by flats/housing	9.37
4. Loss of lime tree	9.28-9.34
5. Increase in traffic will have impact on already dangerous road	9.23-9.27
6. Size and mass of building are disproportionately large compared to adjacent plots, particularly King's House.	9.1-9.13

7.	Essex Lodge and King's House create an attractive gateway into Windsor.	9.1-9.13
8.	Formerly several trees on the site matching nature of King's House plot.	9.28-9.34
9.	Proposal invades building line along Osborne Road.	9.1-9.13
10.	More amenity space should be provided	9.14-9.22
11.	Existing building is mainly used for day clinics and its loss will result in loss of local employment.	9.37
12.	Impact on light, natural ventilation and views for surrounding residents.	9.14-9.22
13.	Invasion of privacy to adjacent second floor flat in Heron Lodge.	9.14-9.22
14.	Detrimental impact on street scene and nearby buildings including Heron Lodge.	9.1-9.13
15.	Access is close to busy roundabout junction.	9.23-9.27
16.	Essex Lodge, built in 1897 is now included in a list of Windsor non-designated Heritage Assets.	9.1-9.13
17.	Inadequate parking spaces will result in on-street parking	9.23-9.27
18.	Building is too big for the site and comes too close to boundary.	9.1-9.13
19.	No plan to show proposed site layout over existing Essex Lodge.	9.1-9.13
20.	Historic context between Essex Lodge and The Coach House, numbers 1 & 3 Bolton Avenue will be lost.	9.1-9.13
21.	Comparisons should not be made with Knight's Place and Dene House.	9.1-9.13
22.	Negative impact on pedestrian safety.	9.23-9.27
23.	Bin store will be an eyesore – no screening provided.	9.23-9.27
24.	More people working from home – size of apartments matters more.	9.14-9.22
25.	Changes to the scheme are not sufficient.	9.1-9.13
26.	Indicative street scene drawings do not show a true reflection of the proposed planting or view from Bolton Avenue.	9.1-9.13
27.	Discrepancy in number of windows shown on floorplans and elevations facing Heron Lodge.	9.14-9.22
28.	Still concern about impact on roots of Lime tree.	9.28-9.34
29.	Headlights will shine into ground floor room of 2A Bolton Avenue and windows and balconies will be an invasion of privacy.	9.14-9.22
30.	View from cars leaving access on Bolton Avenue will be obstructed by lime tree.	9.23-9.27
31.	Increase in size will impact on views and have a negative impact on number 3 Bolton Avenue.	9.14-9.22
32.	Proposed exit is located on blind bend and will pose threat for people exiting the one-way system and the many pedestrians who use Bolton Avenue.	9.23-9.27
33.	Heron Lodge will be negatively impacted in terms of ventilation and sunlight.	9.14-9.22
34.	In the era of Covid19 overbuilding has more serious implications.	9.1-9.13
35.	Climate change and sustainability has not been addressed.	9.38-9.39
36.	Applicant should be obliged to maintain Essex Lodge to prevent it becoming an 'eyesore'.	9.1-9.13
37.	Will create noise and disturbance to residents of Heron Lodge.	9.14-9.22
38.	Loss of sunlight and outlook to Heron Lodge and outdoor space.	9.14-9.22
39.	Invasion of privacy for residents of Heron Lodge.	9.14-9.22

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection.	Paragraph 9.35
Conservation Officer	No objection subject to appropriate conditions.	Paragraphs 9.1-9.13
Environmental Protection	Conditions and informatives suggested.	Noted
Tree officer	No objection subject to conditions and a legal agreement to secure off-site improvements to the ground condition of the Sycamore tree and landscape improvements.	Paragraphs 9.28-9.34
Highways	No highway or parking objections subject to the imposition of conditions and informatives	Paragraphs 9.23-9.27

Other Groups and Organisations

Group	Comment	Where in the report this is considered
The Victorian Society	<p>Summary:</p> <p>We wish to reiterate our previous objection.</p> <p>We previously noted the contribution that Essex Lodge makes both as a non-designated heritage asset and as part of the setting of the conservation area. Of particular importance is its relationship with King's House which stands across the road and is included within the conservation area. The renewed information does nothing to negate our previous assessment in regard to the harm that will be caused and the proposal continues to fail to meet the provisions of the NPPF. We are still of the opinion that the demolition of the house is unjustified and stress the need to find alternative options which reuse, rather than destroy this non-designated heritage asset.</p>	See paragraphs 9.1-9.13
Save Britain's Heritage	<p>Summary:</p> <p>Object on the grounds that proposal seeks to demolish Essex Lodge, a valuable non-designated heritage asset, without justification and the loss will cause substantial harm to the adjacent Inner Windsor Conservation Area.</p> <p>The site should be included in the Inner Windsor Conservation Area. Essex Lodge should be retained and converted to support a low carbon future in line with the NPPF and to meet the climate commitments of RBWM Councils' 'Climate Emergency' declaration in June 2019. Historic England's annual research report shows that retrofitting existing historic homes carries a drastically smaller carbon footprint than demolition.</p>	See paragraphs 9.1-9.13 and 9.38-9.39
The Windsor Neighbourhood	Summary:	See

<p>Plan Committee</p>	<p>Reduction in bulk, amended roofline, building line and landscaping are an improvement. Changes in design are more in keeping with Kings House in the Conservation Area.</p> <p>Proposal still involves the loss of a Non-designated Heritage Asset and an important link with local history. SAVE Britain's Heritage and the Victorian Society have argued strongly against demolition on climate impact as well as heritage grounds.</p> <p>Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future by, amongst other things encouraging the reuse of existing resources, including the conversion of existing buildings.</p> <p>The principle of 'recycling' existing buildings supports a 'low carbon' approach to development. In line with RBWM's 'Climate Emergency' declaration and draft Environment and Climate Strategy, retaining the historic building as an integral part of any redevelopment would preserve the existing heritage value of this site as well as helping to meet RBWM prioritised climate commitments and aspirations. Historic England's annual research report 'There's No Place Like Old Homes' (2019) demonstrates that retrofitting existing historic homes results in a dramatically smaller carbon footprint than demolition.</p> <p>The scale, mass and bulk are larger than Kings House and the symmetry between Kings House and Essex Lodge would be lost. This would be damaging to the Conservation Area, contrary to Local Plan policy CA2 and WNP HER.02. We would request this is refused.</p>	<p>paragraphs 9.1-9.13 and 9.38-9.39</p>
<p>The Windsor and Eton Society</p>	<p>Summary:</p> <p>We remain of the opinion that the proposed development should not proceed and request refusal.</p> <p>The society believes that, apart from the roof design, none of the objections raised by the Inspector have been overcome by the present proposals.</p> <p>Although the revised design moves the building footprint further away from the boundary of the site on both Bolton Avenue and Osborne Road we do not feel that this is sufficient and the building will still damage both the views into and out of the roundabout and the character of the area, including having an adverse impact on the adjacent Conservation Area, contrary to saved and emerging Borough policies and the NPPF. The building is still significantly forward of the building line in relation to Osborne Road. The first and second floor balconies next to Heron Lodge will protrude a further 1.6m in front of the ground floor façade.</p> <p>The increased space still does not provide sufficient space for mature landscaping appropriate to this area and the trees will require more space to grow to full maturity.</p>	<p>See paragraphs 9.1-9.13 and 9.28-9.34</p>

	<p>Development still infringes the root protection area of the street tree in Bolton Avenue which could result in harm to the tree.</p> <p>Essex Lodge has been listed by the Windsor Neighbourhood Plan as a Non-Designated Heritage Asset. The Plan has now successfully completed examination and has only been delayed in going forward to referendum by the current unusual situation. The status of the building itself and its individual contribution to the character of the area should now be taken more into account as neighbourhood plan policies must be given more weight post examination. The Society wishes to see the building retained.</p> <p>In balancing the benefits of the proposed development against the disbenefits outlined above, it should be remembered that a residential conversion of the existing building could also provide a number of new homes.</p>	
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9. EXPLANATION OF RECOMMENDATION

i Impact on the character and appearance of the site itself, the locality in general and the adjacent Conservation Area.

- 9.1 The application has been accompanied by a Design, Access and Planning Statement, a Heritage Statement, Visual Impact Assessment, a Landscape Design Strategy and masterplan.
- 9.2 Section 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF) emphasises the importance of the design of the built environment. Paragraph 127 states that planning policies and decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In respect to heritage assets, paragraph 193 states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 9.3 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area. Policy DG1 states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. Development proposals, where appropriate, will be expected to include landscaping schemes. Harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. Policy CA2 requires that any development will enhance or preserve the character or appearance of a Conservation Area. New buildings should be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general.
- 9.4 The Townscape Character Assessment describes this area as 'leafy residential suburbs' which are low density residential suburbs comprising large detached houses in spacious, irregular, well treed plots, typically dating from the early 20th Century to the present day. The character is

defined by large properties set well back from the road and some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture.

- 9.5 The site lies outside the adjacent Inner Windsor Conservation Area which lies on the northern side of Osborne Road. It is described in the Council's Inner Windsor Conservation Area Appraisal (2015) as having large villas set within spacious plots with large front and rear gardens. Large trees are found along the major routes, designed to achieve a grandness to travelling along such roads and this includes Osborne Road.
- 9.6 The site is triangular in shape and has three frontages. The area surrounding the site has a varied character with a mix of traditional and more modern larger scale developments. One of the key issues relating to this proposal is the demolition of the existing, attractive Victorian building which lies just outside the CA. The Conservation Area was appraised in 2015 and no alterations to the boundaries were proposed at that time. Once again many of the representations received in connection with the application object to the loss of Essex Lodge. The building has been identified as a Heritage Asset in the emerging Windsor Neighbourhood Plan. The Windsor Neighbourhood Plan has not yet been to Referendum and therefore only limited weight can currently be given to the Neighbourhood Plan.
- 9.7 In the recent appeal decision the Inspector noted that the *'current building makes a limited positive contribution to the character and appearance of the site and area through its historic appearance, reflecting features of Kings House, at 77 Frances Road, which lies within the CA and 1 and 3 Bolton Avenue'*. The demolition of the building is addressed in paragraph 32 of the Inspector's report as follows:

'I have noted the various parties' comments regarding the removal of the existing building and its value to the area, in terms of its character and appearance and that the building has been identified as a Heritage Asset in the emerging Windsor Neighbourhood Plan. However, the neighbourhood plan has yet to be adopted and so carries limited weight at this time. The Inspectors in the previous appeals noted that the building is not considered of listable quality and is not within the CA and that there is no control over the removal of the current building on the site. Nonetheless any redevelopment would need to have a suitable design, appropriate to its context.....'

- 9.8 Whilst no objection can be raised to the demolition of the building in principle it is however important to ensure that any replacement building preserves or enhances the setting of the adjacent Conservation Area. The proposal involves the demolition of an attractive Victorian building that makes a limited contribution to the character and appearance of the site and the area and is considered to be a non-designated heritage asset. The NPPF advises in such cases (paragraph 197) *'The effect of an application on the significance of a non-designated heritage should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated assets, a balanced judgement will be required having regard to any harm or loss and the significance of the heritage asset.'*
- 9.9 The current proposal has sought to address the previous Inspectors concerns by reducing the number of apartments from 12 to 10 which has enabled a reduction in the overall size, footprint, bulk and mass of the building. The building has been pulled back from the south western and north western corners of the site by 2m when compared with the previous appeal scheme and a distance of 3.5m and 3.36m respectively is now shown to be provided. The elevation facing the gyratory/roundabout has also been set back and a distance of between 4.2m and 7.2m is shown to be retained. In addition the roof form has been simplified. The building has also been set back from the Osborne Road frontage. A distance of 7.45m is now provided, which steps closer towards Osborne Road in proximity to the roundabout junction. The reduction in footprint has enabled more space to be provided around the building for landscaping and tree planting to help enhance the 'leafy' character. The height and bulk of the building has been kept lower adjacent to Heron Lodge and the building rises up towards the gyratory/roundabout. The architectural details reflect the existing building and include brick, tiles, timber detailing and render. During the course of the application further amendments have been made which include the stepping back of the north eastern corner of the building at first and second floor level to bring it in line with Heron

Lodge, helping to reduce its prominence within the streetscene. Improvements in the design of the undercroft parking have also been made by the insertion of windows into the openings; the cycle parking has been relocated to enable a slight reduction in footprint; a slight further adjustment to the footprint in the south western corner has been made to remove the corner of the building/foundations from the root protection area (RPA) of the Lime tree; the balcony supports have been removed from within the RPA; a chimney has been added to help break up the elevation facing the roundabout and part of the roof ridge has been lowered by 0.6m to further reduce the bulk of the roof on the Bolton Road frontage.

- 9.10 Comparison drawings have been provided to illustrate the current scheme in relation to both the existing building and the previous appeal scheme (19/00916/FULL). Whilst the proposed scheme would be larger than the existing building it replaces and would still project forward of the building line in Osborne Road, a number of improvements have been made to the scheme since the previous appeal scheme. The reduced size and footprint results in a building which sits more comfortably within the site. The building has been set back to provide a greater sense of spaciousness and would appear less visually prominent in the street scene. In addition there would be greater space to provide more meaningful landscaping. The reduced bulk and massing and improvements to the design have resulted in a development which would appear more in keeping with the character and appearance of the site itself and the 'leafy' character of the townscape in general.
- 9.11 It is noted that the symmetry between Essex Lodge and King's House, on the opposite site of Osborne Road and within the Conservation Area, is mainly derived from the distinctive gables, red brick and block and white mock timber framing. All these features are to be replicated into the design of the proposed building. Whilst the proposed building would be larger than the existing, a visual link in terms of architecture and materials will be retained and the setting of the Conservation Area will therefore be preserved and its significance will not be affected.
- 9.12 Overall it is considered that the proposed development would make a positive contribution to local character and distinctiveness and would preserve the character and appearance of the adjacent Inner Windsor Conservation Area. Whilst the loss of the non- designated heritage asset is regrettable, paragraph 197 of the NPPF advises that a balanced judgement needs to be made, having regard to the scale of any harm or loss of significance of the heritage asset. With this in mind the Inspector's view on the building as noted in paragraph 13 of the decision notice is that the building makes *'a limited positive contribution to the character and appearance of the site through its historic appearance.'* In light of this and on balance, no further objection is raised to the demolition of the existing building.
- 9.13 Subject to appropriate conditions being imposed including the retention and reuse of the date stone, the stone pediment and finials and further details relating to materials, external doors, balconies, fencing/railings, hard surfacing and lighting it is considered that the proposal would adequately preserve and enhance the setting of the adjoining Conservation Area. It is also considered appropriate in this case to record the existing building and this can be secured by condition. It is considered that the proposal would have an acceptable impact on the character and appearance of the site itself and the wider townscape in general and would accord with Local Plan policies DG1, H10, H11 and CA2 and the guidance set out in the Borough Design Guide.

ii Impact on the living conditions of the neighbouring properties/future occupants

- 9.14 It is necessary to carefully consider the impact of the proposal on the living conditions of the neighbouring properties particularly in terms of light, outlook and privacy. Paragraph 127 (f) of the NPPF (2018) states developments should *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.
- 9.15 Heron Lodge, a 3 storey building comprising flats, lies to the east of the application site and is set down below the height of the application site by approximately 1m. The building is shallow in depth and has secondary bedroom windows in the flank elevation facing the site. All primary windows face Osborne Road and Bolton Avenue.

- 9.16 In determining the previous application (reference number 19/00916/FULL) it was concluded that it would have no unacceptable impact on the living conditions of Heron Lodge or any other neighbouring properties in terms of light, outlook and privacy and the resulting relationship between the current proposal and Heron Lodge would be very similar. As before the building would project 6.5m beyond the rear elevation of Heron Lodge and a distance of approximately 3.65m would be retained between the proposed building and Heron Lodge. The ground level adjacent to Heron Lodge would be lowered by approximately 0.7m to enable the proposed building adjacent to Heron Lodge to be set at a lower level. In addition the building has now been designed with a hipped roof, front and rear, to replace the gable roof and the first and second floors are to be stepped back in line with Heron Lodge on the Osborne Road frontage. Whilst the outlook from Heron Lodge would be altered as a result of the proposal, the proposal would not result in an unacceptable loss of light or outlook from Heron Lodge.
- 9.17 As before, four windows (2 at first floor and 2 at second floor level) are proposed in the flank elevation facing towards Heron Lodge. These proposed windows are secondary windows serving the living/dining/kitchen areas and these rooms would also be served by larger windows in the front and rear elevations. It is considered appropriate for these windows to be fixed and obscure glazed below a finished floor height of 1.7m in order to prevent any overlooking and loss of privacy to Heron Lodge and this can be secured by condition. In addition first and second floor rear balconies are proposed close to the flank boundary with Heron Lodge. It will be important to ensure that suitable privacy screens are installed to minimise any overlooking and loss of privacy to Heron Lodge and this can be secured by an appropriate condition. Given the lowering of the land level, the insertion of windows into the undercroft car park and the proposed boundary treatment it is not considered that the undercroft car park would result in an unacceptable level of noise, disturbance or pollution to Heron Lodge.
- 9.18 The Coach House, number 1 Bolton Avenue and number 3 Bolton Avenue lie to the south of the site. The Coach House has a courtyard garden which is enclosed by a high wall and hedge. The proposed building and first and second floor balconies would be sited approximately 25m from these properties. Given this distance and the resulting relationship it is not considered that the proposal would result in an unacceptable loss of light, outlook or privacy to these properties.
- 9.19 Property numbers 2a and 2b Bolton Avenue are visually separated from the application site by the road and a distance of at least 27 metres would be maintained between the proposed building and balconies and these properties. It is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy. Whilst contributors have raised concern regarding car lights shining into the front windows of these properties from vehicles exiting the site, it is not considered that this would cause substantial harm to the amenities of these properties, sufficient to warrant an objection. Likewise it is not considered that any objection in terms of noise and pollution generated by the proposal could be sustained.
- 9.20 The proposed development would be separated from other neighbouring developments including Dene House and Kings House by roads and the proposal would have no adverse impact on the amenities of these properties.
- 9.21 The proposed flats would be laid out over 3 floors, 2 on the ground floor and 4 at first and second floor level, the second floor level being set within the roof. The size of the 2 bed apartments range from between 79.6sq.m to 99.7 sq.m which more than meets the minimum technical housing standards. A communal outdoor space is provided which would be screened from the road by hedge and tree planting. The ground floor flats would have direct access onto the amenity space and flat 9 would also have access to this communal space. All other flats would be served by balconies. Adequate amenity space is shown to be provided and it is considered that the proposal would result in satisfactory living conditions for future occupants and would have no adverse impact on the amenities of any neighbouring properties.
- 9.22 The proposal would accord with paragraph 127 of the NPPF.

iii Impact on highway safety and parking

- 9.23 The site lies within a sustainable location, close to Windsor Town Centre with all of its facilities and wider transport links such as the Windsor and Eton Central Station which is 0.8 miles from the site. The site is currently served by two vehicular accesses, one from the A308 Osborne Road and the other from Bolton Avenue. It is proposed to stop up the access onto Osborne Road and relocate the existing access slightly further north on Bolton Avenue to serve the proposed development. The stopping up of the existing access onto a primary distributor road is considered to be a highway gain and complies with the Borough's guidance to limit the number of vehicular accesses onto classified roads.
- 9.24 On street parking on the A308 Osborne Road is prohibited and enforced by double yellow lines. Bolton Avenue lies within a controlled parking zone, containing a mix of double yellow lines, residential permit holder parking and time limited parking restrictions.
- 9.25 The development provides a total of 14 car parking spaces, 8 spaces within the undercroft and a further 6 surface spaces to the front of the building. The parking ratio for this town centre location would be 1.5 parking spaces for each 2 bed unit. In this case a total of 15 spaces would be required. However a parking shortfall of just one space in this sustainable location is accepted.
- 9.26 The development attracts a demand for 10 cycle parking spaces to comply with the Borough's standards. During the course of the application the cycle parking has been relocated within the parking undercroft. A detailed plan showing a 2 tier bicycle rack to provide 10 spaces has been supplied and this has been approved by the highway section. A bin store is to be located within the parking area and would be set back from the Bolton Avenue frontage. The size and position of the refuse store is acceptable.
- 9.27 The proposal is unlikely to lead to any perceptible change in vehicular activity to and from the site when compared to the existing use. The proposal raises no highway or pedestrian safety concerns or parking concerns subject to the imposition of appropriate conditions and accords with adopted local plan policies T5 and P4.

iv Impact on trees/landscaping

- 9.28 The application has been accompanied by an Arboricultural Implications Assessment and Method Statement, a Landscape Design Strategy and Landscape Masterplan Strategy. These have been revised and updated during the course of the application to address concerns raised.
- 9.29 There are currently no trees or vegetation of any note within the site itself and the majority of the site is hard surfaced with a close boarded fence running around the perimeter of the site. There are two important highway trees, a Lime to the north of the access on Bolton Avenue and a Sycamore next to the junction of Bolton Avenue and Osborne Road. Both these trees are mature but have not reached their ultimate size.
- 9.30 The previous Inspector considered the Lime tree to make '*a meaningful positive contribution to the streetscene*' and determined that the building would encroach into the root protection area of this street tree. In addition it was determined that the windows would come close to the canopy of the tree resulting in a shadowing effect and seasonable debris which would be likely to lead to pressure to either reduce the canopy of the tree and ultimately result in its decline or loss reducing the leafy verdancy of the street scene, detrimental to the character and appearance of the area. In addition it was considered that there was insufficient space around the building to provide any meaningful landscaping.
- 9.31 The current application has attempted to address these concerns by reducing the footprint of the building to enable the provision of greater space to provide soft landscaping. This would include the provision of metal railings and an evergreen hedge around the periphery of the site in place of the existing close boarding fencing and additional tree and shrub planting. A greater separation distance has also been provided between the building and the Lime tree. The building would be sited approximately 7.8m from the trunk of the tree and approximately 3.36m from its canopy. In addition changes have been made to the floorplan and window orientation to help safeguard against shading and future pressure to prune the tree.

- 9.32 During the course of the application further revisions have been made to ensure that there will be no incursion of the footprint and foundations into the root protection area of the Lime tree; the column/pillar to support of nearest balcony has been removed and replaced with a cantilevered balcony and the layout of the foul and surface water drainage has been revised so that there is no requirement for excavation for drainage trenches within the RPA of the Lime tree. In addition mitigation measures have been included in the AIA and Method Statement in relation to the proposed re-siting of the vehicular access. The areas of soft ground around the Lime tree and the Yew tree on the adjacent site would be increased by removing the hard surfacing and this should provide further mitigation and improve the rooting environment for both trees.
- 9.33 Details of the landscaping are set out in the Landscape Design Strategy and the Landscape Masterplan Strategy. It includes the planting of a variety of fastigate trees (8 in total) between 4-4.5m in height around the periphery of the site to help soften and filter views of the site. An evergreen hedgerow 1.8m in height is proposed to help soften the boundary and provide privacy for the communal garden. A variety of shrubs and climbers are also proposed. The driveway would be paved with permeable block paving.
- 9.34 Overall it is considered that the revised proposal has satisfactorily addressed the previous Inspectors concerns in relation to the impact on the Lime tree and the proposal would provide landscaping to help improve and enhance the 'leafy character' of the townscape to accord with local plan policies DG1 and N6 as well as securing a financial contribution to allow the Council to improve the conditions for the existing sycamore tree on the public highway at the junction and with landscape improvements in the vicinity of the site which would entail either the turfing of the area around the Sycamore tree or if not feasible then a new tree planted in the open space off Bolton Avenue, junction with Nightingale Walk.

v Drainage

- 9.35 The application has been accompanied by a Drainage Design and Technical Note to support a surface water drainage design. Additional information has been supplied in a letter dated 12th June 2020 and Surface Water Storage Volume calculations have also provided. The LLFA has confirmed that the additional information is acceptable and that planning permission can now be granted.
- 9.36 The proposal accords with the guidance set out in paragraph 165 of the NPPF.

vi Other Material Considerations

- 9.37 Local Plan Policy CF1 and emerging policy IF7 seek to protect existing community facilities. The existing use was not deemed to be a community facility in the consideration of the previous planning applications and appeals and no objection can be raised to the loss of the use.
- 9.38 Some of the contributors have suggested that the existing building should be retained and converted to support a low carbon future in line with the NPPF and to meet the climate commitments of RBWM's 'Climate Emergency' declaration (June 2019). Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

- 9.39 The NPPF requires a balanced assessment of all the issues associated with development proposals which include making effective use of land (section 11). This is a fundamental principle of sustainable development by making best use of land particularly in urban locations such as this. The new building would be built to modern standards of energy efficiency in compliance with paragraph 148. In addition paragraph 11 of the NPPF states that decisions should apply a

presumption in favour of sustainable development. The proposal would provide a net increase of 9 residential units which is especially important where a five year housing land supply cannot be demonstrated. Paragraph 148 is too wide ranging to be used as justification for the retention of the building and the wider sustainability benefits need to be taken into account.

Housing Land Supply

9.40 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and how this relates to decision-taking. The latter paragraph states that:

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

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

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

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

9.42 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.43 For the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). In the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations the proposal would not result in any harm that would significantly and demonstrably outweigh its benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable and will become due if planning permission is granted. No CIL information has been submitted with the application. The existing gross internal floor area has been calculated at 446.04 sq.m. The proposed gross internal floor area has been calculated at 1,275sq.m and the net additional floor area would therefore be 829 sq.m. This will need to be checked and verified and the applicant invoiced accordingly if relevant.

11. CONCLUSION

11.1 The proposal has satisfactorily addressed the Inspectors previous concerns. The footprint, bulk and massing of the building has been reduced to help provide a more spacious layout and provide more space for landscaping. Improvements have been made to the design and a greater distance has been provided between the building and the adjacent Lime tree in order to secure its future health and viability. Overall it is now considered that the proposal would adequately safeguard the character and appearance of the site itself and the locality in general and would preserve the character and appearance of the adjacent Conservation Area.

11.2 The proposal accords with the policies set out in the development plan and the guidance set out in the NPPF and should now be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Location plan and site layout plan
- Appendix B – Proposed Floor plans and elevation drawings
- Appendix C – Comparison drawings
- Appendix D – Streetscene elevations
- Appendix E - Indicative Landscape Layout
- Appendix F – Bin store

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 and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 3 The date stone, stone pediment and finials which form part of the existing building shall be taken down, protected and securely stored for inclusion into the proposed building or within the site. Details of their new positions shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground level works and thereafter shall be installed and maintained as per the agreed details.
Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 4 No works, including demolition, shall commence until a record of the existing building to Historic England Recording Level 1 has been submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme approved in writing. Thereafter hard copies of the document are to be provided to the Local Planning Authority, Berkshire Archaeology (for the Historic Environment Record) and the Maidenhead Library Local Studies section, prior to the completion of the development on site.
Reason: To ensure a proper record of the historic building is provided. Relevant Policy - Local Plan CA2.
- 5 No development shall take place until further details of the windows, external doors and balconies 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 and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 6 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 and the adjacent Conservation Area. Relevant Policies - Local Plan DG1 and CA2
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 The existing accesses onto Osborne Road and Bolton Avenue shall be stopped up and abandoned immediately upon the new access onto Bolton Avenue being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local

Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

10 No part of the development shall be occupied until the new access onto Bolton Avenue has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with approved drawing number ELW/Pln/318. 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.

12 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

13 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

14 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) 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: To accord with the details of the application and to protect the living conditions of the neighbouring properties. Relevant Policy Local Plan DG1 and H10.

15 The development shall not be occupied until all walls, fencing, railings or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1 and CA2

16 The first and second floor windows in the south east elevation of the building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.

17 Details of the balcony screens to be installed on the south east elevation of the building serving units 6 and 10 shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation. The screens shall thereafter be retained.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.

18 The development hereby permitted shall be carried out in accordance with the surface water drainage design set out in the Drainage Design Technical Note 14.5003/TN6 as clarified by the letter and attachments from Paul Basham Associates dated the 9th June 2020.

Details of the maintenance arrangements relating to the proposed surface water drainage system

confirming who will be responsible for its maintenance and the maintenance regime to be implemented shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the development and maintained 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.

- 19 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. 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 and CA2

- 20 The development shall be carried out in accordance with sections 3.1 to 3.9 of the Arboricultural Method Statement set out in the David Archer Associates Method Statement, Rev A dated September 2020.

Reason: To ensure that the adjacent Lime tree, which contributes positively to the character and appearance of the area, is adequately protected and maintained. Relevant Policies - Local Plan DG1 and N6.

- 21 Details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the building. 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 and the adjacent Conservation Area. Relevant Policies DG1 & CA2.

- 22 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
- 2 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.
- 3 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.

- 4 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 5 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.
- 6 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 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.