

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

**DEVELOPMENT CONTROL PANEL**

21 April 2021

Item: 3

<b>Application No.:</b>	20/02976/FULL
<b>Location:</b>	Thames Hospicecare Pine Lodge Hatch Lane Windsor SL4 3RW
<b>Proposal:</b>	Redevelopment of the former Thames Hospice to provide a retirement housing development of 41 dwellings comprising three x 2-storey terraced houses, two x 2-storey semi-detached houses, one x 2 storey apartment building, two 2.5-storey apartment blocks and one 3-storey apartment block with associated parking, landscaping and refuse store following demolition of the existing building.
<b>Applicant:</b>	.
<b>Agent:</b>	Mr Christopher Colloff
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East
<b>If you have a question about this report, please contact:</b> Zarreen Hadadi on 01628 796042 or at Zarreen.Hadadi@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The proposal is for the redevelopment of the former Thames Hospice site to a retirement housing development of 41 residential units intended for persons aged 55 and above. The loss of the community facility is acceptable as there is an acceptable alternative provision made elsewhere and the redevelopment of the site to provide older persons' housing to meet an identified local need is supported in principle.
- 1.2 The impact on character and appearance is considered acceptable in terms of density, layout, height, form, mass and architectural detailing. The overall design, bulk and scale of this scheme is seen as a significant improvement to the refused scheme. The small loss of trees would not unduly harm the green character of the site nor surrounding area especially given that the parking has been removed from the front of the site and replaced with landscaping which significantly softens the development when viewed from the street scene. Satisfactory mitigation and protection measures are proposed which are also considered to ensure the health and longevity of retained trees.
- 1.3 The proposed development is not considered to result in a visual intrusion, loss of light or loss of privacy that would reduce neighbouring amenity to an unacceptable living standard. The proposed access is considered safe for vehicles and pedestrians, and satisfactory car and cycle parking is provided. There is an increase in trips to and from the site, but the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.
- 1.4 It has been demonstrated that a satisfactory sustainable drainage scheme and measures to minimise impacts on and provide net gains for biodiversity can be achieved on site.
- 1.5 12 units of the proposed residential units on site are provided as affordable housing, which can be secured by legal agreement.
- 1.6 This application is considered to overcome the previous reason for refusal attached to the planning application 19/03351/FULL and the issues raised by the Inspector. (See Appendix E – Inspector's Decision letter)

**It is recommended the Panel authorises the Head of Planning:**

1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing provision in Section 9 of this report and with the conditions listed in Section 13 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to secure the affordable housing provision in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would not be accompanied by associated infrastructure improvements.</b>

## **2. REASON FOR PANEL DETERMINATION**

1. 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 site measures approximately 0.63ha and lies within the settlement of Windsor on the east side of Hatch Lane. A central access serves the site from Hatch Lane and the site currently comprises a large, part single storey-part two storey building which was previously occupied by Thames Hospice Care. To the west and north of the site is an area of hardstanding for car parking and turning measuring approximately 2080sqm. To the east is a garden located in between the Hospice building and the car parking area along the northern boundary measuring approximately 435sqm, while to the south is an area of open amenity space measuring approximately 825sqm.
- 3.2 Hatch Lane bounds the site to the west with Clewer Green First School on the opposite side of the road, while a footpath leading from Hatch Lane to Longbourn bounds the site to the north. To the north of the footpath are detached residential properties fronting on to Hatch Lane. To the north-east is the Longbourn housing development while to the south-east is playing fields belonging to Windsor Girls School.

## **4. KEY CONSTRAINTS**

- 4.1 The Proposal Map designates part of the site as Public Open Space. To the north-east is a group Tree Preservation Order (TPO) ref: 019/2005/TPO which covers all trees, while to the south is a group TPO ref: 004/2020/TPO which covers all Oak, Monterey Cypress, Leyland Cypress and Corkscrew Willow trees.

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

- 5.1 The proposal is for the redevelopment of the former Thames Hospice to provide a retirement housing development of 41 dwellings comprising three x 2-storey terraced houses, two x 2-storey semi-detached houses, one x 2 storey apartment building, two 2.5-storey apartment blocks and one 3-storey apartment block with associated parking, landscaping and refuse store following demolition of the existing building.
- 5.2 The proposed retirement housing is for people aged over 55 and has been designed with features to meet the needs, including the changing needs over time, of older residents. These are set out in the Design and Access Statement.
- 5.3 This application proposes three terrace houses (H1-H3) and two apartments designed to resemble a detached dwelling (D1-D2) which front onto Hatch Lane, with the access road leading from Hatch Lane sited in between. To the rear of these properties is a car park on the northern side of the access road, and there is a pair of semi-detached houses on the southern side (H6-H7). To the east of these properties are Block A and C which are 2.5 storey in height on the northern and southern side of the access road, respectively. Located adjacent to Block A to the east is Block B, which is 3-storeys in height. The main parking area is located within close proximity of each block.
- 5.4 Following the refusal of application 19/03351/FULL there have been a series of amended plans submitted.

### Original Plans submitted under new application

- A reduction in the number of residential units by 4 from 45 to 41.
- The proposal includes 49 car parking spaces which is the same number as the previous application which provides 1 space per unit and 8 additional visitor spaces.
- The removal of the large car port structure with 2 flats above to create more visual open space between the rear of houses (H1-H3) and block A.
- Relocation of parking/driveways to the rear for units H1-H3 and D1-D2 fronting Hatch Lane with more landscaping to the Hatch Lane street scene with a single access now proposed.
- Replacement of two semi-detached houses fronting Hatch Lane with two apartments designed to resemble a detached dwelling (D1-D2).
- Reduction in number of apartments in block C by 2 (from 10 to 8 flats) and a significant reduction in the width of the building located further east to create a visual space between houses H6-H7 and block C.
- Revision to architectural design, layout form and detailing of apartment block A to include balconies on all first and second floor apartments.
- Each property has access to outdoor communal amenity space with a total area of 2818m<sup>2</sup> which equates to each dwelling having 68m<sup>2</sup> which in excess of the requirements of the Borough wide Design Guide.
- The apartment blocks have been designed to provide private amenity space to each ground floor apartment, and 2m deep balconies to each first and second floor apartment in Blocks A, B and C.
- Houses H1-H3, D1-D2 and H6-H7 have a minimum of 55m<sup>2</sup> private garden space.
- The legibility of the site has been improved to provide accessible pedestrian paths from the central spine road and to the public footpath pathway leading from Hatch Lane to Longbourn.
- Smoother transition in scale from 2 storey houses along Hatch Lane to 3 storey at Longbourn, with 2 1/2 storey buildings between with increased gaps between buildings.
- Enhanced open space, hard and soft landscaping including landscaped parking courts.
- Re - design of houses to be more reflective of the Victorian character of Hatch Lane

### First Set of Amended Plans

- Change in the footprint of Block A whereby the building has been reduced and reoriented and where the built form has subsequently been moved further away from the side boundary and outside the RPA's of the adjacent mature trees
- Reduction in size of Block B by approx. 55.5 sq m and rationalisation of its overall footprint to move the built form further away from the site boundaries. The external walls of this block have also been relocated further away from the North and East boundaries than the previously refused scheme (which is currently at appeal) leading to an improvement in separation distances between this development and neighbouring Longbourn.

### Second Set of Amended Plans and additional Information Submitted

- Additional arboriculture report
- Daylight Statement and Shading Plan (TG47) located beyond the northern boundary and to the offsite veteran tree (T20) located beyond the southern boundary.
- Revision to roof form of blocks A, B and C. The roof of block A now has two ridge lines. The ridge line closest to the footpath has remained the same height as the previous design, with the ridge of the southern elevation increasing by 1.19m. Whilst the ridge height of the central part of Block B has increased by approximately 240mm from the original submission, it is still lower than the properties in the adjacent Longbourn development.
- Further changes to the architectural detailing and fenestration

### 5.6 Relevant planning history is as follows:

Reference	Description	Decision
19/03351/FULL	Redevelopment of the former Thames Hospice to provide a retirement housing development of x45 dwellings	Refuse – 04.09.2020 Appeal Dismissed

	<p>comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5 storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.</p>	
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## 5.7 Reason for refusal of 19/03351/FULL

The current application follows the previous refusal of 19/03351/FULL which sought permission for 45 dwellings. The application was refused following the planning committee on 19th August 2020. The reason for refusal issued on the 4th September 2020 stated:

‘By reason of its amount, height, scale and inadequate provision and poor layout of amenity space, the proposal would result in a high density development that would be overly dominant and cramped within the site resulting in an overdevelopment. Together with the incongruous architectural design and harm / loss to trees which make a positive contribution to the character of the area, the proposal would also represent poor quality design. The poor quality design, and poor quality of amenity space would not optimise the standards of amenity for future residents. Therefore, the proposal is out of keeping with the character of the street scene and wider area and fails to provide an acceptable level of amenity for residents, contrary to saved Policies DG1, H10, H11 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), the Royal Borough of Windsor and Maidenhead Borough Wide Design Guide Supplementary Planning Document (2020), and paragraph 127 of the National Planning Policy Framework (2019).’

Following receipt of the Inspectors decision letter the inspector dismissed the appeal primarily for the following reasons.

### Character

- Buildings A and B would have predominately flats roof. The periphery would be pitched with hipped ends, but this would not disguise the flat roof behind. Moreover the roofs accentuate the buildings bulk.
- North elevation of building A would appear utilitarian when viewed from the footpath.
- Lack of detailing in eastern elevation of building B results in the eye being focused of the overall expanse of wall which would appear overly dominating. This is compound by the flat roof element.
- Building A and B would appear cramped
- The character when viewed from the footpath would be dominated by buildings and would be enclosed.

### Trees

- The footprint of building B would be very close to the edge of the trees canopy. Habitable rooms and private gardens would face these trees and at such proximity would be enclosed and suffer impaired daylighting.
- The arboricultural report specifies that the trees overhanging the footpath are to be crown lifted to 5m such removal of the branches would undermine the trees’ distinctive shape and contribution to the character of the footpath.
- The ground floor sitting room in block C directly opposite T20 and two private garden areas would due to the height of T20 be overshadowed and could lead to future pressure to prune.

The Inspector raised no objection on any other grounds

## 6 DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Loss of Community Facility	CF1
Housing Provision	H3, H8, H9,
Character and Appearance	DG1, H10, H11
Open Space	R3, R4, R5
Highways	P4, T5, T7
Trees and Hedgerows	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. MATERIAL PLANNING CONSIDERATIONS

### 7.1 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 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

### National Design Guide

7.2 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics help which work together to create its physical character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

### 7.3 Windsor Neighbourhood Plan

Issue	Policy
Character and Appearance	DES.01
Amenity	RES 01
Sustainable Transport	CW 01 PAR.01
Green and Blue Infrastructure	BIO.01 BIO.02

7.5 The Borough Council's Cabinet at its meeting on the 17 December 2020 voted unanimously to accept the examiners proposed modifications and approve the Windsor Neighbourhood Plan to proceed to referendum. The decision statement has been issued and as such the plan can be given significant weight in decision-making. The referendum is scheduled for the 6<sup>th</sup> May 2021.

### 7.6 Borough Local Plan: Submission Version and Submission Version Proposed Changes

Issue	BLPSV Policy	BLPSVPC Policy
Loss of Community Facility	IF7	IF6
Character and Appearance	SP2, SP3	QP1, QP3
Housing Provision	HO2, HO3, HO5	HO2, HO3
Open Space	IF4	IF4
Sustainable Transport	IF2	IF2
Trees	NR2	NR3
Neighbouring Amenity	EP1, EP3, EP4	EP1, EP3, EP4

7.7 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.8 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.9 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### **Supplementary Planning Documents and Guidance**

Borough Wide Design Guide  
Affordable Housing Planning Guidance  
Interpretations of Policies R1, R2, R3, R4, R5 and R6  
Planning for an Aging Population

### **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy](https://www3.rbwm.gov.uk/info/200209/planning_policy)

## **8. CONSULTATIONS CARRIED OUT**

## Comments from interested parties

27 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 20<sup>th</sup> November 2020 and the application was advertised in the Local Press on 19 November 2020.

14 letters were received objecting to the application, summarised below.

Comment	Where in the report this is considered
Unbalanced demographic towards elderly residents	Paragraph 9.4
Insufficient / inadequate parking, resulting in indiscriminate on-street parking problems and highway safety, particularly due to the school located opposite and on cyclists	Section 9 (v)
This specific development will create noise. traffic congestion and be a general eyesore	Main Report
Location is unsuitable for elderly residents as there are no services and shops within walkable distance, therefore requires a car / driving thereby increasing traffic. Additional traffic resulting in an increase in congestion	Section 9 (v) and paragraph 9.4
Introduction of vehicular access to the detriment of highway safety and harm to cyclists	Section 9 (v)
Objections to gated access onto public footpath which will lead to shortcuts and raises concerns over maintenance	Section 9 (v)
Despite the reduction of units from 45 to 41, excessive density and over development of the site, and excessive height, scale and mass which is out of character with the locality. Conflicts with the Council's Policies and Borough Wide Design Guide.	Section 9 (ii)
Insufficient amenity space provided which would result in increased pressure of use of private grounds of Longbourn which has a public children's play area, and insufficient soft landscaping to soften hardscaping / parking areas	Section 9 (ii) and (viii)
Harm to TPO trees. Block B is closer to these TPO trees (019/2005/TPO) than in the refused scheme	Section 9 (iii)
The development threatens neighbouring occupiers' right to light.	9 (iii)
Height, bulk, balconies and proximity to site boundary results in harm to neighbouring amenity in terms of loss of light, overlooking and visual overbearing. Block A & B are closer to neighbouring properties (Chestnuts, 13 Longbourn) than in the refused scheme.	Section 9 (iv)
Only minimal cosmetic changes have been made to this scheme. The three storey block is still not appropriate and its bulk will impact neighbouring amenity.3 storeys is also out of character with the area.	Section 9 (ii)
Detrimental impact on trees	9 (iv)
Impact on drainage to footpath from proposal would increase strain	Section 9 (vi)

2 letters were received objecting to the final set of amended plans, summarised below.

Comment	Where in the report this is considered
The proposed development incorporating the changes for Block A include an increase of 1 metre in height and 50% more windows. This results in a high density over dominant intrusion on my privacy at Chestnuts Hatch Lane.	Section 9 (iv)
The revised plan continues to be cramped	

The changes made are little more than tweaks and objections are still raised on impact on residential amenities, impact on protected trees and traffic safety concerns.	
The proposed development would harm the residential amenity of 13 Longbourn and the proposed changes do not overcome the Inspectors previous concerns.	Section 9 (iv)

1 comment in support

Comment	Where in the report this is considered
The design has removed the multiple vehicle crossovers onto Hatch Lane, provided a green boundary, and one vehicular access onto Hatch Lane.	Agreed
Improved design, with private amenity space included in affordable units, improved parking layout.	Agreed
Block A. The flats designated as 'affordable' by way of 'shared ownership', are a much improved design, with private amenity space. Block B. The changes to the parking layout has improved access to the block. Block C. The single over-parking wing in Block C is an improvement. The layout gives good pedestrian access to communal amenity space. Moving the site manager office into block C ensures this is an integral part of the development. Communal amenity. It is noted that the application provides good pedestrian access to the communal amenity spaces. Private amenity. The private amenity spaces are provided for every unit, including the 'affordable' units.	Agreed

### Other Interested Parties

Group	Comment	Where in the report this is considered
Windsor and Eton Society	Comments to support this proposal as the applicant had consulted the Committee and has improved and addressed many of the issues that we had raised previously. The designs of the apartment buildings show more variation, particularly from the street view; access to communal amenity spaces is now available to all residents and generally the layout of the development is more spacious with enhanced landscaping. The Committee particularly supports the layout along the road frontage where new hedge and tree planting will retain the "green corridor" appearance of Hatch Lane and a single access to the site is retained.  Furthermore the amended roof design of the blocks better reflects the Victorian character. Similarly the dormers roof lights and gables provide interest and break up the bulk of the roofs. Furthermore it is considered that the impact on users of the adjacent footpath which was of concern to the Inspector would be minimal and acceptable.	Agreed
Windsor Neighbourhood Plan Forum	Supports the scheme	Agreed



	<ol style="list-style-type: none"> <li>1. Reduction to 41 units allows for more spacious development</li> <li>2. Changes to house frontage on Hatch Lane including relocation of parking to rear creates country lane character (suggested conditions to prevent frontages to become parking and gate at rear of each rear garden to enable direct access)</li> <li>3. Retention of single access point is safer and would prevent cars parking on the front drives</li> <li>4. Removal of flats over parking spaces underneath increases space between buildings</li> <li>5. Improved access to communal amenity spaces on site with improved parking layouts and footpaths</li> <li>6. Improved design with private amenity space for all flats</li> <li>7. Loss of lodge regrettable and preference to preserve it in some way</li> <li>8. Hatch Lane is an 'aspirational area for improved cycling conditions', request to improve cycle road infrastructure with CIL</li> <li>9. The change in roof design of the 3 blocks is more in keeping with the Victorian style of the redevelopment</li> <li>10. Windsor Neighbourhood Plan has passed the Examination phase and is awaiting Referendum and should be given some weight in decision making</li> </ol>	
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## Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Final comments awaited	Section 9 (iii)
Conservation Officer	<p>There is very little to conserve as there is effectively only two walls of the lodge building remaining, and it is not listed, and due to the lack of form/fabric etc. can't be considered a non-designated heritage asset. So there is very little either in policy or real terms Conservation can object in regards to the lodge.</p> <p>Despite modification to reduce density, the opinion still stands that this is a poorly designed, sub-standard development. If minded to approve, Conservation requests conditions on materials and detailing.</p>	Section 9 (ii)
Highways Officer	No highway concerns subject to the following conditions: Approved access completed prior to occupation, Construction Management Plan, Parking as approved drawing, Cycle Parking to	Section 9 (v)

	be provided, Stopping Up of the existing access, Adoption and off-site highway works.	
Ecology Officer	No objection	Section 9 (ix)
Environmental Protection	Should planning permission be granted, the following conditions on Aircraft Noise, Construction Site Working Hours and Collection during Construction and Demolition be added. And informatives on Smoke and Dust Control be attached.	Noted
Environment Agency	Wishes to make no comment.	Noted.
Housing Enabling Officer	No objection, recognises that SHMA highlights a future need for older person's accommodation in both the market and affordable housing sectors across the study area of Berkshire, and it is for local authorities to determine the extent of future affordable specialist housing based on local knowledge and demand data. Recognises that conditions including the completion of a satisfactory S106 agreement and nomination arrangements with the local authority is an effective way of ensuring the affordable housing provision is delivered to meet local housing needs in the Borough.	Section 9 (vii)
Lead Local Flood Authority	No objection subject to condition relating to a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment.	Section 9 (vi)
Thames Water	No objection in relation to foul water sewerage and surface water network infrastructure capacity. Recommends informatives relating to mains water use for construction purposes and minimum water pressure and flow rates for future customers.	Section 9 (vi)

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance
- iii Trees
- iv Residential Amenity
- v Highway Safety and Parking
- vi Sustainable Drainage
- vii Affordable Housing
- viii Open Space
- ix Ecology
- x Other Material Considerations

## **i Principle of Development**

- 9.2 No objection was raised under the previous appeal regarding the principle of development on this site.
- 9.3 Of particular note and to be given weight in this decision making process is paragraph 118 of the NPPF which states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. In this case the site comprises previously developed land located in Windsor, which is a suitable settlement for homes.
- 9.4 Lastly, in relation to older persons' housing, the NPPF defines 'older people' as people over or approaching retirement age including active elderly to the very frail, and whose housing needs can encompass accessible, adaptable general needs housing through to the range of retirement and specialised housing for those with support or care needs. The SHMA highlights a future need for such housing in the Borough, and Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation and will favour proposals which include housing for those with special needs. In this context, it is considered that the proposal for retirement accommodation will help meet an identified need within the Borough, and therefore is supported in principle. If minded to approve, a condition is recommended to ensure that the housing is used solely for the designed purpose of providing accommodation for person or persons who, for the purposes of acquiring purchase or lease, will have a minimum age of 55 living as part of a single household.

## **ii Character and Appearance**

### Loss of the Existing Building

- 9.5 Whilst part of the existing building comprises of a lodge house, which will be demolished to accommodate the proposed development and is a good example of mid-19th century lodge architecture the existing lodge house is not Listed nor in a conservation area. The submitted Heritage Statement confirms that there is very little original fabric of the lodge left to conserve. Therefore, the demolition of the existing building is acceptable in principle and this was not raised as an issue in the appeal.

### Design Policies

- 9.6 Local Plan policy H10 requires new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. The Borough Wide Design Guide SPD, which supports the aims and objectives of the above Local Plan policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles down to detailed matters.
- 9.7 As a material consideration, paragraphs 124 and 130 of the NPPF advises that high quality buildings and places are fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions. The National Design Guide also sets out the characteristics of well-designed places and what good design means in practice.

### Identified Character of the Area

- 9.8 The site falls within an area identified as a 'Victorian Village' in the Council's Townscape Assessment. A 'Victorian Village' is mainly characterised by principal streets with larger 2 to 3 storey buildings on irregular plots and no front gardens, and secondary side roads which also consist of irregular plots but are typically narrower with smaller 2-storey houses with front gardens. Backland development has occurred along most streets, resulting in shortened plots and higher densities. Building styles are characterised by mid-late Victorian and early-Edwardian architecture with building materials consisting predominately of warm-red brick built buildings with stone accents and / or clay tile hangings, and slate roofs. Due to the higher density, open space is limited and

generally restricted to private gardens. However, these gardens often contain mature trees and vegetation, which contribute to the greenery of the townscape.

- 9.9 Hatch Lane, which the site forms part of, is a secondary road leading off Clewer Hill Road (the principle street) and the pattern of development largely conforms to the ‘Victorian Village’ characteristics identified above.

Siting, Form, Height, Scale and Architectural Detailing

- 9.10 The proposed housing along Hatch Lane (H1-H3 and D1-D2) would provide an active frontage at this interface, which is supported as good design. The proposal would result in increased landscaping from the grass verge and vegetation along the frontage which is more in keeping with the surrounding dwelling houses and supports the aims and objectives of Windsor Neighbourhood Plan policy BI.01. The parking spaces have been relocated from the front in the previous application to the rear as shown in the site layout. The current proposal replaces the previously proposed two semi-detached houses fronting Hatch Lane with two apartments designed to resemble a detached dwelling (D1-D2). A single access is now proposed which improves the legibility of the street scene on Hatch Lane. If minded to approve, full details of the landscaping can be secured by condition.
- 9.11 The architectural design of H1-H3 are cottage style incorporating relatively plain features and the predominate architectural style of the area is mid-late Victorian and early-Edwardian architecture, furthermore, the siting, form, height and scale of H1-H3 and D1-D2 are consistent with existing houses on Hatch Lane. Furthermore, the Design and Access Statement confirms brick construction with pitched tiled roofs and gables and cottage style windows, which reflects the identified material palette of the wider area. The rooves of H1-H3 have been redesigned since the previous application to create interest with steep pitches and gables. Therefore, it is not considered that H1-H3 would appear overly obtrusive within the streetscene or wider locality. The front and rear gardens to H1-H3 are short, but the Council’s Townscape Assessment notes short front gardens are characteristic of properties on secondary roads such as this and backland development has occurred along most streets have resulted in shortened plots to frontage properties. As such, the proposal is not considered out of keeping in this respect.
- 9.12 Significant improvements to the spacing between buildings by reducing the amount of built form have been made since the previous application. The removal of the car port structure with 2 flats above in the previous application creates significantly more visual open space with a separation distance of approximately 27 metres between block A and the houses at the front of the site. Block C has also been reduced significantly in its width of building too creating a good visual space between houses H6-H7 and block C which was previously approximately 15 metres and is now 23 metres. Furthermore the footprint of Block B has also been reduced.
- 9.13 The roof forms of the apartment buildings have also been revised to remove large expanses of flat roof form which made the buildings appear to have a strong horizontal emphasis and added to the perception of their overall bulk. Whilst the change of roof form adds slight to the over height of the blocks it results in a much higher quality of design and form and takes more design cues from the Longbourn Estate. Importantly, the overall height of Block B (3 storey) would still be lower than the 3 storey building in Longbourn. Table 1 below shows the overall height increases.

Table 1

	Block A Northern Ridge Height (m)	Block A Southern Ridge Height (m)	Block B Western Section Ridge Height (m)	Block B Central Section Ridge Height (m)	Block C (m)
Change between appeal scheme and current proposal	0	+ 1.19	+0.41	+0.24	+0.40

- 9.14 Block A, B and C are substantial buildings, but a meaningful reduction in the amount of built form across the site has been made with the removal of the large car port structure between houses (H1-H3) and block A, the reduction in the footprint of block B and the significant reduction in the width of block C now allows these three buildings to have an adequate setting so they no longer appear cramped and allows for a better relationship when viewed from the adjacent footpath. Furthermore, the changes to roof design and detailing have further contributed to visually breaking up their mass and providing a stronger vertical emphasis so that they do not have an overbearing and/or intrusive impact upon the character and appearance of the area. The approach of articulating the form of the building is recognised in the Borough Wide Design Guide as a method of integrating large scale and mass into a finer grain environment. Furthermore, following the reduction in footprint and simplification of the site plan form, the space around all three apartment buildings are considered to provide an adequate setting for the height, footprint and mass of each building. As such, the apartment blocks are not considered to be visually dominant or cramped within the plot.
- 9.15 The Inspector considered that the north elevation of block A would appear utilitarian when viewed from the footpath. In order to overcome this, this elevation has been redesigned. The flat roof component has been removed and the fenestration has been redesigned so that there are fewer dormers, windows are of different sizes and there is better detailing around the windows. This all adds visual interest and prevents this elevation from appearing utilitarian.
- 9.16 The Inspector also raised concerns regarding the lack of detailing in the eastern elevation of building B as this results in the eye being focused on the overall expanse of wall which would appear overly dominating which was compounded by the flat roof element. However, it is questioned if the Inspector meant the east elevation as that elevation had very few windows. In response the developer has made improvements to both the west and east elevation. More windows have been added to break up the western elevation and the introduction of the strong gable feature to the east elevation draws your eye now to the middle of the building reducing the depth of building which is perceived.
- 9.17 With the reduction in units from 45 to 41 since the previous application, the number of car parking spaces proposed remains at 49. An improved pedestrian access from the northern boundary between buildings A and B to the public footpath pathway leading from Hatch Lane to Longbourn improves the legibility of the site. The design of the communal garden areas has also been revised with additional pathways added to aid the accessibility and legibility of the garden areas. Overall, there has been an improvement in soft landscaping and green space which is considered sufficient to soften the amount of hardstanding within the site.
- 9.18 Overall, it is considered therefore that the proposed development would not harm the character and appearance of the street scene and wider area and has overcome the concerns raised by the Inspector as well as securing design improvements to the front of the site which are strongly supported by the local interest groups.

### **iii Trees**

- 9.19 Local Plan policy N6 requires new development to allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweigh the justification for development then planning permission may be refused.
- 9.20 An Arboricultural Report and Tree Condition Survey have been updated and submitted to support the proposal.
- 9.21 To accommodate the proposal the previous scheme proposed the felling of 25 trees within the site under this current proposal only 11 trees are to be felled.
- 9.22 The existing site is dominated by hard standing with very little green space except for the garden area located in the south east corner of the site and this is a material consideration which needs to be afforded significant weight in the decision making process. The existing extent of the

hardstanding across the site is shown in Appendix C. This scheme would increase the amount of green space/landscaping across the site as well as retaining the existing garden area.

- 9.23 The Inspector objected to the trees adjacent to the public footpath being crown reduced to 5 metres. This is no longer proposed and those trees remain as are.
- 9.24 A shade assessment has now been undertaken to address the issue of shading by trees adjacent to the southern boundary of the site which confirms that tree shading does not reach the rear of Block C. Furthermore the trees relationship with the proposed development is broadly akin to the existing situation (T19, T20 and T21) and officers consider that Block C would not result in the loss of these trees or unacceptable pressure to prune in the future. This shading assessment was not before the Inspector and is new evidence.
- 9.25 The siting of blocks A and B set back from the boundary, combined with the orientation of the buildings layout of rooms ensures that adequate daylight would reach habitable rooms in block A and B and this too has now been evidenced.
- 9.26 A series of minor interior and exterior changes have been made to the semi-detached houses on Plots 6 and 7 to address the Tree Officers concerns regarding overshadowing. These changes include removal of the dividing wall between the kitchen and dining room , additional windows in the side elevation, roof lights to master bedrooms and associated ensuites, roof lights added to ground floor rear extensions and a change in roof form from gable to hipped which reduced the bulk of the roof. Following further daylight and sunlight review this is now considered acceptable.
- 9.27 In addition, the tree protection mitigation and protection measures contained in the Arboricultural Report and Tree Condition Survey can be secured by condition. Details of proposed underground utilities such as foul water, gas, electric, telecommunications and portable water can also be secured by condition to ensure that these works fall outside the RPA of trees. All in all officers consider that this scheme proposes a good balance of retained trees and new landscaping whilst trying to make efficient use of land without harming the character and appearance of the area.

#### **iv Residential Amenity**

- 9.28 With regard to impact on neighbouring amenity this was not raised as a reason for refusal at the last appeal. With regard to the impact on 13 Longbourn the Inspector did state "I am aware of concerns from the third parties about the impact on their living conditions. I did see the site from 13 Longbourn. However, the new buildings would be sufficiently distanced to avoid problems of privacy and shadowing." Under this current application that would still be the case.
- 9.29 As a whole the proposed scheme with regard to neighbouring amenity impact is not materially different to the previous and in many ways is improved. As such no objection is raised on this ground. The spaces between buildings is sufficient that the scheme would not result in an undue loss of privacy, loss of light or have an overbearing impact on the occupiers of any neighbouring property. In particular the number of windows in the rear elevation of building B remain the same and part of block B has also been moved further away from the boundary in this part of the site. Whilst there is a very small increase in height this would not result in an overbearing or intrusive impact on neighbouring occupiers as there is sufficient separation distance between the buildings.
- 9.30 The increase in ridge height of Block A remains the same closest to the boundary. The increase in the southern ridge height of 1.19m is sufficiently distanced away from the boundary with No. 90 Hatch Lane that it would not cause an overbearing impact or result in detrimental overshadowing. Block A no longer has balconies on its rear elevation and the number of windows in this elevation has also reduced. As such the impact with regard to potential loss of privacy has improved. Any overlooking from the western elevation would be at an oblique view and not so detrimental to warrant refusal of the application.

#### **v Highway Safety and Parking Provision**

- 9.31 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking

standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

### Access

- 9.32 The development proposes relocating the existing vehicular access into the site by approximately 5m to the south. As shown on the proposed site layout, the proposed vehicular access is approximately 6.0m wide, which is sufficient to accommodate two-way opposing flows, and a swept path analysis has been submitted to demonstrate that vehicles, including refuse collection vehicles, can enter and exit the site in forward gear. Satisfactory visibility splays at the junction with Hatch Lane commensurate with the speed limit can also be achieved (Drawing No. 8200808/6101, Appendix C, Transport Statement Addendum). The current proposal foregoes the individual vehicular access serving the proposed houses fronting Hatch Lane as in the previously refused application. As such, the proposal is considered safe in this respect. The access and visibility plans can be secured by condition.
- 9.33 The Transport Statement Addendum has confirmed dedicating part of the site to increasing the width of the adjoining footway on the eastern side of Hatch Lane from approximately 1.3m to 2.0m, which will benefit pedestrians. A legal agreement between the applicant and RBWM under S278 of the Highways Act to enable these works can be secured by condition.
- 9.34 A new pedestrian access is proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Lane to Longbourn. While concerns have been raised that this will create a shortcut, this is considered to be beneficial to local residents and is supported by the Borough Wide Design Guide which states that all new development will be expected to connect into surrounding routes. There is no objection to this element.

### Trip Generation

- 9.35 To determine the impact of the development on the local highway network, the submitted Transport Statement compares the trips generated by the existing facility against the proposed development. The methodology to determine the existing and proposed trip rates is acceptable, and demonstrates that the traffic generation for the existing use would generate approximately 2 2-way trips for both the AM peak and PM peak while the previously refused scheme would generate approximately 7 2-way trips in the AM peak and 6 2-way trips in the PM peak. The current scheme would generate approximately 6 2-way trips in the AM peak and 4 2-way trips in the PM peak. While there is an increase in trips, the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.

### Parking

- 9.36 For C3 (active elderly) use the Council's Parking Strategy sets a maximum parking of 1 space per unit, which equates to a maximum of 41 car parking spaces for the proposed development. However, the NPPF, which is material consideration of significant weight and post-dates the Council's Parking Strategy, states that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this case, the increase in trip generation as a result of the proposal is limited. The proposal includes 49 car parking spaces which is the same number as the previous application, which when taking into consideration the reduction of 4 units to the overall scheme, would provide 1 space per unit and 8 additional visitor spaces. Therefore, it is not considered to warrant management in this respect and the total provision of 49 car parking spaces is acceptable.
- 9.37 The submitted Transport Statement Addendum has confirmed the provision of 2 disabled car parking spaces, to be located as close as possible to building entrances, and the provision of charging bays for electric cars (12 active, 11 passive). This is acceptable and details can be secured by condition.

- 9.38 The Council's Planning for an Aging Population SPD states that cycle parking should be provided at a level of 1 space per 5 units. 14 cycle parking spaces were previously proposed and this has been reduced to 8 which is still in compliance with this standard. The spaces comply with the West London Cycle Parking Guidance (current best practice) and are provided adjacent to Block C and the car parking area in a secure storage unit. Full details can be secured by condition.

#### **vi Sustainable Drainage**

- 9.39 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Flood Risk Assessment has been submitted to support the application, which includes a sustainable drainage strategy as shown in Appendix J. The revised FRA confirms that the impermeable areas on the site would cover 3,482m<sup>2</sup> compared with 4,210m<sup>2</sup> on the previously submitted proposals. It is proposed that surface water run-off from the development site should be managed by a single geo-cellular storage tank established beneath the car parking area to the eastern side of dwelling H1 and western side of Block A. The geo-cellular storage tank will be used to attenuate surface water flows with suitable outflow control. The attenuated surface water flows from the proposed development would be discharged via gravity to the closest surface water manhole which serves properties located to the north-east of the site. Thames water have confirmed that they have no objection regarding the surface water network infrastructure capacity. On this basis, the proposed surface water strategy is acceptable in principle. Further details will be required on how surface water flows are to be directed to the surface water drainage system and how exceedance flows are to be dealt with, but it is considered that these details can be secured by condition. This issue was considered acceptable under the previous appeal.

#### **vii Affordable Housing**

- 9.40 Local Plan policy H3 states that the Council will seek to achieve a proportion of the total capacity of suitable residential schemes to be development in the form of affordable housing to meet the needs of 'qualifying persons' as defined by Council. Suitable sites include sites of 0.5ha or over, or scheme proposing 15 or more net additional dwellings. The supporting text of Policy H3 states that in general the Council will seek to achieve the provision of 30% of the total units provided on any individual site as affordable housing. For the proposal, this would equate to 12 units.
- 9.41 The planning statement confirms the provision of 30% (12 units) in accordance with policy H3, to be delivered as shared ownership. In term of tenure, Local Plan policy H3 is silent on this matter but it refers to identified local need which the SHMA sets out in detail. For older persons accommodation there is an unmet demand for shared ownership, which the proposal would help meet.
- 9.42 As a further material consideration, paragraph 64 of the NPPF states that at least 10% of the overall homes are expected to be available for affordable home ownership as of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. This would equate to 5 units, which the proposal complies with.
- 9.43 The developer has requested however that should a preferred registered provider not be found within 6 months of the date of commencement of construction by the developer and Council then the units can be offered at 30% discount to open market value. The affordable housing provision can be secured by a S106 legal agreement

#### **viii Open Space**

- 9.44 Local Plan policy R3 states that the Council will require new housing developments to make appropriate provision for public open space, while policy R4 states that for sites measuring between 0.4ha to 1ha, such as this, the Council would require a children's play space in accordance with R5. Local Plan policy R5 states that within new development of family houses on sites larger than



04.ha or 15 units (whichever is the smallest) the Council will require a Local Area for Play (LAP) and within new development of family houses on sites larger than 0.8ha or 50 units (whichever is the smallest) the Council will also require a Local Equipped Area for Play (LEAP).

- 9.45 In this case while there are private and communal gardens within the proposal there is no area of public open space within the site. However, the proposal is not for family houses, but retirement housing. Furthermore, it is noted that Imperial Park, which is owned by RBWM, is approximately a 5 minute walk from the site. A new pedestrian access is also proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Lane to Longbourn. As such, the lack of public open space within the development is acceptable and this issue was considered acceptable under the last application.

## **ix Ecology**

- 9.46 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the scale and nature of the proposed development together with the distance of proposal from the SAC. Therefore, an appropriate assessment is not required.
- 9.47 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.
- 9.48 The application site comprises a large detached building surrounded by hardstanding, amenity grassland, and ornamental planting, all of which are of low ecological value. It is surrounded by mature trees which are to be retained. Several immature and largely non-native species trees would be removed to allow for the development.
- 9.49 The ecology report has been undertaken to an appropriate standard and details the results of a preliminary ecological appraisal of the site and preliminary bat roost assessment of the building and trees. The building and trees were found to not contain features suitable for use by roosting bats, though the trees and surrounding habitats do provide some foraging and commuting habitat for bats. With the exception of nesting and foraging birds which may use the ornamental planting and surrounding trees, the report concludes that the site is of low ecological value and unlikely to be used by protected species.
- 9.50 The applicant has submitted indicative external lighting strategy and landscaping plans. The lighting strategy appears to limit light spill and keep light levels low enough to prevent any adverse effects to bats and other wildlife. It would, however, need to be finalized at the condition stage as it would need to be ensured it did not illuminate any artificial nesting or roosting features. The landscaping plan shows that there would be bat and bird boxes installed, and ornamental planting. The bird and bat boxes should be integral within the building where possible. Furthermore, the landscaping should incorporate a larger mix and greater percentage of native and wildlife friendly species, including good sources of pollen, nectar, and berries, and should include hedgehog gaps

at the bases of fences. However, the details of this could be determined via the discharge of a planning condition.

## **x Other Material Considerations**

### Housing Land Supply

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

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

- 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.*

9.52 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).'*

9.53 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF. Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

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

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of £295.20 per square metre.

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in section 9 (ix) it is considered that in this instance the tilted balance should be applied. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal is considered compliant with planning policy in terms of principle of development; impact on character and appearance of the area; trees; residential amenity; highway safety and parking; sustainable drainage; affordable housing; open space; and ecology.

11.3 Weighing in favour of the proposal paragraph 68 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and considered to be a suitable site within an existing settlement for homes. Furthermore, comprising of previously developed land for residential development, paragraph 118 of the NPPF goes on to state that planning decisions should give substantial weight to the proposal. The provision of 12 affordable units also weighs in favour of the development.

11.4 It is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits outlined above and the development is therefore recommended for approval.

## 12. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Existing hardstanding on site
- Appendix D – Proposed elevations
- Appendix E – Appeal Decision 19/03351/FULL

## 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 The residential units within the buildings hereby approved shall be used solely for the designated purpose of providing self-contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved residential units, will have a minimum age of not less than 55 years old (or a spouse or partner living as part of a single household with such person or persons). The buildings shall not be used or occupied for any other purpose, including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent or equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No permitted changes of use shall occur unless express permission of the Local Planning Authority has been obtained.  
Reason: In the interest of proper planning and to ensure satisfactory living environment for occupiers.
- 3 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: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy H10 and H11.
- 5 The development shall not be occupied until all walls, fencing 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.
- 6 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 7 The development shall not be occupied until the landscape and ecological management plan (LEMP) has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following.a) Description and evaluation of features to be managed, as well as biodiversity enhancements including planting of species-rich grassland, native trees and landscape planting, installation of bird and bat boxes on and around the building, and creation of log piles.b) Ecological constraints on site that might

influence managementc) Aims and objectives of management.d) Prescriptions for management actions.e) Preparation of a work schedule including a 5 year planf) Details of the body or organisation responsible for implementation of the plan.The LEMP will be implemented as approved and shall be retained in accordance with the approved details.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR3 of the submitted Local Plan and paragraph 175 of the NPPF.

- 8 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.- Hours of operation of any external lighting.The approved lighting plan shall thereafter be implemented as agreed.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.

- 9 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 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.

- 10 Prior to the installation of underground utilities, apart from areas of existing hardstanding, details including their location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure that the any existing and new planting is not compromised. Relevant Policies - Local Plan DG1, N6.

- 11 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison b) Arrangements for liaison with the Environmental Protection Team c) ) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works d) Control measures for dust and other air-borne pollutants. e) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 12 No part of the development shall be occupied until the access 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.

- 13 Prior to the commencement of construction of the new development (excluding demolition and site clearance works) a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the works to improve the footpath on Hatch Lane, the full details of which are to be agreed with the Council. The development shall not be occupied until the aforementioned works, as approved through the S278 Agreement, has been carried out in full.

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

- 14 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

- 15 Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5  
Prior the occupation of any dwellings 11 spaces shall be active charging bays for electric cars and 10 spaces shall be passive charging bays for electric cars; and 2 disabled car parking bays shall be located close to the building entrances.
- 16 Reason: To meet required parking standards and to ensure sustainable development.  
No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 17 Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1  
Prior to the occupation of any units in Block B the gated access to the public footpath along the northern site boundary leading from Hatch Lane to Longbourn shall be provided.
- 18 Reason: To improve pedestrian links. Relevant Policy - Local Plan DG1.  
Prior to commencement (excluding demolition and site clearance works) a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details; supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the agreed discharge rate of 2 l/s and the attenuation volumes to be provided; and details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage systems shall be implemented and maintained in accordance with the approved details thereafter.
- 19 Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.  
Prior to its installation, detailed drawings and information of the materials/glazing of the proposed privacy screen to the first floor terraces of, H1, H2, H3, D2 and Block A shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter only be installed and maintained in accordance with these approved details.
- 20 Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.  
The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- 21 Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.  
The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access 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.