

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

DEVELOPMENT CONTROL PANEL

21 July 2021

Item: 1

Application No.:	21/00477/FULL
Location:	Manor Lodge Probation Hostel 8 Straight Road Old Windsor Windsor SL4 2RL
Proposal:	Demolition of the existing garages and replacement with a single storey front extension to provide 3 no. bedrooms, new enclosed covered walkway, solar panels, alterations to fenestration, cycle storage and associated works.
Applicant:	Ministry Of Justice
Agent:	Miss Claire Pegg
Parish/Ward:	Old Windsor Parish/Old Windsor

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1 SUMMARY:

- 1.1 This application proposes an extension to Manor Lodge Probation Hostel, to provide 3 additional bedrooms, a glazed link extension, new cycle store and air source heat pump. The extension would replace the existing flat roofed garages at the front of the main building and provide solar panels on its roof.
- 1.2 It is considered that the proposed extension has a satisfactory appearance in the context of the design and appearance of the existing building and is acceptable in terms of its impact on the character and appearance of the surrounding area.
- 1.3 As an extension to an existing building, the 3 new bedrooms are not considered to lead to a material intensification of the existing use of the site or lead to any significant additional impact on the amenities of neighbouring properties. The proposal is considered acceptable.

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

2. REASON FOR PANEL DETERMINATION

- 1.1 This application has been called into Panel (if the recommendation is for approval) by Cllr Lynne Jones because of community concerns regarding:
 - expansion of a facility that they believe is in an unsuitable location;
 - an increase in the negative impact on the community;
 - an increase in the 'fear of crime' undermining quality of life.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the southwest side of Straight Road. The building is set back from the road frontage. There is a grass area with trees on the site frontage and carparking spaces to the front of the building. The site is directly opposite the Tapestries, a recently listed building.
- 3.2 The site lies in a suburban, predominantly residential area, but the vicinity also comprises other uses including a pub, community hall and a parade of shops some 100m to the south of the application site.

4. KEY CONSTRAINTS

- 4.1 The site is not in the Green Belt but is in an area liable to flood (Flood Zone 3 – high risk).

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This proposal involves demolishing the existing flat roof garages and replacing them with a new single storey extension to provide 3 additional bedrooms with solar panels on the roof. A glazed covered link to the proposed extension and a new cycle store are also proposed.
- 5.2 The applicant has submitted amended plans (20201-WA-SDA 3397- M-004 Rev T1, 2021-WA-004 Rev B and 2021-WA-003 Rev B) to show the Air Source Heat Pump (ASHP) sited on the front elevation of the main building, next to an existing flue and vented doors. (The originally submitted drawings proposed siting the ASHP right next to the side boundary wall with No. 6)
- 5.3

Reference	Description	Decision
136/65	Use for Probation Hostel	Permission 1965
23/67	New Probation Hostel	Permission 1967
258/67	Amendment to elevational treatment	
40/72	Erection of timber workshop for residents	Approved 6/3/1972
95/01325/FULL	Erection of 3.65m high fence around all weather playing surface.	Refused 13/12/1995
19/03447/FULL	Single storey front extension with replacement store, new covered walkway, alterations to fenestration and associated works to provide 3 no. bedrooms following the demolition of the store and garages.	Withdrawn 18/2/2020

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4 and T5
Trees	N6
Setting of Listed Building	LB2

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

Adopted Old Windsor Local Plan

Issue	Neighbourhood Plan Policy
Drainage and flooding	OW5, OW6, OW7
Townscape	OW8
Heritage Assets	OW9
Highways, parking	OW11, OW12
Ecology	OW14

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

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 mix and type	HO2
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Heritage	HE1

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
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Heritage	HE1

- 7.1 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)."*
- 7.2 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.
- 7.3 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.
- 7.4 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.5 Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Borough Wide Design Guide

7.6 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement

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

14 occupiers were notified directly of the application.

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

Comment	Where in the report this is considered
1. Objection to Solar array on the roof extension – size impact and serious loss of daylight to No. 6. Intrusive and badly positioned. No objection to the slight raising of the roofline as this allows disabled access but height increase from the panels is not acceptable.	See paragraphs 9.16-9.25 below.
2. Location of the Air Source Heat Pump would cause noise and disturbance.	The Environmental Protection officer has recommended a condition to limit noise. The applicants have submitted amended plans to show the ASHP sited on the front elevation of the existing building, well away from the side boundary. See paragraphs 9.16-9.25 below and Condition 4 in Section 13.
3. Boundary wall at the northern side of Manor Lodge belongs to No. 6 and permission would not be given for anything to be built onto it. The current development was completed many years ago. The wall is fragile and of historical interest.	The applicants have submitted amended plans to show the ASHP sited on the front elevation of the existing building, well away from the side boundary. See paragraph 9.21 below.
4. Area between the extension and No 6's wall needs to be covered by CCTV to ensure no blind spots	Noted. This is a matter for the applicant to consider.
5. Alarmed by lack of supervision of residents. There are no constraints on the type of offender housed at Manor Lodge. Concern about danger to the public. Police records	This is an established existing use. The way residents are supervised, and the management of the

	will indicate their regular visits to the site – it is trouble. The management of Manor Lodge is poor and there are numerous complaints. There has never been any consultation of the increase in residents and the higher category of ex-offenders	establishment is not considered to be planning matter.
6.	Concerns about increasing anti-social behaviour (including bad language, loud music, residents congregating and drinking alcohol and urinating in hedges) with more potentially dangerous young men brought into Old Windsor. Residents of Old Windsor should feel safe where they live, be able to enjoy their properties and feel safe to go out at night – safety of local residents should be a priority. There are schools in the vicinity – children will be out at risk. There is no justification for the proposed development. There is a fear of crime and this is a material planning consideration (para 91 of the NPPF).	This is an existing establishment and the extension is not introducing a new use. The addition of 3 extra bedspaces is not considered to represent a significant intensification of the existing use. See paragraphs 9.7 -9.8 below.
7.	Concern about increased overlooking and noise disturbance to The Tapestries	The LPA does not consider that the proposal will lead to significant additional overlooking or noise disturbance to nearby residential properties. See paragraphs 9.16 -9.25 below.
8.	Extension will not look attractive.	The proposed extension will replace existing garages. The design is considered to be satisfactory. See paragraphs 9.11-9.15 below.
9.	House prices in the area will decrease.	This is not a planning consideration.
10.	Formally object to the proposal under paragraphs 91(b) and in particular 127(f) of the NPPF in relation to crime and disorder and fear of crime, do not undermine the quality of life of community cohesion and resilience.	This proposal is for an extension to an existing use. The addition of 3 extra bed spaces is not considered to significantly increase the size of the establishment or intensity of the existing use. The premises is managed and supervised in accordance with guidance from the Ministry of Justice and National Probation Service. See paragraphs 9.7-9.8 and 9.16-9.25 below.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a condition is included to ensure that finished floor levels are set no lower than 18.28m Ordnance Datum (AOD), in accordance with paragraph 5.9.	The LPA will include a condition regarding finished floor levels. See Condition 7 in Section 13. The Council's Emergency Planner has been consulted and raises no objection in principle, advising that a suitable Flood Evacuation Plan

	<p>The EA involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by the EA flood warning network. In all circumstances where warning and emergency response is fundamental to managing flood risk, the LPA is advised to formally consider emergency planning and rescue implications of new development in making their decisions.</p> <p>As such, it is recommended that the LPA consults with the emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.</p>	(FEP) could be secured via a pre-occupation condition. See paragraphs 9.26-9.37
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Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Ref 1.5: The enhanced supervision stated does not apply when the occupants are outside of the confines of the facility.</p> <p>Ref 1.9: It only applies for 7 hours, whilst in the facility leaving the majority of the day unsupervised in the community.</p> <p>Ref 1.9: No evidence has been provided to back up the statement that there is 'structured method of protecting the public' particularly when outside of the facility.</p> <p>Ref 2.2: How does this facility provide an enhanced level of residential supervision in the community when the residents are completely unsupervised when outside of the facility.</p> <p>Ref 5.5: These are irrelevant as they are not in the community. One of them was not even in the village and it was only one individual.</p> <p>Paragraph 69 of the NPPF states planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is a material planning consideration.</p> <p>We do not believe that it would be of any benefit the local community to allow this extension and it should be village</p>	<p>It is not considered that an increase in 3 bedspaces will lead to any significant intensification of use at this site.</p> <p>Regarding crime and safety, new occupants would be bound by the same restrictions as existing occupants of the Probation Hostel.</p> <p>It is considered that the proposed extension (which replaces existing garages) is acceptable.</p> <p>See paragraphs 9.2-9.25 below.</p>

	<p>residents that take priority in these situations. We do not believe this facility should be in such close proximity to schools, nurseries, housing for the elderly, our local shopping area and recreation ground. It should by no means be expanded to house more potentially dangerous individuals and should be moved to a more suitable location.</p> <p>Increasing the numbers of residents can only increase the probability of incidences, of which there have been a number. There would be no benefit to the local community to allow this extension, and it should be residents that take priority in these situations. Village residents have a right to feel safe moving around the village especially after dark. Expansion of this facility just increases the fear of crime.</p> <p>There have been numerous complaints about the noise coming from this facility and increasing the fear of crime. Increasing the number of residents is only going to increase this nuisance.</p> <p>Making the facility even more visually prominent and out of keeping than it already is will have a further negative impact on the neighbouring listed properties and the character of the area.</p> <p>The premises started as a home for boys with issues and has changed by stealth into this halfway house for serious, and not serious, criminals. It is in a completely unsuitable location and should not be in a rural village.</p>	
Thames Valley Police	Having reviewed the submitted planning application and consulted with colleagues responsible for policing the area, we have no further comments to add at this time.	Noted
Emergency Planner	No objection in principle to the proposal. Suggests that a suitable Flood Evacuation Plan could be secure by a pre-occupation condition. Whilst this condition could only relate to the new development (extension) it is strongly recommended that the whole site should be included in the flood emergency plan in order to protect all those who live and work on the site.	<p>A pre-occupation condition will be included to secure a satisfactory FEP.</p> <p>See Condition 6 in Section 13.</p> <p>See paragraphs 9.26-9.37 below.</p>
Council's Ecologist	As previously ascertained through photos provided for application 19/03447 (which was withdrawn), the buildings are	Noted.

	considered unlikely to host roosting bats and, as such, there are no objections to this application on ecological grounds.	See paragraphs 9.41-9.42 below.
Conservation Officer	No objections to the application	See paragraphs 9.11-9.15
Highways	No objection – condition suggested to ensure cycle parking is provided in accordance with the approved drawing.	See paragraphs 9.38 -9.40. See Condition 5 in Section 13.
Environmental Protection	No objection raised, conditions suggested to secure: -Insulation against aircraft noise -Site specific Construction Environmental Management Plan (CEMP) -Limitation on noise emissions beyond the site boundary from fixed plant and stationary equipment. Standard informatics also suggested regarding smoke and dust control.	It is considered that a site specific CEMP is not necessary for an extension to provide 3 bedrooms. Any noise and disturbance caused as a result of demolition and construction works can be investigated under separate Environmental Protection Legislation - as a Statutory Nuisance. Information on matters such as delivery times, construction hours, dust and smoke control can all be covered by informatics. The sound insulation and noise limitation conditions will be included. See Conditions 3 and 4 in Section 13. See paragraph 9.20- 9.21 below.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on the character and appearance of the area.
- iii Impact on neighbours
- iv Flooding
- v Highways and parking
- vi Ecology
- vii Climate Change and Sustainability
- viii Housing Land Supply

Principle of proposed development

- 9.2 This proposal involves demolishing the existing flat roof garages and replacing them with a new single storey extension to provide 3 additional bedrooms with solar panels on the roof, a glazed covered link and a new cycle store. The applicant has submitted amended plans to show the proposed Air Source Heat Pump (ASHP) sited on the front elevation by an existing flue and vented doors. (The originally submitted drawings proposed the siting for the ASHP was next to the side boundary wall with No. 6)
- 9.3 Manor Lodge is an ‘Approved Premises’ (AP) to provide accommodation in the community for convicted prisoners upon release under licence. It is understood from the Planning Statement that the current network of 101 AP units provides c2000 bedspaces managed by the National Probation Service (NPS). The APs are under the control of the Ministry of Justice and their role is to manage the reintroduction of offenders into the community, reducing re-offending and managing risk. It is understood that each property provides enhanced supervision, working closely with NPS offender managers. The residents of APs have an overnight curfew of 11pm until 6am.
- 9.4 The Planning Statement advises that the government has identified a need to increase the total number of bedspaces in the AP estate by over 200 rooms (10%) to reduce the number of individuals placed into hotel accommodation and to increase the care and management of released prisoners.
- 9.5 Manor Lodge was originally granted permission as a probation hostel in 1967. There appear to have been no planning applications for extensions to the building since the original planning permission.
- 9.6 The applicant has confirmed that all existing rooms are single occupancy. There are currently 25 existing rooms (25 residents) which would increase to 28 with the proposed development - representing an increase in bedspace capacity of just over 10%. There are also 10 staff at the site.
- 9.7 It is noted that paragraph 91 of the NPPF states: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas;
- 9.8 At paragraph 127 of the NPPF it states: Planning policies and decisions should ensure that developments:
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.9 The concerns of local residents (about antisocial behaviour, crime and disorder) are noted; however, it is considered that the modest expansion to enable 3 more residents at Manor Lodge, would not represent a significant increase in occupants over and above the existing capacity. As the existing use as a probation hostel is long established, it would be difficult to argue that there would be material intensification of the use at this site as a result of an extension to provide 3 additional bedspaces (3 additional residents), or to justify refusal of planning permission on the basis that the use of the extension would significantly undermine the quality of life of local residents. The residents are managed and supervised in line with the National Probation Service guidelines/regulations. Enabling offenders to be housed in such facilities, properly manages their transition back into the community. The Planning Statement advises that the probation hostels/Approved Premises offer a necessary and valuable service with the aim of protecting the public and rehabilitating and resettling offenders.
- 9.10 As this is not considered to be ‘community facility’, there is no specific support for this proposal under Local Plan policy CF2 or emerging Borough Local Plan policy IF6. However, it is also noted there is no policy in the adopted local plan and emerging Borough Local Plan that would specifically resist modest extension of the use of this kind of establishment.

Impact on the character and appearance of the area.

- 9.11 The proposed extension would replace existing flat roofed garages which although not particularly aesthetically pleasing, have a neutral impact on the street scene. The new extension would not be significantly larger than the existing garages and would not appear significantly more intrusive than the existing building, in terms of the street scene or in the context of the main building. The existing garage to be demolished is approximately 45.6 sq metres and the proposed new extension (and glazed link) would amount to approximately 63. sq metres.
- 9.12 The Conservation Officer has commented on the proposal as follows: The proposal to demolish the existing garages and replace with a single storey extension to the probation hostel impacts upon the setting of a number of designated and non-designated heritage assets, including The Tapestries, 2 & 4 Straight Road, 10 & 12 Straight Road - all Grade II listed buildings as well as the non-designated heritage asset of Manor Lodge Cottage (6 & 8 Straight Road).
- 9.13 Whilst the applicant has now provided a heritage statement as to assess the impact of the proposals upon the Tapestries (which it must be advised were only added to the List after the application was submitted), the applicant has failed to identify the significance of the neighbouring non-designated heritage asset of Manor Lodge Cottage, the former Royal Windsor Stained Glass Manufactory. To quote the Old Windsor Neighbourhood Plan: "*Established shortly after the Tapestry Works in 1878 by Prince Leopold the glass works produced a number of significant pieces of work. Among them a large rose window in the Beaumont Chapel, windows for the Royal Chapel in Windsor, St Edwards Roman Catholic Church, Windsor and in St. Agnes Church in Spital. When the Tapestry Works closed in 1890 the Stained Glass works was sold and moved to Windsor. The building remained and is now a private dwelling.*"
- 9.14 The existing Manor Lodge Probation Hostel is very much a building of its time, distinct with the sharp raised half gables and presented in traditional pallet of stock brick and slate. It presents a neutral to negative contribution to the setting of the various heritage assets through the modernist architectural form. The impact to the setting of the heritage assets as well as of the character of the area is mitigated to a degree due to the setting back of the building from the highway as well as the extant vegetation/trees. To the north/north-west of the site and attached to the host building is a single storey garage block. These garages are flat roofed and constructed of a similar stock brick to Old Manor Lodge Cottage and the dividing boundary wall to which they abut.
- 9.15 Although larger in footprint, as the proposed extension is to be of a similar size, form and appearance to the extant garages, it is fair to conclude that there would not be a fundamental alteration to the character and appearance of the building and the extant setting of the various assets. The form, material usage and principle would be appropriate for the extant building. The Conservation Officer has raised no objection to the revised siting for the ASHP (on the front elevation next to an existing flue and white vented doors). Following the advice of the Council's Conservation Officer the applicant is proposing that the ASHP would be covered with a slatted/louver style cover, painted white to match the adjacent louvered doors (see Condition 9 in Section 13). The proposed new cycle store would not be readily visible in the street scene. As such, the Conservation officer has no objections to the application.

Impact on neighbours

- 9.16 The concerns about antisocial behaviour and fear of crime are noted. However, the Manor Lodge Probation Hostel is an existing and long-established use. It is not considered that 3 additional bedspaces would materially intensify the existing use so as warrant refusal of planning permission. This matter is covered under paragraphs 9.2-9.10 above.
- 9.20 The proposal includes an Air Source Heat Pump (ASHP). The Environmental Protection Officer has recommended a condition to ensure that there is no nuisance caused through noise of plant or equipment (condition 4).

- 9.21 In response to the neighbour's concerns about the original siting of the ASHP (next to the boundary wall with no. 6), the applicant has revised the siting of the ASHP and it is now proposed this would be in a central position on the front elevation of the main building at a distance of 9.5m away from the side boundary with no. 6/6A and 23m from the boundary with no. 10. The applicant has confirmed that the ASHP has dimensions of 1100mm x 450mm x 765mm (h); the ASHP itself will have a white powder coated galvanised steel casing, with a galvanised steel tube guarding. It is considered that in the revised siting, the ASHP would not adversely affect the neighbouring properties through noise subject to condition 4.
- 9.22 The height of the solar panels above the flat roof extension would be approximately 1.0m. The height measured from ground level to the top of the solar panels measures approximately 4.3m. The bedroom extension is in the order of 3 metres from the side (north) boundary. The solar panels would be in the order of 3.5m from the side boundary. There is a gap of approximately 5 metres between the boundary wall and the side wall of the adjacent houses 6 and 6A.
- 9.23 It is acknowledged that there are windows in the side (south facing) elevation of 6 and 6A; however given the separation distance, it is not considered that there would be any significant loss of daylight or sunlight to ground floor habitable windows in the side elevation of 6 and 6A – as a result of the proposed extension and glazed link. Furthermore, it is not considered that there would be such an unacceptable impact in terms of loss of outlook or over-dominating impact on 6 or 6A to warrant refusal, on those grounds. The existing boundary wall would prevent overlooking from the glazed link extension to 6 and 6A.
- 9.24 Being single storey, it is not considered that the new extension would result in any unacceptable overlooking or loss of privacy to adjacent properties on either side or across the road.
- 9.25 The new cycle store would be located alongside the southern (side) boundary adjacent to a (joinery) workshop building. The siting of the cycle store is considered acceptable and would not cause any loss of residential amenity.

Flooding.

- 9.26 The Environment Agency has commented on the application. The site lies within Flood Zone 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a high probability of flooding. Regarding the requirements of the NPPF paragraphs 157 -161, the proposed development is considered to have passed the Sequential Test because it is an extension that is required in connection with the existing use of this 'Approved Premises' – the planning agent has confirmed that there are no other 'Approved Premises' within the Borough. It would replace existing garages and there are not considered to be other sequentially preferable locations for the extension. The Exception Test is also considered to have been passed. The proposed development would provide wider sustainability benefits to the community as it would provide specialist, supervised accommodation for convicted prisoners upon release under licence and would help to reduce the numbers of such persons (both nationally and locally) in hotel accommodation. In terms of flood risk the proposed development is considered to be safe for its life-time (with raised proposed flood levels). Furthermore, with a Flood Evacuation Plan to be secured via condition, the flood risk to the whole establishment would be reduced. (This is expanded upon in the following paragraphs).
- 9.27 The existing garage (to be removed) has a footprint of approximately 45.6 sq metres. The proposed extension including glazed link will have a total footprint of approximately 63 sq metres. This is a 17.4 sq. metre increase in footprint. As there have been no extensions to the building since 1978, the whole 30 sq metre allowance under Local Plan Policy F1 is available and would not be breached by the extension and glazed link.
- 9.28 The proposed cycle store (approximately 18 sq metres) is considered to be a floodable structure and as such would not be considered against the F1 allowance. The cycle store replaces an existing cycle store on the opposite side of the application site.
- 9.29 In terms of the Environment Agency (EA) position, the EA advises that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a

condition ensuring that the development is carried out in accordance with the submitted FRA and floor levels are now lower than 18.28 AOD. (See Condition 7 in Section 13)

- 9.30 Regarding Flood warning and emergency response, the EA has advised the LPA: '*We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.*'
- 9.31 The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, the EA advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, the EA recommends that the LPA consults with emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.
- 9.32 This area benefits from flood defences. The proposed floor levels are set above the flood level for the 1 in 100 year event plus climate change, in both the defended and undefended scenarios. In the defended scenario the latest modelling from the EA shows that the flooding stays on the eastern side of the A308, this would mean that there is safe dry access and egress from the site in the defended scenario.
- 9.33 In the defended scenario the floodwater level is lower than the floor level of the existing garage (and the mapping shows that the flooding stays on the eastern side of the A308). The depth of flooding for the undefended scenario is considered to be approximately 30mm above the existing floor level of the garage, for the 1 in 100 year event plus climate change event, and the floor level is proposed to be raised by 150mm (to 18.28m AOD), so the building would be above the flood level in the event of a breach (and remain dry) in both the defended and undefended situations.
- 9.34 It is understood that the undefended scenario would only occur as a result of a breach of the flood defences, which is considered to be an unlikely event, as the defences are generally well maintained by the EA, however in the unlikely event that there was a breach, a Flood Evacuation Plan (FEP) has been proposed to enable the evacuation of the site in advance of any flooding.
- 9.35 It is understood that the Flood Evacuation Plan (FEP) would likely only be needed if a more significant event was to occur i.e. when there was a breach in the defences. The defences are generally well maintained by the EA and therefore the risk of a breach is considered to be low, also there would be advance warning so people could evacuate safely in advance of the flooding. Additionally, in the undefended scenario the applicants have identified that there is an area approximately 50m to the north of the site along the A308 which is outside of the 1 in 100 year plus climate change event, once at this point there is a safe dry route up Albert Road.
- 9.36 In the case of this application which relates to the extension of a supervised residential hostel where there is a management body to oversee the running of the establishment, it is considered that it would be appropriate (and desirable) to secure a Flood Evacuation Plan to cover an extreme flood event when flood defences breached. It is understood that occupants could be evacuated from the site and rehoused in other approved premises. The FEP can be implemented, monitored and updated by a nominated site manager/ flood coordinator.
- 9.37 The LPA has consulted the Council's Emergency Planner for comments on the proposal. In principle the Emergency Planner has no objection to the proposal and considers that a satisfactory FEP could be secured via a pre-occupation condition. The FEP needs to be revised to have clear triggers, it needs to identify who is responsible for what, such that any evacuation is done at the correct time, before actual flooding and to ensure that there is no extra impact on the Council or other responders. The FEP also needs to include details of where residents would be re-housed

during a time of flooding. Whilst this condition could only relate to the new development (extension), it is strongly recommended that the whole site should be included in the flood emergency plan in order to protect all those who live and work on the site. (See Condition 6 in Section 13)

Highways and parking

- 9.38 A308 Straight Road is a classified, numbered road, categorised as a primary distributor road. The road is subject to a 30-mph speed limit. The site is situated at approximately 2.6 km distance from the closest train station, thus, it is considered to be in a poor accessible area. The surroundings show mixed land use, characterised by a majority of residential development as well as some commercial activity. The establishment has been functioning as a probation hostel, offering accommodation in the community for convicted prisoners upon release under licence.
- 9.39 The existing access arrangements are to be retained. The proposal aims for the replacement of two garages used as stores with three additional bedrooms. Based on the Borough's Parking Strategy (2004), a C2 use (hostel) attracts a parking of 1 space per 3 residents. Presently, the site provides 25 bedrooms which the applicant proposes to increase to 28. The development generates a demand for 9 spaces which can be accommodated within the site.
- 9.40 The submitted cycle store details submitted are accepted. The Highway Authority offers no objection to the proposal. A condition is required to ensure cycle storage is provided in accordance with the approved drawings. See Condition 5 in Section 13.

Ecology

- 9.41 As previously ascertained through photos provided for application 19/03447 (which was withdrawn), the buildings are considered unlikely to host roosting bats and, as such, there are no objections to this application on ecological grounds.

Impact on the Special Areas of Conservation (SAC)

- 9.42 The nearest Special Area of Conservation is the Windsor Forest and Great Park Special Area of Conservation. It is not considered that the proposed development (for 3 additional bedrooms) would have any significant effects on the conservation objectives of the SAC such that an Appropriate Assessment would be required.

Climate Change and Sustainability

- 9.43 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraphs 148 and 150 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimise vulnerability and improve resilience, and support renewable and low carbon energy and associated infrastructure. In June 2019 RBWM declared an environment and climate emergency with aims to ensure the Borough will achieve net zero carbon emissions by 2050. In December 2020 the Council approved the Borough's Environment and Climate Strategy. These are material considerations in determining this application.
- 9.44 Although the *Council's Interim Sustainability Position Statement*: does not apply to householder residential extensions and non-residential extensions of under 100 sqm, it is noted that the applicant's planning statement advises on a number of sustainability measures. The proposed development includes a series of solar panels on the roof and an Air Source Heat Pump (ASHP). Twin flush cisterns, basins and sink taps will have spray nozzles and thermostatic blending valves. Showers will be thermostatically controlled for safety and economy. New timbers will be from a sustainable source. A bicycle store is proposed.
- 9.45 It is considered that the proposed measures comply with the aims and objectives of the Council's Interim Sustainability Position Statement.

Other Material Considerations

Housing Land Supply

9.46 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.*

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..).'

9.47 At the time of writing, the Council is unable to demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.48 The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledges that there is no conflict with any 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The proposed development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 It is considered that there is no direct conflict with policies in the adopted local plan or the emerging borough local plan that requires this development to be refused. This weighs in favour of the proposal. Furthermore, the proposal is not considered to conflict with the NPPF- this is a material consideration. The proposal also provides a specialist form of housing accommodation which takes pressure off the existing housing stock. This weighs moderately in favour of the proposal. There are also other economic benefits namely providing employment during construction and additional customers for local shops and services – these carry limited weight.

11.2 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.48 it is considered that in this instance the tilted balance should be applied. However, such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 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 materials to be used in any exterior work on the proposed extension must be of a similar appearance to those used in the construction of the exterior of the existing building, unless otherwise agreed in writing beforehand with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3 Details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against aircraft noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences on the construction of the extension above slab level.

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

4 The rating level of the noise emitted from fixed plant and stationary equipment shall be lower than existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night) by at least 5dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014.

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

5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.

Reason: To ensure that the development is provided with adequate cycle parking facilities to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

6 Prior to initial occupation of the extension hereby permitted, a detailed Flood Emergency Plan (FEP) shall be submitted to and approved by the Planning Authority. The FEP must include full details of the risks, triggers and actions to be undertaken and by whom before, during and after a flood event and without putting additional pressure on the emergency services. This plan should be reviewed regularly and at least on an annual basis. It is strongly recommended that the whole site should be included in the flood emergency plan in order to provide a consistent approach to protect all those who live and work on the site.

Reason: To ensure that the additional people are not put at risk of flooding. Relevant Policies - Local Plan F1 and NPPF (Feb 2019) paragraph 163.

7 The development shall be carried out in accordance with the submitted flood risk assessment (Issue Final D, dated 24 August 2020 and prepared by Motion) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 18.28 metres above Ordnance Datum (AOD), in accordance with paragraph 5.9.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with adopted policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy NR1 of the Borough Local Plan 2013-2033.

8 In order to protect mature trees on the site frontage, BS5837 compliant protective fencing shall be erected along the edges of the soft ground on the site frontage, before any equipment, machinery or materials are brought on to the site. Thereafter, the protective fencing shall be 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 fenced 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.

9 The Air Source Heat Pump (ASHP) shall be provided with the a cover in accordance with the

details on the amended plans 20201-WA-003 Rev B and 20201-WA-004 Rev B , i.e. louvered/slatted screening cover painted white, unless otherwise agreed in writing by the Local Planning Authority. .

Reason: In the interests of the visual amenity of the area. Relevant policy - DG1.

10 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.

Informatics

- 1 The 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. The 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 before burning.
- 2 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 3 All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- 4 Mitigation measures as defined in BS 5228-1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- 5 The applicant must ensure procedures are in place for maintaining good public relations including complaint management, public consultation and liaison. Control measures must be put in place for dust and other air-borne pollutants and should take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants. Measures should also be put in place for controlling the use of site lighting whether required for safe working or for security purposes, so as not to cause nuisance and disturbance to neighbours.