

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Application No.:	22/02893/FULL
Location:	Windsor Yards King Edward Court Windsor
Proposal:	<p>Partial redevelopment of site, including limited demolition, to provide a mix of town centre uses:</p> <p>The Southern Development Site will provide an office building, including cycle parking, and associated end of journey facilities, and an apartHotel with retail uses at ground level. The Central Development Site provides new access cores and an additional residential unit. The Eastern Development Site includes a cinema and 8 no. residential units. The Travelodge Site provides two additional floors of guest rooms and a new entrance foyer. The Car Park Site - two additional half levels of parking will be added along with the reconfiguration of the lower levels to provide plant accommodation and other services. Public realm soft and hard landscape improvements are proposed to Goswell Hill and Bridgewater Way, along with green roofs.</p>
Applicant:	UREF LP
Agent:	Miss Niamh Burke
Parish/Ward:	Windsor Unparished/Eton And Castle
If you have a question about this report, please contact: Jeffrey Ng on or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1 Following the publication of the main Panel report, the Council has received comments from Network Rail, updated comments from Windsor and Eton Society and a copy of a member briefing document. These documents do not change the proposal's recommendation.
- 1.2 There are some minor amendments to the main report. All amendments however do not change the proposal's recommendation.

2. CONSULTEE RESPONSES

- 2.1 The following table summarises additional consultee responses received:

Comment	Officer response	Change to recommendation?
Network Rail – No objection in principle subject to a number of asset protection comments due to close proximity to Network Rail land and the rail infrastructure.	Noted and the asset protection comments would be incorporated as the informative.	No.
Windsor and Eton Society – The whole development of the area is positive for the town. The reduction in height and change of external finish of the Travelodge	Noted	No.

extension is welcomed but the Society remains concerns over the view into the town centre that will be adversely affected by the proposed additional storey. The increase in height should not taken as precedent for any other developments in Windsor.		
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3. ADDITIONAL INFORMATION

3.1 The Council has received a copy of a copy of a member briefing document. It is considered that all matters set out in the briefing document were addressed in the main report.

4. AMENDMENTS TO TEXT

4.1 There are some amendments to the main report. A table is prepared to list the original text and the amended text in this panel update report.

4.2 The following table summarises the amendments:

Para.	Original Text	Amended Text
5.5	The new apart-hotel building comprises <u>104</u> rooms.	The new apart-hotel building comprises 103 rooms.
10.26	The proposed development at the southern development site comprises the provision of an apart hotel building with the provision of <u>104</u> rooms and a restaurant at the ground floor and the basement.	The proposed development at the southern development site comprises the provision of an apart hotel building with the provision of 103 rooms and a restaurant at the ground floor and the basement.
10.32	The proposed development at the eastern development site comprises the provision of a boutique cinema with 307 seats. The proposed cinema can create a new attractive experience for visitors but also for residents. <u>The proposal will lead to a loss of 734 square metres retail floorspace at the ground level. However, this is mainly due to the creation of a cinema lobby and reception area and the loss is considered to be acceptable in this regard.</u> Due to the opening time of the cinema, it will enhance the role of Windsor Town Centre and its vitality and viability, in particular at the evening time.	The proposed development at the eastern development site comprises the provision of a boutique cinema with 307 seats. The proposed cinema can create a new attractive experience for visitors but also for residents. The proposal will lead to a loss of 734 square metres retail floorspace but it relates to the first floor level. The ground level retail units are retained, with the exception of the creation of a cinema lobby that leads up to the first floor. The loss is considered to be acceptable in this regard. Due to the opening time of the cinema, it will enhance the role of Windsor Town Centre and its vitality and viability, in particular at the evening time.

5. CONDITIONS AND INFORMATIVES

5.1 Three conditions have been amended:

11. Prior to the commencement of the development hereby permitted **of each phase set out in the Phasing Strategy or under Condition 3**, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities

- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include RAMs for reptiles, amphibians, hedgehog, and nesting birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with the National Planning Policy Framework and Policy NR2 of the Borough Local Plan 2013-2033.

22. Prior to the commencement of the development hereby permitted **of each phase set out in the Phasing Strategy or under Condition 3**, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP 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:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Environmental Protection Team
- 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.
- 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.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: An interim Construction Environmental Management Plan (CEMP) has been provided to support this application. An updated CEMP is required nearer the time of construction with any changes in construction methods, which is to protect the amenities of the neighbourhood during the construction of the development hereby permitted.

23. Prior to the commencement of the development hereby permitted **of each phase set out in the Phasing Strategy or under Condition 3**, details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be retained maintained in good working order at all times.

Reason: To protect the amenities of the neighbourhood in accordance with Policy EP4 of the Borough Local Plan 2013-2033.

5.2 Section 14 of the Report should include the following recommended informatives, as set out below:

Pumping Station

The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/sewers-and-wastewater/adopting-a-sewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We need to check that your development does not limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-ourpipes>.

Underwater Wastewater Assets

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near our pipes or other structures (<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>). Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB Water Comments

Environment Agency Advice - Other Consents

As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body. The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx> . This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated Main River, called a Flood Risk Activity permit.

Bird nesting season

The development hereby permitted is to be undertaken outside the bird-nesting season (March - August inclusive), or if works during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be affected immediately prior to demolition/clearance and advise whether nesting birds are present. If active nests are recorded, no demolition or other works that may disturb active nests, shall proceed until all young have fledged the nest.

Network Rail – Asset Protection

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage

may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatat "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Popular (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

There is no change to the recommendation in the main report.

