

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

DEVELOPMENT CONTROL PANEL

25 May 2016

Item: 1

Application No.:	15/02248/FULL
Location:	Thames Court 1 Victoria Street Windsor SL4 1YB
Proposal:	Construction of 5 storey office building with associated car parking, access and landscaping works following demolition of existing office building
Applicant:	BMW (UK) Trustees Limited
Agent:	Mr Philip Marsden - Savills (UK) Limited
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 The application proposes the demolition of existing office space, and the erection of a larger office building. A new access and re-configured car park area is proposed. The site is situated within the town centre and the Windsor Town Centre Conservation Area. The Highways Authority has raised an objection to the proposal on the basis that the Travel Plan does not have acceptable targets to shift the mode of travel from the car, given the lack of parking provided for the development. However, officers are not of the view that this objection would form a valid reason for refusal, when the office development is situated within a sustainable town centre location, and the site can be accessed by people walking or taking the train.
- 1.2 The proposed office development would provide benefits namely positive impacts to the local economy, the provision of high specification office space within the Borough and potentially the use of the car park by the public during weekends. However, these benefits are not considered to be significant enough to outweigh the less than substantial harm caused to the character and appearance of the Conservation Area. The proposal is also considered to have an unacceptable impact on the amenity of neighbouring residential properties (Victoria Court and Lancaster House). As such the scheme is recommended for refusal for the reasons summarised below.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The proposal owing to its combined height and mass set close to the road would be out of keeping with the size of surrounding properties and as such the building would appear overdominant and incongruous. The scale of the building will be emphasised by the large glazed openings. The proposal would result in less than substantial harm to the character and appearance of the Conservation Area, and the public benefits are not considered to outweigh this harm. |
| 2 | The proposal would result in unacceptable overlooking and overbearing impact to the detriment of the occupier's use of the balcony to the apartment in Lancaster House. The proposal would also result in an unduly overbearing impact to the outlook to bedroom windows in apartment block of Victoria Court. |

2. REASON FOR PANEL DETERMINATION

The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a building which faces both Victoria Street and Sheet Street in Windsor. The building subject to this planning application was formerly used as office, but has been vacant for some months. The building adjoins Victoria Court which faces Sheet Street and was built the same time as the office building, however, the residential element is not subject to this planning application. The existing building steps up to 5 storeys in height, and a large proportion of this building (the later addition to the building) which faces Victoria Street is two stories in height.
- 3.2 The site is a prominent one within the Windsor Town Centre Conservation Area, and is close to Listed Buildings to the north and east, including Hadleigh House which is Grade II* Listed. To the south of the site is the Victoria Barracks and Lancaster House, which comprises office space, with apartments on the upper floor.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the demolition of the existing office building, and the construction of a 5 storey office building, with associated car parking, access and landscaping works. The proposed building would measure approximately 18.5 metres in height to the highest point (the fifth storey). The height to the fourth storey would be at around 15.1 metres. The height to the third storey would be 12.1 metres. The fourth and fifth floors would be set back from the edges of the building, with the top storey of the building being more set back than other floors. The existing office space has a floorspace of 2,662 square metres. The proposed building would have a floorspace of 5,117 square metres, thereby increasing the amount of office floorspace by 2,455 square metres.
- 4.2 The building will make use of brick and glazing on the elevations of the building on three floors. Metal and glazing will be used on the fourth and fifth floors.
- 4.3 Amended plans were received during the course of the application, which were consulted on. The changes to the scheme were:
- Its height was reduced by lowering the roof level by 200mm and the height of the plant enclosure screen;
 - A reduction in the width of the two upper levels and revised material treatment;
 - The elevations were reduced in scale, particularly the Victoria Street elevation, by creating more set-backs at different levels and reflecting the surrounding building lines and the use of different material finishes creating new articulation within the building;
 - The elevations were unified in terms of architectural language and materials to create a more coherent development; and
 - The building line was stepped back at various points to reduce its impact on the street scene and improve its relationship with adjacent buildings.

The applicant's updated Design and Access Statement (DAS) and Heritage Statement describes the scheme as:

- The proposed office building represents a modest increase in the height and scale in comparison to the existing buildings on the site. It is explained that contrasts in scale are not unusual in urban areas and can contribute to the rich and varied character of an area.*
- The palette of materials proposed for the structure includes a combination of dark and light brick with a metal and glazing cladding system to upper floors. The use of brick reflects the established and predominant use of the material in this part of the Conservation Area.*
- The proposed elevation to Victoria Street is considered to be the building's frontage, the focal point being the north east corner with its lowered glazed block and framing in a lighter brick. The façade employs a clear vertical emphasis at the ground to second floor, subdividing the*

elevation in to an appreciable configuration of three bays which is reminiscent of the scale, form and rhythm of surrounding terraced townhouses.

- *Due to the carefully considered architectural quality, scale, siting, detailing and palette of materials the Heritage Statement considers that the proposed development preserves the significance of the surrounding listed buildings, including the grade II* House and numerous grade II listed buildings on Sheet Street.*
- *The proposal facing Bachelor's Acre will present a hugely improved facade to the park, with more definition than the existing building. The tower of Saxon House the dominant feature in this view and that dominance is not challenged. The impact on this, the edge and therefore the backdrop of the Conservation Area is positive.*
- *The parapet line of the adjacent buildings on Victoria Street have been respected and continued in the proposed development and the grid of plot width and fenestration rhythm common across the Conservation Area, currently missing from the existing building is echoed and reinforced.*
- *In relation to the junction of Victoria Street and Sheet Street, the statements conclude that the proposed development makes the most significant positive contribution to the Conservation Area. The new square will be an open, accessible, well lit and passively surveilled space that will mark and punctuate along Sheet Street which alludes to the larger open space around the corner that is Bachelor's Acre.*
- *In terms of the Victoria Street elevation, the set backs and use of different coloured brickwork reduces the appearance of scale and reflects the building lines and proportions of the adjacent building. In terms of the scale, again due to the set back design, the applicant asserts that the upper floors will not be visible within the immediate street scene. In the applicant's opinion, the proposed development will result in a significant improvement in the quality of the building at the application site which will have a positive impact on the Conservation Area.*

4.4 The existing central vehicular access to the site would be removed, and a new vehicular access would be created next to Barrack Lane. 38 parking spaces, (including 4 wheelchair bays) would be provided. The agent in submitting additional information suggested that the car park could be made available for public use during the weekends for a 5 year period, however, this proposal has not been put forward formally as part of the application.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections:

- Paragraph 7- Sustainable Development
- Paragraph 14- Decision making
- Paragraph 17- Providing a good standard of amenity
- Paragraph 18- Building a strong competitive economy
- Paragraphs 128, 131 and 134- Heritage Assets

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Setting of Listed Building	Highways/ Parking issues
Local Plan	DG1, E1, E10	CA2	LB2	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy R2 to R6 - Public Open Space provision
- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Townscape (including impact on the character of the area, impact on Conservation Area, and Setting of Listed Buildings)
- ii Impact on neighbouring residential amenity;
- iii Parking and Highways;
- iv Developer contributions;
- v Economic Impacts
- vi Ecology
- vii Sustainable Design
- viii Surface Water and Drainage
- ix Archaeology
- x Planning Balance

Principle of providing office space

6.2 The application site is within the town centre boundary. The Local Plan supports office development in town centres. The NPPF is more recent than the Local Plan and this continues to support the 'town centre first' approach to the location of offices. As such the principle of providing office space is considered to be acceptable in accordance with planning policy.

Townscape (including character of the area, impact on Conservation Area, and Setting of Listed Buildings)

- 6.3 The site is located within two defined character areas of the Windsor Town Centre (WTC) conservation area appraisal, these being 'Sheet Street and Park Street area' and 'Bachelors Acre and Surrounds'. The site appears to have been successively developed over time with residential uses along Victoria Street and commercial uses behind (within the south of the plot) and part of the site a vehicle garage during the late 20th century. The primary frontages for the site were and remain onto Victoria Street. Adjacent to the site, the Barracks site has also developed with all the buildings demolished during the late 20th century. Along Sheet Street numerous plots have been redeveloped during the 20th century.
- 6.4 The 'Bachelors Acre and Surrounds' character area in particular has experienced considerable areas of redevelopment, as identified in the Conservation Area appraisal. However, the Conservation appraisal also identifies Thames Court as an example of a large, modern commercial building that is not in keeping with the prevailing character and appearance of the Conservation Area. It is also described as a particularly imposing building. Larger plots sizes are identified as the part of the character of the site area. Some of the other key features of the area are:
- To the north along Sheet Street there is a strong rhythm formed by the terrace of traditional buildings, of three storeys with attics and basements;
 - The buildings adjacent to the application site are generally 2-and-a half storeys;
 - There are modern buildings in the vicinity of the site that vary in scale rising up to three storeys, sometimes over a basement, with a fourth floor in the roof;
 - Views along Victoria Street are closed by the Grade II* Hadleigh House, a late 18th Century three-storey house with attics and a basement. This view is framed by the Grade II listed public house on the north side and the application site on the South side.

Loss of Existing building

- 6.5 The existing 1970s office block was constructed in the 1970s and was designed by architects Elaine Denby and Gordon Badnell. The architects are not significant in the context of 20th century architecture and Number 5 Victoria Street (part of the application site) is slightly later in date and in the form of a two storey terrace and constructed of London stock brick with decorative concrete lintels. Both structures are consistent with the general palette of materials found in this part of Windsor.
- 6.6 The building is not considered to be of architectural merit, however, the positives of the building are that it has a definitive entrance which addresses the junction of Victoria Street and Sheet Street. The scale and massing of the existing building is broken up. The scale and modelling of this building helps the transition between the fine grain of traditional terraces to the north and the more open grain with lower scale buildings to the south. The existing building is considered to have a neutral impact on the character and appearance of the Conservation Area.
- 6.7 As such, there is no objection in principle to the loss of this building.

Whether the redevelopment scheme has an acceptable impact on the character of the area, the character and appearance of the Conservation Area, and the setting of Listed Buildings.

- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of the Conservation Area. In considering the impact on the Conservation Area, it is important to assess the impact on views into and out of the Conservation Area.

Victoria Street

- 6.9 As noted, the buildings to the west of the application site on this road, are 2 and 2- and -half stories in height. Whilst a replacement building may be acceptable at the site, the building has to respond to its local context. It is not considered that the proposed scheme has adequately responded to its local, historical context, as the building fails to relate to the surrounding buildings, which are broken up in mass and have strong articulation. The proposed building would be sited in close proximity to

13-15 Victoria Street. 13-15 Victoria Street has a height of 7.3 metres to the eaves. The eaves height is what is read as the main height of this neighbouring building, as the mansard roof slopes away from the road and is set back. The height to the third floor of the new building would be 12.5 metres. There would be an abrupt increase in height to the new building from 13-15 Victoria Street. The scheme does not provide a gradual transition in scale from the smaller buildings to the west on Victoria Street, and as such the building when viewed in this street scene appears overdominant and incongruous when viewed in the setting of these smaller scale buildings. The proposed building appears as a large unrelieved mass of building, which is set hard up against Victoria Street, and this makes the building appear dominant when viewed within this predominantly historical streetscene.

- 6.10 The updated DAS explains that the style of architecture utilises the proportions and rhythm found in classical architecture with a restrained and contemporary palette of detail and materials. In this case, however, the proportions used in classical architecture has not come through in the design of the building. The large glazed vertical openings extend up the 3 storeys, with different treatment to the fourth and fifth floors. It is not considered that the rhythm and proportions in the glazing reflects classical proportions. The level of glazing proposed would appear excessive and out of keeping with surrounding buildings. The tall glazed openings would also re-inforce the scale of the building by giving it a very strong vertical emphasis.

Bachelors Acre

- 6.11 The views from Bachelors Acre (which is within the Conservation Area) of the proposed building will be noticeable. Bachelors Acre is a well used open public space, and the views of the main elevation of the building will be clearly visible. Again, to reiterate the above point, the abrupt increase in height from the neighbouring buildings to the west of the application site on Victoria Street would be apparent, and this is evident in the verified views (Position 1) submitted by the agent. The building known as Saxon House, opposite the site is larger in scale than the buildings to the west of Victoria Street. However, it is not comparable in scale to this proposed building. Notwithstanding this, Saxon House has a different setting from the application site, and has Bachelors Acre situated next to it which provides sufficient space for the setting of this building.

Junction of Sheet Street and Victoria Street

- 6.12 This is a key focal point when descending Sheet Street within the Conservation Area. It is at this point that the relationship of the new building would be viewed against the flats of Victoria Court. Victoria Court is 3 stories in height and has a mansard roof. The proposed office building would adjoin these flats, and so it is considered imperative that the relationship of the new building relates well to this building which is to remain. It is not considered that the new building has been designed to tie in with Victoria Court. The proposed building is not considered to relate well to the height or roof shape of the adjoining flats. The proposed fourth floor which would be finished in metal and glazing would appear bulky and overdominant in this view; although the architect has attempted to 'lighten' this floor, the resultant design fails to achieve a light weight structure, and it is considered it would be a dominating element that would look at odds with the surrounding roofscape which comprises of predominantly pitched roofs. The juxtaposition of the new building with Victoria Court will appear awkward. A strong and definitive entrance, which would be expected at such a focal point within the Conservation Area, is not achieved by the proposal.

The junction of Frances Road and Kings Road and Sheet Street

- 6.13 This point is situated outside of the Windsor Town Centre Conservation Area, but close to the boundary with the Inner Windsor Conservation Area. Whereas the existing building can be seen over the Barracks when looking from this point, the building is smaller in scale, and most of what can be seen is the mansard roof, which blends in with the roof of the barracks because of the similar lead colour materials. When looking at the proposed building, a much greater extent of the building will be seen as it would be larger in scale particularly because it would have a large bulky, flat roof. The proposed design of the roof and use of materials means that it will stand out in this view detrimentally. As such the views into the Windsor Town Centre Conservation Area will be adversely impacted.

- 6.14 The context of the site is that the buildings in the immediate area tend to be on larger plots, and this is acknowledged within the Conservation Area Statement. The existing building at Thames Court has an appropriate building to plot ratio because it comprises of a number of distinct elements that break up its overall mass and give the appearance of separate buildings albeit they are one building. The proposed scheme would alter this current form, so that the proposed building would dominate the site. This is considered to be out of keeping with other sites in the local area.
- 6.15 Owing to the more localised harm caused to this part of the Conservation Area, rather than wider harm to the Conservation Area, it is considered that the proposal would result in less than substantial harm. As such the requirement under paragraph 134 of the NPPF is for this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use (OVU). The public benefits arising from the proposal will be considered in the planning balance and whether these outweigh the harm caused.

Setting of the Listed Building

- 6.16 Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 explains that in granting planning permission which affects the setting of a Listed Building, regard shall be had to the desirability of preserving the building, or its setting or any features of special architectural or historic interest which it possesses.
- 6.17 Hadleigh House (Grade II* Listed) is situated on Sheet Street, however, this building has an important view when approached from Victoria Street. The existing buildings on Victoria Street can be seen in the context of Hadleigh House, but do not compete or interfere with views or setting of this building. The setting of Hadleigh House is an urban town with Windsor Castle's Long Walk to the rear, and buildings within its setting have a close urban grain fronting onto the street. The proposed office building would be significant in scale, and would be more prominent in views when looking down Victoria Street onto Hadleigh House than the existing building. In this town centre location where the urban grain is tighter, a building may be visible when looking onto a Listed Building, however, it has to be considered whether impact would be so significant that it would adversely impact on the setting of the Listed Building. The buildings along Victoria Street frame Hadleigh House when looking down this street, however, it is not considered that the proposed building would detract from the view of Hadleigh House and its setting when looking down Victoria Street.
- 6.18 The Corner House is a Grade II Listed Building, situated opposite to the application site. Again, it is acknowledged that the scale of the new building will be larger than surrounding buildings and would result in harm to views within the Conservation Area, it is considered that the development would preserve the setting of the Corner House.

Impact on neighbouring residential amenity

Daylight and Sunlight

Victoria Court

- 6.19 Victoria Court (which contains residential flats) adjoins the building subject to this application, and would remain connected to the proposed office building.
- 6.20 A Daylight and Sunlight Review was submitted during the course of the application. The review is based on the methodologies set out within the Building Research Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)'. The result of the review show that the reduction in daylight to the rooms of Victoria Court would be acceptable and in accordance with these guidelines.

Lancaster House

- 6.21 In respect of the impact on Lancaster House, the daylight and sunlight review also includes windows that benefit from planning permission.

- 6.22 An assessment on the daylight and sunlight review shows that there are some isolated impacts but the retained daylight and sunlight amenity to this property can be considered to be good. The report concludes that given the dual aspect nature of the rooms, the daylight distribution within all of the rooms can be considered above the recommended requirements of guidance. A floor plan approved under reference 15/02665/FULL for Lancaster House can be seen in Appendix D.
- 6.23 The proposed development would not have an unacceptable impact on daylight to the rooms in both Victoria Court and Lancaster House.

Impact on Privacy

Victoria Court

- 6.24 In respect of the elevation of the proposed building that would face Victoria Court, there is no glazing proposed, and as such there would not be unacceptable overlooking to these flats. Roof terrace areas are proposed, however, these are at fourth floor, and are set away from the windows in Victoria Court, as such it is not considered that there would be unacceptable overlooking to these flats.

Lancaster House

- 6.25 In respect of the impact on Lancaster House, the rear elevation of the proposed building comes within 2 metres of Lancaster House. The glazing from the office building would overlook the balcony area which serves the residential floor of Lancaster House. This area is the only outdoor space that the residential part of Lancaster House has. Whilst this is a town centre location where a higher degree of overlooking could be expected compared to a suburban location, in this case it is the very close proximity of the new building to the balcony of Lancaster House, together with the level of glazing proposed that would make this area severely overlooked and this is considered to be unacceptable.

Impact on outlook

Victoria Court

- 6.26 As explained previously, there are windows within Victoria Court that are impacted by the existing office building. The judgement in this case is whether the increase in the scale of the building, compared to the existing building would cause an unacceptable impact on these windows in terms of their outlook, but more particularly to habitable rooms such as a living room or bedroom, which are afforded greater protection in terms of outlook.
- 6.27 The windows in Victoria Court are labelled on a plan within the daylight and sunlight review document, which is included in Appendix E for convenience, as are the details of the rooms which they serve. The layout of the rooms in Victoria Court at first floor level and their relationship to the existing office building are shown on the plan in Appendix E. The table below summarises the impact on these windows.

Window number	Officer Comment
W2/second, W3/second, W1/second, W9/First, W10/First, W9/ground, W10/ground, W8/ground, W8/first	The window already looks onto the existing office building, and as such the increase in the scale of the building is not considered to significantly worsen the outlook from these windows
W6/ground and W7/ground, W6/first and W7/first	The view from this bedroom is partially onto the flank elevation of the existing office building, and partially onto the car park, with Lancaster House beyond. The proposed office development would increase the angle of the building by around 16 degrees

	and the building would extend across the width of the car park at this angle for a greater depth and height than the existing building. Owing to the increase in the angle of the building, together with the extent to which building run across the site, this would change the outlook from the bedroom window of the flat, so that their outlook would see mostly the flank elevation of the office building. This outlook from a habitable room window, which is the primary bedroom window is considered to be unacceptable, and it is considered the new building would be overbearing to the outlook of this window
W10/ground, W5/ground, W4/First, W3/ground, W2/ground, W1/ground, W11/First, W5/first, W4/ground, W3/first, W2/first, W1/first	In urban areas such as this, it is not unusual for a new building to be seen, the test is whether the new building would be unduly overbearing to the outlook of the habitable room windows. In this case, it is not considered that the new building would have an unduly overbearing impact to the outlook of these windows which would warrant refusal of this application.

Lancaster House

- 6.28 Turning to the impact on Lancaster House, the close proximity of the new building to the balcony area of Lancaster House has been previously discussed. The proposed office building would be unduly overbearing to the balcony area of Lancaster House; this balcony is a small area and is the only outdoor space for the residential use of the building, meaning it will be more intensively used. Again, objection is not raised to a building being seen from this area, however, owing to the extremely close proximity of the building at the sheer mass proposed, it is considered that the building would feel oppressive to occupiers utilising the balcony area.
- 6.29 In conclusion, the proposal fails to comply with paragraph 17 of the NPPF which requires proposals to provide a good standard of amenity for all.

Parking and Highways

- 6.30 Victoria Street is a classified un-numbered local distributor road that provides an alternative link between the B470 Sheet Street and the A332/A308. Parking on Victoria Street is controlled by permit holder parking, short term parking restrictions and double yellow lines. Similar parking restrictions apply on Sheet Street. Victoria Street and Sheet Street are both subject to a 30mph speed limit.
- 6.31 The applicant predicts that during the morning and evening peak periods the development is likely to introduce a net increase of 30 and 27 vehicular trips respectively. The Highway Authority considers that the increase is likely to be more than this; but are of the view that if a travel plan with appropriate targets in is secured that the traffic generated from the proposal is unlikely to have a material impact upon the surrounding road network.
- 6.32 The site currently provides 2662 square metres of office space, served by 45 parking spaces, 4 of which are parked in tandem. This application site is within an area of good accessibility as defined by the Council's Parking Strategy. The maximum parking standards for an area of good accessibility is 1 parking space per 100 square metres of floorspace. As such, 51 parking spaces would need to be provided in order to meet the maximum parking standard. The scheme would provide 38 parking spaces, and so the parking shortfall would be 13 parking spaces. However, this is an accessible location and the parking standard is maximum standard, not a minimum standard.
- 6.33 In the applicant's Transport Assessment, 56% of staff drive (average for Windsor Town Centre), which in this instance could potentially lead to 192 cars attracted into Windsor Town Centre. The targets set in the applicant's travel plan are set out in the table below.

Target	Indicator	Mode Split				
		Baseline Year 0	Year 1	Year 2	Interim Year 3	Final Year 5
Staff						
Achieve a 5% decrease in single occupancy vehicle trips for staff per year for the first 3 years.	Modal split monitoring surveys for SOV use	56%	50%	45%	40%	To be decided at a later date with RBWM

- 6.34 The Highway Authority is not of the view that these targets are ambitious enough. Based on the targets set in the travel plan, the Highway Authority is of the view that the development would have severe impact upon traffic flows in the town centre and the viability of the public car parks, which are under pressure.
- 6.35 Whilst the Highway Authority is concerned over the impact if the Travel Plan targets are not revised, Planning Officers would not recommend refusal of the application on this basis as this is a sustainable town centre location, where people can travel by train or walk to work. In addition, parking standards are maximum and there are no specific local circumstances that would justify provision of the 51 parking spaces.
- 6.36 When the amended plans were submitted, together with additional information, it was put forward that the general public could make use of the car park at weekends for a 5 year period. The agent understands that there is a strong desire for additional parking facilities within Windsor town centre, particularly at peak times, from both the resident and business community. They explain that it will be necessary to agree a formal management plan with the Council, but the initial proposal is to allow a minimum of 28 spaces to be made available for public use from 7am on Saturday to 9pm on Sunday.
- 6.37 The Council's Parking Strategy at Section 5 sets out that the Council will seek to maximise the use of car parking space through shared public and private use at suitable times of the day, or week, or year, as appropriate. It should be noted that the description has not been changed to include this proposal, and not been consulted on (this would need to be done, should Panel be minded to approve the application on this basis). The public use of the car park would be a benefit. The detail on the management of this arrangement has not been provided, however, there would be concerns over this proposal, and how this parking arrangement could be monitored and enforced at the weekends. In addition the Crime Prevention and Design Officer from Thames Valley Police, advised on this scheme when the design was being evolved that unsecure rear court parking facilities can be problematic, and if left unsecure the car park may become vulnerable to unauthorised casual intrusion, anti social behaviour (ASB) and criminal activity, the entrance to this car park must be made secure through the inclusion of electronic pedestrian and vehicle gates. If the car park was made open to the public on the weekends, this would make this car park area unsecure and could result in problems for residential occupiers of the adjoining flats. It is highly unlikely that the applicant would want their asset affected by the potential security issues and this may also affect the ability of the applicant to let the building. This may explain the limited period that the car park could be used for the public, as suggested by the applicant. Although not formally proposed, the benefit of such a proposal will be weighed in the balancing exercise against the adverse impacts from the proposed development.
- 6.38 The location of the proposed access is considered to be acceptable. In the amended plans there is now space within the car park area for smaller delivery vehicles to turn within the site. The larger refuse collection vehicle stops on Victoria Street and do not need to enter the site. Residents of Victoria Court would have a longer carry distance for their refuse, in excess of the guidelines in the Manual for Streets, but this is only a guideline and would not be a reason for refusal.

Economic Impacts

6.39 A report produced by Regeneris Consulting assesses the economic benefits of the potential employment generation resulting from the development of this new office building.

. This has the potential to generate economic benefits as follows:

- *The potential for a gross employment level of 320-416 full time equivalent employees*
- *The potential for employment on the site to support additional jobs in the wider Windsor and Maidenhead economy through indirect and induced effects.*
- *A boost to the local construction sector job creation with opportunities for training and apprenticeships benefiting the local resident population.*
- *A contribution to the local and regional economy through increased expenditure in the town centre and the wider region during construction and post occupation*
- *Modernisation of an existing employment site thereby improving the choice and flexibility of business space*

6.40 The proposal has the potential for significant economic benefits, and this needs to be considered in the planning balancing exercise.

Ecology

6.41 The building was subject to a detailed inspection for bats. Following detailed examination of potential roosting sites, the buildings were recorded as having negligible potential to support roosting bats. The applicant's ecologist has recommended that a precautionary approach to works at the site is adopted, including soft demolition of the buildings should the Local Planning Authority be minded to grant planning permission. The proposed development is considered to have an acceptable impact on ecology.

Sustainability

6.42 The council has an adopted 'Sustainable Design and Construction' Supplementary Planning Document which was formally adopted in June 2009. It is a material consideration in the assessment of planning applications and its purpose is to help improve the sustainability performance of buildings and spaces through their construction and subsequent use.

6.43 Major developments such as this one are required to meet and provide evidence in support of the BREEAM requirements as well as other issues such as; energy consumption, on-site renewable energy generation, water management, waste management etc. An Energy Statement has been submitted, which sets out that the development will aim to meet the BREEAM standards of 'Very Good', and sets out the measures it could incorporate to meet this. It is considered that a condition could be imposed to ensure the building meets this standard.

Surface water and drainage

6.44 The proposed surface water drainage strategy outlined in the Surface Water Drainage and SuDS Assessment accompanying this application indicates that permeable paving and tank storage, with a flow control system, will be provided to limit surface water runoff to 5 l/s for all storm events up to and including the 1 in 100 year plus climate change event. In principle this is acceptable.

Archaeology

6.45 The application site lies just outside of the historic medieval core of Windsor. Sheet Street was an important thoroughfare leading south from the medieval town and began to be developed from the early post-medieval period onwards. While the site therefore has a modest archaeological potential, it has been substantially developed with the construction of the current office building in the 1970s and housing prior to this. Owing to the built development that exists on site, there are not considered to be implications for the buried archaeological heritage.

Other Material Considerations

- 6.46 Paragraph 66 of the NPPF states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. The agent did undertake a public exhibition prior to making the planning application, and did take on board some views expressed. Even if members of the community feel that their comments have not been incorporated in the scheme, this would not warrant refusal of the application.
- 6.47 Members of the public question the need for so much additional office space, when there is so much vacant office space within Windsor, and other buildings have been converted from office space to residential. It should be noted that National or Local Planning Policy does not require the Local Planning Authority to take into account existing vacant office space in the locality in considering whether new office space is acceptable in the town centre.
- 6.48 Concern is raised over the noise and disturbance that would arise during the demolition/construction phases of development and the impact this would have on the personal and work life of occupiers in the adjoining flats of Victoria Court. Whilst this is appreciated, a certain level of noise and disturbance would be expected with new development, however, this would not constitute a valid reason to refuse planning permission. In addition, construction workers may be able to look into the windows of flats during construction, but this would not be a valid reason to refuse planning permission. In respect of concerns over construction traffic, if planning permission was granted a Construction Management Plan would be required.
- 6.49 The potential impact that the demolition/construction of the building could have on the structural stability of the adjoining flats is not a planning consideration. Dust and hours of working during construction are not a planning consideration, but these would be matters that Environmental Protection would have remit over.
- 6.50 Concern is raised over how residents of Victoria Court would access their parking spaces during the construction period. However, this is a private matter that would need to be managed by the developer during the construction process. It is not a valid reason to refuse planning permission.
- 6.51 Concern is raised over the development resulting in a decrease in value of surrounding properties, however this is not a planning consideration.
- 6.52 Comment is made that planning policy favours a three storey building for the site. It should be noted that planning policy does not restrict the building to being 3 storeys at the site.
- 6.53 Concern is raised over the new building and that it will reduce sunlight to the roof terrace of the Corner House. The roof terrace is not a private amenity space, and is not afforded significant protection in terms of light. Given this is a town centre location, a higher density of development would be expected, and it would not be unreasonable for a new building to be higher than a roof terrace to a public house.
- 6.54 An objector states that the development would create a security risk to the Barracks. The Barracks have not commented on this planning application. The agent submitted the proposals to Thames Valley Police Secure by Design before submitting the application, who commented that the car park area should be made secure and should incorporate an access control system, but these comments were made in order to make the development secure, not specifically in relation to the Barracks. It is not considered that an office development would pose a security risk to the Barracks.
- 6.55 An objector suggests that a cinema and art gallery could be included in the redevelopment, however, this is not what planning permission is sought for and the application has to be considered on its merits.

Developer Contributions

- 6.56 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. However, planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms provided that the obligations meet the tests outlined in the CIL Regulations. In this case planning obligations would not be sought as potential highway projects would not meet the tests set out in the CIL regulations at Regulation 122.

Planning Balance

Benefits

- 6.57 There will be economic benefits that could arise through increasing the amount of office space—both direct and indirect impacts, and temporary effects from employment during the construction period. This scheme is likely to have positive impacts but very localised ones for the economy and temporary ones in the case of construction works.
- 6.58 Another temporary benefit for 5 years could arise if the car parking area was made available to the public on the weekends, as it would assist in providing parking in a town where there is recognised pressure for parking. If this was a benefit that was considered to weigh in favour of the application, the description would need to be amended and the application re-advertised, although there are concerns over the monitoring and security if the car park is made open to the public. This element would also require a legal agreement to secure it as benefit.
- 6.59 The Borough's Employment Land Review from 2009 shows that there is an identified supply requirement for 85,900sqm of B1 office floorspace up to 2026. The emerging ELR is also indicating there is a requirement for a further supply of office floorspace. The proposal would provide a net addition of 2,455sqm which will assist in meeting the quantitative demand. In addition office demand has focused on new and good second hand space and the ELR notes that older stock is not in as high demand. The new office building would therefore go to meeting a demand and this is a benefit of the proposal.

Adverse Impacts

- 6.60 The main report sets out the adverse impacts of the scheme in detail. To summarise, these are the less than substantial harm caused to the character and appearance of the Conservation Area, and the adverse impacts on neighbouring residential amenity. In addition, no evidence has been submitted to justify why this scale of building is required, and why a scheme with less floorspace could not be provided, and so in weighing the benefits and adverse impacts of the scheme, there is nothing which supports the justification of why this scale of building is necessary.
- 6.61 The benefits of the scheme have been identified previously and include the provision of high specification office space, benefits to the local economy, and the potential to make the car park available to the public during weekends, public benefits also include the Optimum Viable Use (OVU). In terms of the OVU, it would appear that this relates more to proposals affecting the use of heritage asset, for example, a change of use of a listed building. The NPPG under the heading "What is a viable use for a heritage asset and how is it taken into account in planning decisions" seems to also infer that the assessment is based on the use of a building and the advice refers to heritage assets having a viable use. It further advises that where there are a range of alternative viable uses, the OVU may not necessarily be the most profitable one. It is therefore considered that the OVU is not relevant to this development. However, if the OVU was applied, the existing building is considered to have a neutral impact on the character and appearance of the Conservation Area. From this perspective it would be preferable to utilise the existing building compared to the proposed building which is considered to cause harm. No evidence has been put forward to show why the existing building could not be retained. The public benefits which would be mainly local ones and temporary that would not benefit the public at large are not considered to outweigh the less than substantial harm caused to the Conservation Area as required by paragraph 134 of the NPPF. The heritage qualities of Windsor are world-renowned

and these qualities should be preserved and where possible enhanced. Therefore any public benefits would need to be significant to outweigh the harm. The ones put forward by the applicant would not be significant. As the National Planning Policy Guidance (NPPG) advises public benefits need to be of a nature or scale to be of benefit to the public at large and should not be just a private benefit.

6.62 Paragraph 14 of the NPPF sets out that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF sets out guidance for decision making. Officers are not of the view that this proposed development is a form of sustainable development, as there is identified harm to the character and appearance of the Conservation Area, and the public benefits are not considered to outweigh this harm. As such the proposal is not considered to accord with Local Plan Policies DG1, CA2, P4, which are all considered to be consistent with the requirements of the NPPF and therefore relevant to the determination of the proposal.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 13th August 2015 (for development affecting the setting of a Conservation Area) and on the 10th September 2015 for as development affecting the setting of a Listed Building.

The planning officer posted a statutory notice advertising the application at the site on 6th August 2015.

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

Comments on originally submitted plans

Comment	Where in the report this is considered
1. Over development of the site.	6.5-6.15
2. Would adversely impact on views in the Conservation Area, of Listed Buildings, and at higher levels of Windsor Castle.	6.5-6.18
3. The building is not of a high enough design to preserve or enhance the character and appearance of the Conservation Area.	6.5-6.15
4. Conflict with paragraph 66 of the NPPF which expects development proposals to take into account the views of the community.	6.46
5. The proposed building with the larger amount of glazing in proximity to Lancaster House result in overlooking to this building and to the residential use on the upper floors of this building.	6.25 and 6.28
6. Considers the proposed building to be aesthetically pleasing, but has objections to the scheme (these matters set out in this table).	Noted.
7. Questions the need for additional office space, when there is so much office space in Windsor that is vacant.	6.47
8. Concerns over the impact on the work life of an occupier in one of the flats at Victoria Court as they work from home.	6.48

9	A couple who live in a flat in Victoria Court are in their mid 30s and do not have children, but are planning to. They do not have sufficient funds to move if required. If the demolition and construction is allowed, they would be unable to have a child for the duration of the works as it would be clear that noise, dust and debris caused by such a large proposal would curtail their family plans.	6.48
10	The construction works would prevent an ill mother staying at the flats in Victoria Court.	6.48
11	Concerns over traffic flow and the danger to highway safety.	6.30-6.38
12	Concerns over construction workers on site looking into the windows of flat 8, Victoria Court.	6.48
13	Concerns that the demolition and construction period would adversely impact on the personal life of occupiers in the flats of Victoria Court.	6.48
14	Concerns over how you demolish such a large part of a building without adversely impacting on the adjoining flats in Victoria Court.	6.49
15	Parking for Victoria Court is provided under the building; where would residents park during construction?	6.50
16	Concerns over traffic construction during construction, and post development.	6.48
17	The proposed office building does not relate well to the flats at Victoria Court which are to remain.	6.5-6.15
18	The development will devalue the prices of properties In Victoria Court.	6.51
19	The development would adversely impact on the bedroom windows to flat 2 Victoria Court, it would cover their windows and block out light and air.	6.27
20	Concern over the loss of daylight and privacy to flat 9 Victoria Court.	6.19.6.22
21	This proposed development is gross overdevelopment.	6.5-6.15
22	Inadequate consultation was undertaken with neighbours before submitting the planning application.	6.46
23	Noise, dust, and severe vibration will be the primary concerns during both the demolition and groundwork construction phases.	6.48
25	Planning policy is said to favour a maximum of 3 storeys and Saxon House opposite Thames has just 3 storeys so if this application is granted it should be on the basis of it comprising 3 storeys and so being no higher (or fractionally so)	6.52
26	When Thames Court was constructed in 1983 they had a client (Price Waterhouse now PriceWaterhouse Coopers (PwC)) a multinational professional services firm with revenues of US\$ 34 billion who had agreed, in advance, to lease the entire building. Unless the current freeholder has a similar settled arrangement the likelihood of their leasing this building to anywhere near capacity is little beyond mere unsubstantiated hope and expectation.	Noted.
27	Reports from economists and their like have a long and disreputable record of unreliability as they are barely capable of accurately forecasting that night will follow day let alone anything less certain.	Noted.
28	The parking would be reduced even though the building will substantially increase in floorspace. This goes against planning policy and common sense.	6.30-6.38

29	The proposed parking arrangements would not work for future workers of the office, or for residents in Victoria Court.	6.30-6.38
30	If permission is granted a condition should be applied to ensure that there will be two-way vehicle traffic in and out of the new building with separate barriers or security gates for entrance and egress as the present drawings are unclear on this aspect.	6.30-6.38
31	Development would adversely impact residential properties in Victoria Court and Lancaster House, through being overdominant.	6.26-6.29
32	Whilst the existing building is of no particular merit it is far less intrusive than the proposed larger building due to the fact that it has a more traditional formulation with 5 Victoria Street being essentially a separate unit that respects the existing buildings in the general area.	6.5-6.15
33	The immediate area is characterised by most buildings not being above 3 storeys in height rather than the five storey building offered.	Noted.
34	The local planning authority (LPA) also needs to remember that it was they who forced amendment of the original [circa 1980] proposals by demanding that an "all-office (commercial) building" was not acceptable to them, and provision for a residential element (then planned to be called Victoria House) was the condition imposed for planning consent to be granted for the construction of what became Thames Court. Therefore, this reality needs to be acknowledged and the best way of doing so is to give greater, sympathetic, but not overwhelming, consideration to the residents' legitimate interests even if some of them are, inevitably, very personal.	Noted.
35	If the site must be redeveloped the 'footprint' needs to be scaled back to the existing with no more than 3 storeys permitted and the general design 'softened'.	Noted.
36	This will worsen the traffic in this part of Windsor which is already a problem.	6.30-6.38
37	Further increase in noise will adversely impact residents.	6.48
38	The proposal will stop sunshine going to the roof terrace of the Corner House (public house), and this will prevent people using this outdoor space.	6.53
39	The increase in size to the Barracks will pose a security threat to the Barracks.	6.54
41	The proposal would significantly reduce light to most flats in Victoria Court.	6.19-6.23
42	The proposed building would overshadow buildings of significant architectural merit such as Hadleigh House and the Corner House.	6.16-6.18
43	The building is featured in 'A Portrait of Windsor' by Mark Stenning.	Noted.
44	Residents of Victoria Court would not be able to access their vehicles.	6.50
45	There are not currently enough parking spaces for the existing office.	Noted.
46	Concerns over the proposed access- it would lead to major delays for access and egress.	6.30-6.38
47	The plans would completely alter the public space at the junction of Victoria Street and Sheet Street. This would create a dangerous situation for drivers at this point.	6.30-6.38
48	Would not be able to rent their flat in Victoria Court during the construction period and this would result in financial hardship.	6.48
49	Residents would have a longer carry distance for bins with the vehicular access being moved.	6.38
50	Strongly opposes the development, but if approval is given wants the following to be noted:	Noted, however, these are all

	<ul style="list-style-type: none"> □ Any change in the appearance of the office part of the building should, with the permission of all Victoria Court Leaseholders, be replicated in the residential part of the building i.e. new wall cladding and the applicant should finance this □ Leaseholders of properties in Victoria Court who rent out their properties should be financially compensated for loss of earnings during construction □ The proposer should pay for new double or triple glazed windows in Victoria Court □ Measures should be put in place so that occupiers of the flats can access their cars □ Areas should be cleaned regularly during demolition and construction phase □ Financial retainer should be put in place by the proposers for at least 10 years following construction. 	private matters and not relevant to the planning consideration.
51	With existing office spaces in Windsor empty and some being converted into residential sites (for example Elizabeth House just meters away on Sheet Street), I do not feel there is evidence of demand to support such an increase – developing this area does not guarantee tenants.	6.47
52	Whilst I do not object to an office being developed in a modern and attractive way, I am concerned that the extent of this (as outlined in the proposals) sets this building at odds with the surrounding areas. The aesthetics of the glass building are not in keeping with the 80's style of the adjoining flats and, I argue, is not appropriate for this location – Windsor Town Centre, a Conservation area.	6.5-6.15
53	The current proposal is vastly different from the existing site and I see no “reference” in designs to the style in which it was intended.	6.5-6.15
54	Concerned that reducing the number of spaces and relying on the implementation of a chaotic “buddy scheme” will only add to the parking problems, particularly as the number of employees is likely to increase with the almost doubling of the office space.	6.37
56	Considers the proposed building would overlook the windows of the flats of Victoria Court	6.24-6.25

Comments on Amended Plans and additional information

Comment		Where in the report this is considered
1.	Considers the scheme will block out natural light to the bedroom of flat 2 Victoria Court.	6.19-6.23
2.	Scheme is overdevelopment which affects important views in the Conservation Area, the setting of Listed Buildings and at higher levels of the Castle.	6.5-6.18
3.	Concerns over the loss or parking spaces and the proposed arrangement.	6.30-6.38
4.	The proposed building with the larger amount of glazing in proximity to Lancaster House result in over looking to this building and to the residential use on the upper floors of this building	6.25
5.	The daylight and sunlight assessment shows the reduction in light to Victoria Court and Lancaster House which is unacceptable.	6.19-6.23
6	The development would overlook and be completely overbearing to	6.28

	the residential use of Lancaster House. The south west corner of the building only stands 1.5 off Lancaster House.	
7	The revised proposal is still an overdevelopment of such a small site. The latest proposal is only 47 m2 smaller than the original plans, an insignificant change. The new site provides a 92% increase in gross internal area – from 2662m2 to 5117m2.	6.5-6.15
8	Do not feel that there is evidence of demand to support such an increase; development of the site in this way does not guarantee tenants or the creation of new jobs.	6.47
9	Still concerned that the design of the building is at odds with surrounding buildings.	6.5-6.15
10	Concerns that the proposed parking layout will prevent occupiers of Victoria Court from accessing the parking spaces.	6.50
11	The suggestion by the applicant that the car park could be used by the general public is an ill thought out proposal. Who would manage such an arrangement, and how could the public be prevented parking in the spaces of Victoria Court?	6.37
12	Major concern over the structural works required.	6.49
13	The proposal would replace one ugly building with another ugly building	6.5-6.15
14	Considers a cinema, a petrol station and an art gallery could be included in the office redevelopment.	6.55
15	Concerns remain over the impact on the personal life and work life of occupiers of Victoria Court during the construction period.	6.48
16	Writes on behalf of their neighbour in Victoria Court who is elderly and in ill health, and is very stressed by this proposal.	Noted.
17	Question remains over necessity of this office space.	6.47
18	Impact on property values.	6.51
19	The amended plans were a waste of time, with minimal changes.	Noted.
20	Adverse impact on outlook from the flats of Victoria Court.	6.27
21	The employment information submitted is made up	Noted.
22	Objects to the proposal to make the car park available to the public on the weekends- it would breach the rights of the lease and would create security issues.	6.37
23	There are no public advantages from this proposal, despite what the economic assessment claims.	6.61

Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	<p><u>Original Comments</u></p> <p>The existing 1970s office block on the site has a neutral impact on the character and appearance of the Conservation Area. Whilst not of particular architectural merit, it addresses the junction of Victoria Street and Sheet Street, a key focal part in this part of the Conservation Area. Its scale and modelling help the transition between the fine grain of traditional terraces to the north and the more open grain with lower scale buildings to the south. The proposed office development is of a much greater scale and mass than the existing building, paying little heed to its context. It is overly bulky, with very little modelling to relive its mass. It would</p>	6.5-6.18

dominate the street scene along Victoria Street and Sheet Street. The design does not adequately address the junction and it would erode the quality of the townscape here.

Although no assessment of the character of this part of the Conservation Area has been submitted, it is evident that the proposed development would cause some harm to the character and appearance. No evidence is submitted to justify the scale of development, not are any public benefits expressed. Historic England recommends a better assessment of the significance of this part of the CA is submitted; the scheme revised to reduce its harmful impact and that the opportunity is take to enhance the CA.

Comments on Amended Plan and Additional Information

The amendments have sought to overcome our previously-stated concerns and this is to be welcomed. However, only some of the issues have been addressed and these only partially.

The site analysis does not assess the heritage significance in any way, as required by para. 128 of the NPPF.

The reduction in height is minimal, a full storey would need to be omitted to make the reduction meaningful. The same applies to the setting back from the Victoria St frontage – this is a marginal improvement only. These amendments do not make an appreciable difference to the overdominant scale of the building.

The junction of Victoria St and Sheet St remains awkward. This is a very important part of townscape and there exists an opportunity to enhance this area. This is a material consideration in accordance with para. 131 of the NPPF.

The verified views are to be welcomed. However, we do not agree with all the conclusions, which appear to be subjective. A proper assessment of the visual impact on heritage assets should include reference to a baseline assessment of significance in order to substantiate assertions that the impact is beneficial. Also, especially with regard to viewing position 6, it should be acknowledged that views into and out of a conservation area are material considerations. The *setting* of the conservation area is important as well.

Historic England remains of the view that the proposed building should be reduced in height and bulk. We recommend that the opportunity is taken to enhance the junction of Victoria St and Sheet St so that it makes a positive contribution to the conservation area. This amended design still causes harm to the significance of heritage assets. If minded to approve this application the local authority should satisfy itself that there are public benefits which outweigh this harm.

Highways	<p>Revised Parking Proposal</p> <p>The scheme now proposes 38 spaces with 4 cars parked in tandem. This level of parking provision for the size of the development is not considered acceptable.</p> <p>In support of this level of parking provision the Highway Authority expected the Travel Plan to include robust tangible measures and targets to reduce the impact of the development on the highway network. Based upon occupancy levels of 12.7m² the new development could accommodate 342 employees.</p> <p>The 2011 Census Data, referred to in the applicant's Transport Assessment, 56% of staff drive (average for Windsor Town Centre), which in this instance could potentially lead to 192 cars attracted into Windsor Town Centre.</p> <p>Details of the Travel Plan targets are listed in the following table.</p> <p>Table 3.1: Travel Plan AIM Targets</p> <table border="1" data-bbox="502 824 1241 1086"> <thead> <tr> <th rowspan="2">Target</th> <th rowspan="2">Indicator</th> <th colspan="5">Mode Split</th> </tr> <tr> <th>Baseline Year 0</th> <th>Year 1</th> <th>Year 2</th> <th>Interim Year 3</th> <th>Final Year 5</th> </tr> </thead> <tbody> <tr> <td colspan="7">Staff</td> </tr> <tr> <td>Achieve a 5% decrease in single occupancy vehicle trips for staff per year for the first 3 years.</td> <td>Modal split monitoring surveys for SOV use</td> <td>56%</td> <td>50%</td> <td>45%</td> <td>40%</td> <td>To be decided at a later date with RBWM</td> </tr> </tbody> </table> <p>This clearly suggests that the current proposal is unsustainable and would have severe impact upon traffic flows in the town centre and the viability of the public car park.</p> <p>Therefore, based on the above the Highway Authority cannot support the application.</p>	Target	Indicator	Mode Split					Baseline Year 0	Year 1	Year 2	Interim Year 3	Final Year 5	Staff							Achieve a 5% decrease in single occupancy vehicle trips for staff per year for the first 3 years.	Modal split monitoring surveys for SOV use	56%	50%	45%	40%	To be decided at a later date with RBWM	6.30-6.38
Target	Indicator			Mode Split																								
		Baseline Year 0	Year 1	Year 2	Interim Year 3	Final Year 5																						
Staff																												
Achieve a 5% decrease in single occupancy vehicle trips for staff per year for the first 3 years.	Modal split monitoring surveys for SOV use	56%	50%	45%	40%	To be decided at a later date with RBWM																						
Local Lead Flood Authority	<p><i>The proposed surface water drainage strategy outlined in the Surface Water Drainage and SuDS Assessment accompanying this application indicates that permeable paving and tank storage, with a flow control system, will be provided to limit surface water runoff to 5 l/s for all storm events up to and including the 1 in 100 year plus climate change event. In principle this is acceptable.</i></p> <p><i>The submitted calculations and outline drawings also indicate the provision of adequate storage to be practical.</i></p> <p><i>The Lead Local Flood Authority would therefore have no objection to the proposed development subject to the conditions for a detailed design of the surface water drainage system to be submitted and approved.</i></p>	6.44																										

Other consultees and organisations

Consultee	Comment	Where in the report this is considered

Windsor and Eton Society	<p>Objects. Regus House occupies a focal point in the Inner Windsor Conservatin Area and the junctions of Victoria Street and Sheet Street. Any building replacing the existing one should enhance the area. The existing building does not have any particular architectural merit, however the 5 storey building proposed is totoally misconceived. The design is not suiable for the centre of Windsor. The building would dominate the nearby Listed Buildings and detract from their settings, particualry Hadleigh House.</p> <p>They are unable to see that the bulding would not comprimise local views, especially that of the Castle.</p> <p>Questions why this much office space is needed , when so many offices in the town are being converted to residential.</p> <p>The proposal will harm the character and appearance of the Conservation Area. The application does not comply with the NPPF.</p> <p><u>Comments on amended scheme</u></p> <p>Consider the changes to the plans are of little consequence. The floorspace has been reduced to 5,117 sq m from 5,168 sq m. This compares with 2,662 sq m for the present building. View 1 of the verified views shows the truly massive scale of the proposed building. The changes are insufficient for us to take a different view to the one originally expressed. We urge for the application to be refused.</p>	6.5-6.18
Tree Officer	<p>There are no trees on site and no opportunity for tree planting either under the exiting scheme or proposed. I therefore have no objections to the proposal, as the site is already heavily developed. However, it should be noted the current extent of low level planting in raised borders will be reduced in scale should the proposal be implemented. This will give the development a harder appearance compared with existing.</p> <p>If you are minded to grant planning permission then a landscaping condition should be applied.</p>	Noted.
Council's Ecologist	<p>During the preliminary ecological appraisal, the applicant's ecologist concluded that the buildings on site may have the potential to support roosting bats. Further bat survey of these buildings was recommended by the applicant's ecologist within the report but these surveys were not originally submitted with this application. As bats and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications, further survey for bats was requested by the Local Planning Authority. These have now been provided by the applicant.</p> <p>Both buildings on site were subject to a detailed inspection, in particular the aspects of the building that were originally identified to be suitable to support roosting bats. Following detailed examination of potential roosting sites, the buildings were recorded as having negligible potential to support</p>	6.41

	<p>roosting bats. The applicant's ecologist has recommended that a precautionary approach to works at the site is adopted, including soft demolition of the buildings and should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice is incorporated in a suitably worded condition or informative note.</p>	
Berkshire Archaeology	<p>The application site lies just outside of the historic medieval core of Windsor. Sheet Street was an important thoroughfare leading south from the medieval town and began to be developed from the early post-medieval period onwards. While the site therefore has a modest archaeological potential, it has been substantially developed with the construction of the current office building in the 1970s and housing prior to this. The application plans show the proposed new building substantially on the footprint of the existing building, which is to be demolished. Car parking to the rear is to remain as is. It is also noted that the existing component of the structure on the Sheet Street frontage is to remain.</p> <p>On this basis, Berkshire Archaeology is content, on balance, that there are no implications for the buried archaeological heritage from this proposal and therefore no further action is required.</p>	6.45
Council's Conservation Officer	<p>The application fails to properly assess the significance of Windsor Town Centre Conservation Area and the impact of the proposal on that significance. This makes assessing the impact of the proposal far less clear than it could be.</p> <p>The demolition of the existing office blocks does not raise objections. However, the proposed new building would appear to cause harm to the character and appearance of the conservation area, and hence its significance, because the scale is at odds with its context as appreciated from various view points, its unbroken mass along Victoria Street which fails to successfully incorporate characteristic building plot widths and variety across the street elevations and the awkward junction of the proposed office with the existing residential building along Sheet Street.</p> <p>The proposal fails to take the opportunity to make a positive contribution to local character and distinctiveness and fails to sustain and enhance the significance of the conservation area.</p> <p>There are no overriding public benefits set out within the application that would outweigh the harm that would be caused by the scheme.</p>	6.5-6.18

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Elevations
- Appendix C- Proposed Floor Plans
- Appendix D- Approved floor plan under 15/02665/FULL

Appendix E- Plans from Daylight and Sunlight Review

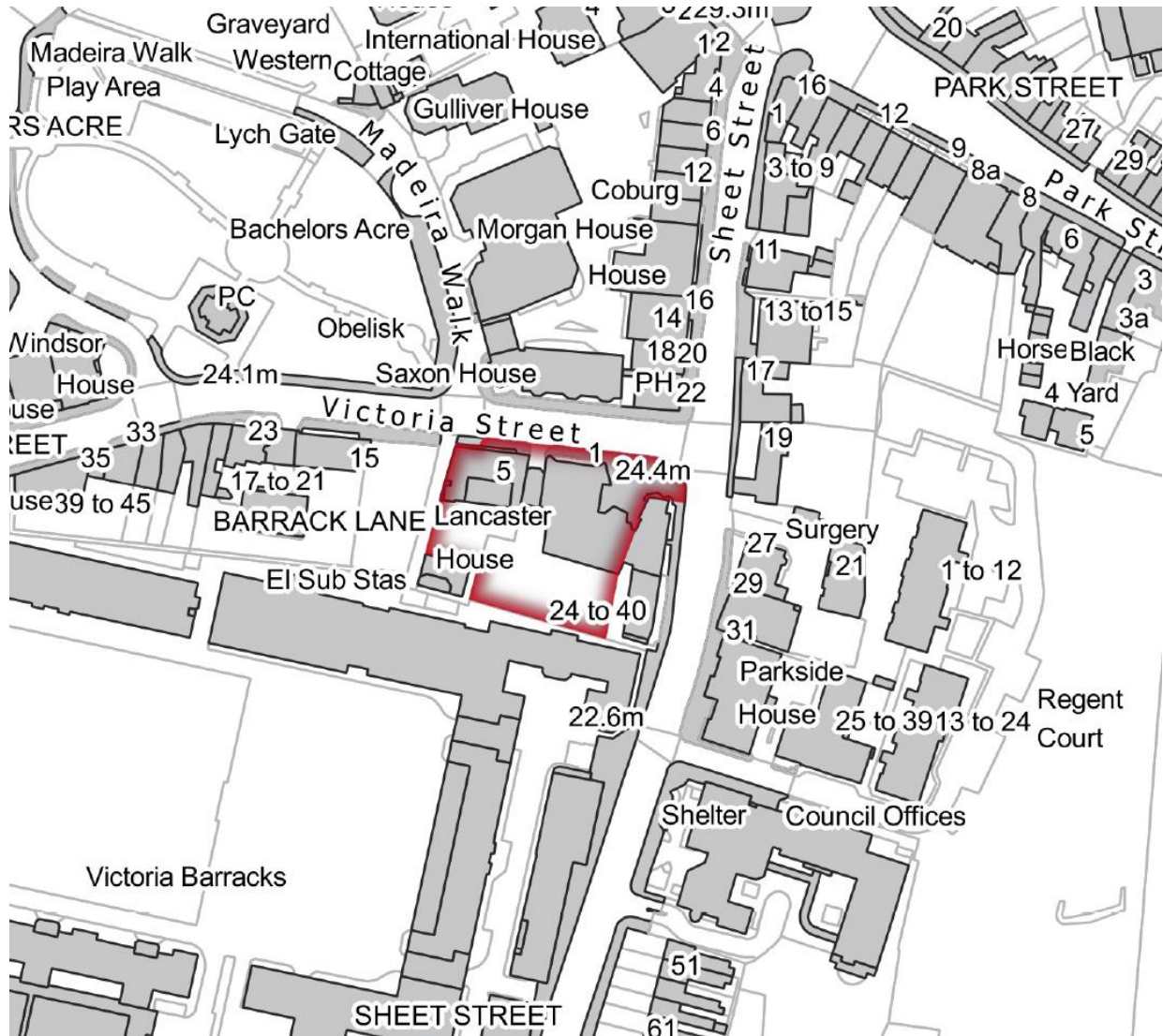
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have not been successfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal owing to its combined height and mass set close to the road would be out of keeping with the size of surrounding properties and as such the building would appear overdominant and incongruous, resulting in adverse impact on the streetscene and character and appearance of the area. The scale of the building will be reinforced by the large glazed openings which are not in keeping with the local vernacular. The proposal would result in less than substantial harm to the character and appearance of the Conservation Area, and the public benefits identified are not considered to outweigh this harm. The proposal is considered to conflict with Paragraph 134 of the National Planning Policy Framework and with Policies DG1(3) and Policy CA2 (1, 2 and 3) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).
- 2 The proposal would result in unacceptable overlooking and overbearing impact to the balcony of Lancaster House. The proposal would also result in an unduly overbearing impact to the outlook to bedroom windows in Victoria Court, labelled W6/ground, W7/ground, W6/first and W7/First on the plan included within the Daylight and Sunlight Review. As such the proposal is considered to conflict with Paragraph 17 of the National Planning Policy Framework in that it fails to secure a good standard of amenity for existing occupants of the neighbouring residential properties.

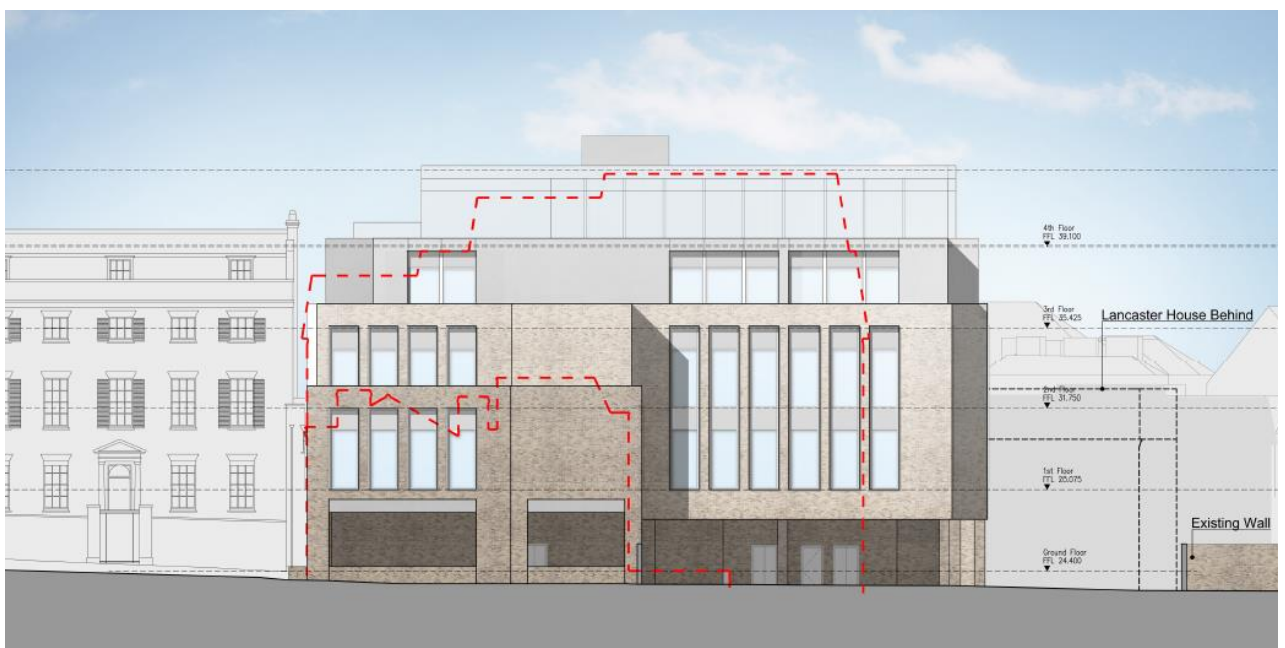
Appendix A- Site location



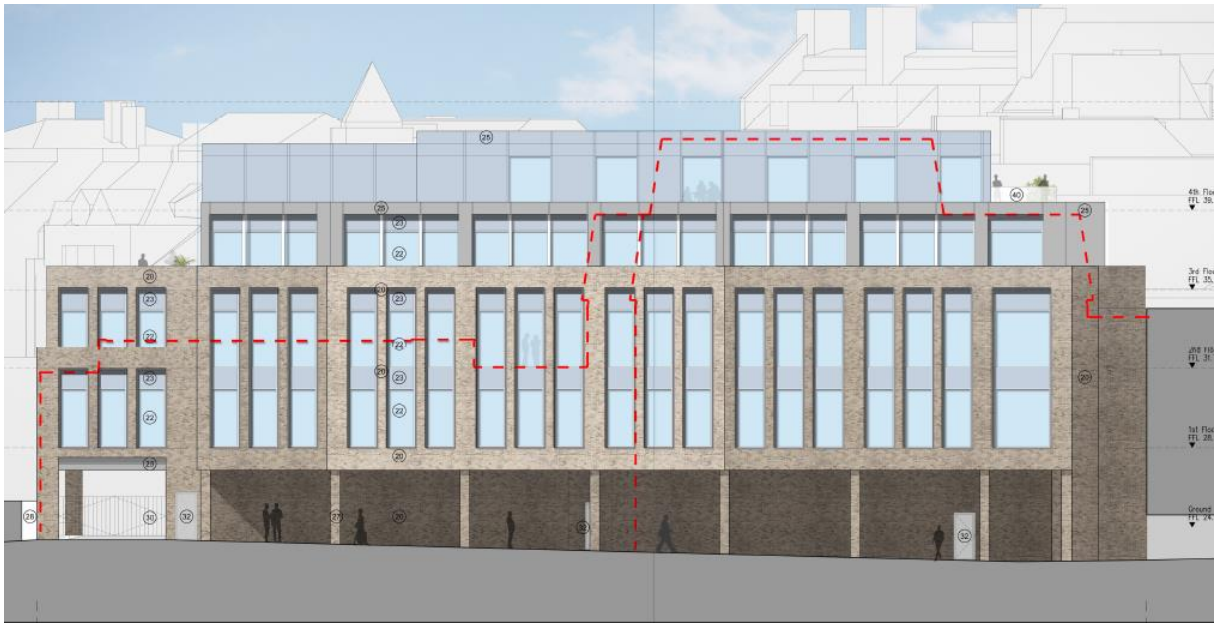
Appendix B- Proposed Elevations



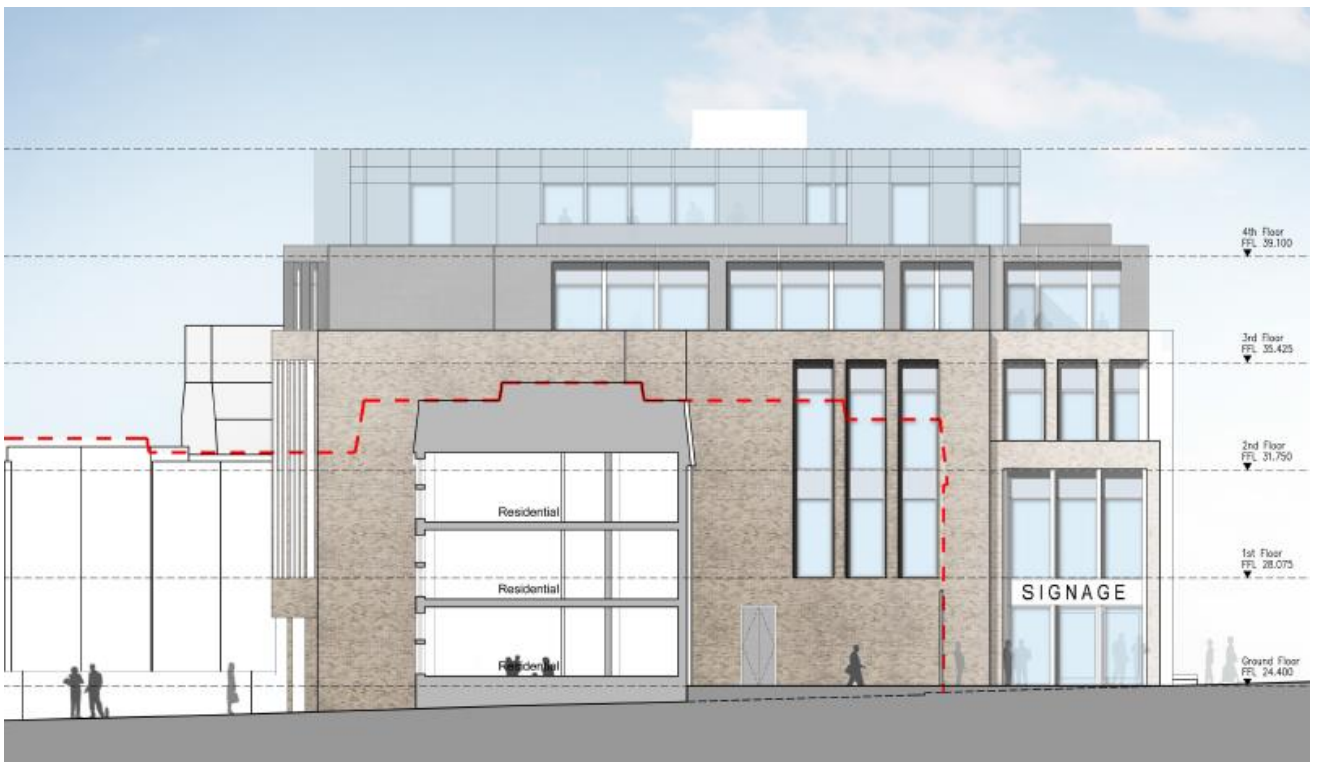
Proposed North Elevation – Victoria Street



Proposed West Elevation – Facing 13-15 Vitoria Street

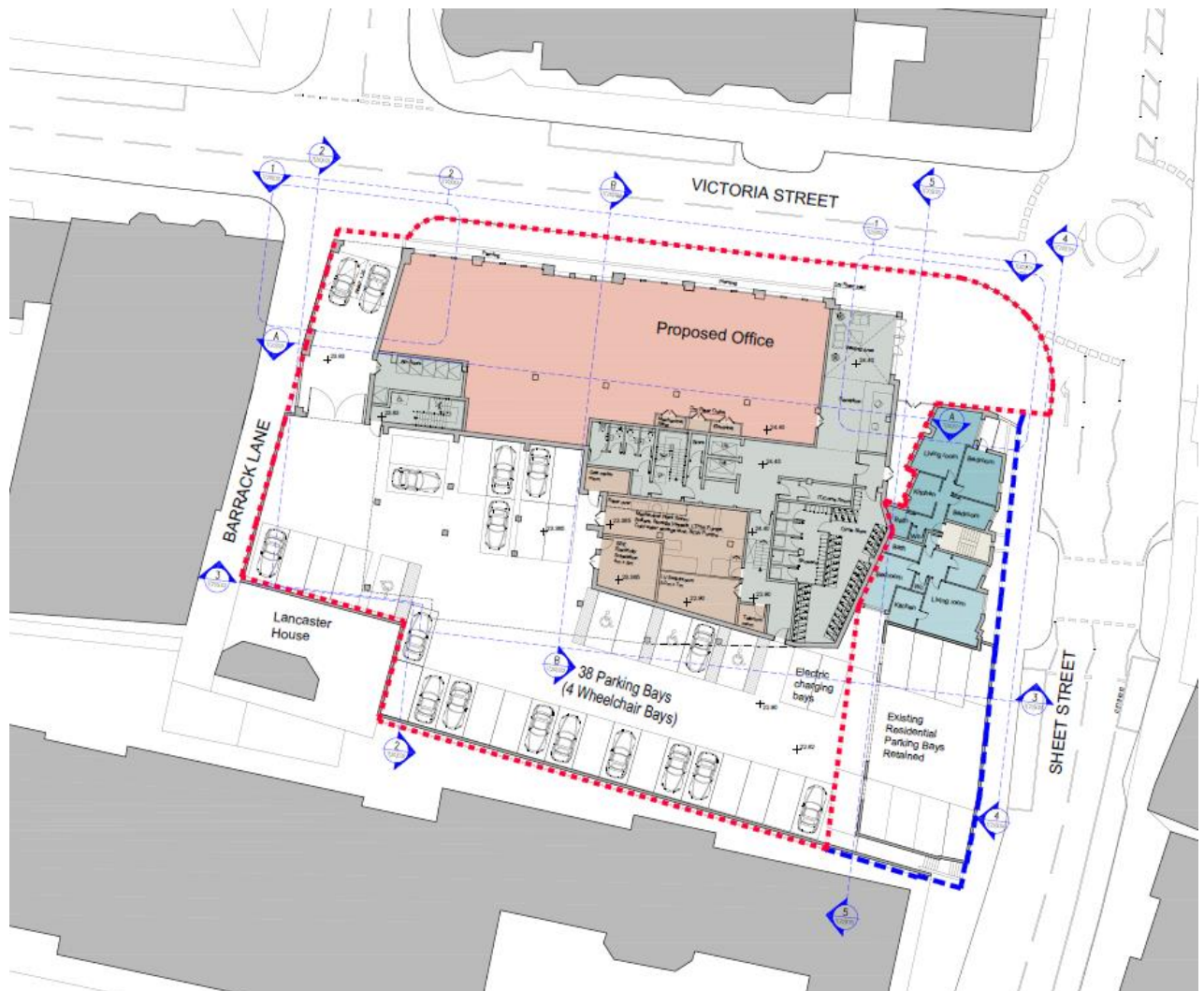


Proposed South Elevation- rear elevation



Proposed East Elevation- facing Sheet Street

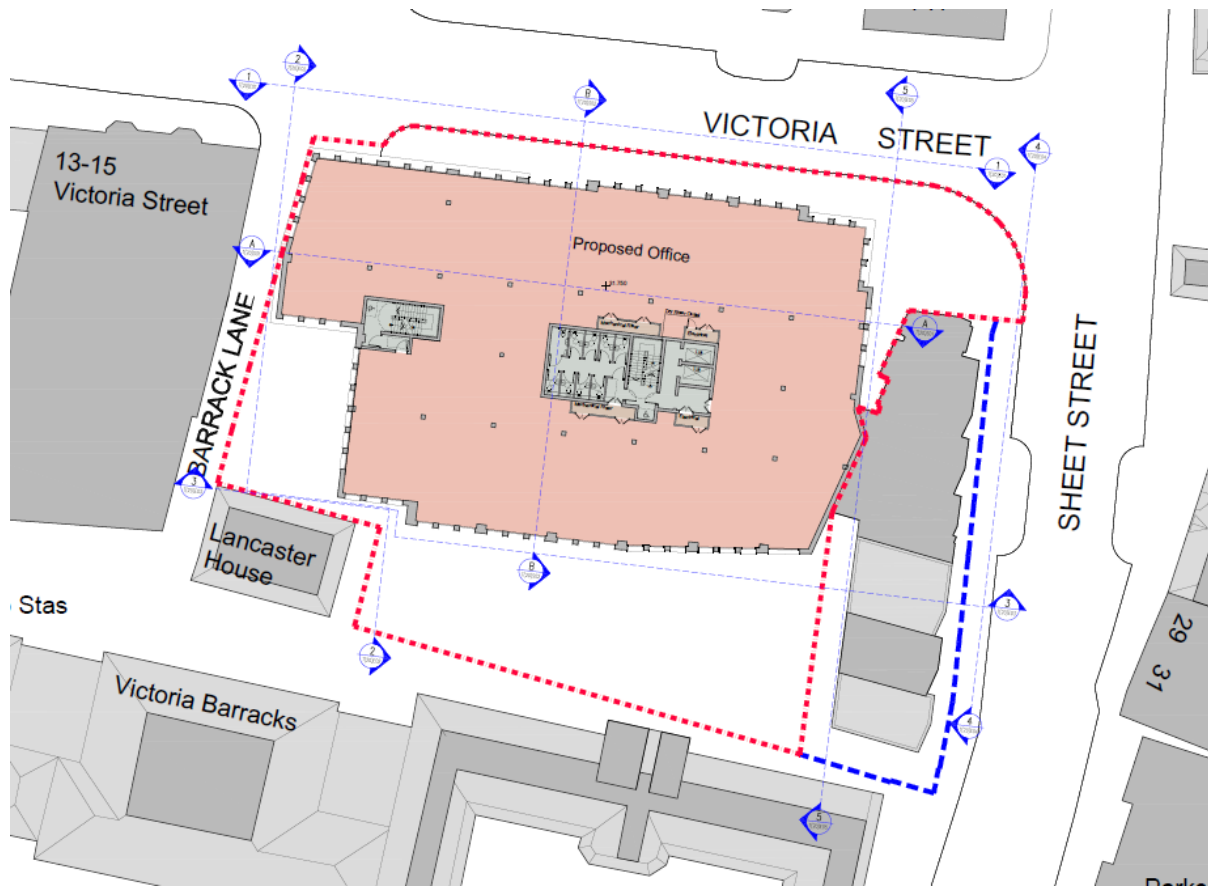
Appendix C- Proposed floor plans



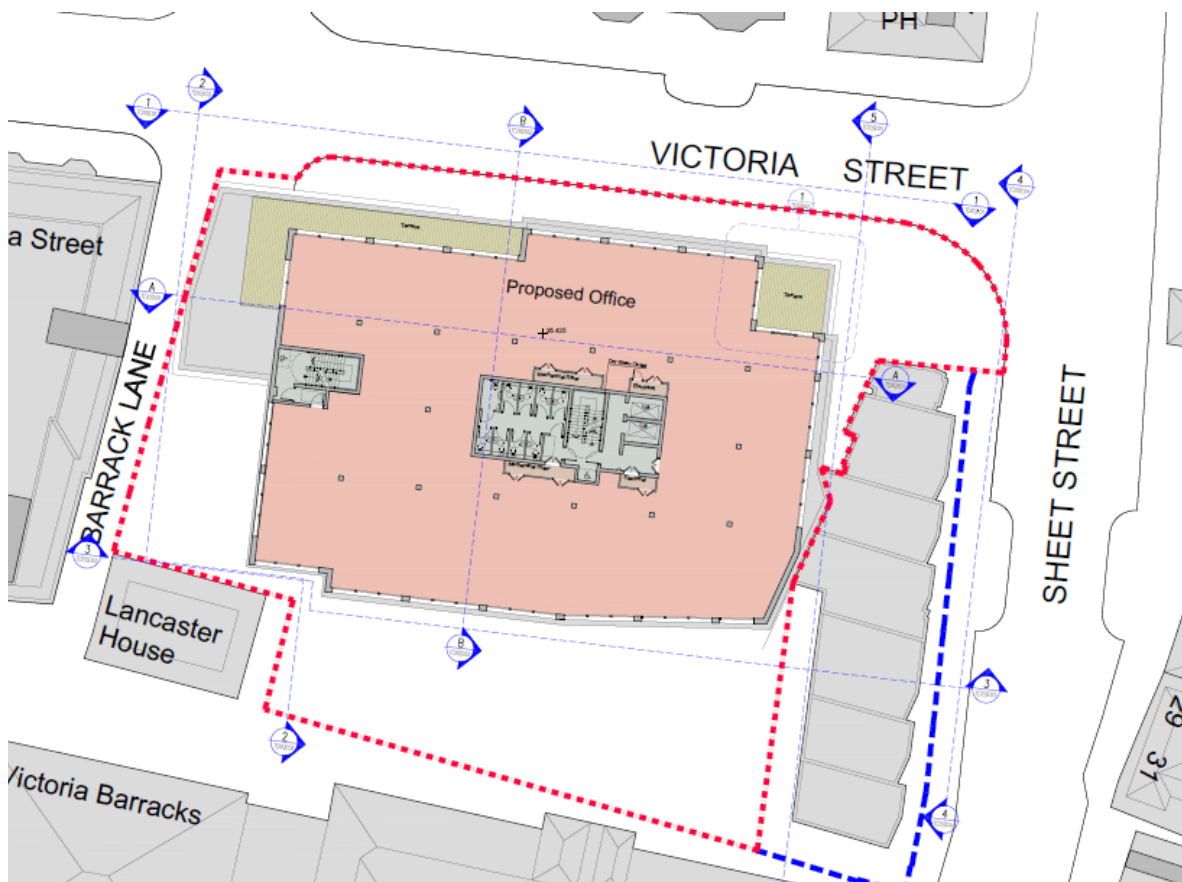
Proposed ground floor



Proposed first floor



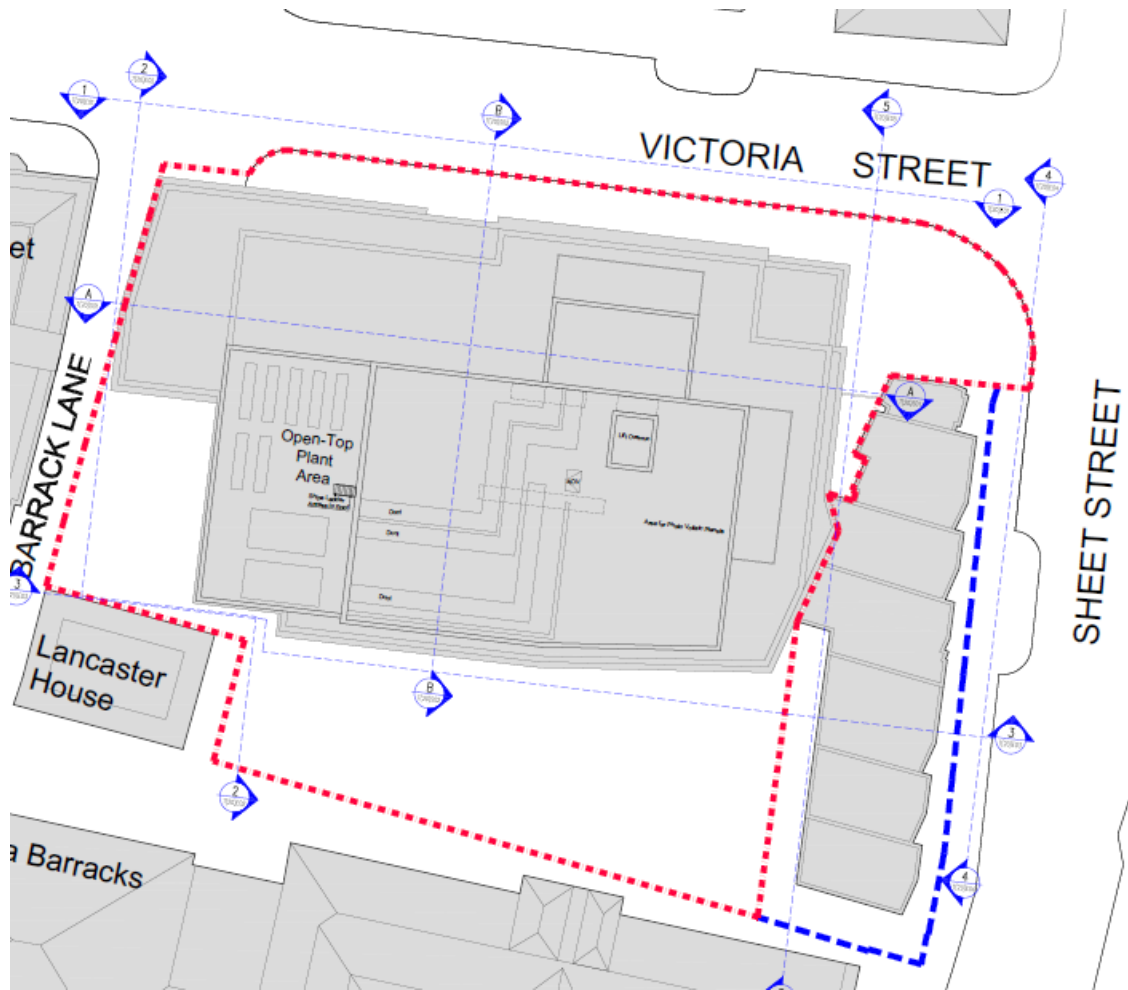
Proposed second floor



Proposed third floor

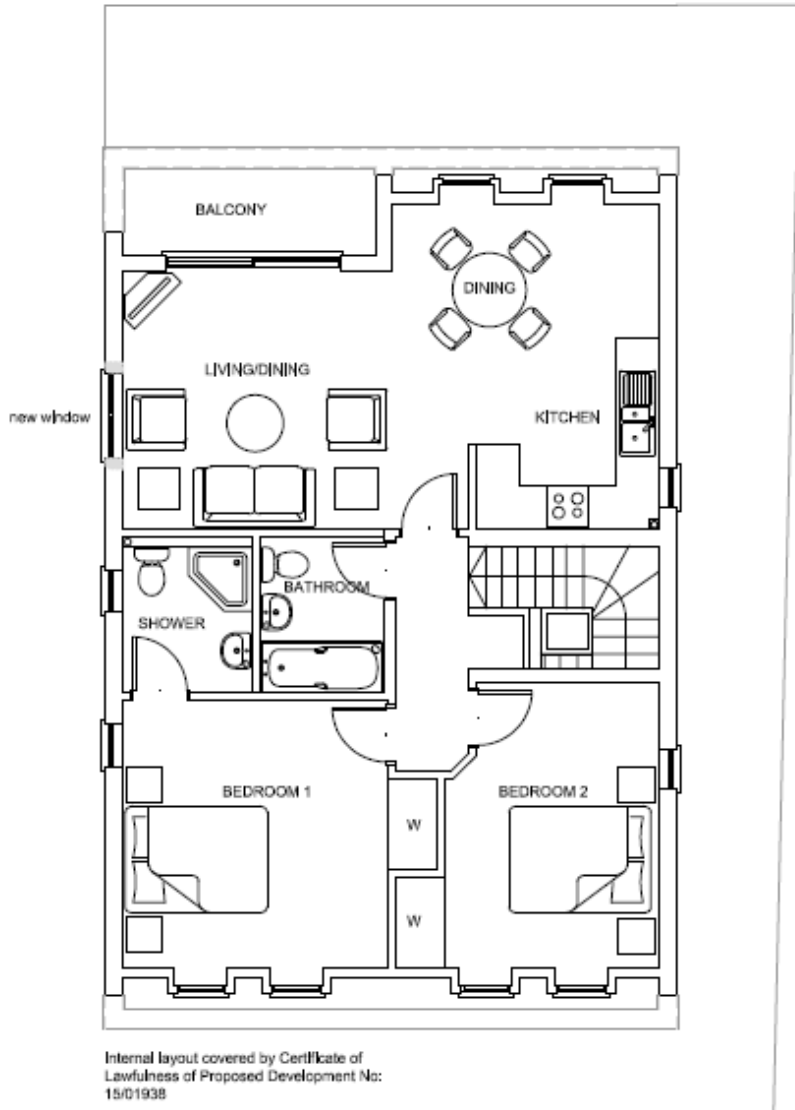


Proposed fourth floor

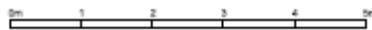


Proposed roof plan

Appendix D- Approved layout plan at Lancaster House



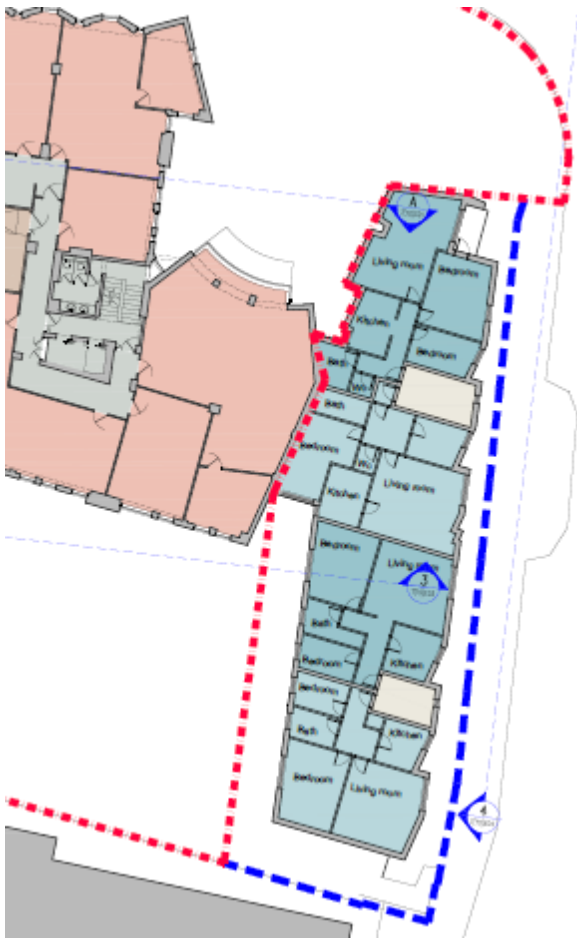
SECOND FLOOR PLAN



Appendix E- Plans from Daylight and Sunlight Review



Windows in Victoria Court



Layout of Victoria Court

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 May 2016

Item: 2

Application No.:	15/03135/FULL
Location:	Datchet Mead Cottage 145A Slough Road Datchet Slough SL3 9AE
Proposal:	Construction of 9 dwellings; 2 x two beds, 2 x three beds and 5 x four beds following demolition of existing dwelling. Associated landscaping and parking
Applicant:	Howarth Homes Plc
Agent:	Mr Sam Tiffin - Progress Planning
Parish/Ward:	Datchet Parish

If you have a question about this report, please contact: Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is located at the northern end of the excluded settlement of Datchet, immediately adjacent to the Green Belt. Subject to providing appropriate landscaping it would provide an acceptable mix of dwelling sizes in a common building style which incorporates features of the Georgian dwellings located within other parts of Datchet. While this is quite a dense development for a village-edge location, it is noted that opportunities for new housing in Datchet are limited. The detailed layout of the scheme has evolved since the application was submitted, and includes provision of a native hedge on the Green Belt boundary and between the rear gardens of the houses adjacent to this boundary, so ensuring a soft edge to the development and an acceptable transition from the building form within the settlement area to the open countryside adjacent to the site. The design of the houses is acceptable, and largely coincides with the footprints of the houses in an extant permission for four larger dwellings. For reasons related to landscape character which are explained in the main discussion in this report, it is intended that key hedgerows will be protected in a section 106 planning obligation, which sets out obligations for retention and any replacement of the hedge.
- 1.2 The application exceeds the 0.5ha threshold at which policy H3 requires affordable housing to be provided, and in order to meet this criterion a proportion of the dwellings would need to be provided as shared-ownership properties. This would be provided for in a section 106 planning obligation.
- 1.3 The site is in a floodable area. A safe flood escape route can be provided, and in view of this and the planning history of the site, the Environment Agency has not objected to the proposal. The application has provided a sequential test assessment of other sites which demonstrates that the development is needed to help meet the Borough's housing need. In order to be fully acceptable the application must also meet the "exceptions test" requirement, and this remains to be fully demonstrated.
- 1.4 One issue remains to be fully resolved in regard to protected wildlife. Surveys have been carried out, including the first of two emergence surveys for bats in the existing derelict dwelling at the site. A second emergence survey is scheduled for early June, and this would need to demonstrate that the development can be carried out without adversely impacting bats before planning permission can be granted.

It is recommended the Panel authorises the Borough Planning Manager:

- | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | To grant planning permission subject to demonstrating that there will be no unacceptable impacts on protected wildlife that cannot be properly mitigated and on the satisfactory completion of an undertaking to secure affordable housing and the retention of boundary hedges necessary to retain the rural edge character of the site, and with the conditions listed in Section 9 of this report. |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2	To refuse planning permission if it cannot be demonstrated that significant impacts on protected wildlife can be mitigated, and / or because a satisfactory undertaking has not been completed by 30th June 2016, for the reason that affordable housing would not be provided and that the proposed development would not secure landscape improvements necessary to prevent adverse impacts on the character of the area.
---	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of about 0.53 hectares (0.47 ha excluding the access road) near the northern end of Datchet, which contains a now-derelict single dwelling. The site is located to the rear of 139 -145 Slough Road. Number 145 being the Datchet Mead Hotel, and is accessed via a private road between the Hotel and number 143. The site is not within the Green Belt but it is located at the edge of the settlement.
- 3.2 The site is largely undeveloped in that most of the land to the rear (south) of the cottage is laid to grass, and there is no landscape planting (other than scattered trees) on or close to the site boundaries. The site is identified in the Townscape Assessment within a Leafy Residential Suburban area, while the immediately surrounding countryside is classified in the Landscape Character Assessment as a Settled Farmed Floodplain.
- 3.3 The site and its access are located in Flood Zone 2, with the south-western corner of the site in Flood Zone 3. However, a larger part of the site is within the area that would become Flood Zone 3 with future climate change.
- 3.4 Numbers 143 and 145 Slough Road both have extant planning permissions for the development of apartment buildings, each to accommodate 12 flats.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to demolish the existing dwelling and build six detached and three terraced houses, all designed in a stylistically similar Georgian or Regency style. Car parking would be provided both within garages and externally.
- 4.2 The existing access lane, which is located between numbers 143 Slough Road and the Datchet Mead Hotel, has been widened in commencement of an extant planning permission dating from 2011. This lane would be extended further into the property to serve the new dwellings, close to the rear boundaries of 141 - 143 Slough Road (including 'Westfield', which is located between numbers 141 and 143). Houses in the development would be located to the rear of five adjacent properties in all, including 139 and 139A as well as 141 - 143.
- 4.3 The site has the following relevant planning history:

Ref.	Description	Decision and Date
10/02486/FULL	Construction of 4 detached dwellings with 3 attached garages and one detached garage, including entrance gates, following demolition of existing.	Permitted, 17.06.2011. Following approval of conditions details (as in the next line of this table) the application was commenced by formation of the access road, so that this permission

		is considered to be extant.
12/03289/CONDIT	Details required by condition 3 (materials), 4 (acoustic insulation) and 5 (programme of archaeological works) of planning permission 10/02486 for the construction of 4 detached dwellings with 3 attached garages and one detached garage, including entrance gates, following demolition of existing.	Details approved, 15.01.2013
14/01778/FULL	Erection of 6 dwellings following demolition of existing	Refused, 01.08.2014

4.4 The 2010 permission is considered to have commenced because following the approval of its pre-commencement conditions as noted above, the driveway into the property was widened and formed in accordance with the approved plans. Section 106 contributions required on commencement have also been paid. The permission is therefore considered to be extant.

4.5 The 2014 application was refused for the following reasons:

- 1 *The scale, massing and number of proposed dwellings in conjunction with the extent of hardstanding between Plots 3, 4, 5 and 6 would have a detrimental and unsympathetic impact on the character and amenity of this edge of settlement site, resulting in the overdevelopment of the site in a way that would be out of keeping with the spacious character and pattern of development in the area. The proposal therefore fails to comply with advice contained within the National Planning Policy Framework and with Policies H10, H11, DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).*
- 2 *The proposal does not contribute to the mix of housing types that is needed to ensure the continued sustainability of the social fabric of the local community. In addition, although for the previous permission it was agreed that affordable housing did not need to be provided as part of the proposal, in formulating a proposal for six houses at this site it is considered that this should be revisited in order to ascertain whether a proportion of shared-ownership houses could and should be developed at the site. Without a mix of smaller as well as larger houses within a development of six dwelling units along with this further consideration of affordable provision, the application is contrary to Policies H3 and H8 of the Royal Borough of Windsor and Maidenhead Local Plan.*
- 3 *In the absence of a survey of bats and other protected wildlife species, the application has not demonstrated that it could be carried out without detriment to protected wildlife, contrary to advice contained within the National Planning Policy Framework and with Natural England's Standing Advice.*
- 4 *While complying or able to comply in most respects with the Council's standards for access roads, visibility for vehicles exiting the site and car parking provision, it is unclear whether the Council's refuse vehicles (which measure 11.38m x 2.49m) would be able to enter and exit the site in a forward gear. In addition the garage for Plot 5 is of substandard length. While these matters could be successfully addressed if the proposal was acceptable in all other respects, as submitted the car parking and turning provisions within the site are substandard, and contrary therefore to Policies P4 and T5 of the Royal Borough of Windsor and Maidenhead Local Plan.*
- 5 *The development fails to make provision for off-site infrastructure and amenity improvements directly related to the development in accordance with the Council's adopted Supplementary Planning Documents and Guidance on Infrastructure and Amenity Requirements and Public Open Space. Accordingly, the proposal fails to comply with saved Policies IMP1, R3 and T6 of the Royal Borough of Windsor and Maidenhead Local Plan, with the Planning Obligations and Developer Contributions Supplementary Planning Document and with the Interpretation of Policies R2 to R6 - Public Open Space provision Supplementary Planning Guidance.*

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 8, 9, 10, 11 and *Decision-taking*

Royal Borough Local Plan

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

Within settlement area	Green Belt	High risk of flooding	Protected trees	Pollution and noise	Archaeology	Highways / parking issues
DG1, H10, H11	GB1, GB2, GB3	F1	N6	NAP3, NAP4	ARCH3	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction
- Planning for an Ageing Population
- Supplementary planning guidance: Policy H3 of the Local Plan - Affordable housing

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration include whether matters in the previous refusal have been overcome in this proposal (the first five issues below correspond to the five reasons for refusal), along with three additional issues:

- (i) whether the urbanising effect of the proposals are acceptable at this edge-of-settlement location;
- (ii) whether the mix of housing types and tenure are acceptable;
- (iii) impacts on protected wildlife;
- (iv) highways safety and vehicle access;
- (v) provision for off-site infrastructure and amenity improvements;
- (vi) whether the proposal is acceptable in terms of flood risk;
- (vii) the impact on the amenities of the neighbouring residents; and

(viii) impact on trees.

Whether the urbanising effect of the proposals are acceptable

- 6.2 The first reason for refusal in the 2014 decision cited the proposed scale, massing, number of proposed dwellings and the extent of hardstanding between Plots 3, 4, 5 and 6 as having a detrimental and unsympathetic impact on the character and amenity of this edge of settlement site, which would result in the overdevelopment of the site so that it would be out of keeping with the spacious character and pattern of development in the area. While this proposal increases the number of dwellings proposed, they are however smaller than in the 2014 application. Building coverage in both applications is virtually identical at approximately 852 sq.m. including garages which are free-standing in the current scheme and integral in the refused application. The proximity of Plots 4 and 6 to the site's boundary with the Green Belt contributed to the unacceptability of the refused application. In this proposal, it is considered that a better balance of built forms with landscaped areas can be achieved by providing additional hedges between the rear gardens along with the planted areas proposed for the fronts of the houses. The larger area of hardstanding between Plots 3, 4, 5 and 6 in the refused application would be reduced in this scheme and the smaller buildings in this proposal would result in more gaps particularly between Plots 1 - 6, allowing glimpses of vegetation through these gaps and so breaking up the mass of built form within the site.
- 6.3 Considered against the Local Plan, Policy H10 requires new residential development to provide high standards of design and landscaping while Policy H11 sets out that development should not introduce a scale which would be incompatible with or cause damage to the character and amenity of the area. Policy DG1 provides more general design guidance, applicable to both residential and non-residential development. The interpretation of these policies is assisted by the Council's Townscape Assessment (TA) and the Landscape Character Assessment (LCA). The site and the adjacent residential properties within the settlement area are classified within a "leafy residential suburb" townscape character area in the TA, specifically as character area 13A (Eton and Slough Roads, Datchet), while the adjacent countryside is defined within the LCA as "settled floodplain farmland", specifically as landscape character area 13d.
- 6.4 The TA notes that development intensification is one of the forces for change within this townscape type, and recommends principles to be taken into account in formulating development proposals within this area, including:
- Retention of mature trees and planning for future planting that allows space for planting to mature;
 - A coordinated approach to new tree planting in terms of species and stature, with plantings of larger trees in key visual locations;
 - Use of hedging for boundaries in preference to other boundary treatments such as walls, fences, gates and railings;
 - Sensitive contemporary design responding to its immediate context; and
 - Use of gravel surfacing for driveways in preference to tarmac and block paving.
- 6.5 With regard to the Green Belt countryside abutting the site, the Landscape Character Assessment sets out (at paragraphs 3.13.62 and 3.4.6) that the wooded 'greenness' of the surrounding Datchet landscape is an important characteristic of the area, and that standardised housing designs and construction materials, and the densification of housing plots within and on the fringes of existing settlements can compromise their distinctive characteristics and landscape setting.
- 6.6 This proposal could result in a more suburban character at the edge of the Green Belt countryside, and in order to avoid this it is considered that the landscape and townscape character of the proposal needs to be very carefully managed to ensure that the better characteristics of both the "leafy residential" townscape and the landscape quality of the adjacent countryside are not unacceptably eroded. The careful management of this site is therefore of particular importance in providing an appropriate buffer between those developments and the Green Belt countryside to the west. This would only be achieved if the selection of appropriate materials used in hard surfacing and the landscaping provided would reinforce rather than

detract from the area's character. It is noted that the plots are smaller than those existing adjacent to the site, and a rural hedge would be provided along the Green Belt boundary. In this application the ability to reinforce the rural-edge character of the site includes provision in addition to a hedge on the Green Belt boundary additional hedges between the rear gardens of the houses, together with a mechanism to ensure that it will be permanently retained. While landscaping is generally secured by way of a condition, in this case it is considered that the greater permanence needed to ensure that the positive qualities of this rural edge site requires a section 106 planning obligation that sets out the responsibilities for maintenance and, where necessary, replanting of boundary hedges between adjacent property owners. This has been agreed with the applicant, and the site plan at Appendix B shows the extent of the hedges that would be protected in the planning obligation. In line with advice in the Townscape Assessment, planting of larger growing native tree species elsewhere within the development should also be provided for, and softer gravel driveway surfaces used for as much of the driveways and vehicle manoeuvring areas as is possible. The design of the houses themselves is stylistically rather uniform and does not fully follow the TA advice to avoid repetitive design. However, the overall size of the development is small enough to avoid an unacceptable replication of the same housing design and the incorporation of a terrace of three houses and another smaller dwelling at Plot 1 alongside the above landscape measures are considered to provide an acceptable design solution for the site. Subject to the retention of the rural hedging as provided for by the section 106 obligation, the first reason for refusal would be satisfactorily overcome.

The mix of housing types and tenure

- 6.7 The applicant has explained that the mix of housing proposed here has been advanced as there is currently not a strong market for the larger new build houses approved in the extant permission in this part of the Borough. A particular benefit of this proposal is the mix of housing that would be provided, which would include both smaller and mid-sized dwellings. The proposed mix to be provided is 2 x two-bedroom, 2 x three-bedroom and 5 x four-bedroom houses.
- 6.8 It was suggested in the previous application that the potential for providing shared-ownership houses should be considered. In the assessment of the 2010 application which resulted in the extant application, it was noted that while the application area at 0.5297 hectare is a little over the threshold of Local Plan Policy H3 that would require the provision of affordable housing, the wide access leg into the site accounts for approximately 0.06 of a hectare, leaving a balance site area of 0.47 ha, which is under the Policy H3 threshold. The applicant has made a case that this position should stand for this application. However to fully overcome the second reason for refusal, a proportion of the dwellings proposed here should be provided as shared ownership housing, as provided for in the recommendation in Section 1 above.

Impacts on protected wildlife

- 6.9 Previous work to identify wildlife habitat at the site included an emergence bat survey that identified a soprano pipistrelle bat roost in the existing now-derelict house at the site. An updated preliminary bat survey was undertaken for this application in December 2015 but given that bats would normally be in hibernation at that time of the year, the applicant's consultant recommended a further emergence survey to be undertaken. The agent has advised that two emergence surveys are intended to be carried during the spring months. The first was carried out on 1st May and a repeat survey is scheduled for 1st June. The 1st May survey has shown that there is some activity at the site, including confirmation of likely occupation of the derelict dwelling by at least one soprano pipistrelle bat as previously identified. The report on this survey remained to be fully assessed by the Council's ecologist at the time of writing this report, and further comments will be provided in the update report. However, subject to the second emergence survey being undertaken and to satisfactory mitigation being proposed, it is highly likely that the proposals would then comply with Natural England's guidance and in that case planning permission could be granted in accordance with the recommendation at Section 1 of this report. This would overcome the third reason for refusal in the 2014 decision. If however the additional survey work does not overcome the previous objection, the application would need to be refused for that reason.

- 6.10 Preliminary survey results of the remainder of the property suggest that there are no other wildlife issues that could not be provided for by a condition as recommended in Section 9 below. This will be covered in an update report.

Highways safety and vehicle access

- 6.11 The Highways consultation response for this application originally objected on grounds that the internal roadway was not wide enough to meet the Council's standards and that it had not been demonstrated that a refuse vehicle could turn within the site. The internal road dimensions have been amended in the updated layout plan being considered, although the issue of refuse vehicle turning space is still being clarified and there is sufficient space within the turning area show on the submitted plan to enlarge it slightly if necessary. If any further amendment is required it will be reported in an update. Subject to the conditions sought in the Highways consultation response being included in any permission, there are no objections to the proposals on highways or access grounds, and the fourth reason for refusal in the 2014 planning decision has therefore been overcome.

Off-site infrastructure and amenity improvements

- 6.12 The fifth reason for refusal in the 2014 planning decision related to the provision of infrastructure and amenities made necessary by the development, through the Council's then-existing section 106 framework. The provisions of the Community Infrastructure Levy (CIL) Regulations 2010 have however prevented seeking pooled Section 106 financial contributions and the fourth reason for refusal has therefore fallen away.

Flood risk

- 6.13 At the time that the 2010 permission was being considered, the site was classified by the Environment Agency within Flood Zone 2 (Medium Risk) which places it at a risk of flooding that is between 1 in 100 and 1 in 1000 annual probability of flooding in any given year. However, for this application the EA has advised that the site is within the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus 20% allowance for climate change flood extent with a higher risk of flooding than the previous modelling indicated.
- 6.14 In line with national planning guidance, a sequential test assessment and Flood Risk Assessment (FRA) have been submitted with the application. The sequential test assessment provided for this application shows that the proposals are need to help meet the Borough's housing needs . The FRA demonstrates that the development is capable of complying with the Local Plan Policy F1 requirement that applications in flood-prone areas may only be approved if they do not (i) put additional people at risk of flooding, (ii) reduce the capacity of the flood plain to store water and / or (iii) impede the flow of flood water. The FRA shows that a safe flood escape route can be provided that would allow future residents to escape the site during a severe flood event, fully satisfying point (i) in the policy. In regard to points (ii) and (iii), the provision of compensatory flood storage areas within the development would ensure that flood plain capacity is not reduced, and as the site would be at the edge of the flooded area where flood water velocity would be slow, flood flows would also not be impeded. Condition 10 is required to secure the compensatory flood storage areas proposed within the FRA, and the Environment Agency has raised no objection to the proposal in its consultation response subject to the condition being included. The condition also provides for finished floor levels to be set at the minimum needed to protect the properties against climate change and for the levels in the flood escape route from the site (the access roadway) also to be provided.
- 6.15 Where applications in floodable areas demonstrate that the above criteria have or can be met, residential development proposals must also pass the "exceptions test", which requires the application to demonstrate sustainability benefits to the local community. It is noted that the section 106 infrastructure provisions already secured in the extant permission have been paid. This includes a contribution towards the Parish Council's river wall repair and tree replacement projects, and to a range of other infrastructure provision. The FRA clearly sets out that the footprint of the proposed scheme is the same as the extant permission which has been implemented, it is considered that the "exceptions test" requirements would be met for the application.

The amenities of the neighbouring residents

- 6.16 The dwellings at adjacent properties fronting onto Slough Road all have very long gardens of about 45 metres or so in depth, and as such the proposal would not result in any significant harm to the amenities of those properties. Plot 2 - 6 would face towards the rear of the properties on Slough Road but given that they would be set 14 metres away from their rear boundaries, window-to-window separation distances of at least 55 metres would be achieved. This is sufficient to prevent any adverse impact on privacy within the neighbouring dwellings.

Trees

- 6.17 There are a number of trees and hedges around the perimeter of the site and which are not subject to a Tree Preservation Order, but which nevertheless contribute to the character of the site. A tree survey and constraints plan was submitted during the course of the application and concerns expressed by the Council's Tree Officer have been addressed in amended plans. Tree protection would be provided by condition 2 as recommended below.

Other material considerations

- 6.18 The Environmental Protection Officer has requested a condition on any planning permission in relation to possible site contamination, and this is recommended as condition 7 below. It is also usually the case that a condition to require the submission and approval of sound insulation and ventilation details be included in this location, in order to protect future occupants from unreasonable levels of aircraft noise, as recommended in condition 8.
- 6.19 While preliminary archaeological investigations were undertaken in response to a condition in the extant permission, the approved Project Specification included a requirement for second phase work to be carried out. Given the high potential for significant archaeology in this area and that the second phase work has not been carried out, condition 5 sets out the standard requirement for a scheme of archaeological investigation to be submitted and approved prior to the commencement of any further excavations in connection with the development.

Housing Land Supply

- 6.20 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply.
- 6.21 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

24 occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site on 5 November 2015.

One letter was received objecting to the application, summarised as:

	Comment	Where in the report this is considered
1.	Risk of flooding to other properties from loss of flood plain storage	6.13 - 6.15

2.	The Council has given permission for two apartment blocks adjacent to the site.	3.4
3.	Is there any provision for increasing education and local medical infrastructure	6.12
4.	Concerns about traffic safety from vehicles exiting the development	6.11

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	No objection subject to their being sufficient parking facilities and highway concerns on the access to and from the site being considered.	6.11
Environment Agency:	<p>No objection to the proposal as submitted. However, the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF), if the following measures are implemented and secured by way of a PLANNING CONDITION on any planning permission. Without this condition the proposed development poses an unacceptable risk to people and the environment and we would object to the application.</p> <p>Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 150690/FRA/NJ/01, dated September 2015 and prepared by LANMOR Consulting and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> - Provision of compensatory flood storage as detailed in the FRA and referenced in the drawing number 150690/FRA/04 titled Proposed Flood Volumes and included in Appendix C of the FRA - Finished floor levels will be set no lower than 19.94 metres above Ordnance Datum (AOD) 	6.13 - 6.15

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways:	<p>The site just falls into a 30mph zone. Outside the site there is a 6.4m wide carriageway together with a 2.7m wide footway adjacent to the site. With regards to the visibility splays the access can provide 60m to the right (first line of approach) and 70m to the left with some partial obstruction with the decorative wall, which is owned by the Datchet Mead Hotel.</p> <p>Amended plans now being considered show a roadway of adequate widths, including a 2.0m wide footpath within the main part of the site. Refuse lorries and other large vehicles of similar size would be able to turn within the site and exit in a forward gear.</p>	6.11

	<p>The level of parking provided for each unit complies with the Local Authorities standards and all of the parking spaces scale to our current standards.</p> <p>Additional cycle storage should be provided within the rear garden for each dwelling. Acceptable refuse stores and collection points are shown on the submitted plan.</p>	
Environment Protection:	No objections subject to land contamination studies being undertaken.	6.18
Trees:	Initial objections have been addressed through the submissions of amended drawings, which include repositioning of Plots 1 to allow for the retention of one B category tree that would have been removed, and of Plot 9 to take the dwelling out of the root protection area of one tree along the boundary.	6.17
Ecology:	An initial Phase 1 wildlife survey revealed likely occupation of the derelict house by bats and the possibility of badgers using other parts of the overgrown site. Permission should not be granted until emergence surveys to ascertain the presence of bats have been completed and it has been ascertained whether or not suitable mitigation can be provided. Conditions are recommended to ensure that badgers and other mitigated wildlife are not adversely impacted by the proposals.	6.9 - 6.10

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - layout drawings, elevations and floor plans
- Appendix C - layout drawing for the refused application, ref. 14/01778/FULL
- Appendix D - layout drawing for the extant permission, ref. 10/02486/FULL

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

9. 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 In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved *Tree Protection Plan* and accompanying tree survey details; and paragraphs (i) and (ii) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be

topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been 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 and N6.

- 3 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

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

- 4 No demolition shall commence in association with the development until a biodiversity mitigation strategy, and details of habitat provision / improvements, has been submitted to and approved in writing by the local planning authority. The approved mitigation measures shall then be implemented in their entirety within the timescales approved within the strategy.

Reason: In order to comply with advice in the National Planning Policy Framework 2012.

- 5 No development shall take place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2 and ARCH4.

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

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

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until clauses (i) to (iv) of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until clause (iv) has been complied with in relation to that contamination.

(i) Site Characterisation:

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

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

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

(ii) Submission of Remediation Scheme:

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

(iii) Implementation of Approved Remediation Scheme:

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

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

(iv) Reporting Unexpected Contamination:

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

Reason: To ensure that any contamination within the site is identified and remediated. Relevant Policies - Local Plan NAP3 and NAP4.

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

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

- 9 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. The details shall include:

- (i) a plan showing retained trees;
- (ii) materials to be used in hard surfaces, in accordance with advice in the RBWM Townscape Assessment for this Townscape Character Area;
- (iii) soft landscaping to include appropriate plantings of heavier grade specimens including species that are typical of this Townscape Character Area;
- (iv) species including plants that are of value as wildlife food sources, numbers, grades and planting methods for all plantings (and in addition including minimum volumes of soil to be

provided in tree pits to ensure that the species and varieties selected will reach their full potential on this site);

(v) boundary treatment including hedges and any fences, walls and gates; and

(vi) routing of underground services.

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, unless the Local Planning Authority gives its prior written consent to any variation.

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.

10 The flood mitigation measures provided for in the approved Flood Risk Assessment (FRA) reference 150690/FRA/NJ/01 rev. B, dated September 2015 and prepared by LANMOR Consulting and the following mitigation measures detailed within the FRA shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the FRA unless otherwise agreed in writing, by the Local Planning Authority. The approved measures include:

- Provision of compensatory flood storage as detailed in the FRA and referenced in the drawing number 150690/FRA/04A *Proposed Flood Volumes* and included in Appendix C of the FRA.

- Finished floor levels to be set no lower than 19.94m Above Ordnance Datum (AOD).

All void openings and spaces shall be kept free and clear of any obstructions for the lifetime of the development; void spaces may not be used for any other purpose including storage, other than for the temporary storage of flood water.

The internal access road shall be raised to a minimum of 19.5m AOD to provide a safe escape.

Reason: To ensure that the development prevents increasing flood risk on-site or elsewhere by ensuring that a satisfactory compensatory storage of flood water is provided, and that it will be appropriately flood resistant and resilient. Relevant Policies Local Plan F1 and paragraph 103 of the National Planning Policy Framework (NPPF).

11 No development shall commence until details of all finished slab and roof 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.

12 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

13 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.

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

14 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The hard surface vehicle access and parking area shall be made of porous materials and retained as such, or provision shall be made and retained to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The space approved shall then be kept available for parking and turning in association with the development.

Reasons: (i) To reduce surface water run-off in compliance with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. (ii) To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4 and DG1.

- 15 No construction shall commence until details of the external appearance and materials to be used in the construction of the refuse bin storage area and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided before the first occupation of the dwellings that they serve and then kept available for use in association with the development at all times.

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

- 16 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.

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

- 17 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), no doors may be added to the fronts of carports without the written permission of the Local Planning Authority, and the car port and garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.

Reason: To ensure that the site retains an appropriate balance between built form and open areas, and that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan DG1 and P4.

- 18 No further window(s) shall be inserted at first floor level or in the roof in the side elevation of Plot 7 facing 139 and 139A Slough Road without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring residents.

- 19 Other than any demolition materials that are re-used in the construction of the approved dwellings, all materials resulting from the demolition of the existing dwelling shall be removed from the site within one month of the practical completion of the development or first occupation of any of the approved dwellings whichever is the sooner.

Reason: To ensure that no debris is left on the site that could result in lower flood storage capacity and to ensure a satisfactory form of development. Relevant Policies - Local Plan F1, DG1 and H11.

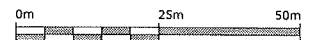
- 20 Irrespective of the provisions of Classes A, B and E of Part 1 and Class A Part 2 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house and no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure other than in accordance with the approved plans or with details approved in accordance with conditions of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in flood plan and located adjacent to the Green Belt boundary, and strict control over the form of any additional development which may be proposed is required. Relevant Policies - Local Plan F1, DG1 and H11.

21 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.

APPENDIX A.



willcox and melilwes

REV	DATE	DESCRIPTION	DRAWN
00	Sep '15	Issued for approval	DB

CLIENT
Howarth Homes

PROJECT
145A Slough Road
Datchet

Castle Hill House, 12 Castle Hill,
Windsor, Berkshire, SL4 1PD
t: +44 (0) 1753 839460 f: +44 (0) 1753 831113
www.WaMArchitecture.com

DRAWING TITLE					
Site Location Plan					
PROJECT No	DWG TYPE	DWG No	REV	SCALE	
202	PL	010	00	1:1250 @ A4	
DATE	DRAWN	CHECKED	STATUS		
28/09/2015	DB	BW	For approval		

Do not scale drawings. Use only the dimensions given. The Contractor to check site dimensions and report any variations or omissions to Willcox and Melilwes. The drawing is Copyright of Willcox and Melilwes and must not be reproduced or used without express permission.

RIBA

APPENDIX B

willcox **willcox** **willcox**

Project: 1777 St. A
 Date: 1/17/14
 Scale: 1" = 100'
 Author: [Name]
 Title: [Title]

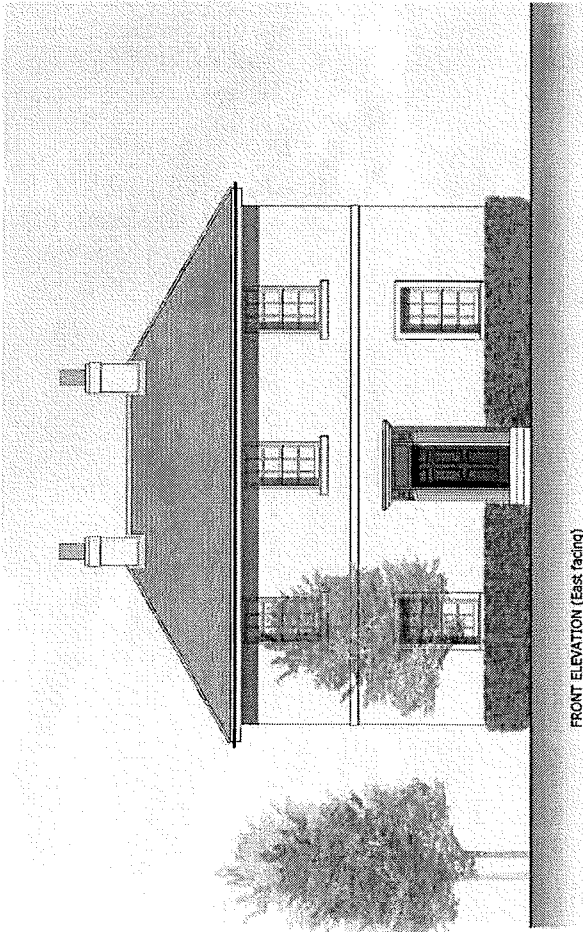


Project: 1777 St. A
 Date: 1/17/14
 Scale: 1" = 100'
 Author: [Name]
 Title: [Title]

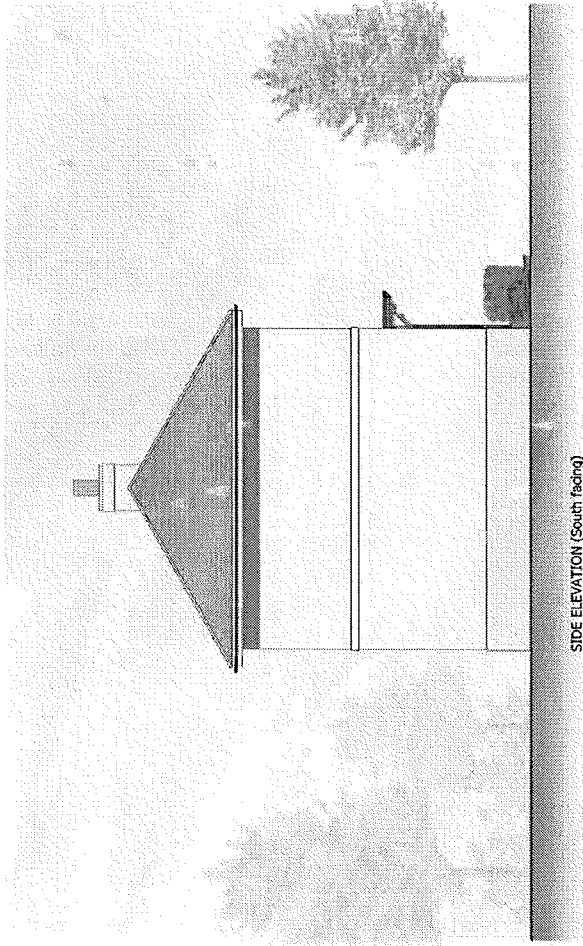
North Arrow

Legend:

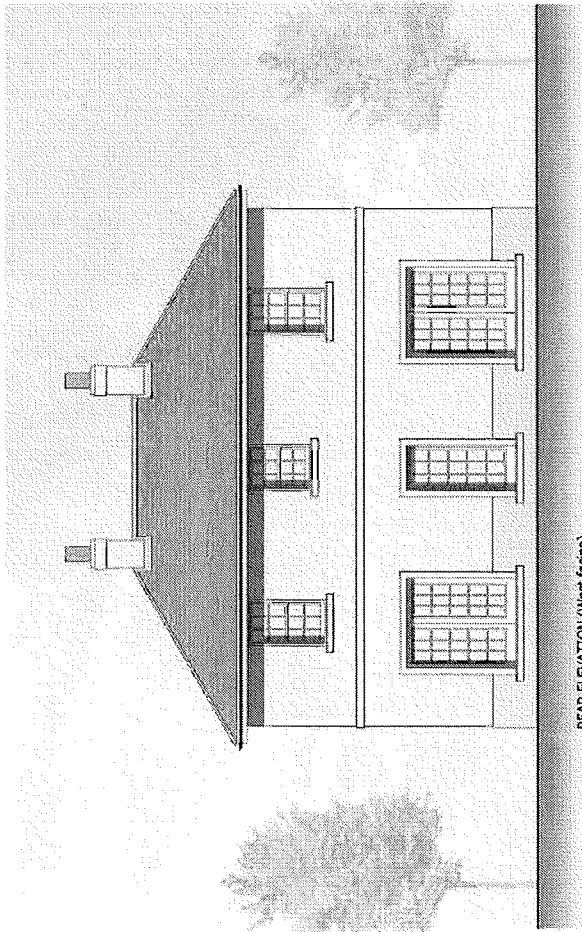
- New Indigenous Hedge
- Supplementary Plantings



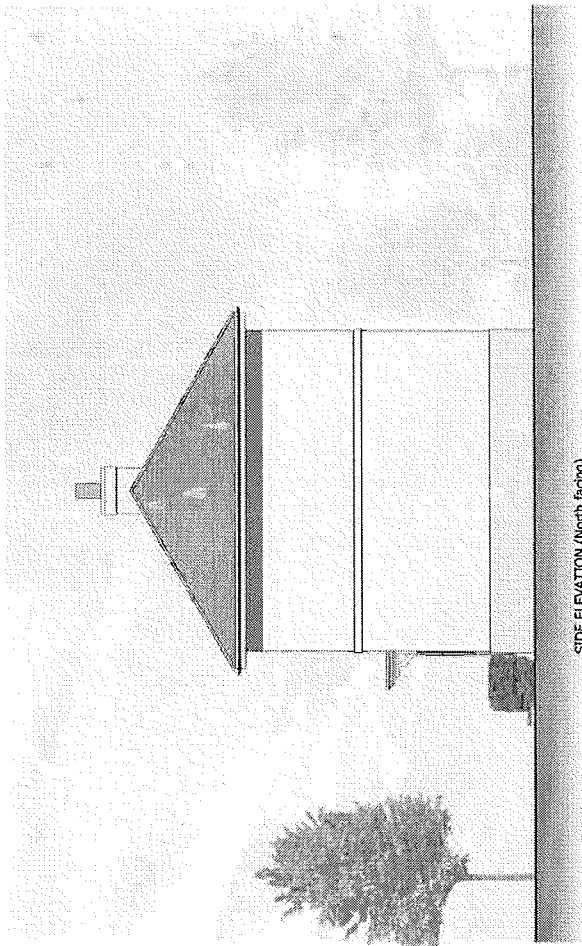
FRONT ELEVATION (East facing)



SIDE ELEVATION (South facing)



REAR ELEVATION (West facing)



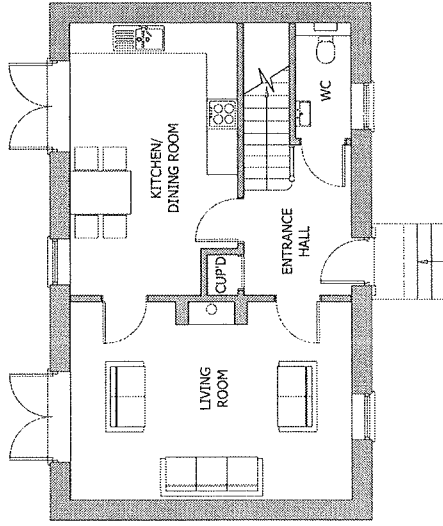
SIDE ELEVATION (North facing)



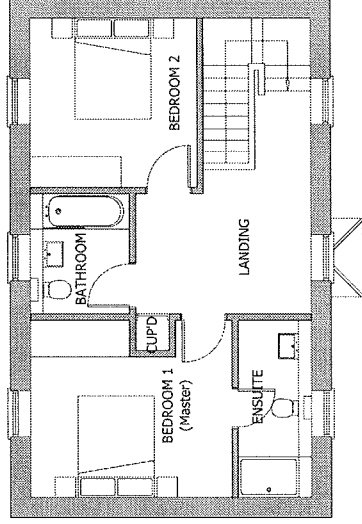
wilcox and meilwes

KEY DATE DESCRIPTION 01/15/15 Revised site plan/grading	DRAWN MJC	CLIENT Howarth Homes	DRAWING TITLE Unit 1 Elevations	DWG No 301	REV 00	SCALE 1:100 @ A3
		PROJECT Datchet 145A Slough Road	PROJECT No 202	DATE 16/09/2015	PL PL	CHECKED BW
<small> Wilcox and Meilwes is a registered architectural practice in the United Kingdom. We are a member of the Royal Institute of British Architects (RIBA) and the Chartered Institute of Building (CIOB). </small>		<small> This drawing is the property of Wilcox and Meilwes. It is to be used only for the project and site for which it was prepared. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Wilcox and Meilwes. </small>				

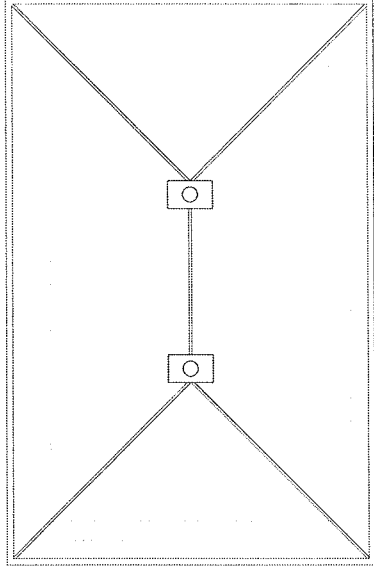
RIBA #



GROUND FLOOR PLAN



FIRST FLOOR PLAN



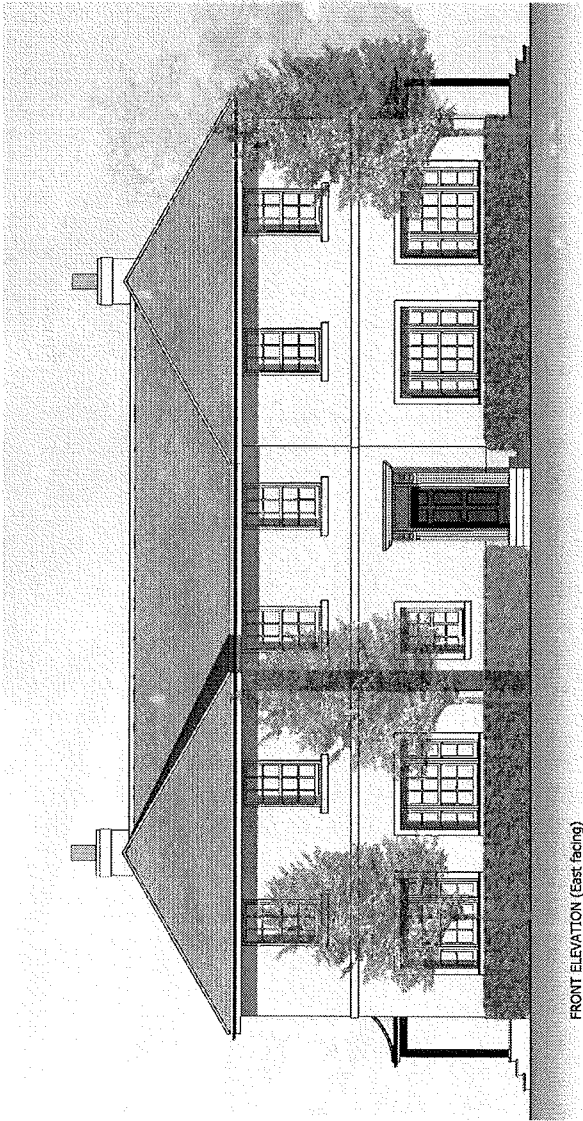
ROOF PLAN



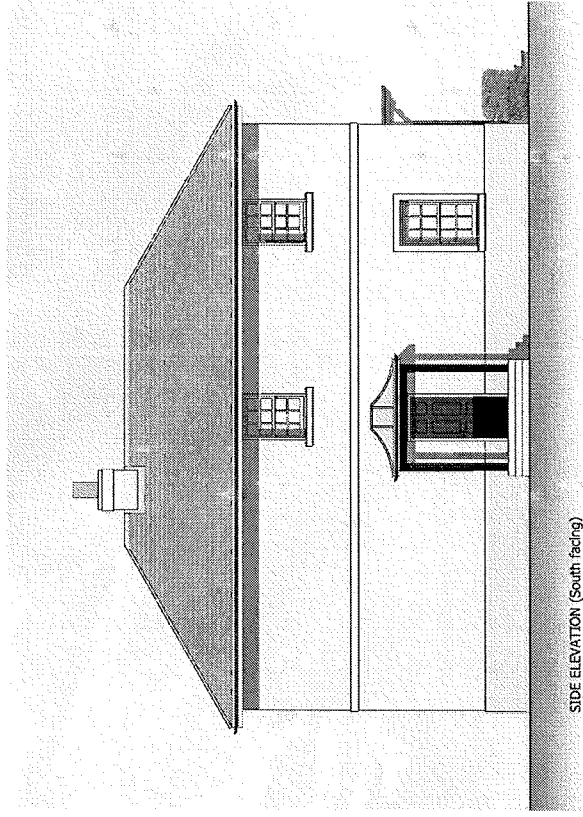
willcoxandmeilwes

REV	DATE	DESCRIPTION	DRAWN	DATE	DESCRIPTION	CLIENT	DRAWING TITLE	PROJECT No	DWG TYPE	DWG No	REV	SCALE
01	07/09/2015	As per 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		07/09/2015	DB	Howarth Homes	Unit 1 - Proposed Floor Plans	202	PL	200	00	1:100 @ A3
02						145A Slough Road						
03						Datchet						
04												
05												
06												
07												
08												
09												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
30												
31												
32												
33												
34												
35												
36												
37												
38												
39												
40												
41												
42												
43												
44												
45												
46												
47												
48												
49												
50												
51												
52												
53												
54												
55												
56												
57												
58												
59												
60												
61												
62												
63												
64												
65												
66												
67												
68												
69												
70												
71												
72												
73												
74												
75												
76												
77												
78												
79												
80												
81												
82												
83												
84												
85												
86												
87												
88												
89												
90												
91												
92												
93												
94												
95												
96												
97												
98												
99												
100												

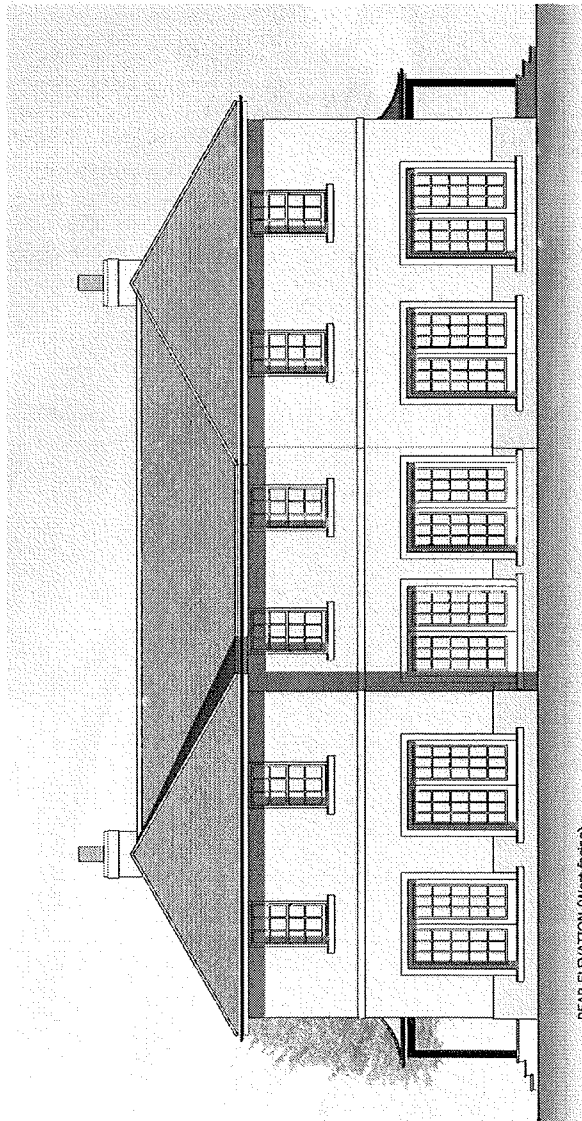
RIBA #



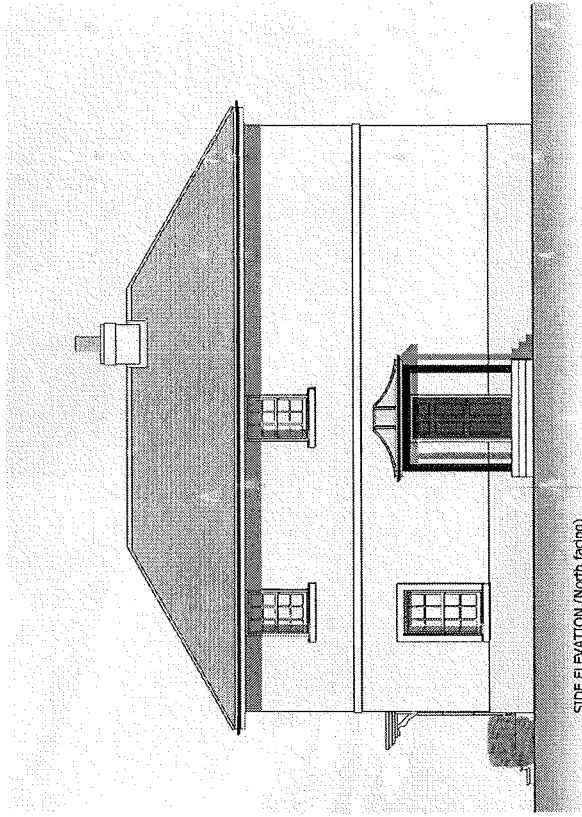
FRONT ELEVATION (East facing)



SIDE ELEVATION (South facing)



REAR ELEVATION (West facing)



SIDE ELEVATION (North facing)

wilcox and meilwies

REV	DATE	DESCRIPTION
00	16/09/15	Issued for planning

CLIENT
Howarth Homes

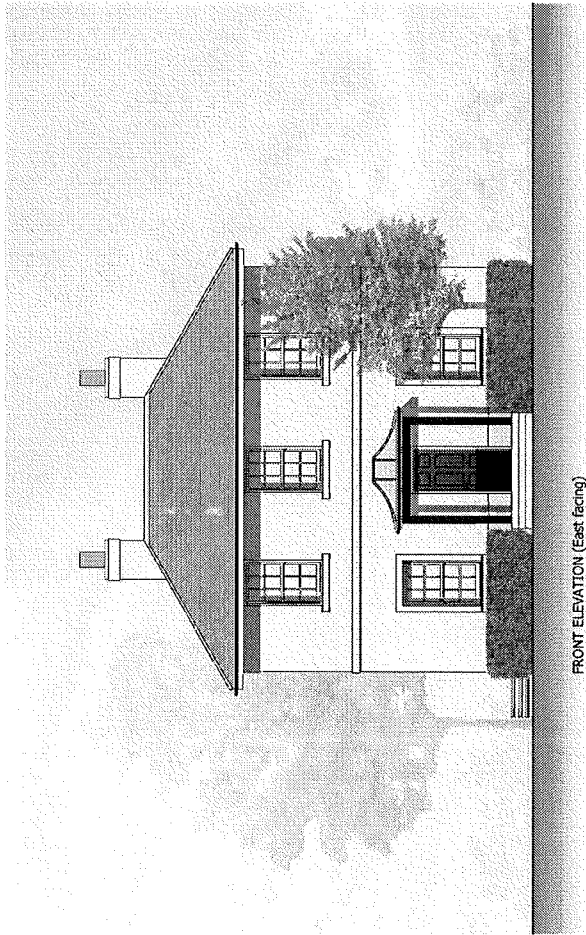
PROJECT
Datchet
145A Slough Road

Gate will be built. 12 Carport, Windows, doors, etc. to be added. All dimensions are approximate and may not be reproduced or used without express permission.

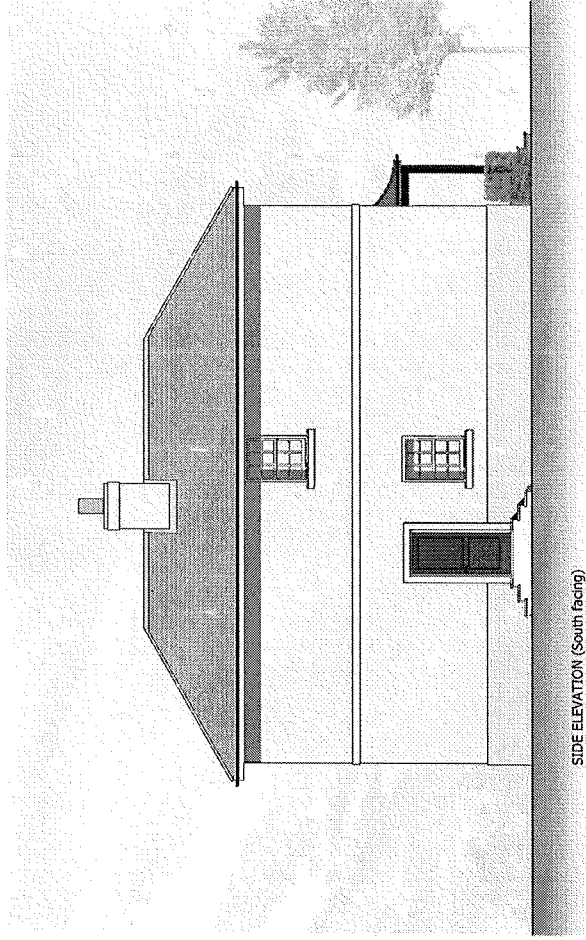
DRAWING TITLE		SCALE	
Unit 2, 3 & 4 Elevations	REV	00	1:100 @ A3
PROJECT No	DWG TYPE	302	
DATE	DRAWN	DB	Approval
16/09/2015	CHECKED	BW	

RIBA #:

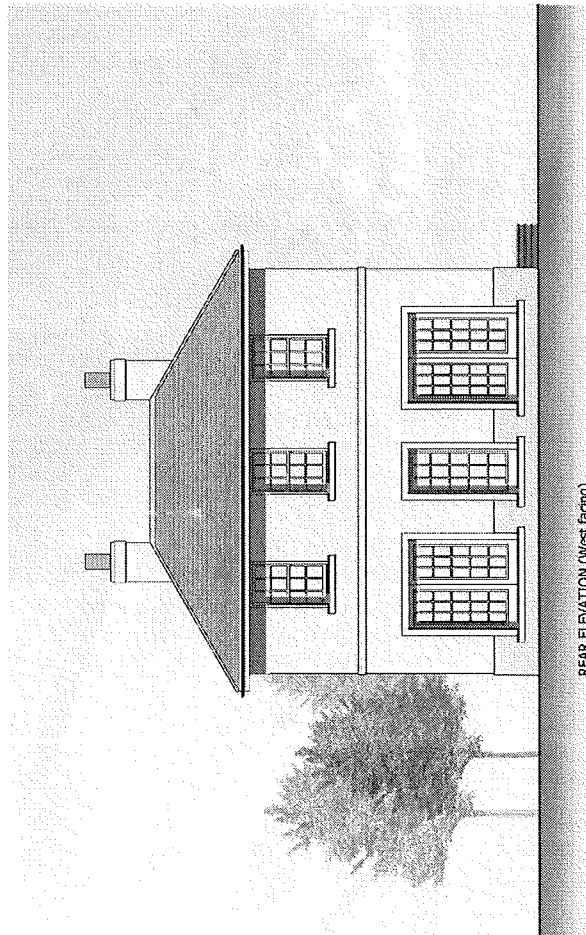




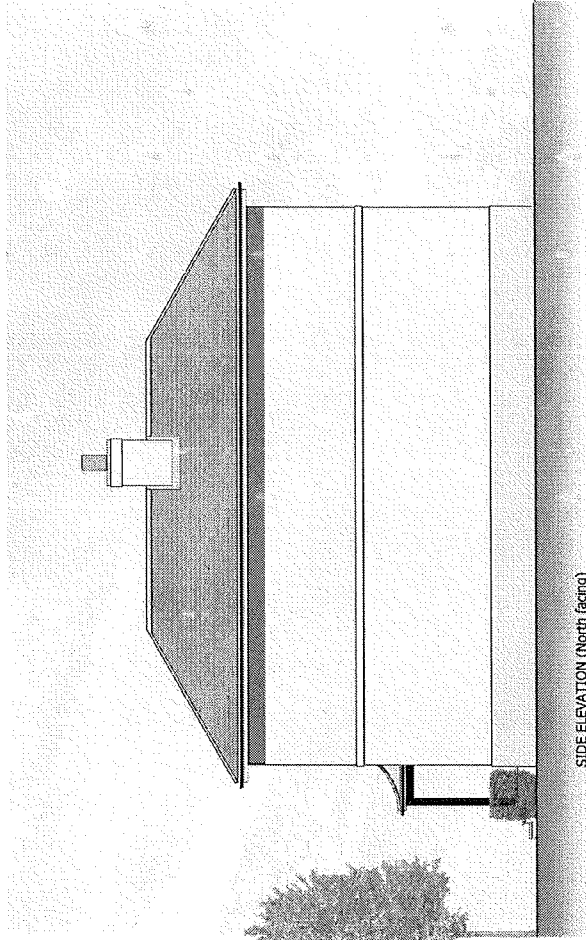
FRONT ELEVATION (East facing)



SIDE ELEVATION (South facing)



REAR ELEVATION (West facing)



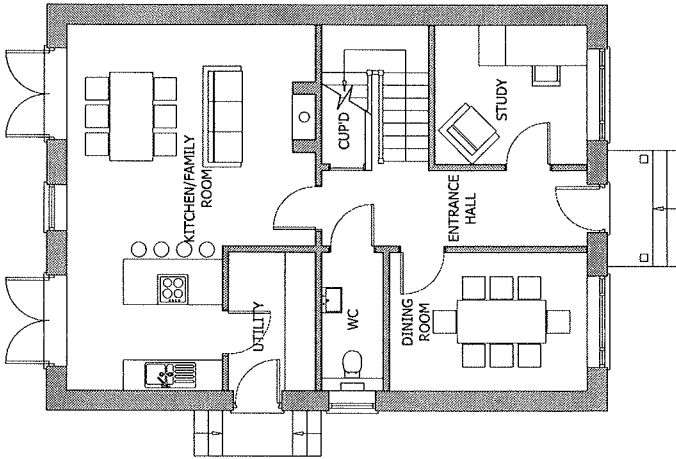
SIDE ELEVATION (North facing)



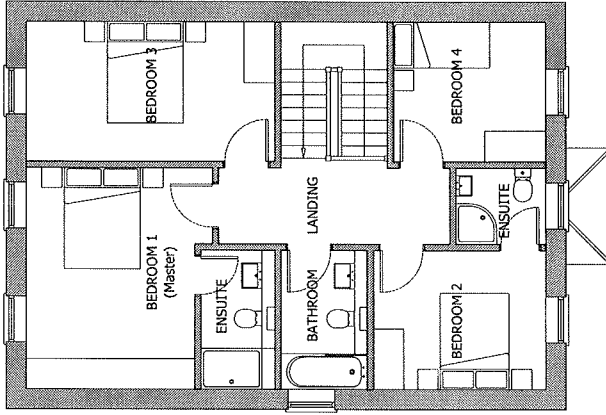
wilcox and meilwes

REV DATE DESCRIPTION	DRAWN	CLIENT	DRAWING TITLE
00 Sep 15 Issued for planning	AM	Howarth Homes	Unit 5 Elevations
		PROJECT	PROJECT No
		Datchet	202
		145A Slough Road	DWG TYPE
			PL
			DATE
			16/09/2015
			DRAWN
			DB
			CHECKED
			BW
			REV
			00
			SCALE
			1:100 @ A3
			STATUS
			Approval
			RIBA #

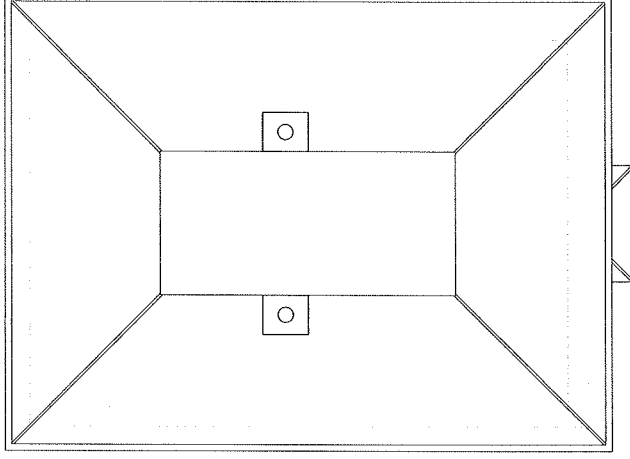
Do not scale drawings. Use only the dimensions given. The Contractor to check, list dimensions and report any variations or omissions to writer. Wilcox and Meilwes, 36 E 1st St, Portland, Oregon 97102, USA. Tel: +1 503 251 1113. Fax: +1 503 251 1114. www.wilcoxandmeilwes.com



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



wilcoxandmelwies

REV	DATE	DESCRIPTION	DRAWN
01	29/09/2015	As per approved	DB

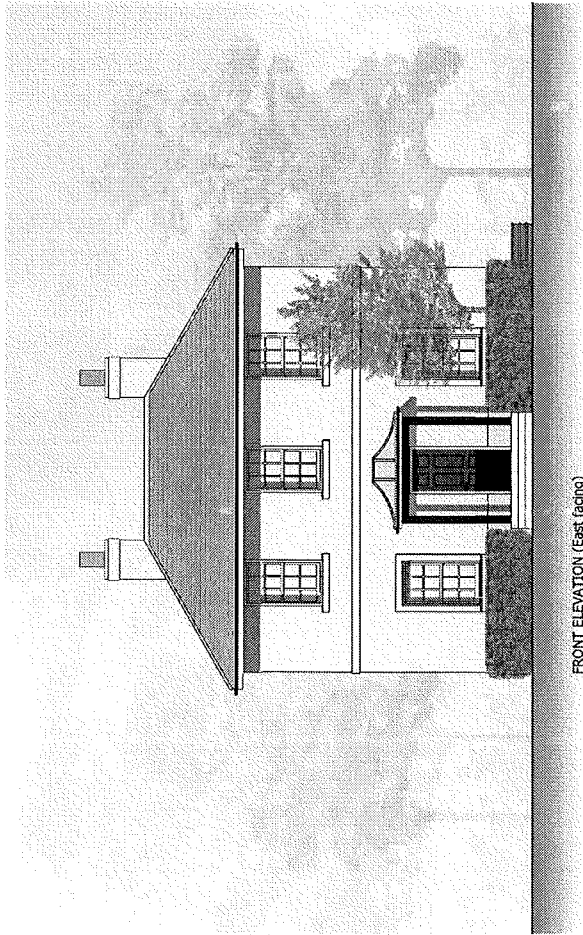
DRAWING TITLE		CLIENT	
Unit 5 - Proposed Floor Plans	Howarth Homes	PROJECT	145A Slough Road
DWG No 202	DWG TYPE PL	DATE	Datchet
REV 00	CHECKED DB	DRAWN DB	
SCALE 1:100 @ A3	STATUS For approval		

DRAWING TITLE		CLIENT	
Unit 5 - Proposed Floor Plans		PROJECT	145A Slough Road
DWG No 202	DWG TYPE PL	DATE	Datchet
REV 00	CHECKED DB	DRAWN DB	
SCALE 1:100 @ A3	STATUS For approval		

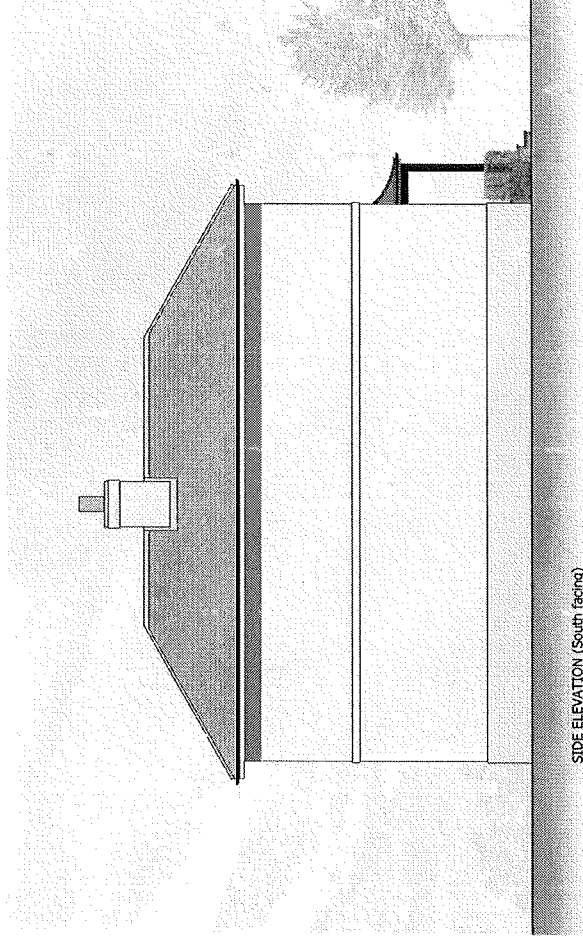
We warrant that the information contained in this drawing is true and correct as far as we are aware and as far as we are permitted to know. We do not warrant that the information contained in this drawing is complete or that it is suitable for any purpose other than that for which it is intended. We do not warrant that the information contained in this drawing is free from errors or omissions. We do not warrant that the information contained in this drawing is suitable for use in any jurisdiction other than the United Kingdom.

Wilcox and Melwies, 13 Castle View, Windsor, Berkshire, SL4 1PD
 Tel: 01753 851110 Fax: 01753 851111
 www.WilcoxandMelwies.com

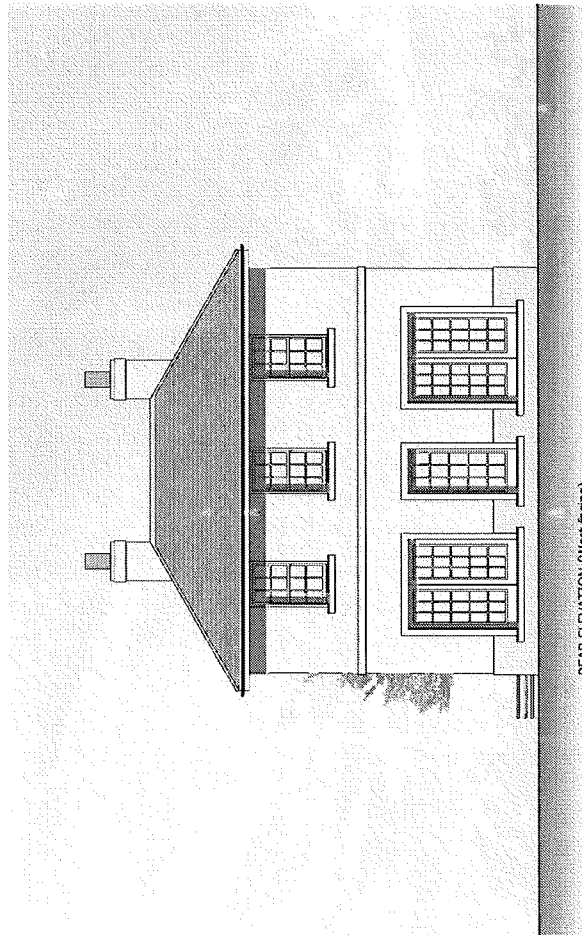
RIBA #



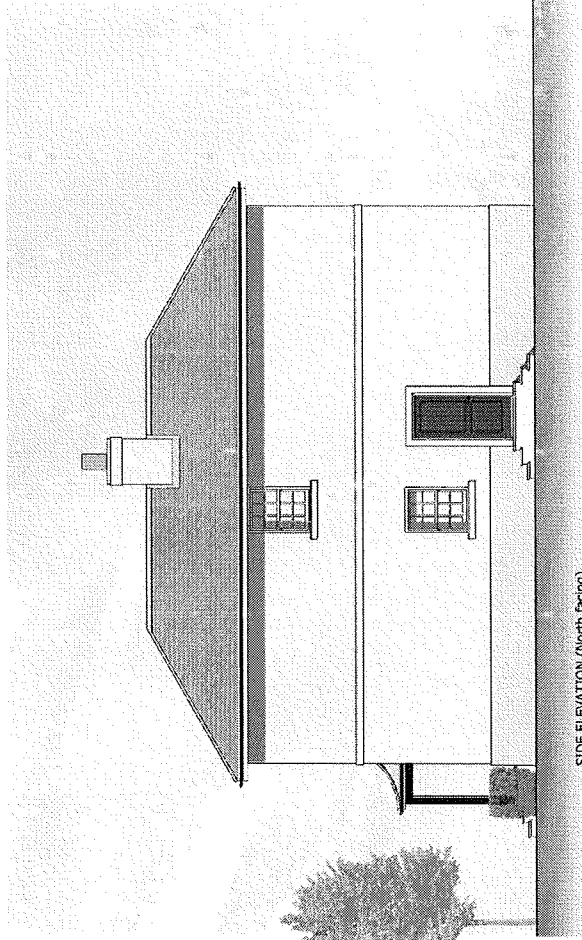
FRONT ELEVATION (East facing)



SIDE ELEVATION (South facing)



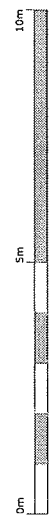
REAR ELEVATION (West facing)



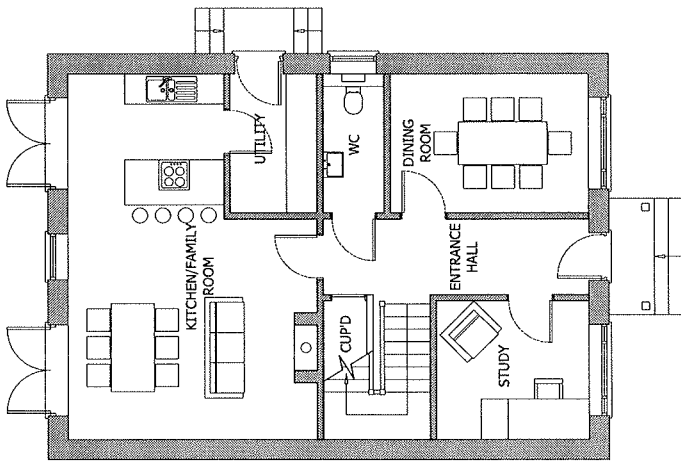
SIDE ELEVATION (North facing)

wilcox and meilwes

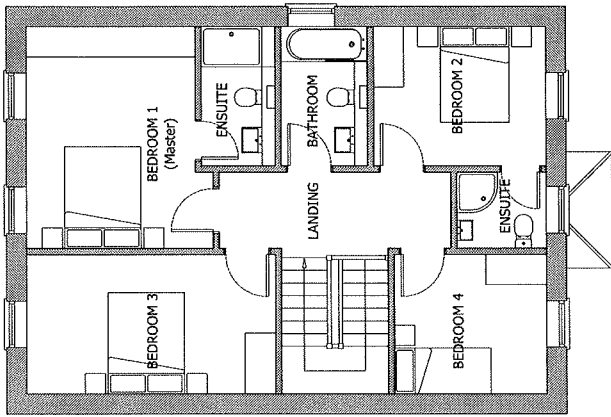
TE DESCRIPTION W/ 24/15 - based for drawing	DRAWN W/	CLIENT Howarth Homes PROJECT Datchet 145A Slough Road Castle Hill Estate, 12 Castle Hill, Windsor, Berkshire, RG4 0PL www.wilcoxandmeilwes.com	DRAWING TITLE Unit 6 Elevations				SCALE 1:100 @ A3
			PROJECT No 202	DWG TYPE PL	DWG No 304	REV 00	
		DATE 16/09/2015	DRAWN DB	CHECKED BW	STATUS Approval	RIBA # #	



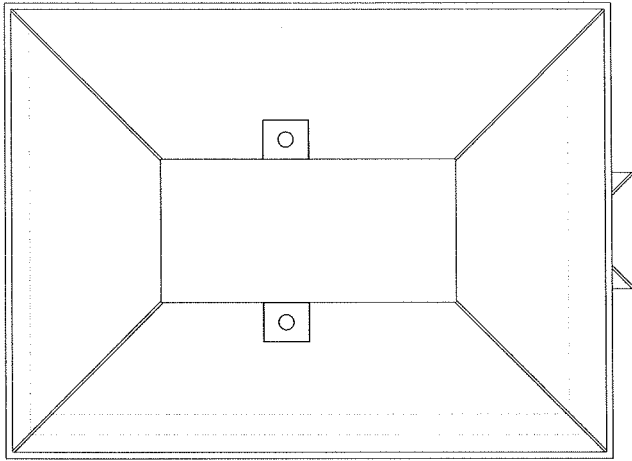
Do not scale drawings. Use only the dimensions given. The Contractor shall be responsible for any variations of materials to vision. All drawings are subject to change without notice. All drawings are for reference only and do not constitute a contract. All drawings are subject to change without notice. All drawings are for reference only and do not constitute a contract.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



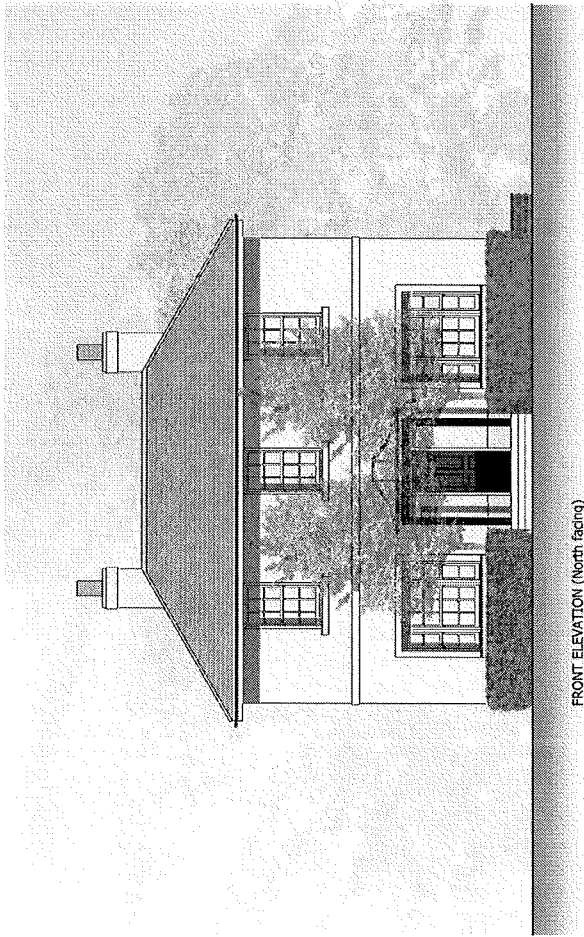
ROOF PLAN



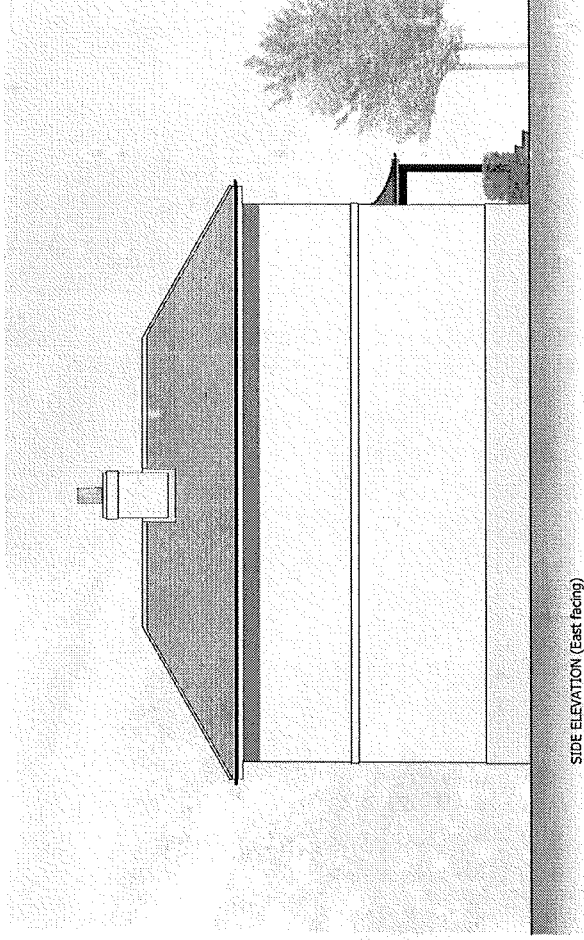
wilcoxandmelwies

CLIENT Howarth Homes	DRAWING TITLE Unit 6 - Proposed Floor Plans	REV 00	SCALE 1:100 @ A3
PROJECT 145A Slough Road	DWG TYPE PL	DWG No 203	CHECKED BW
Datset	DATE 29/09/2015	DRAWN DB	STATUS For approval
<small>© 2015 Wilcox and Melwies Pty Ltd. All rights reserved. The Contractor to check all dimensions and report any variations or omissions to Wilcox and Melwies Pty Ltd. All rights reserved. All drawings and documents must be reproduced or used in any form without express permission.</small>			RIBA #

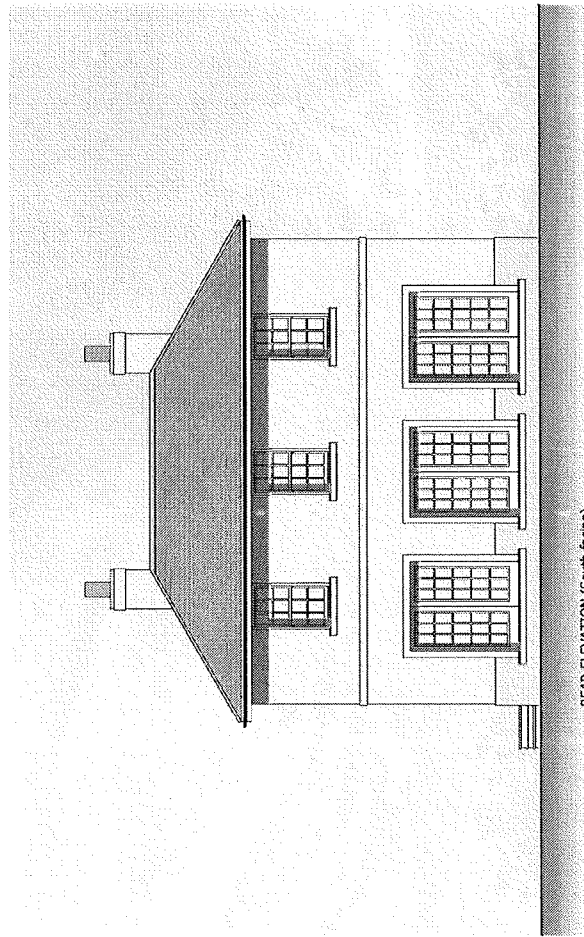
REV	DATE	DESCRIPTION
00	29/09/2015	Issued for approval



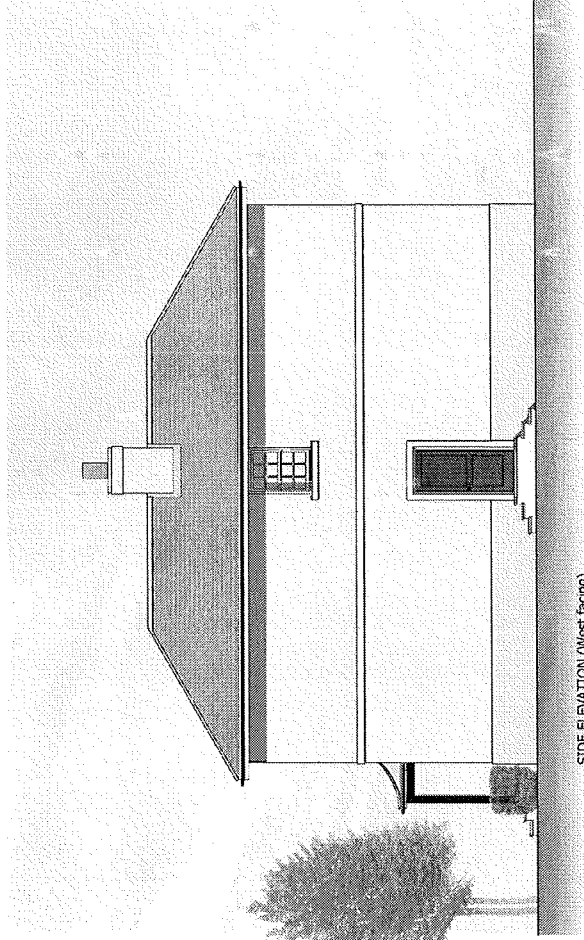
FRONT ELEVATION (North facing)



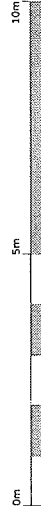
SIDE ELEVATION (East facing)



REAR ELEVATION (South facing)



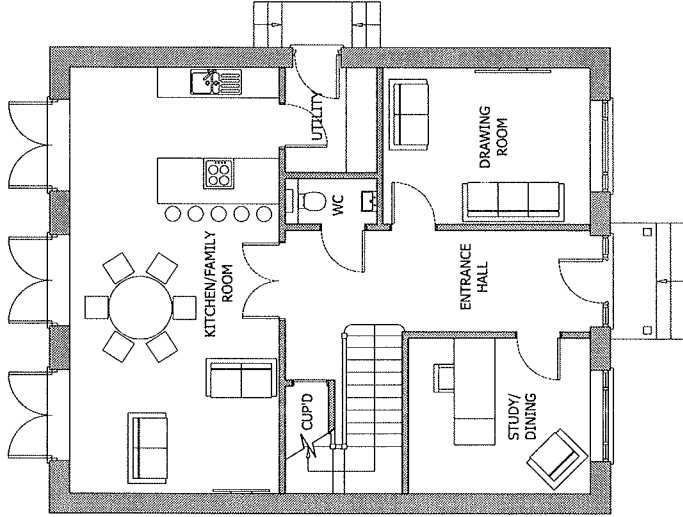
SIDE ELEVATION (West facing)



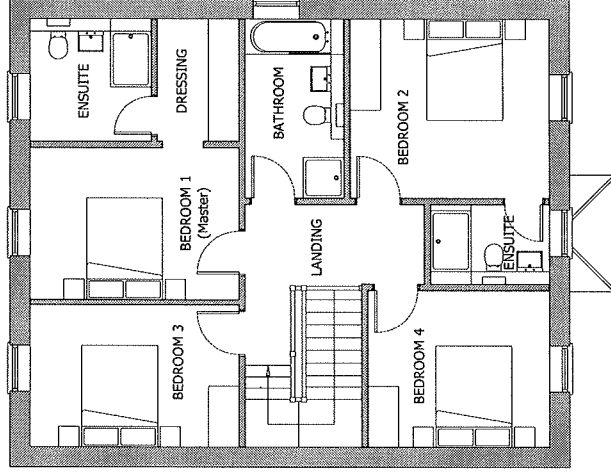
wilcoxandmeilwes

REV DATE DESCRIPTION 00 Sep15 Issued for planning	DRAWN MR	CLIENT Howarth Homes	DRAWING TITLE Unit 7, 8 & 9 Elevations	REV 00	SCALE 1:100 @ A3
		PROJECT Datchet 145A Slough Road <small>145A Slough Road, Datchet, Wickham, SA20 9PQ Wickham, Hampshire, UK Tel: +44 (0)1753 825600 Fax: +44 (0)1753 825600</small>	DWG TYPE PL	CHECKED BW	STATUS Approval
			DATE 16/09/2015	DRAWN DB	Approval

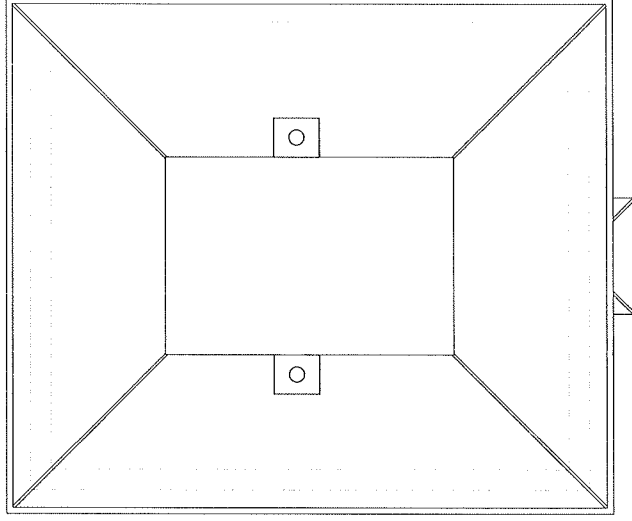
RIBA #



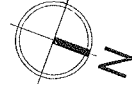
GROUND FLOOR PLAN



FIRST FLOOR PLAN



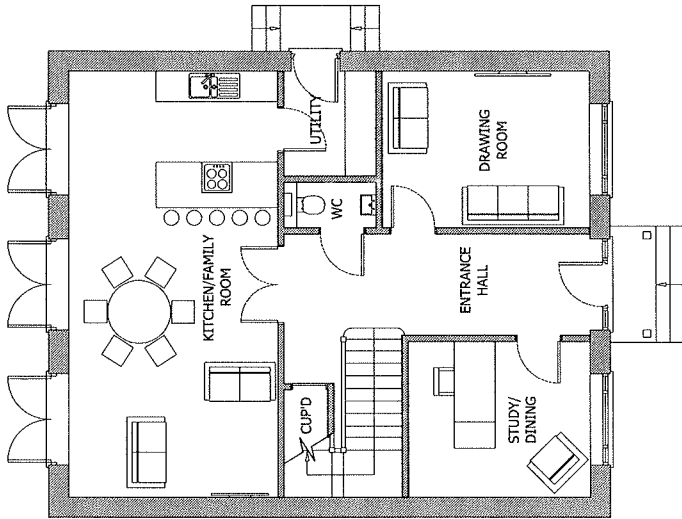
ROOF PLAN



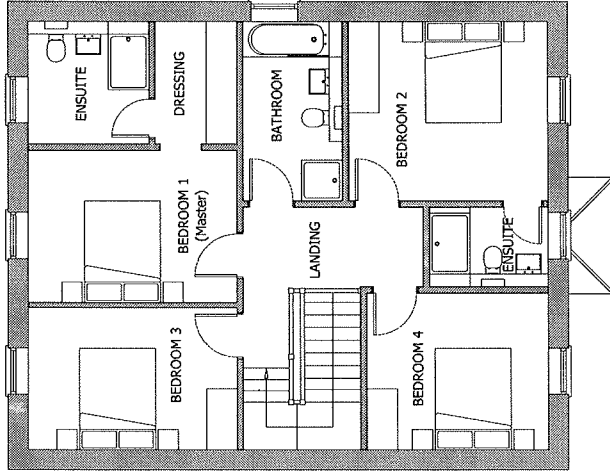
wilcoxandmelwies

CLIENT Howarth Homes PROJECT 145A Slough Road Datchet	DRAWING TITLE Unit 7 - Proposed Floor Plans			
	DWG No 204	DWG TYPE PL	REV 00	SCALE 1:100 @ A3
DATE 29/09/2015	DRAWN BW	CHECKED BW	STATUS For approval	RIBA #
<small>Do not scale drawings. Use only the dimensions given. The Contractor to be responsible for the accuracy of the drawings. The Contractor to verify the accuracy of the drawings. The drawing is Copyright of Wilcox and Melwies and must not be reproduced or used without express permission.</small>				

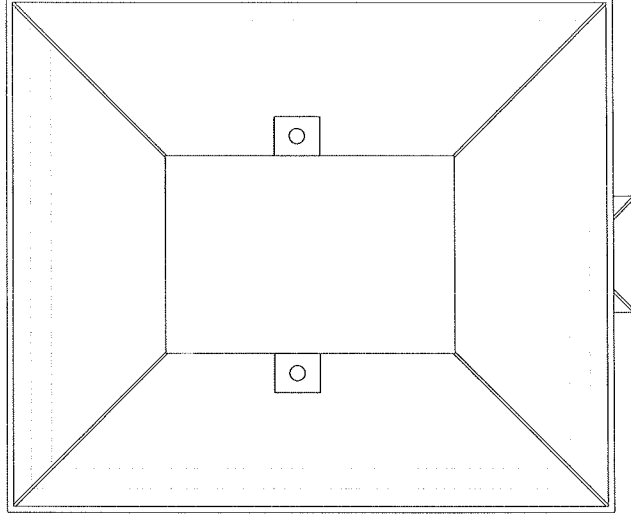
REV	DATE	DESCRIPTION	DRAWN
00	29/09/2015	Issued for approval	BW



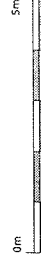
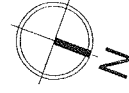
GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



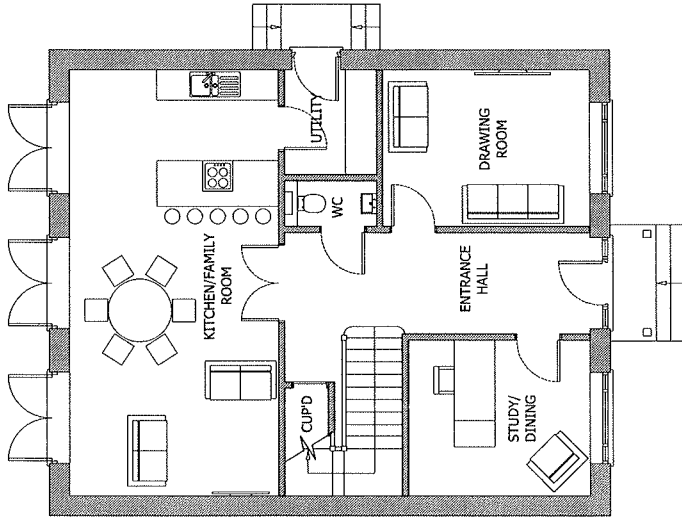
wilcoxandmeiwees

REV	DATE	DESCRIPTION	DRAWN
00	29/09/2015	00 - 15 - Based for approval	DB

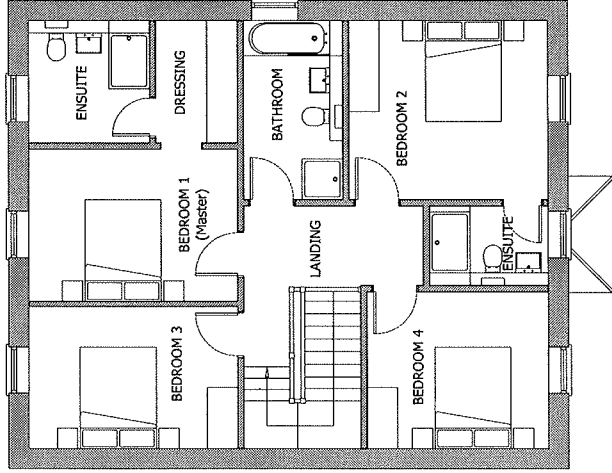
CLIENT	Howarth Homes
PROJECT	145A Slough Road
Datchet	

DRAWING TITLE	Unit 8 - Proposed Floor Plans
PROJECT No	202
DWG No	205
PL	PL
DATE	29/09/2015
DRAWN	DB
CHECKED	BW
REV	00
SCALE	1:100 @ A3
STATUS	For approval
RIBA #	

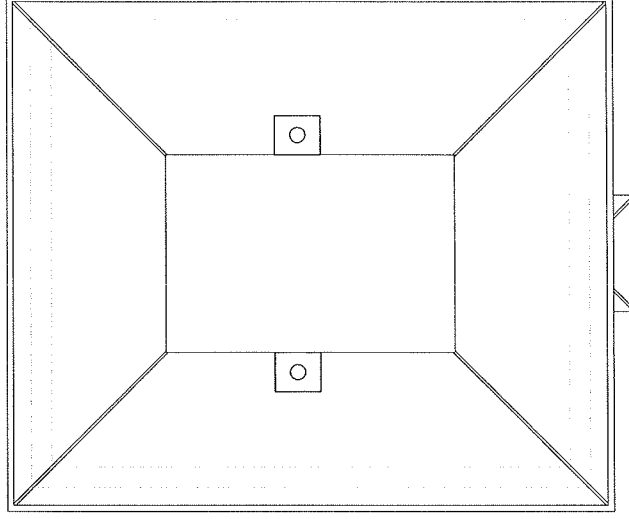
Drawn to the scale of the drawings. The drawing is copyright of Wilcox and Meiwees and must not be reproduced or used without express permission.



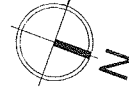
GROUND FLOOR PLAN



FIRST FLOOR PLAN



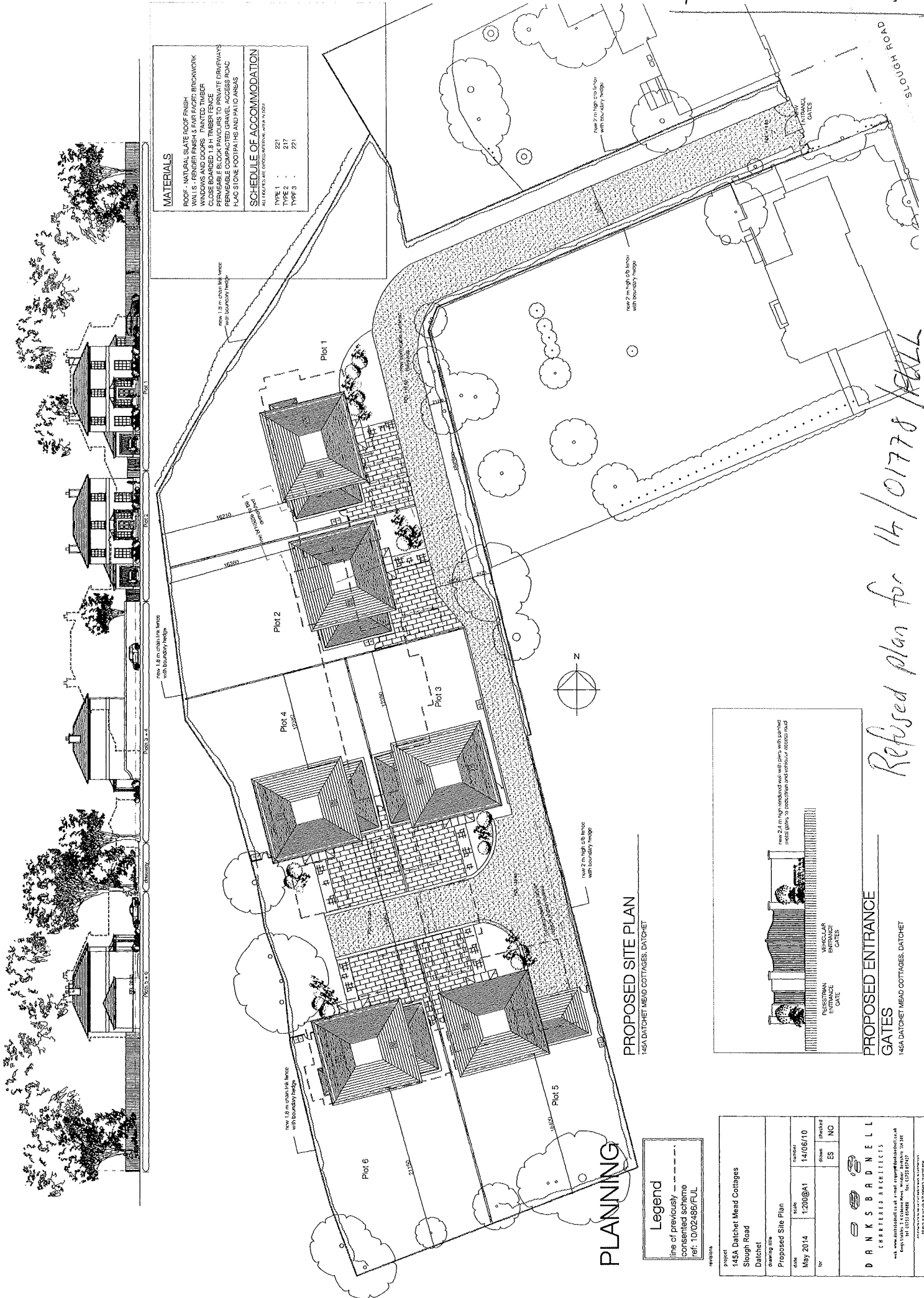
ROOF PLAN



willcoxandmeilives

REV	DATE	DESCRIPTION	DRAWN	20
00	29/09/15	Issued for approval		

CLIENT Howarth Homes	DRAWING TITLE Unit 9 - Proposed Floor Plans
PROJECT 145A Slough Road	PROJECT No 202
Datchet	DWG TYPE PL
<small>Willcox and Meilives Ltd, 100, The Watermill, Windsor, Berkshire, SL4 1 PD t +44 (0)1753 839400 f +44 (0) 1753 831113 www.willcoxandmeilives.com</small>	DATE 29/09/2015
	DRAWN DB
	CHECKED BW
	STATUS For approval
	REV 00
	DWG No 206
	SCALE 1:100 @ A3
	RIBA #:



MATERIALS

ROOF - NATURAL SLATE ROOF FINISH
 WALLS - BRICKWORK
 WINDOWS AND DOORS - FRAMED TIMBER
 CLOSE BOARDED 1.8 m TIMBER FENCE
 PERMEABLE BLOCK PAVEMENTS TO PRIVATE DRIVEWAYS
 PERMEABLE COMPACTED GRAVEL ACCESS ROAD
 FLAGSTONE FOOTPATHS AND PATIO AREAS

SCHEDULE OF ACCOMMODATION

ALL HEIGHTS ARE CONSIDERATIONS WITH FUTURE

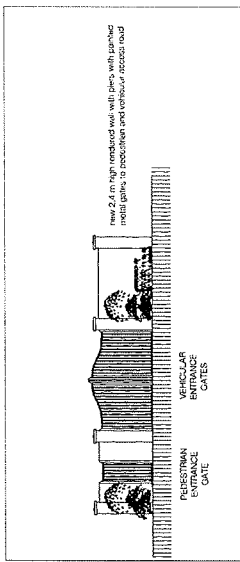
TYPE 1	221
TYPE 2	217
TYPE 3	221

Legend

line of previously consented scheme

ref: 10/02486/FUL

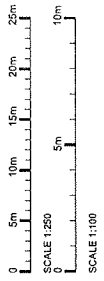
project		145A Datchet Mead Cottages	
Datchet		Slough Road	
drawing title		Proposed Site Plan	
date	scale	number	checked
May 2014	1:200@A1	14/06/10	ES NO
by			
DANKS BARNELL CHARTERED ARCHITECTS			
<small>145A DATCHET MEAD COTTAGES, DATCHET, SLUGH ROAD, WINDSOR, BERKSHIRE, RG40 2JL TEL: 01753 59888 FAX: 01753 59747</small>			



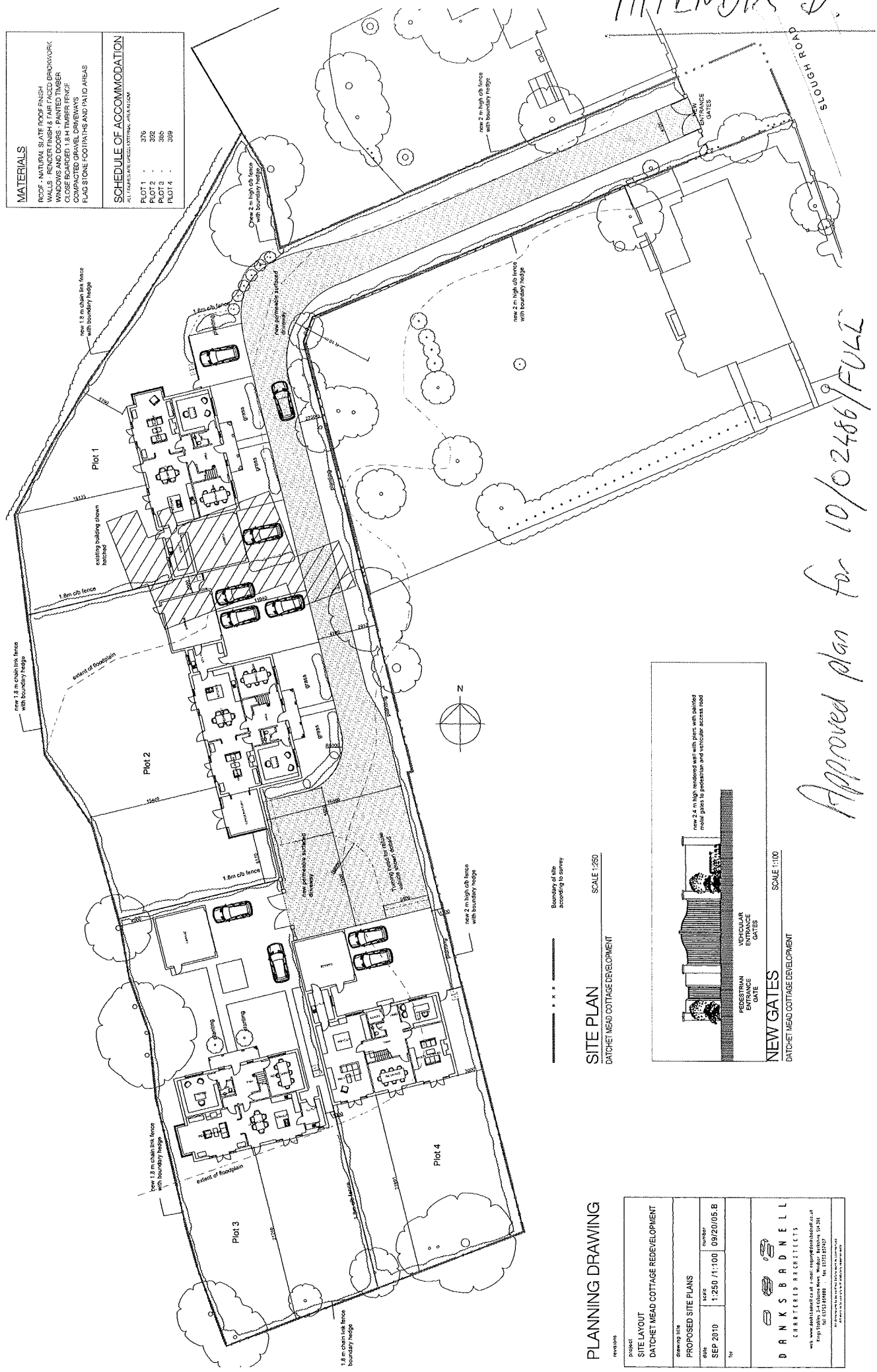
PROPOSED ENTRANCE GATES
 145A DATCHET MEAD COTTAGES, DATCHET

PROPOSED SITE PLAN
 145A DATCHET MEAD COTTAGES, DATCHET

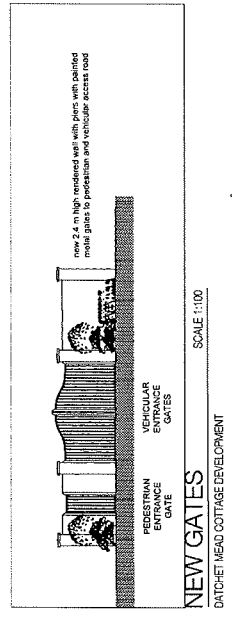
Refused plan for 14/01778/FULL



MATERIALS	
ROOF - NATURAL SLATE ROOF FINISH	
WALLS - RENDER FINISH & FAIR FACED BRICKWORK	
WINDOWS AND DOORS - PAINTED TIMBER	
CLOSE BOARDED 1.8m TIMBER FENCE	
COMPACTED GRAVEL DRIVEWAYS	
PLUG STONE FOOTPATHS AND PATIO AREAS	
SCHEDULE OF ACCOMMODATION	
ALL FIGURES ARE UNLESS OTHERWISE NOTED	
Plot 1	376
Plot 2	382
Plot 3	385
Plot 4	389



SITE PLAN
DITCHET MEAD COTTAGE DEVELOPMENT
SCALE 1:250



PLANNING DRAWING
revisions

PROJECT	SITE LAYOUT DITCHET MEAD COTTAGE REDEVELOPMENT	
drawing title	PROPOSED SITE PLANS	
DATE	14/09/2010	SCALE
REV	1:250 / 1:100	DATE
	SEP 2010	
 DANKS BADNELL CHARTERED ARCHITECTS <small>11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100</small>		

Approved plan for 10/02486/FULL

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 May 2016

Item: 3

Application No.:	16/00163/FULL
Location:	54 York Road Windsor SL4 3NY
Proposal:	Single storey side and rear extensions, front infill extension and alterations to roof to facilitate conversion of loft into habitable accommodation and rooflights following demolition of existing garage
Applicant:	Mr Allen
Agent:	Mr Tim Neal - T Neal Ltd
Parish/Ward:	Clewer East Ward

If you have a question about this report, please contact: Cris Lancaster on 01628 683508 or at cris.lancaster@rbwm.gov.uk

1. SUMMARY

- 1.1 The site is within the Windsor settlement area and the principle of residential extension is acceptable.
- 1.2 The proposed extensions would have an acceptable impact on the amenities of neighbouring properties and on the street scene. Furthermore it is considered that the necessary parking requirements have been met.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden due to Representations by local residents that the proposed extension is too large, will alter the streetscape, and the rooms likely to be bedrooms, will increase the capacity of the building and increase car parking, which is not suitable for the proposed building.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a single storey dwelling located on the north side of York Road close to its junction with Windmill Close. The area is residential in character. The south side of York Road generally comprises two-storey detached dwellings. The north side, including the application site, comprises generally single storey detached dwellings, generally of broadly similar original design but displaying a variety of extensions.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves the erection of single storey side and rear extensions, front infill extension, and alterations to the roof to facilitate conversion of the loft to habitable accommodation and installation of roof-lights.
- 4.2 The proposal would remove an existing flat roofed garage and the construction of a single storey side extension with a pitched roof. The side extension was amended as a result of negotiations with Officers and now incorporates a hip roof. It will be 2.5m wide, 5.75m in depth and will have a height of 5.3m.
- 4.3 The rear extension will be across the full width of the existing house and will be to a depth of 3.3 metres and a height of 5.3 metres. There will be two first floor north facing windows which serve bedrooms incorporated into the extended roof.
- 4.4 Skylights are incorporated into the front and side elevations of the roof.

- 4.5 There is a concurrent application for a Certificate of lawfulness to determine whether a hip to gable loft conversion, two storey rear extension and single storey side extension are permitted development and therefore lawful. This application remains undetermined at the time of writing (ref. 16/01174/CPD).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Highway/Parking issues
	✓	✓
Local Plan	DG1,H14	P4

More information on this document can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

- 5.2 Supplementary planning documents adopted by the Council relevant to this proposal are:

6 Sustainable Design and Construction

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.1

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Impact on the character of the area
- ii Impact on the amenities of occupiers of neighbouring properties
- iii Sufficiency of car parking provision

Impact on the character of the area

- 6.2 The area is characterised by detached dwellings. A number have been extended. The proposal will replace a garage along the common boundary with No. 56 York Road. However, it will bring the development further forward, to be almost in line with the principle elevation of No. 56 at that point. As originally submitted, the development was considered harmful in terms of materially reducing the spacing between properties which was viewed as being out of keeping with the character of the area where the properties generally have spacing in the order of 2-3 metres between the flank walls. Where single storey side extensions have been added, these tend to be lower in order to appear as subordinate elements and to retain spaciousness. A negotiated amendment has introduced a hip roof which has assisted in retaining the spaciousness and, on balance, it is considered that the proposal would be in keeping with and would respect the character and appearance of the local area. The extension to the rear of the property would be an acceptable height and depth that would not make the dwelling too large in relation to its neighbours.

Impact on the amenities of occupiers of neighbouring properties

- 6.3 The dwellings in the vicinity all have similar size small rear gardens. The extension would reduce the rear garden to approximately 9.5 metres but this not untypical of the area. No. 8 Windmill Close, also a single storey dwelling to the rear, has a small garden which sides onto the site. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment.
- 6.4 This is a particularly important consideration when an extension or alteration is proposed adjacent to existing properties. Proposals should seek to provide a reasonable space between buildings in order to minimise overlooking. The development will bring built form some 3.5 metres closer to the rear boundary and the neighbour to the rear has objected on grounds that the development is likely to result in an intrusive, direct and uninterrupted view from the new first floor bedrooms to the most private area of the adjoining garden i.e. the first 3-4 metres of the rear garden, closest to the dwelling.
- 6.5 Given the primary nature of the proposed windows, it is considered that obscure glazing would not offer an appropriate solution to overcome the concern expressed by the neighbour. However, a degree of overlooking is to be expected in any suburban situation and the issue is the materiality of this.
- 6.6 Whilst some overlooking of the garden is inevitable, it is considered that due to the relatively elevated nature of the windows, the distance involved and the level of general overlooking that might be expected in a suburban area, that this would not be so material as to justify refusal.
- 6.7 There is a rear window in No. 8. However, this is at an oblique angle from the new windows and the development is unlikely to result in any material overlooking, in this regard. No adverse issues arise in terms of the amenities of dwellings to either side, Nos. 56 and 52 York Road, given the separation distances and because the low eaves and pitched roof design which will keep any mass away from these neighbours. In addition, the skylights in the side elevations of the rear extension will have a cill height of 1.7m above finished floor level which will ensure that there will be no direct overlooking (condition 4). Furthermore condition number 5 is recommended to preclude any further windows being inserted in the side elevation in the interests of protecting the privacy of the aforementioned neighbours on York Road.

Sufficiency of car parking provision

- 6.8 The proposal involves the loss of a garage, which the applicant claims is below standard. However, the proposal also incorporates alterations to the front garden to accommodate at least 3 car parking spaces. The resulting dwelling is in compliance with the adopted parking standards.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 7.1 4 letters of objection were received as result of notification of 6 neighbours and display of a site notice. Amended plans were received on 24th March 2016. Only one objection was received as a result of the amendments. The planning officer posted a statutory notice advertising the application at the site on 23/02/2016

The letters objecting to the application are summarised as:

Comment		Where in the report this is considered
1.	Would provide insufficient parking space for occupiers	The development includes provision of 3 no. on-site car parking spaces which is

		considered meets the required standard.
2.	The street comprises a consistent design comprising detached bungalows. The development will become a two-storey house and is out of keeping with the character of the area	The area is mixed in character. Whilst the immediate locality comprises similar dwellings, there are two-storey dwellings opposite. A number of properties on this side of the street have been extended or reconstructed, notably No.40 York Road. The proposal will form a chalet bungalow and there is no increase in overall height.
3.	A terracing effect will result from the side in-fill	This was a concern when the application was submitted. However, it is considered that the amended drawings have responded to this issue.
4.	The proximity of the extension to the boundary will prevent maintenance	This is not a relevant planning consideration but is a private matter between owners.
5.	Overshadowing, overlooking and loss of garden privacy, the rear windows are not shown as having obscure glazing	It is not considered that the development will overshadow any adjoining properties.
6.	Site notice not displayed	The site notice was displayed being tied to a lamp post close to the site on 23/02/2016.
7.	The height of the roof over the study and utility room could lead to more accommodation and a requirement for more car parking	This area is effectively roof void without sufficient head height to achieve additional accommodation without requiring further planning permission.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – submitted drawings
- Appendix C – originally submitted proposal
- Appendix D – amended proposal

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought

solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

9. 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 on the external surfaces of the development shall match those of the existing building unless first otherwise agreed 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 Policies - Local Plan DG1.
- 3 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 4 The skylights in the side elevation(s) of the rear extension shall be of a high level type with a cill level that is a minimum of 1.7m above the finished internal floor level and the window type shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers Relevant Policies - Local Plan H11.
- 5 No further window(s) shall be inserted at roof level in the side elevation(s) of the extensions without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 6 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.

Appendix A – Site Location

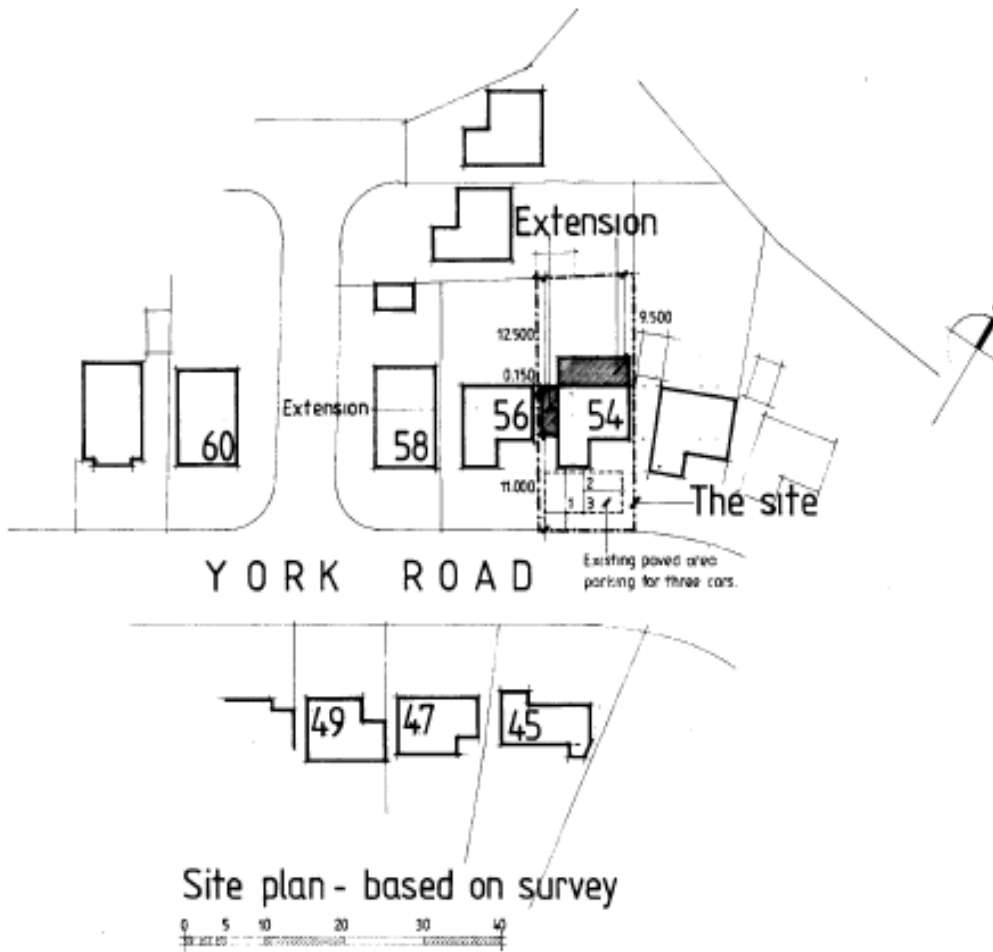


n 2016 from the Onshore Survey MasterMap
database and incorporating surveyed revision available

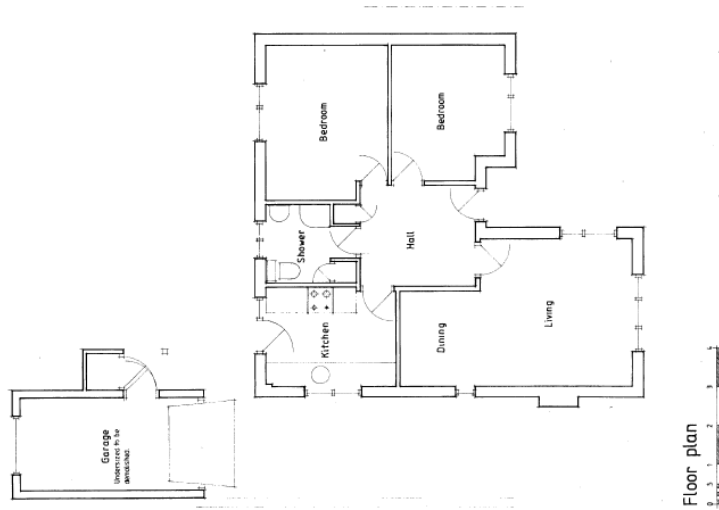
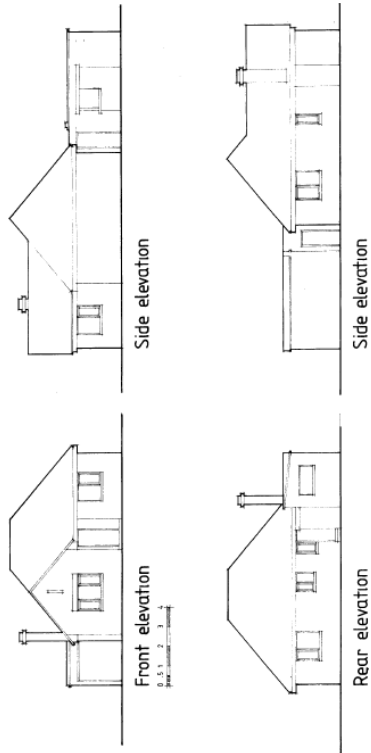


56, York Rd, Windsor
SL4 3NY

Appendix B – Site layout



Original Bungalow



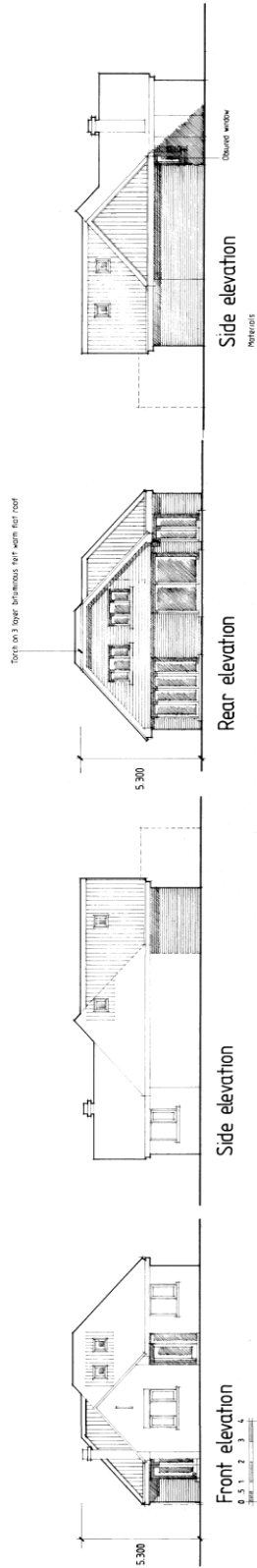
project Single storey rear/side extension and roof conversion
 location 54 York Road, Windsor, SL4 3NY
 drawing Existing
 drawing no 653 / 01
 date December 2015
 scale 1:50 1:100

T.Neal Ltd
 Architectural Design

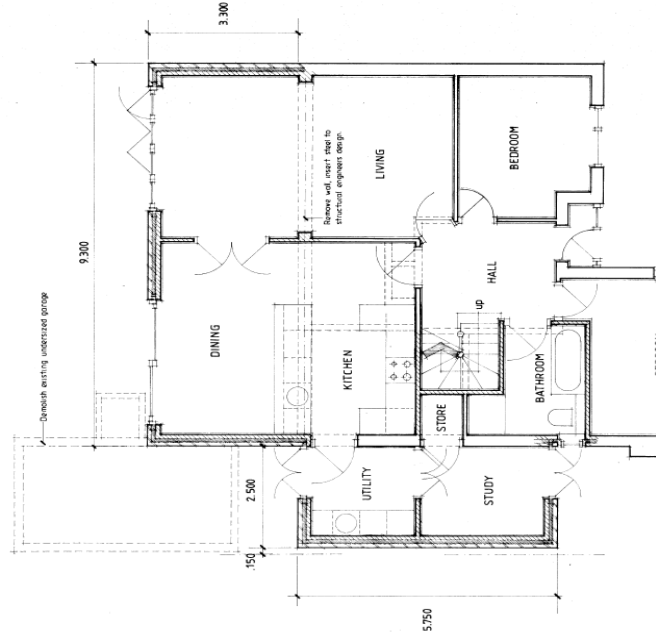
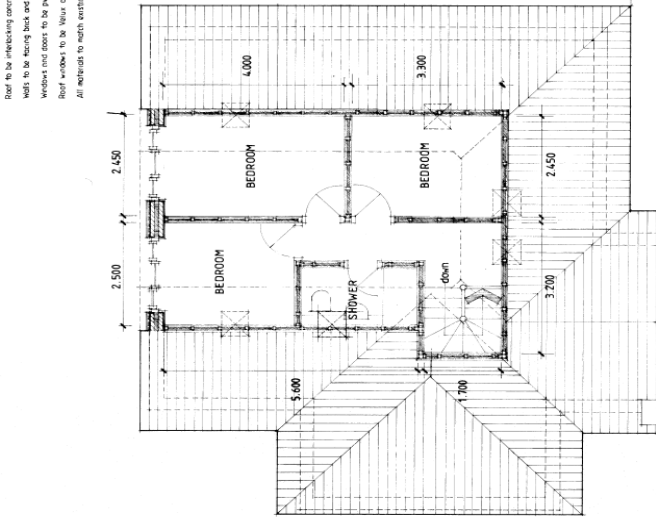
10000 GLEBE ROAD
 WINDSOR, SL4 3NY
 TEL: 01753 779100
 WWW.TNEAL.COM

16/00163

Amended Elevations



Notes:
 Floor to be inflicting concrete rise.
 Walls to be facing brick and vertical plane for hanging.
 Windows and doors to be pre-finished double glazed units.
 Roof windows to be Velux or similar approved.
 All windows to north facing.



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 May 2016

Item: 4

Application No.:	16/00695/FULL
Location:	Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ
Proposal:	Construction of two storey development comprising 4x 1 bedroom flats and 1x 2 bed flat with associated refuse and cycle storage facilities
Applicant:	Ms Spiero - Fieldside Associates Ltd
Agent:	Mr Simon Grainger - Grainger Planning Associates Ltd
Parish/Ward:	Castle Without Ward

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 The application seeks planning permission to construct a two storey building comprising 4 x 1 bedroom and 2 x 1 bedroom flats on the site. Planning permission exists to construct a community centre in the same location, of a very similar design and appearance.
- 1.2 On balance it is considered that case has been made, through a marketing exercise, that there is no longer a need for a community use on this site. The proposal would also result in the loss of a blank flank wall facing into the Conservation Area that is considered to be causing less than substantial harm to the appearance of the Conservation Area.
- 1.3 The proposed apartment building is of a design and form that is very similar to the approved building. For this reason the proposal is considered to have an acceptable impact upon this designated heritage asset.
- 1.4 There is no objection to a car free development in this accessible and sustainable location subject to the applicants entering into a legal agreement to remove the right for future residents to be eligible for car parking permits. The preclusion for future occupiers to secure parking permits is required given the pressure for parking in the locality and so that it can encourage alternative travel to the car. Lastly, it should also be noted that the last use and permitted use of the site as a community centre had no parking.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the parking permit restriction in Section 6 of this report and with the conditions listed in Section 9 of this report.
2.	To refuse planning permission if an undertaking to secure the parking permit restriction in Section 6 of this report has not been satisfactorily completed by 30th May 2016 for the reason that the proposed development would add to parking pressures in the area.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site was part of the former Windsor Ex Services Club. This site has now been partially redeveloped and a row of terraced town houses fronting on Lammis Court has been constructed. The application site comprises the parcel of land that was planned to be, under the original permissions for the site, a replacement community facility. This piece of land is currently

hoarded and unused as the development of the site was only partially implemented by the construction of the residential part of the scheme.

3.2 The site is located within the Inner Windsor Conservation Area within walking distance of the shops and facilities on St Leonards Road and the Town Centre, including the train stations.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/00832	Demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club	Approved
13/00833/CAC	Consent to demolish an unlisted building in a Conservation Area	Approved 1.7.13
14/01945/CON DIT	Details required by conditions 2 (materials), 3 (hard landscaping), 4 (slab levels), 6 (fencing), 8 (sustainability), 10 (acoustic), 11 (access), 12 (construction management plan), 13 (vehicle parking), 14 (cycle storage), 15 (refuse storage), 16 (tree protection), 17 (hard and soft landscaping) and 18 (rainwater, drainage and ventilation) of planning permission 13/00832 for the demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club	Part refusal, part approval 14.8.14
14/03881/VAR	Demolition of the existing services club and construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works	Refused 13.2.15 as no S106 agreement

4.1 The application seeks to erect a building of a similar form and appearance as the approved building. The building would be attached to the terrace of houses and would front onto St Leonards Road. The proposed building however now proposes accommodation over three floors by utilising the roof of the building. The development would comprise 4 x 1 bedroom flats and 1 x 2 bedroom flat in the roof, accessed from the St Leonards Road frontage of the building. There would be no car parking associated with the development.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections 6, 7 and 12

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, CF1	CA2	N6	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Sustainable Design and Construction

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The acceptability of the loss of a community facility;
- ii Whether the proposal preserves or enhances the character or appearance of the Conservation Area;
- iii The principle of providing additional dwellings;
- iv Impact on amenity; and,
- v Car parking and highway safety;

Loss of a community facility

6.2 Policy CF1 of the adopted local plan seeks the replacement of community facilities unless it can be demonstrated that there is no need for them. The applicant has made a case that the whole site originally comprised a former ex-services club which effectively provided a private member drinking establishment with some ancillary uses. The club closed in June 2012 and it is understood the remaining club members used the Alma Road Social Club. The applicant considers that the previous use class was more akin to Class A4 (drinking establishment) than Class D2 (assembly and leisure). Given the text in paragraph 3.3.3 of the Local Plan that new community facility uses should be available to the whole community and meet a local identified need, the applicant considers the former use to be either A4 or Sui Generis; based on the character of the former use, they do not consider it was a community facility in the sense of Policy CF1 of the Local Plan. The 2013 proposal intended to re-provide premises for the ex-services club. However, it is understood that the ex-services club disbanded due to a rapidly diminishing (and ageing) member base and that there is now no longer a local need for the replacement ex-services club.

6.3 The applicant's case is noted, however, it is clear that during the consideration of the planning application in 2013 the ex services club was considered to be a 'community facility' and to this end a replacement facility was proposed as part of the application. The use class of the facility is not considered material to whether the proposal comprises a community facility. In order to comply with Policy CF1 it is considered necessary for this community facility to be either re-provided elsewhere, as a new facility, or that the applicant demonstrates that there is no need for it.

- 6.4 Notwithstanding the use class issue and whether or not the former use was a community facility or not, the applicant has advised that they have marketed the replacement club building on a without prejudice basis.
- 6.5 The site was marketed from May 2013 for use class D1/D2 purposes on a freehold disposal or letting basis with a rental equivalent to £15/sqft. The opportunity was first marketed in the Bayliss Media Ltd group of newspapers and there has been an advertising board on the hoarding for the last 12 months. In addition, the site has been and remains on the website of Walter Giles Euro-Commercial. A number of expressions of interest were received from various religious groups, nurseries, day centres, tennis clubs and societies. However, none of the expressions of interest proceeded any further due to the lack of on-site car parking.
- 6.6 The applicant is of the view that taking these factors into account and the length of time the site has been marketed that there is very little likelihood of this site being used for D1/D2 purposes given the absence of off-street car parking and its location within the midst of a residential area and that the marketing exercise of the preceding over 30 months demonstrates there is no longer a local need. Therefore, the redevelopment of the site for an alternative use is in accordance with the requirements of Policy CF1.
- 6.7 Whilst it is noted that the community centre building has been marketed for nearly 3 years and no interested parties have been found, this should be considered with some caution. The marketing is for an unconstructed building, of which work to build has not commenced, this could have affected interest, if there were parties who were looking for an immediately available building. As such, whilst some weight should be given to the marketing exercise it is considered that this should be weighed against the fact that the building has not been constructed.
- 6.8 Consideration should also be given to the impact of the current partly constructed building upon the appearance of the Conservation Area, as discussed in detail below. The blank flank wall facing onto St Leonards Road did not form part of the approved scheme and the only way to rectify this harm is to build the approved community centre. Planning enforcement powers to require a building to be constructed are limited. The applicant advises that they are of the view that they part implemented their planning permission. The current blank flank wall is considered to cause less than substantial harm to the appearance of the Conservation Area and the proposal would result in a well designed building in the Conservation Area, removing this harm.
- 6.9 The loss of the harm to the appearance of the Conservation Area is not considered to be an overriding factor in the case for the loss of the community facility. The marketing that has been carried out and the case made by the applicant in relation to the marketing of the building and the fact that the original user of the building is no longer interested in a replacement is considered to make a case that there is no need for a community facility, thereby complying with Policy CF1 of the Local Plan.

Impact on the Conservation Area

- 6.10 The site is located within the Inner Windsor Conservation Area. Proposals within the Conservation Area should preserve or enhance the character or appearance of the Conservation Area.
- 6.11 The proposed building would measure 9.5m high and 18.1m wide, with a depth of 9.4m. The approved building would measure 9.5m high and 18.1m wide, with a depth of 9.4m. Amended plans have been received during the application as concerns were raised that the changes to the building from that approved had diluted the architectural quality.
- 6.12. Paragraph 132 of the NPPF is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.13 Due to the partial implementation of the 2013 planning permission, which granted permission for one building, an unauthorised blank flank wall of the terrace of houses fronts onto St Leonards

Road. This blank, flank wall is considered to cause less than substantial harm to the appearance of the Conservation Area.

- 6.14 The proposed flats are of a similar design to the approved building and the revisions to the plans have ensured that the architectural quality of the building remains the same as the approved scheme. The proposed building would contribute towards an improvement in the appearance of this part of the Conservation Area, for this reason the proposal is considered to preserve the character and appearance of the Conservation Area.
- 6.15 A Field Maple tree which lies to the North of the building on land outside of the applicant's control is shown to be removed on the submitted plans. On the previously approved scheme, no objection was raised in respect of the relationship of the building and this tree. It remains the case in this scheme that the relationship would be acceptable. An informative is recommended pointing out that the tree is not within the ownership of the applicant and cannot be removed without the landowner's permission.

Principal of providing additional dwellings

- 6.15. The site is within the settlement of Windsor in an accessible location close to the amenities of the town centre where there is no objection to the principle of providing additional dwellings, subject to all other matters being satisfactorily addressed.

Amenity

- 6.16 The proposed dwellings would each have a small balcony or terrace. Whilst there is no outdoor amenity space this is not unusual for flatted developments and the dwellings would benefit from the amenities of the town centre.
- 6.17 The siting of the building is comparable to the previous scheme and no objections are raised to the impact of the bulk or mass of the building upon the amenities of nearby occupiers. The building has been designed so that there would be no loss of privacy to nearby occupiers.

Car parking and highway safety

- 6.18 This section of St Leonards Road joins Victoria Street with Goslar Way and is subject to a 30mph speed limit. The site is situated in a Residential Zone E parking area where pay and displays (8am- 8pm) and business permit parking (8am- 6pm) applies. Lammas Court is an adopted residential cul-de-sac where on street parking is applicable for holders of a residential parking permit.
- 6.19 Based on typical D1 (community) and C3 (dwelling houses), the previous Ex-Servicemen Club (622m²) could potentially generate between 38 and 76 trips per day and the approved smaller club (279m²) could generate between 16 and 32 trips per day, whereas the residential scheme attracts 12 to 24. Given the relatively accessible nature of the development together with the parking controls in the area, the normal day to day trips are likely to be significantly lower than the figures quoted.
- 6.20 Similar parking restriction applies for the following neighbouring roads in the surrounding area:
- St Marks Place – Residential Permits 8am- 8pm
 - Queens Road – Residential Permit and Pay & Display, Mon-Sat from 8:30am – 5:30pm
 - Beaumont Road – Residential Permit and Pay & Display, Mon-Sat from 8:30am – 5:30pm
- 6.21 As a walking distance the site is circa 0.81km from Windsor & Eton Central Station plus a further 0.150km from Windsor Town Centre. With reference to the Authority's parking standard, a development comprising 1 and 2 bedroom units within 0.80km from a rail station that operates a frequent service is considered to be within an accessible location. As such mindful of the trip numbers of the approved and previous community centre, when compared to the proposed apartments, and the likely parking need of a community centre, together with the accessible location of the site there is no objection to no parking being provided at this site.

- 6.22 To ensure that the proposal does not increase the demand for parking the Highway Authority recommends future occupants and their successors being ineligible from obtaining a parking permit, this would be secured through a Section 106 Agreement.
- 6.23 The plans indicate a cycle parking store shared with the refuse/recycling bins. The design of the cycle parking spaces does not comply with the Authority's standard. However, this can be covered by a planning condition (condition 9).

Other Material Considerations

Housing Land Supply

- 6.24 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply.
- 6.25 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 22nd March 2016.

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

Comment	Where in the report this is considered
1. No parking spaces have been allowed for, just bicycle spaces, yet there would be 4 or 5 extra cars requiring parking spaces, plus visitors.	6.18-6.22
2. We have already lost several spaces at the entrance to Lammas Court and on the side of the road in front of Beulures Place.	Noted
3. Perhaps there are too many flats being considered for such a small space.	6.15
4. Very surprised to read that Lammas Court Management Company have not been consulted, the Directors would have been able to circulate the application to the 42 properties in the Court.	In accordance with local and national policy a site notice has been displayed and adjoining properties notified. The Council notifies properties and would not notify Management Companies.
5. When the new houses were building the area lost 6-8 spaces used for	Noted

	parking and more cars now try to park in the Court at night and vehicles are regular parked on the pavement or double yellow lines.	
6.	Unlikely to use bicycles.	Noted
7.	The Transport statistics do not show the problems we have every day.	6.18-6.22

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection	6.18-6.22
Conservation Officer	A verbal discussion – amended designs are acceptable.	6.10-6.14

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – plans and elevations
- Appendix C – approved plans and elevations under 13/00832

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No development shall take place until samples of the materials to be used on the external surfaces of the development and a scaled section drawings of the windows and doors, along with details of the materials to be used for the windows and doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
- 4 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.

Reason: : To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 5 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how then development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 6 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies LocalPlan NAP2, H10.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason:In the interests of highway safety and the free flow of traffic. Relevant Policies - LocalPlan T5.
- 8 Further details of all external rainwater, drainage and ventilation shall be submitted to and approved by the Local Planning Authority in writing prior to their installation and shall be installed in accordance with the approved details.
Reason: To protect and preserve the character of the conservation area. Relevant Policies - Local Plan CA2
- 9 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.
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
- 10 No part of the development shall be occupied until a refuse bin storage area and recycling 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 be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 2 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 3 The Field Maple to the north of the building is not within the control of the applicant and cannot be removed without the owner's permission.



Site location





WEST /STREET ELEVATION



NORTH /STREET ELEVATION

EXTERNAL MATERIAL SCHEDULE

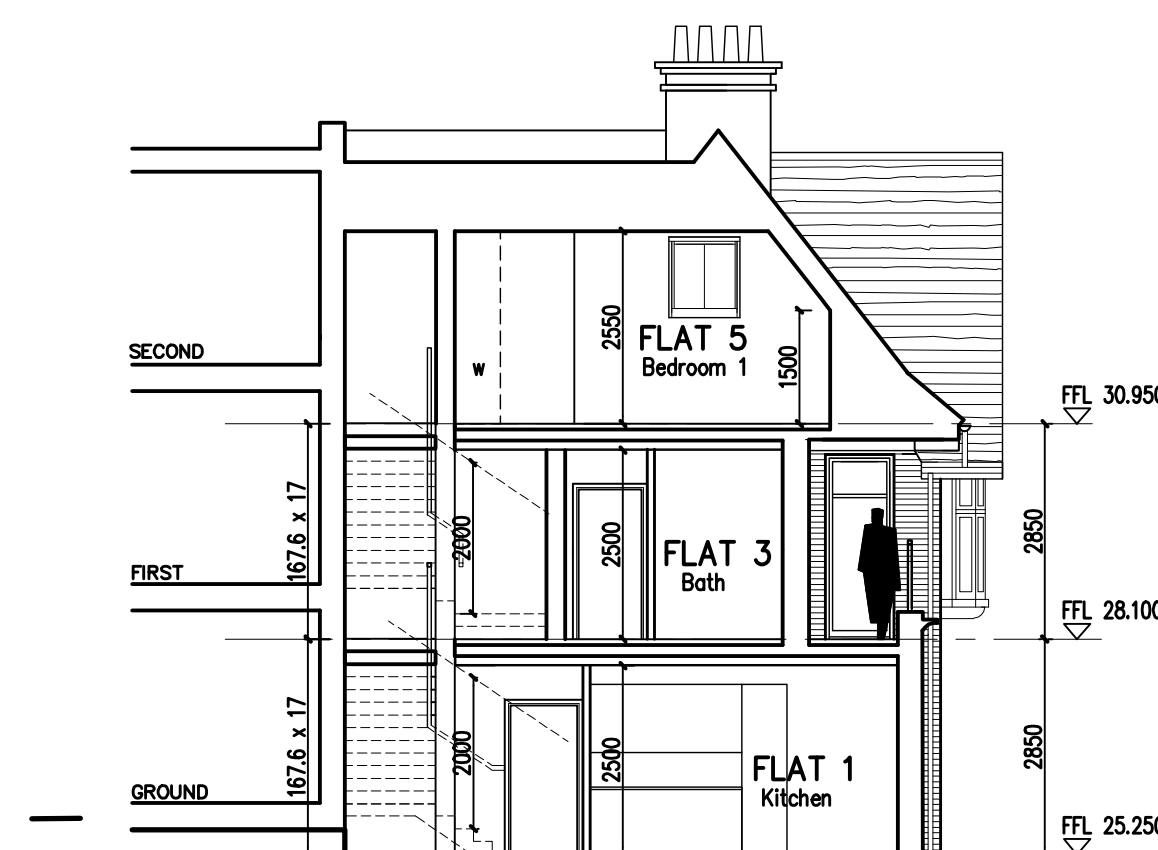
- External walls:**
Facing brick to match adjacent houses.
Plain tiles hanging.
Timber posts and balustrading.
- Roof:**
Plain tiles to match adjacent houses.
White finished fascias and soffits, exposed rafters.
Black half round rainwater gutters and downpipes.
Lead dormers.
- Windows and doors:**
White finished traditional windows and doors.
Coservation rooflights.



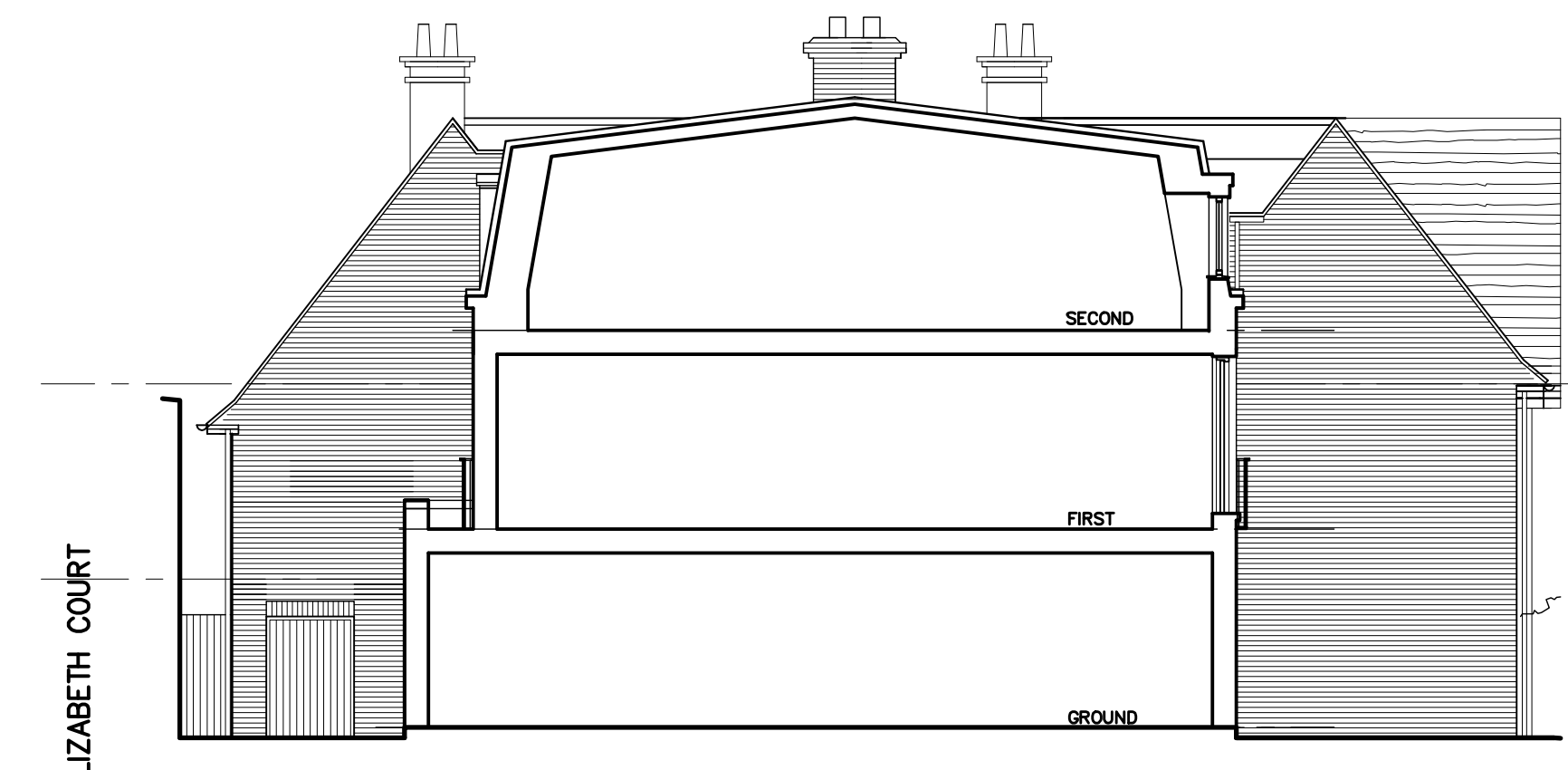
SOUTH ELEVATION



EAST ELEVATION



SECTION AA

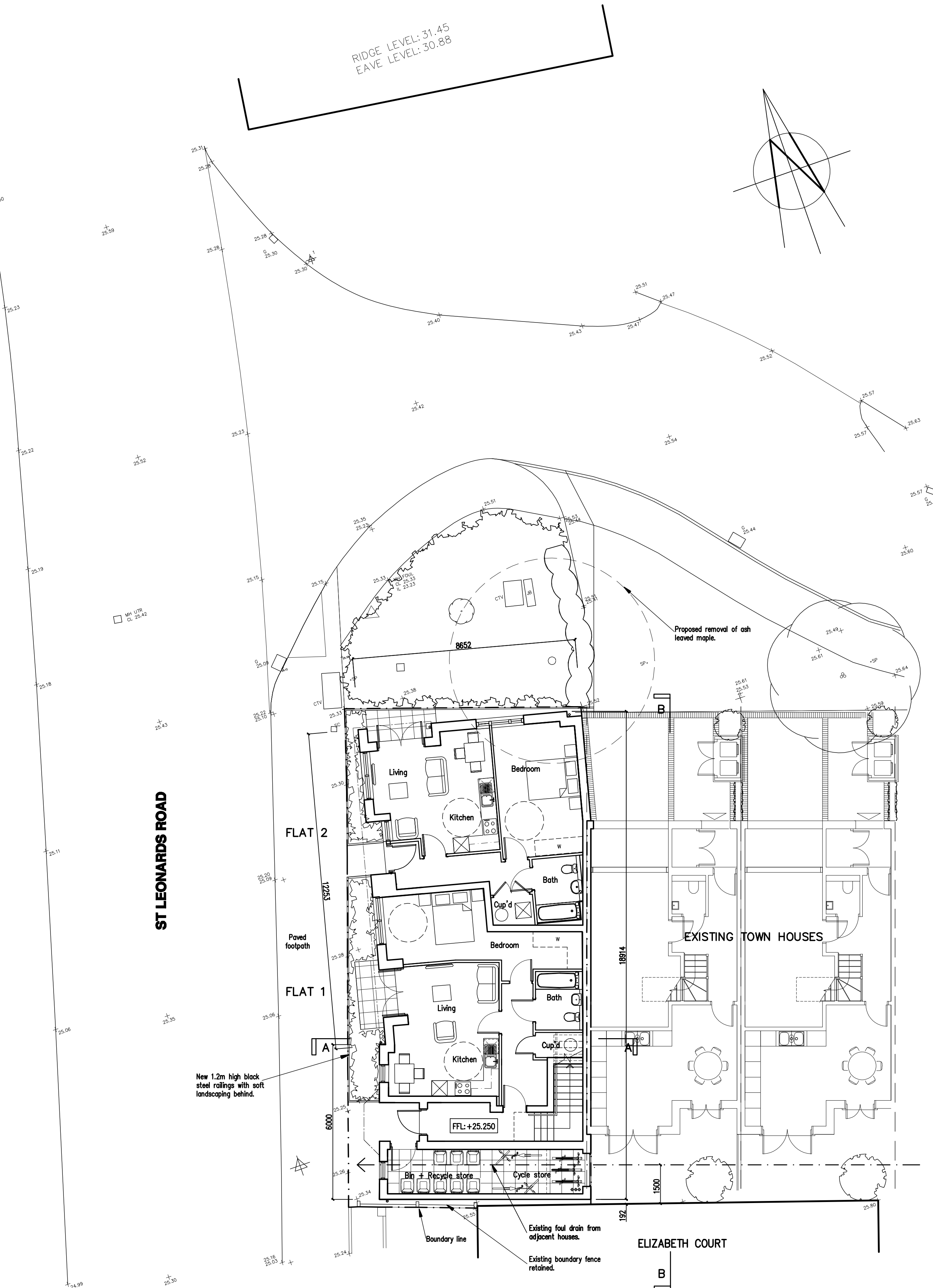


SECTION BB

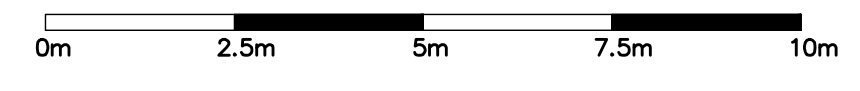
Rev.C 25.4.16 Amended to Planning Officer comments.
Rev.B 25.1.16 Client amendments.
Revisions: Rev.A 18.1.16 Tile hanging and brick added.

Project:	FLATS DEVELOPMENT 107 ST LEONARDS ROAD WINDSOR		
Client:	WATERSMEAD HOMES		
Title:	ELEVATIONS & SECTION		
Drawn:	GG	Date:	Oct.15
Scale:	1:100	Drawing No.:	1489/dwg's
			1489/102C

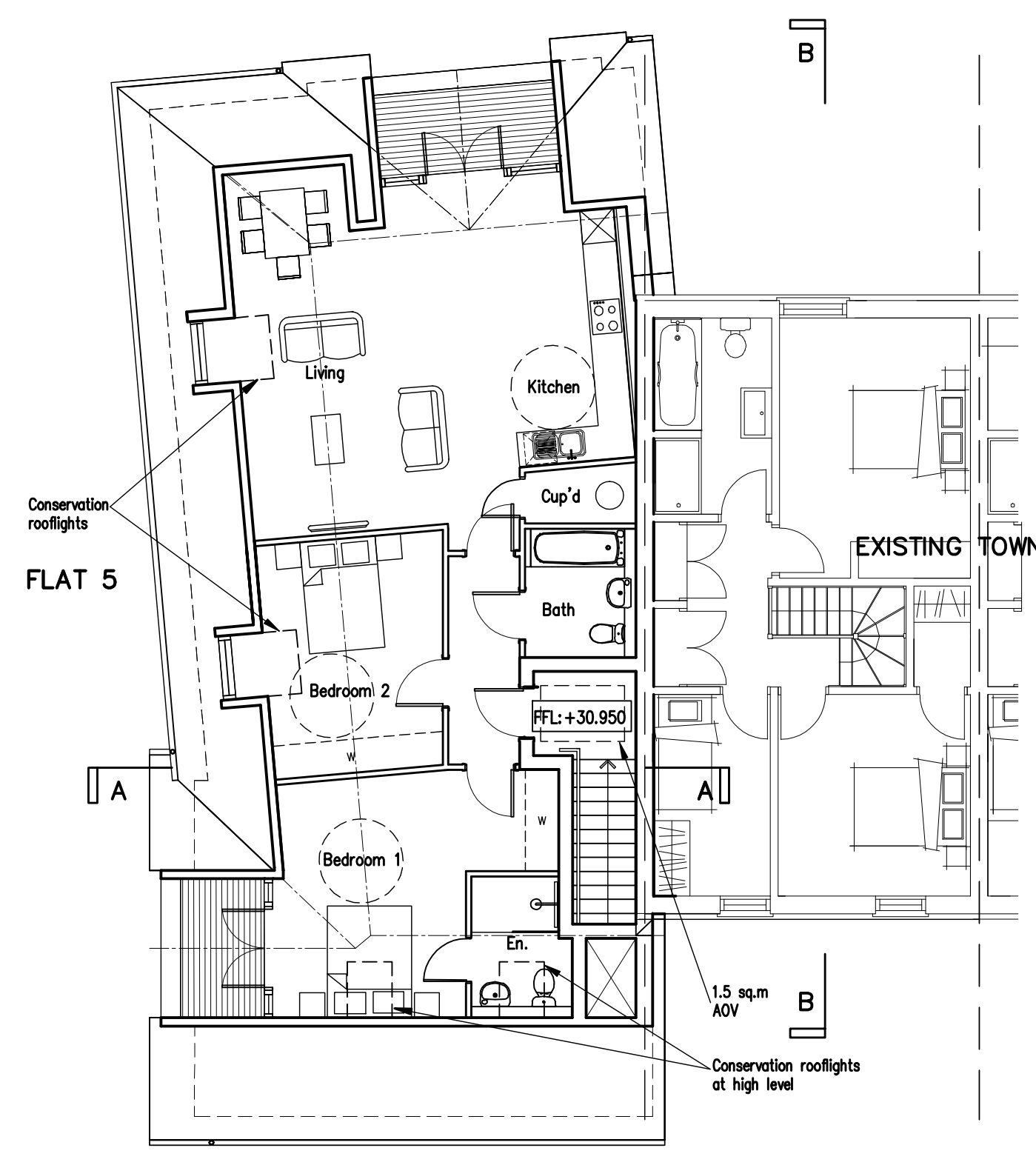
Keith Hiley Associates Limited
Navigator House, 60 High Street
Hampton Wick, Surrey KT11 4DB
Telephone: 020-8943 4911
Facsimile: 020-8943 2966



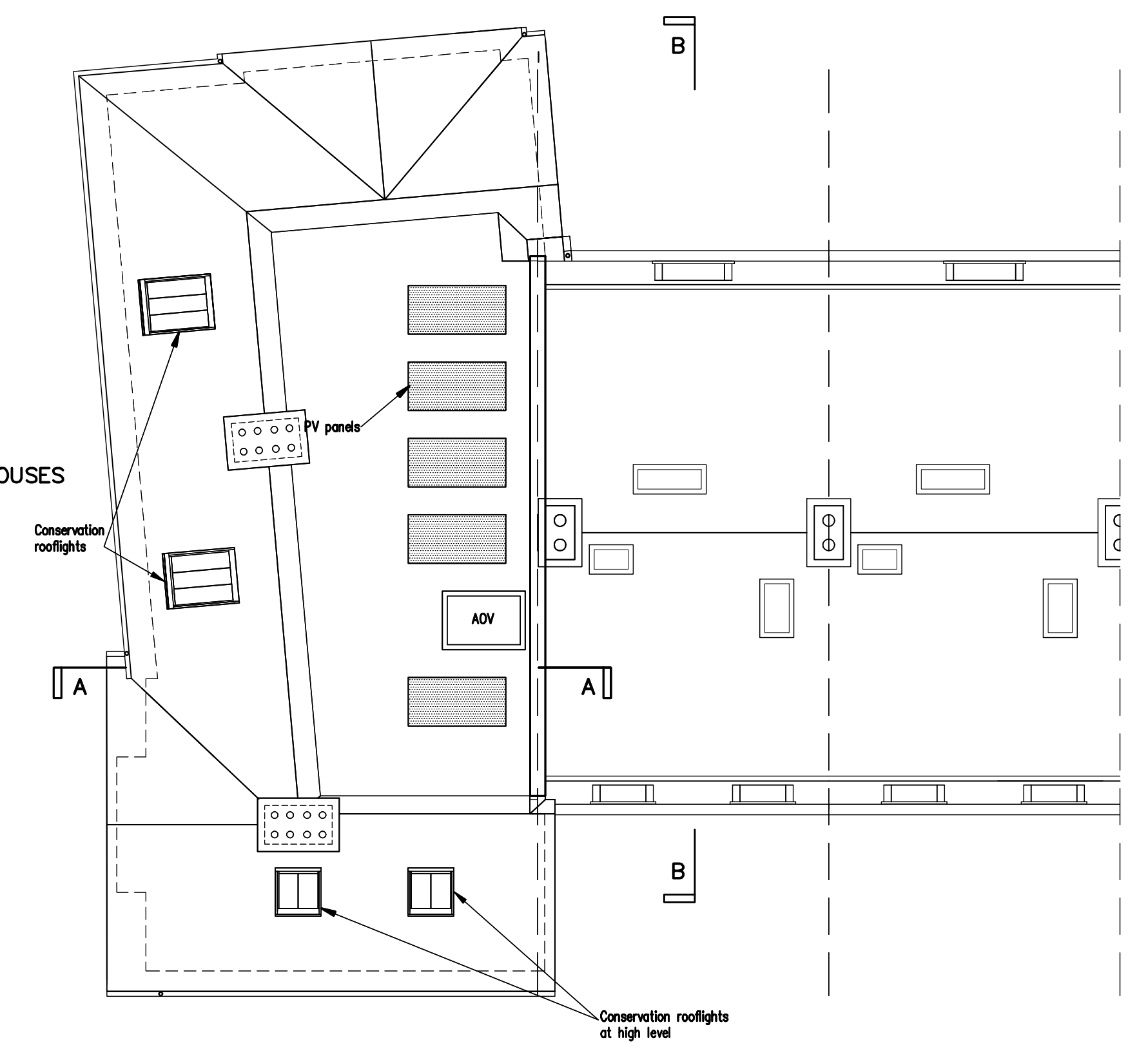
SITE / GROUND FLOOR PLAN



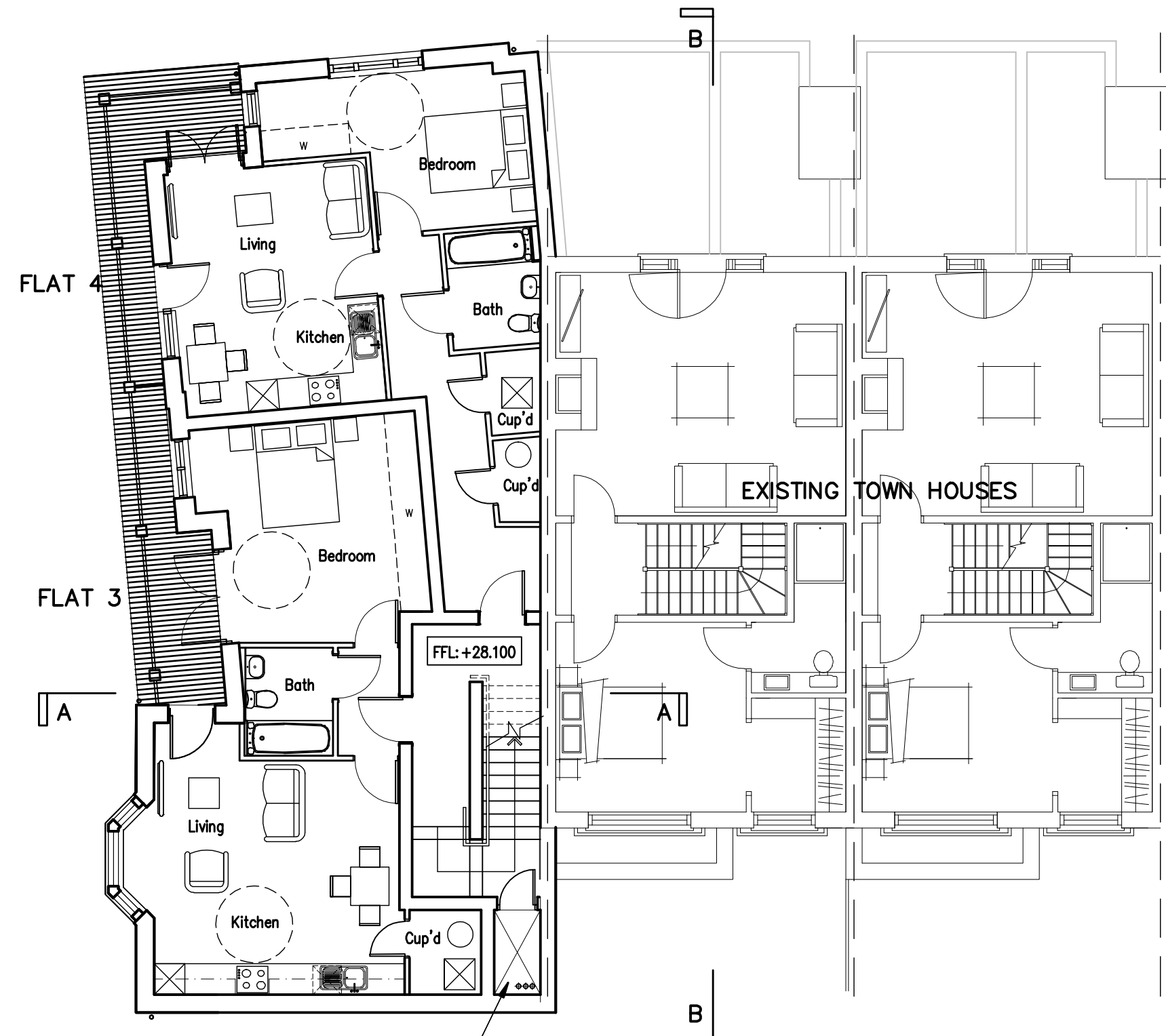
+10.18 = Existing site levels
 x9.30 = Proposed site levels



SECOND FLOOR PLAN



ROOF PLAN



FIRST FLOOR PLAN

AREAS :

	sq.m	sq.ft
FLAT 1:	50.8	547
FLAT 2:	50.7	546
FLAT 3:	51.1	550
FLAT 4:	51.0	549
FLAT 5:	90.5	974
TOTAL:	294.1	3,166

Revisions: Rev.B 25.4.16 Plans amended to Planning Officer comments.
 Rev.A 18.1.16 Ground floor windows amended. PV panels added.

Project: **FLATS DEVELOPMENT**
 107 ST LEONARDS ROAD
 WINDSOR

Client: **WATERSMEAD HOMES**

Title: **SITE, FLOOR & ROOF PLANS**

Drawn: **GG** Date: **Oct.15** Cad file: **1489/dwg's**

Scale: **1:100** Drawing No: **1489/101B**

Keith Hiley Associates Limited
 Navigator House, 60 High Street
 Hampton Wick, Surrey KT11 4DB
 Telephone: 020-8943 4911
 Facsimile: 020-8943 2966



SERVICES CLUB ELEVATION

1:100



TOWN HOUSES FRONT ELEVATION

1:100



TOWN HOUSES SIDE ELEVATION

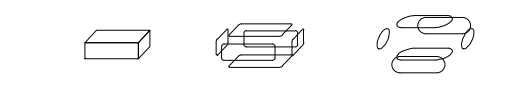
1:100



TOWN HOUSES REAR ELEVATION

1:100

PLANNING DRAWINGS

revisions		
project SERVICES CLUB ST LEONARDS ROAD WINDSOR		
drawing title PROPOSED ELEVATIONS		
date FEB 2013	scale 1:100 @ A1	number 11/02/33
for S G INVESTMENTS	drawn KP	checked CG
 DANKS BADNELL CHARTERED ARCHITECTS		
web: www.danksbadnell.co.uk e-mail: enquiry@danksbadnell.co.uk Kings Stables 3-4 Osborne Mews Windsor Berkshire SL4 3DE tel: 01753 859800 fax: 01753 857427		
<small>All dimensions to be verified before work is commenced All work is to comply with statutory requirements</small>		

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

25 May 2016

Item: 5

Application No.:	16/00907/FULL
Location:	Dedworth Middle School Smiths Lane Windsor SL4 5PE
Proposal:	Construction of synthetic turf pitch, floodlighting, fencing, drainage and ancillary works
Applicant:	
Agent:	Mr Joe Ayoubkhani - Geraint John Planning Ltd
Parish/Ward:	Clewer North Ward

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 The new synthetic pitch would be sited on part of the existing school playing field, alongside the existing enclosed tennis courts. The new pitch would be used in connection with the school and would also be made available to other youth and adult sports clubs and community groups.
- 1.2 The applicants are now proposing that the hours of illumination for the new floodlights would be from 8:00am until 9:00pm each day of the week. The proposed synthetic turf pitch, floodlighting, fencing, drainage and ancillary works are considered to be acceptable. However, it is considered that in the interests of the amenity of local residents, the hours of illumination on Sundays, Public and Bank Holidays should be restricted to the hours of 9pm until 6pm.

It is recommended the Panel grants planning permission subject to no objection from Sport England and the conditions listed in Section 9 of this report. The application would need to be referred to the Secretary of State for Communities and Local Government if Sport England objects on the basis of a resulting deficiency of playing field land in the area or because the replacement to be provided is inadequate.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor E Wilson irrespective of the recommendation, for the reason that it is in the public interest.
- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises part of a school playing field. The new pitch would be adjacent to existing tennis courts which are surrounded by fencing. There are residential properties surrounding the school playing fields.
- 3.2 The site is not in the Green Belt and not within an area liable to flooding. The agent has advised that there are no drainage issues on this site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no recent relevant planning history relating to the provision of a new synthetic pitch or flood lighting on this school site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 7 (Requiring good design); Section 8 (Promoting healthy communities); Section 11 (Conserving and enhancing the natural environment).

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues
Local Plan	DG1, R8, CF2.	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy R2 to R6 - Public Open Space provision
- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of the development
- ii The impact of the proposal on local residents
- iii Impact on highways and parking

The principle of the development

6.2 The proposals is for a synthetic turf pitch, floodlighting, fencing, drainage and ancillary works. The pitch would be marked up for football use with a pitch footprint of 61m x 37m, with 3m on all sides outside of the pitch footprint with a further 3m in depth behind the goal areas for storage. The applicants advise that the pitch would be FIFA (International Federation of Association Football) and FA (Football Association) compliant.

6.3 The fencing would comprise mesh powder coated green fencing to a height of 4.5m. The floodlighting would consists of 6 no. 10 metre high floodlights. The applicants are proposing clocks which will be installed to ensure that lights cannot be operated outside of permitted times. The applicants are now proposing hours of operation to be 8am until 9pm each day of the week (including weekends and bank holidays). The originally proposed times as stated on the application form were 8am until 10pm. The reduction in hours is welcome. However, it is considered that in the interests of the amenity of local residents, the hours of illumination on

Sundays, Public and Bank Holidays should be restricted to the hours of 9pm until 6pm. (See condition 2, Section 9 below).

- 6.4 As well as increasing the quantity of sport able to be played within the school itself, the applicants advise that the facility will also be made available to other youth and adult sports clubs and community groups. It is understood that Windsor Youth Football Club, in particular, has a need for all-weather floodlit playing facilities to enable midweek coaching and training for school children and for intensive all-weather weekend activities. (The applicant advises that this club provides for over 400 players aged from 6-18 years in over 35 teams).
- 6.5 The NPPF (at paragraphs 69 and 73) is supportive of delivering recreational facilities, and providing community facilities which make an important contribution to the health and well-being of communities.
- 6.6 Paragraph 74 of the NPPF states: 'existing open space, sports and recreational buildings and land including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.'
- 6.7 As this proposal would allow better use of an existing part of the school playing field throughout the year, it is considered that the principle of the development is acceptable. However, Sport England has been consulted and comments will be reported in the panel update.

The impact of the proposal on local residents

- 6.8 The nearest house to the proposed pitch would be at no 9 Knights Close. The separation distance between the house at No 9 and the new pitch would be approximately 60 metres. Other houses in Knights Close (10-17 inclusive) would range from approximately 77 – 80 metres away from the edge of the pitch.
- 6.9 Running between the boundaries of houses in Knights Close and the school playing field is Roses Lane which is lined with a hedgerow and tall trees (Poplars).
- 6.10 Houses in Longmead and Smiths Lane which border the school playing fields would be in excess of 150 metres from the proposed pitch.
- 6.11 Paragraph 123 of the NPPF advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of a new development, and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 17, bullet point 4 also requires a good standard of amenity for all existing and future occupants of land and buildings.
- 6.12 Policy R8 of the Local Plan advises that the Borough Council will permit development for public or private recreation use except where such development would result in significant environmental or highway problems or where it would conflict with any other policies of the plan. In the explanatory text at paragraph 3.2.21 the Local Plan advises that consideration will be given to any possible harm to the amenities of neighbouring properties when assessing proposals which are likely to result in excessive noise or traffic generation or which require floodlighting.
- 6.13 The existing school playing field has no current restrictions on the hours of use and subject to the school's agreement, could potentially be used at any time during daylight hours.
- 6.14 The applicants have agreed to reduce the hours for the proposed lighting from 8am until 9pm - rather than until 10pm as originally proposed. The reduction in hours is welcomed. Nevertheless, it is considered that in the interests of the amenity of local residents, the hours of illumination on Sundays, Public and Bank Holidays should be restricted (by condition) to the hours of 9pm until 6pm. It is considered that the impact of the proposed lighting and any resultant additional noise from the use of the illuminated pitch, would not be so great as to warrant refusal on those grounds. A condition is to be imposed to restrict the hours of illumination from 8am until 9pm on Mon-Sat; and 9am until 6pm on Sundays, Public and Bank Holidays. (See Condition 2, Section 9.)

- 6.15 It is understood that from the lighting report that the proposed lighting system has been designed to minimise light spillage and there is a switch down level (which turns 4 no. floodlights off) for slower moving sports such as small sided football.
- 6.16 It is noted that in terms of community comments there has been only one objection received at the time of writing this report. Additionally, Environmental Protection has not raised an objection, suggesting a condition about the hours of operation and the use of a timer clock. (See Condition 2, Section 9).

Highways and parking

- 6.17 There is ample on site parking and turning space at the school. Comments are awaited from the Highway Officer and will be reported in the panel update.

Other considerations

- 6.18 The new pitch would incorporate drainage which connects to the existing drainage system. The construction of the new pitch would involve providing a lower base of 180mm depth of clean aggregate and upper base of 20mm (stone to dust). It is understood that there would be no increase in ground levels.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

78 occupiers were notified directly of the application.

1 letters was received supporting the application, summarised as:

Comment	Where in the report this is considered
1. Support. The facility will be available for all community and schools alike. Much needed sport facility for young and old with added advantage of floodlights. Hope football won't be the only sport played and it may allow other types of sports to be played.	Noted

1 letter of no objection was received

Comment	Where in the report this is considered
No objection.	Noted

1 letters of comment/ objection_ to the application, summarised as:

Comment	Where in the report this is considered
1. Sports facility welcomed. However, concern about hours of operation 08:00 -22:00 and additional noise and disturbance to neighbours. There is already significant aircraft noise in this area. The hours need to be reduced and number of operational days reduced. Hours of illumination would be better if 9am until 9 pm.	See paragraph 6.14
2. Concern about nuisance to neighbours from Floodlights. Need to be fitted to avoid spillage.	See paragraphs

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	<p>No objections: Suggested conditions and informatives</p> <p>IEH11 - Light Pollution For the preservation of dark skies, for the prevention of 'light nuisance' and for the conservation of energy the lighting system hereby permitted shall be turned off by an automatic time clock when the area is not in use, say, between 07:00 and 22:00 and by light sensitive switch when natural light is available.</p> <p>Informatives suggested:</p> <p>Dust Control Informative (Non-Standard)</p> <p>Smoke Control Informative (Non-Standard)</p> <p>Construction Hours</p>	Paragraph 6.16
Highways	No comments received at the time of writing the report. Any comments will be reported in the panel update.	Paragraph 6.17
Sport England	Comments awaited. To be reported in the panel update if received in time.	Paragraph 6.19

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Layout, elevation and section drawings

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have / have not been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED OR REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT 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 Unless otherwise agreed in writing by the Local Planning Authority, the approved artificial lighting shall only be operated in accordance with the following details:
 - (i)The flood lights shall be illuminated only between the hours of 08:00 until 21:00 on Monday to Saturday and shall not be illuminated at any time after the hours of 21:00 and before 08:00 on Monday to Saturday. On Sundays, Public Holidays and Bank Holidays the flood lights shall be

illuminated only between the hours of 09:00 until 18:00 and shall not be illuminated at any time after the hours of 18:00 and before 09:00.

(ii) For the preservation of dark skies, for the prevention of 'light nuisance' and for the conservation of energy the lighting system hereby permitted shall be turned off by an automatic time clock after the hours of 21:00 and before 08:00 on Monday to Saturday and after the hours of 18:00 and before 09:00 on Sundays, Public or Bank Holidays. Furthermore, the lights shall also be controlled by a light sensitive switch (to ensure lights are off) when sufficient natural light is available.

Reason: To limit the hours of illumination to protect the amenities of local residents and for the prevention of light nuisance and in the interests of energy conservation. Relevant Policies - Local Plan - Policy R8, The Council's SPD for Sustainable Design and Construction, NPPF Paragraph 17 bullet point 4.

- 3 The root protection areas of mature trees shall be protected with fencing prior to any plant, machinery or materials are brought onto the site and such protective fencing shall be retained until the completion of all construction work and until all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any tree root protection areas 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.

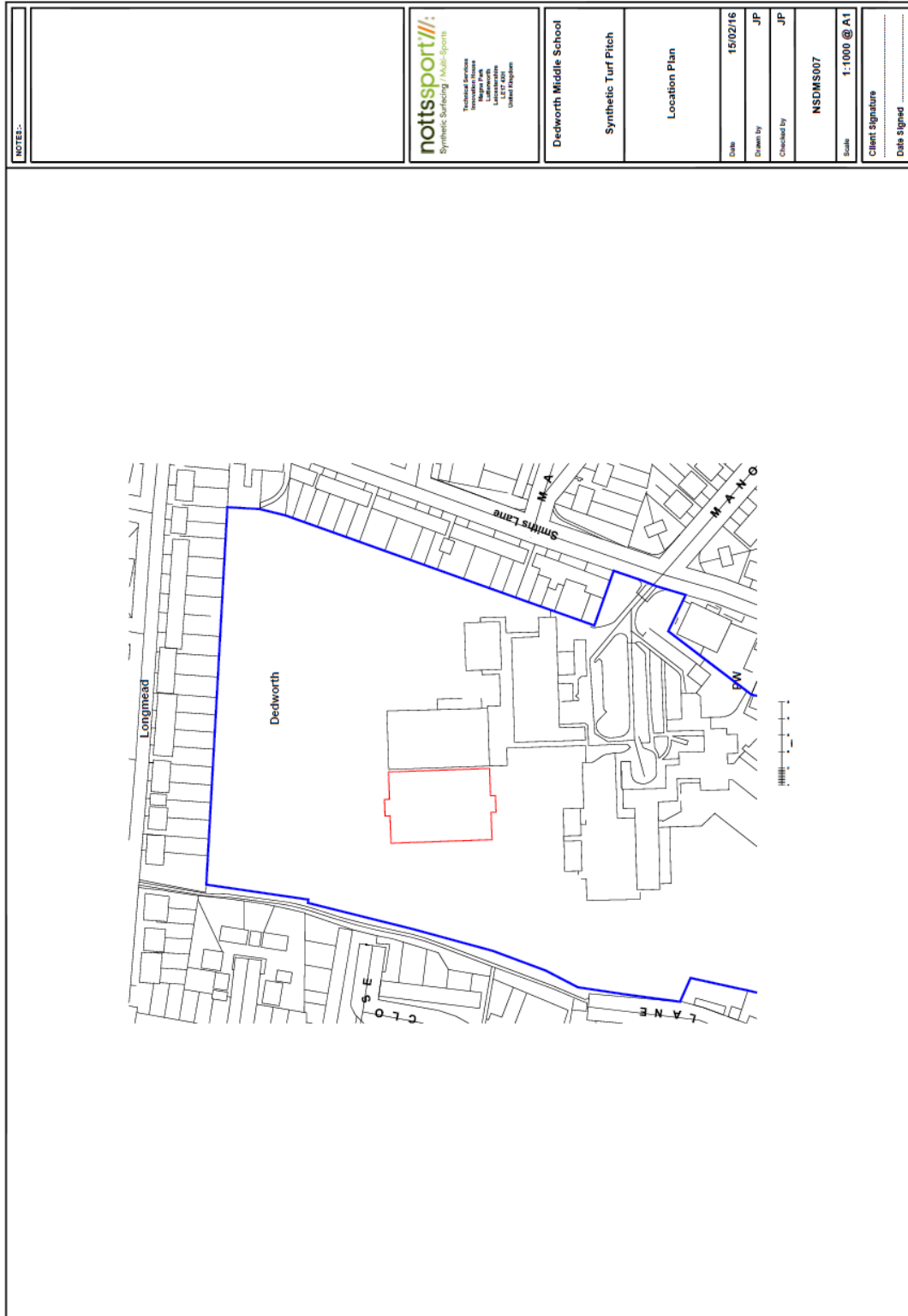
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

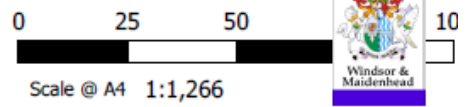
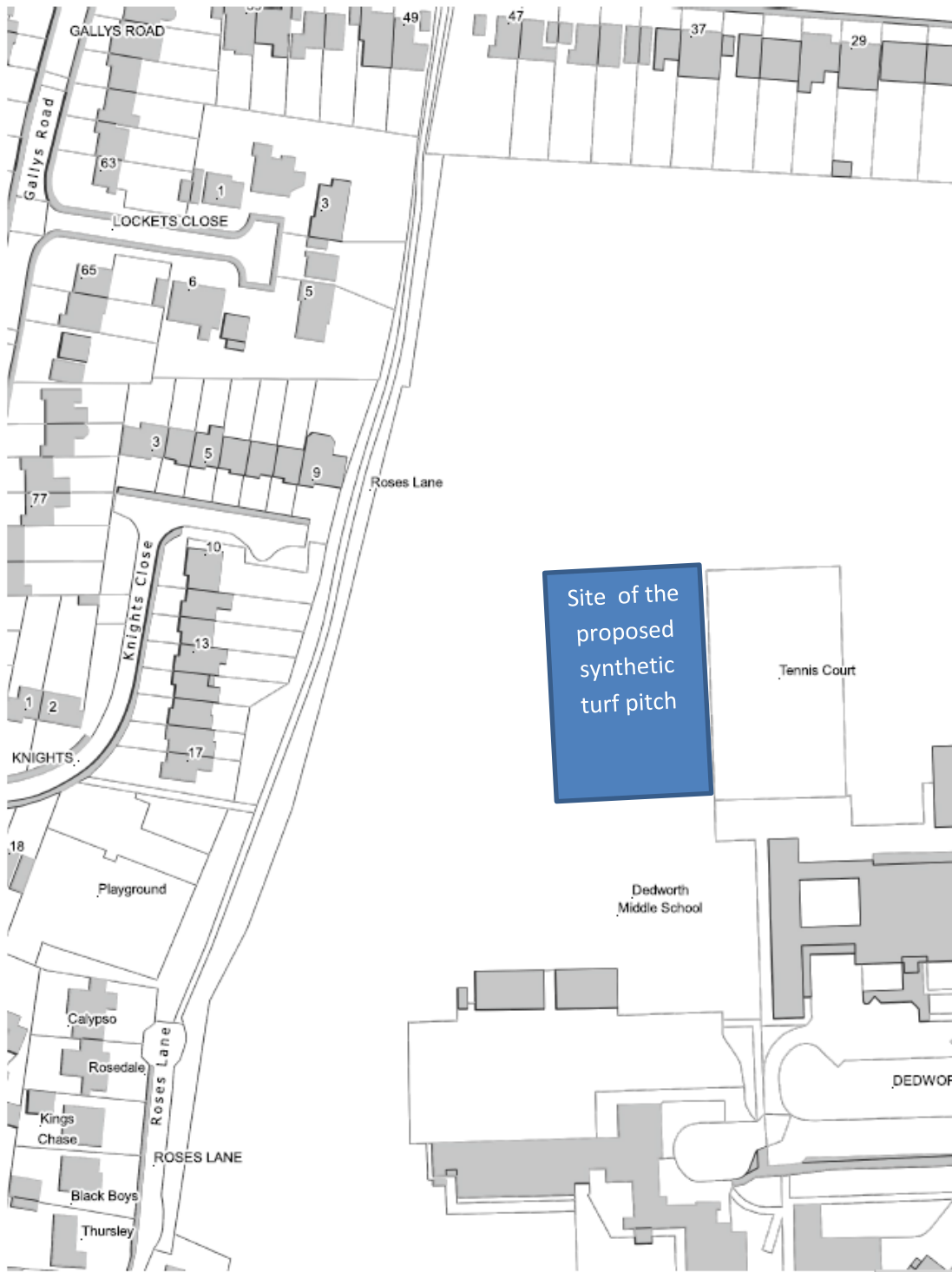
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, 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 with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): 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.
- 2 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00 until 18.00; Saturday 08.00 until 13.00. No working on Sundays or Bank Holidays.
- 3 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 on 01628 683538 and follow good practice.

APPENDIX A – 16/00907 Dedworth Middle School

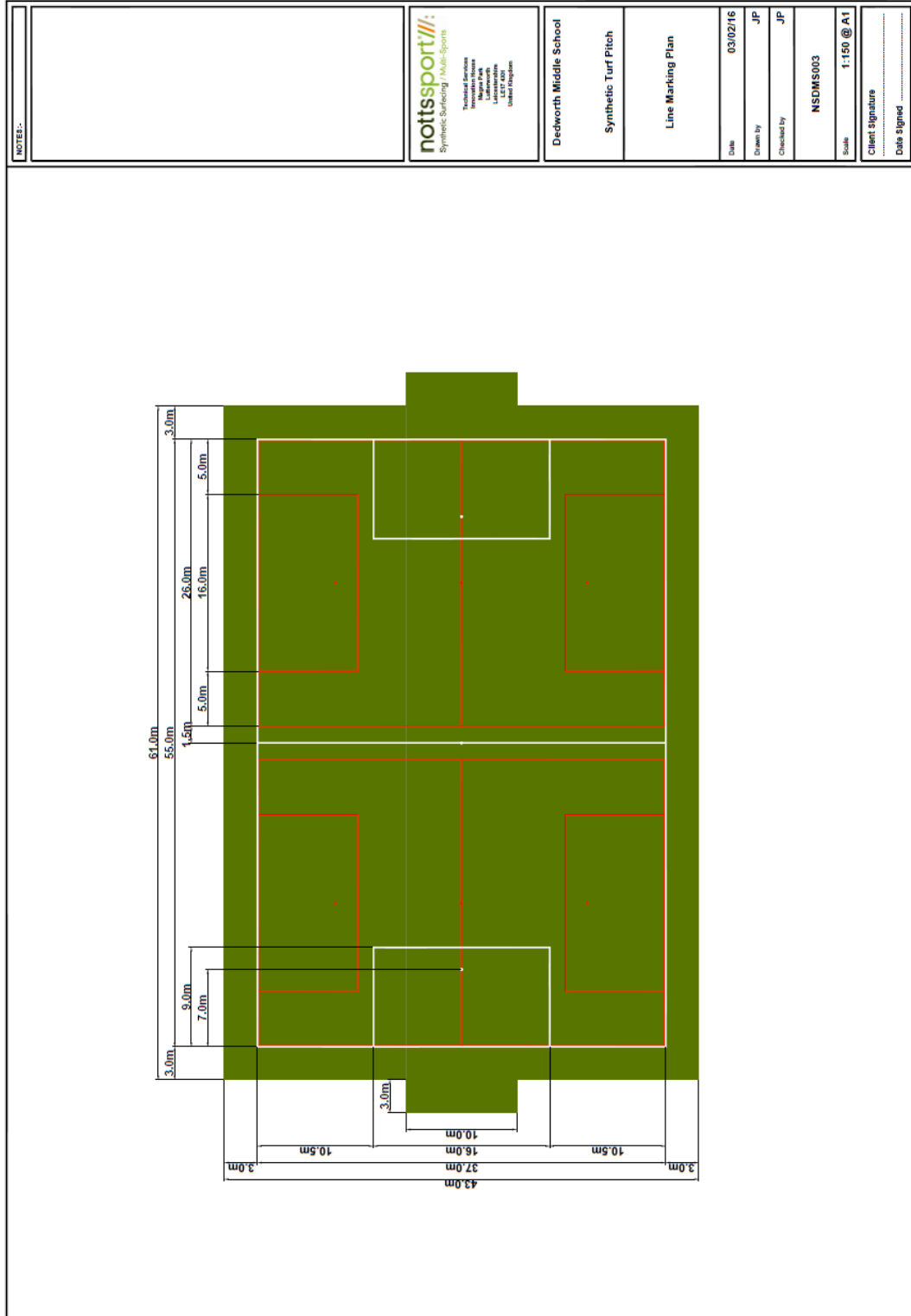


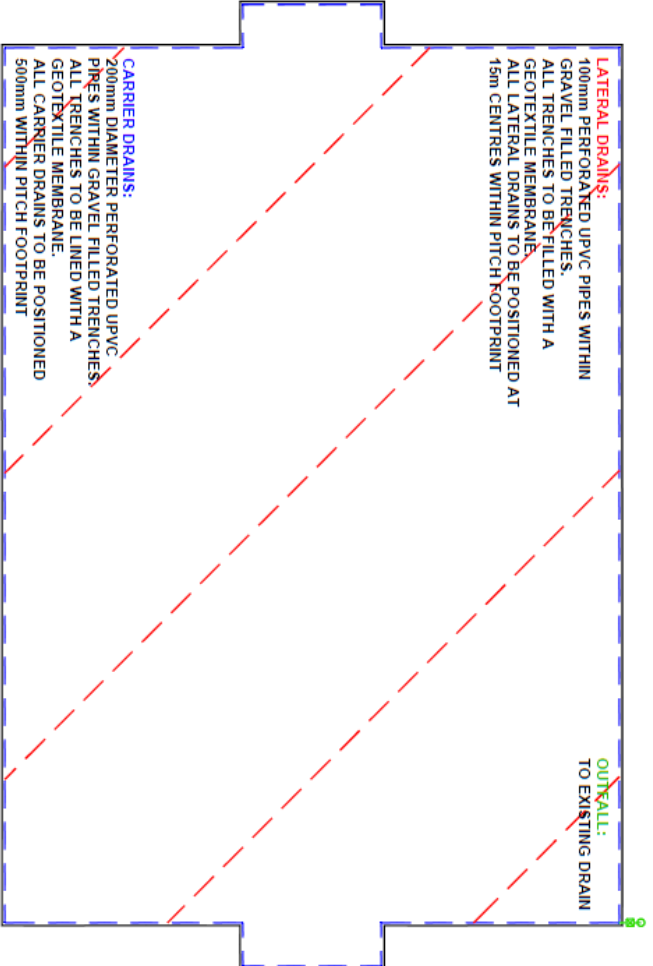


© Crown copyright and database right 2016. Ordnance Survey 100018817

S

APPENDIX B – 16/00907 Dedworth Middle School





NOTES:-

nottssport
 Synthetic Surfacing / Multi-Sports

Technical Services
 Nigel Park
 Lutterworth
 LE17 6JH
 United Kingdom

Dedworth Middle School

Synthetic Turf Pitch

Drainage Plan

Date	03/02/16
Drawn by	JP
Checked by	JP
NSDMS006	
Scale	1:150 @ A1
Client Signature
Date Signed

Notes:

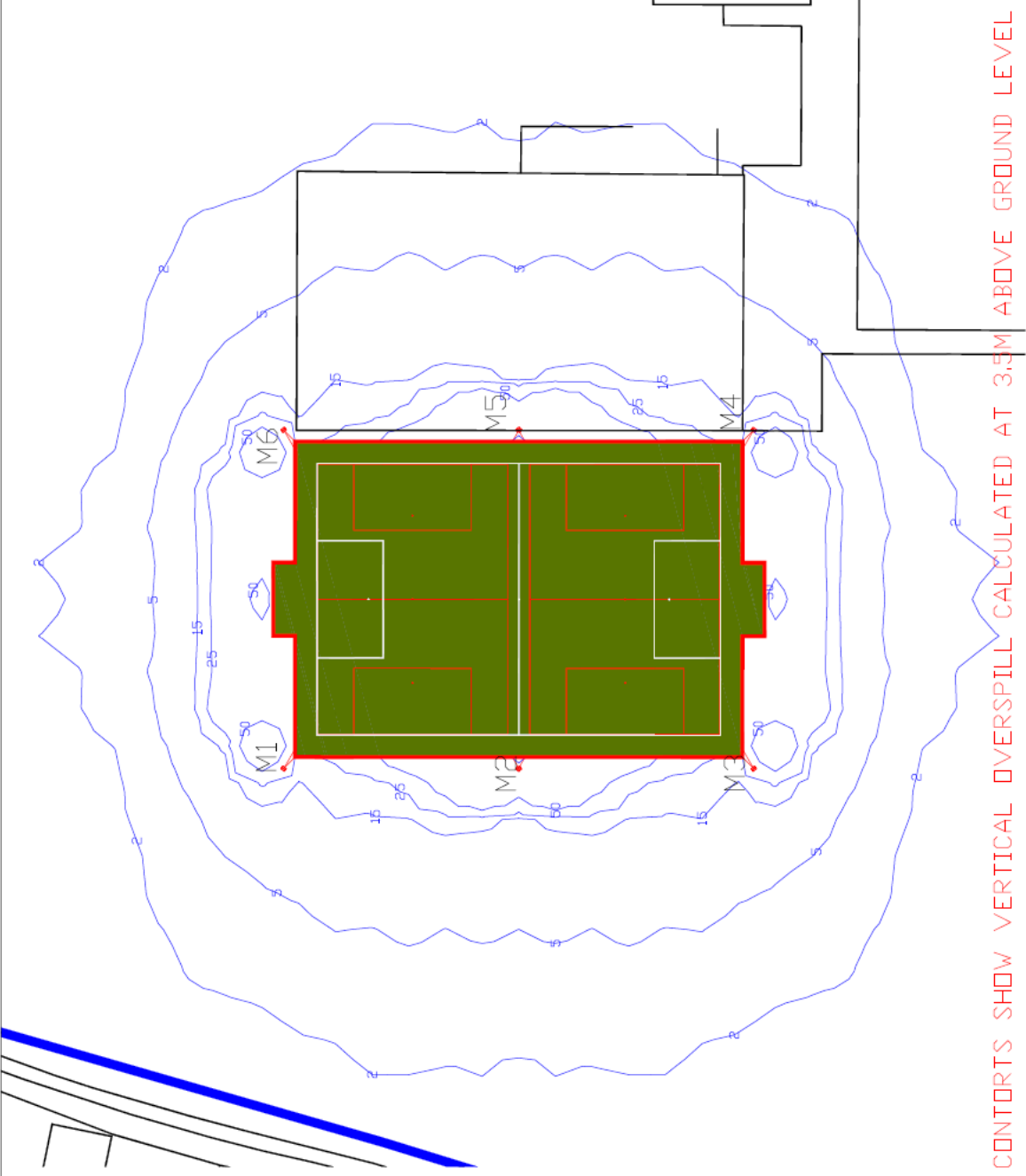
Floodlighting Equipment
6 x 10m Masts (M1-M6)
Each carrying the following Floodlights :-
M1-M6... 2 x MB032KW/3MA-J1

Lamps (OSRAM)
2000WHQ-TS/MNL
(230 000 INITIAL Lm)

Illuminance Levels
Initial -
(100hrs) E.L.ave = 618Lux
Maintained -
(4000hrs) E.L.ave = 494Lux

Uniformity
Emittance = 0.78
Grid values in Lux (initial).
Grid interval = 5m.
Contour values in Lux (initial).
Contours: 5, 15, 25, 50 Lux.

Maintenance Factor = 0.80
Vertical Illuminance readings taken at
3.5m above ground level.



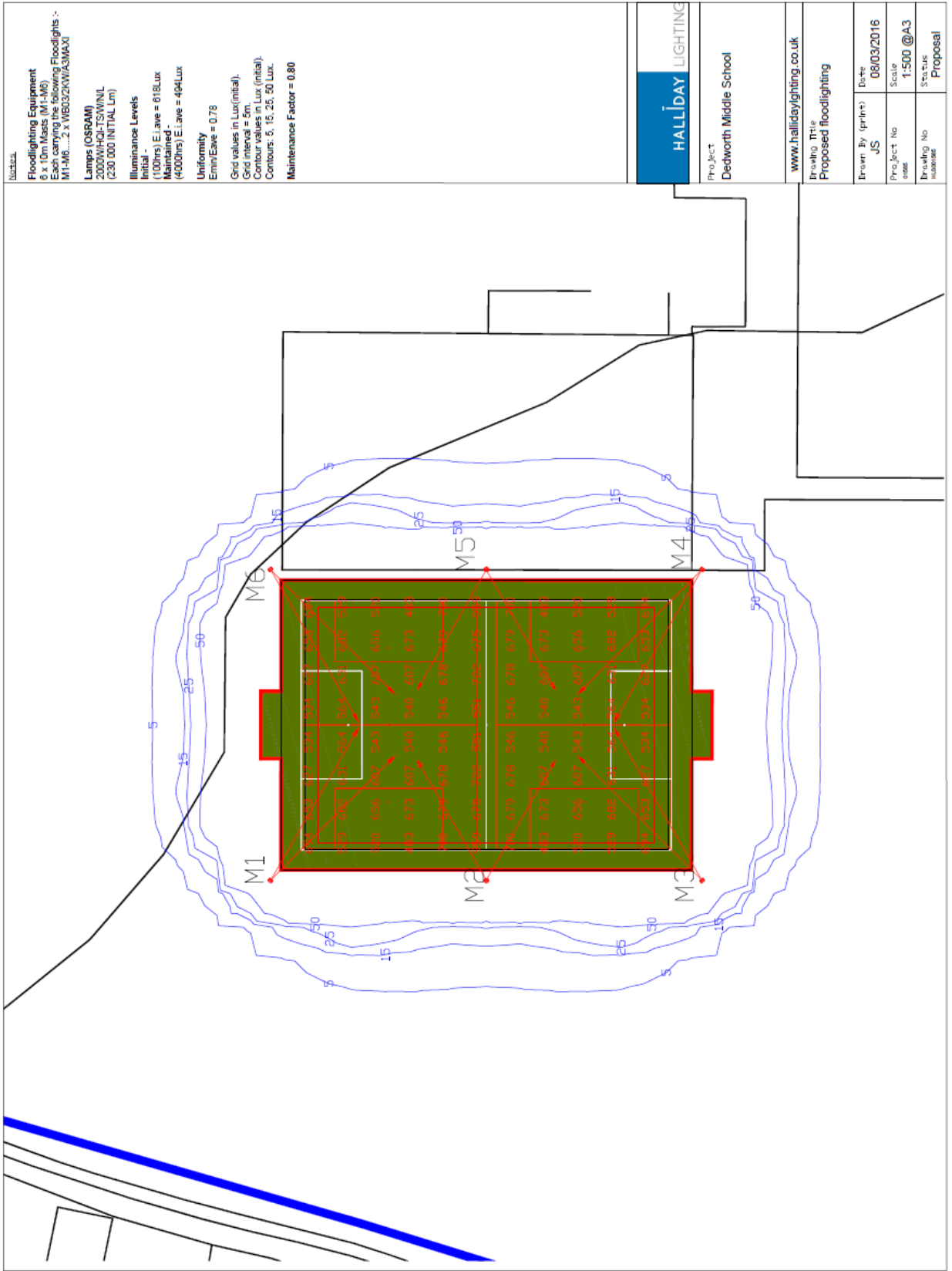
HALLIDAY LIGHTING

Project
Dedworth Middle School
Vertical's

www.holidaylighting.co.uk
Drawing Title
Proposed floodlighting

Drawn By (prints)	Date
JS	06/03/2016
Project No	Scale
0000	1:500 @A3
Drawing No	Sheet No
000000	Proposal

CONTOURS SHOW VERTICAL OVERSPILL CALCULATED AT 3.5M ABOVE GROUND LEVEL



Notes:
Floodlighting Equipment
 6 x 1.0m Masts (M1-M6)
 Each carrying the following Floodlights -
 M1-M6: 2 x WBC2KWASMAV

Lamps (OSRAM)
 200MHQ-TS/MVIL
 (230 000 INITIAL lm)

Illuminance Levels
 Initial -
 (100hrs) E.L.ave = 618Lux
 Maintained -
 (4000hrs) E.L.ave = 494Lux

Uniformity
 Entry/Eave = 0.78

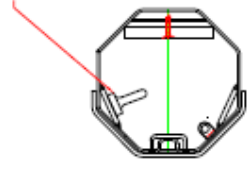
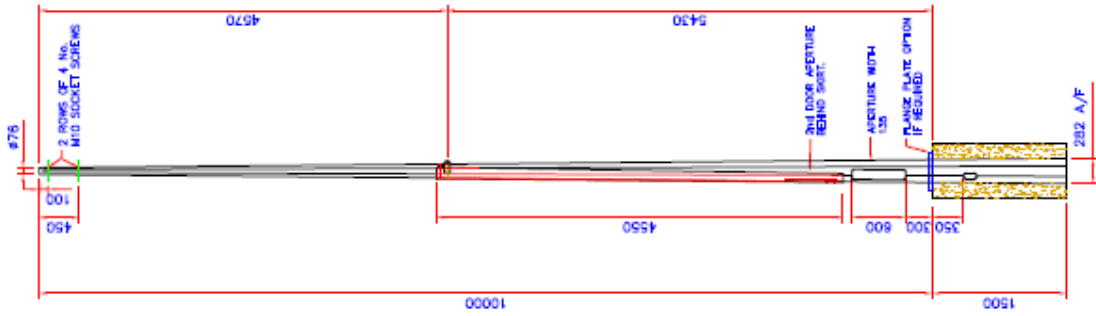
Grid values in Lux(initial).
 Grid interval = 5m.
 Contour values in Lux (initial).
 Contours: 5, 15, 25, 50 Lux.

Maintenance Factor = 0.80

HALLIDAY LIGHTING	
Project	Dedworth Middle School
www.hallidaylighting.co.uk	
Irradiance Title Proposed floodlighting	
Drawn By (prints)	Date
JS	08/03/2016
Project No	Scale
0001	1:500 @A3
Irradiance No	Status
0001	Proposal

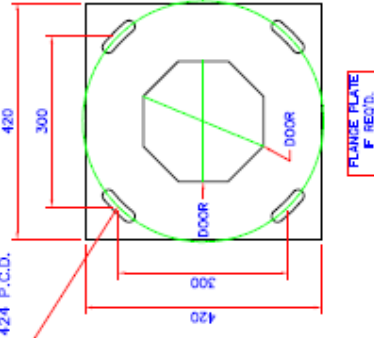
NOTE: A MINIMUM HEAD WEIGHT OF 10kg. IS REQUIRED TO ALLOW THE HINGING OPERATION TO COMMENCE.

DO NOT SCALE ALL DIMENSIONS IN MILLI UNLESS STATED OTHER F IN DOUBT ASK

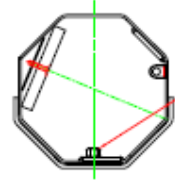


INTERNAL W/O EYE WITH CHAIN FITTED. CHAIN MUST BE RE-ATTACHED AT THE END OF THE RAISING/LOWERING PROCEDURE.

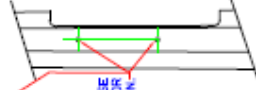
4 NO. SLOTS 29 X 62 ON 424 P.C.D.



UPPER DOOR APERTURE CROSS-SECTION DETAIL



LOWER DOOR APERTURE CROSS-SECTION DETAIL



WHICH ATTACHING POINT PLEASE CONSULT WRITTEN PROCEDURE FOR MORE INFORMATION.

- NOTES:--
1. RAISING & LOWERING OPERATION MUST NOT BE PERFORMED WITHOUT READING THE RAISING & LOWERING PROCEDURE.
 2. COUNTER BALANCE SECTION "SKIRT" IS ATTACHED TO THE INSIDE OF THE UPPER BASE COMPARTMENT VIA A CHAIN. THE CHAIN MUST BE RE-ATTACHED AT THE END OF THE RAISING OPERATION - SEE RAISING & LOWERING PROCEDURE FOR DETAILS.
 3. WHITE LINE REQUIRED TO INDICATE GROUND LEVEL.
 4. FINISH: GALV TO BS EN 1461 + ADDITIONAL FINISH TO ORDER.

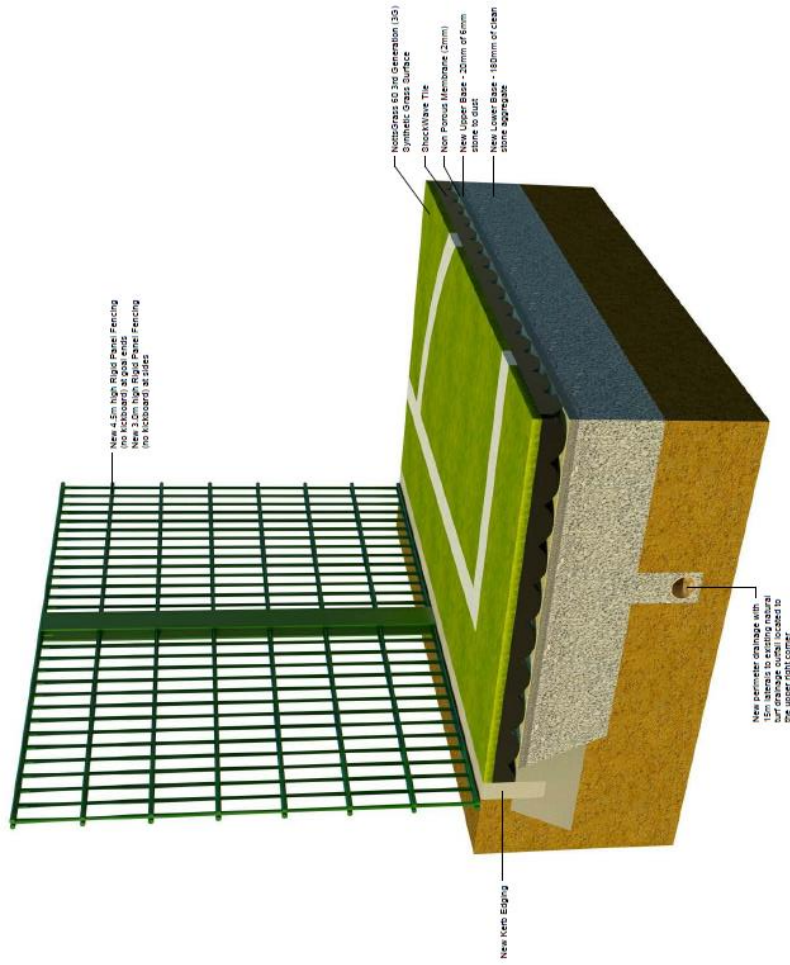
PART CODE: 111002SMHH1000 - PLANTED
PART CODE: 111002SMHH2000 - FLANGE PLATED

ISSUED FOR INFORMATION/APPROVAL	HM	BY	CHK	DI
DESCRIPTION	FINISH: AS ABOVE	WEIGHT: ---		
MATERIAL: S275JR				
TITLE: 10M OCT MID-HINGED HEAVY DUTY - UK MADE COLUMN SH.				
SCALE				
DRAWN: BS308, TOL: BS5649	NAME	DATE		
HM	HM	09/3/06		
COPYRIGHT			STANTON	
THIS DRAWING IS THE PROPERTY OF STANTON METAL COMPANY LIMITED & IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF STANTON METAL COMPANY LIMITED			metal company limited FAX No. 01642	
COPYRIGHT © Stanton Metal			DRG. No. CC4328	

DRG. NO. CC4328

NOTES:	
 <p>Technical Services Innovation House Luton Luton MK17 9JH United Kingdom</p>	
Dedworth Middle School	
Synthetic Turf Pitch	
Proposed 3D Cross Section	
Date	26/04/16
Drawn by	JP
Checked by	JP
NSDMS004c	
Scale	As Indicated @ A1
Client Signature
Date Signed

Proposed 3D Cross Section
Scale N/A



Tree Preservation Order 002 of 2016 Clewer Youth And Community Centre 39A Parsonage Lane, Windsor.

T1 – Oak

1: Background.

The TPO has been made to safeguard the visually prominent Oak tree within the grounds of Clewer Youth and Community Centre, Parsonage Lane, Windsor. The Oak tree is considered a primary landscape feature and makes a significant contribution to the character and appearance of the area and is important within the local and wider landscape and softens the built environment. The Local authority deemed it expedient to serve a preservation order to ensure the retention of this prominent landscape feature and to protect it from further inappropriate pruning which could negatively affect the character of the area. The TPO is not designed to hinder the appropriate management of the trees and consent for works in line with good arboricultural practice would not be unreasonably withheld.

The tree team were made aware that the resident at The Old Stable yard adjacent to the Community centre had instructed a tree surgeon to carry out pruning work in accordance with their common law rights to the mature Oak tree growing within the Community centre. At that time the tree was not protected and over the weekend of the 17th & 18th of January the resident employed a tree surgeon to exercise those common law rights; the tree surgeon pruned a significant quantity of branch material from the stem growing over the rear garden of the Old Stable Yard. In this instance it was expedient to serve a TPO to ensure the long term protection of the tree, the TPO was served on Monday the 18th.

2: Objections.

Under the Town and Country Planning Act, The Local Authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public.

- **Damage to property/harm.**

One letter of objection was received from Mrs Gill the resident at The Old Stableyard via her barrister, the objections are summarised below:

The barrister working on behalf of the resident and a local tree surgeon have both stated that the tree was damaging the property through direct contact with leaves and branches, they also claimed that that tiles had been damaged/dislodged and that overhanging branches had caused debris to fall on the property, further to this the gutters and drains had become blocked.

In the same letter the barrister also claimed that his client has the right to prune more material from tree irrespective of the TPO as its mere presence is enough to quantify being an actionable nuisance.

- **Nuisance.**

The overhanging branches at the Old Stable Yard amounts to a nuisance by ways of both pure encroachment and as an actionable nuisance.

- **Condition of the tree.**

Mrs Gill has concerns over the trees condition and employed a tree surgeon to carry out a full inspection who's made management recommendations based on his inspection.

Response to objections

- **Damage to property/harm & Nuisance.**

Under S.14 (1)(a)(ii) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, the Council's consent is not required for carrying out the minimum of work to a tree protected by an Order that is necessary to prevent or abate a nuisance. Here 'nuisance' is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage.

The pruning of material by up to a maximum length of 30cm would be considered reasonable to abate the nuisance, in this instance the resident has gone further than this. The mere presence of branches over an adjacent property would not be reason enough to prune the tree any further under the legislation and is not considered an exemption to the legislation. Trees do not respect boundaries and grow where they please, usually for reasons of light and water.

Due to the severity of pruning, the Local Authority deemed it expedient to serve a TPO to protect this significant landscape feature. The claim made by the barrister that the resident can carry out further pruning is erroneous as the legislation is clear about what is considered a nuisance (actionable) and about abating said nuisance, the pruning carried out has exceeded what would be considered necessary for reasons of abatement.

The falling of seasonal debris onto the building is not regarded as an actionable nuisance in law; although it is appreciated it can be an inconvenience, the clearance of debris from a private residence is considered part of general household maintenance. Guards/grilles can be placed over gutters to help reduce debris falling directly into them. Moss can grow on roofs regardless of the presence of trees and we are not aware of any scientific evidence that shows moss causes any detriment to tiled roofs.

Not all work requires the consent of the Council, e.g. the removal of dead branches can be carried out under an exemption to the legislation.

- **Condition of the tree.**

Anyone who owns a tree(s) has a legal duty of care to the public at large and his neighbours to act in a prudent and responsible fashion. In furtherance of this duty an owner of trees should carry out regular inspections, at least annually, in order to detect any significant change in health or the presence of any weakness or decay, which could lead to instability. If any significant defect is found then a prudent tree owner should take corrective action to ensure that the tree remains in a practicable condition and does not pose a danger to the either themselves or anyone else.

In this instance the report received by the council from the resident highlights the need to carry out some remedial work to alleviate particular defects within the tree, A basic inspection from ground level identified that the tree has been previously reduced and it is likely that some remedial work in line with good practice will be required in the future.

The condition of trees can change over time and it is recommended they are inspected by a competent person, such as an arboriculturist, on a regular basis. The Arboricultural Association <http://www.trees.org.uk> and Institute of Chartered Foresters <http://www.charteredforesters.org> have an on-line directory of arboricultural consultants.

A TPO is not designed to hinder the appropriate management of a tree. Any application to undertake work will be judged against good arboricultural practice and the Council would not withhold consent for appropriate works and it can be applied for through the standard form for tree work applications.

The Oak tree is a principal landscape feature and its loss through either removal or heavy pruning would have a significant effect on the character and amenity of the area.

RECOMMENDATION: That the Tree Preservation Order 002/2016 is confirmed without modification.