

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

**Windsor Urban Panel**

<b>Application No.:</b>	15/02248/FULL
<b>Location:</b>	Thames Court 1 Victoria Street Windsor SL4 1YB
<b>Proposal:</b>	Construction of 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building.
<b>Applicant:</b>	BMW (UK) Trustees Limited
<b>Agent:</b>	Mr Philip Marsden - Savills (UK) Limited
<b>Parish/Ward:</b>	Castle Without Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 There were errors in the main report. This update report provides clarification over the description of the development, what the applicant is proposing in respect of the public use of the car park, and the acceptability of the development in respect of parking provision and travel plan targets proposed.
- 1.2 The applicant has provided samples of materials that could be used on the proposed building.
- 1.3 Comments from the Council's Parking Officer, and Thames Valley Police in respect of the proposed public use of the car park have been received. The applicant has provided comments in respect of security for the car park.

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

**2. ADDITIONAL INFORMATION**

- 2.1 The applicant has advised that they could sign a legal agreement for the use of the car park for the public, to include the Heads of Terms set out in paragraph 6.42 of the main report, and the additional Heads of Term referred to at paragraph 2.4 of this update report, and that they could sign this agreement before the grant of a planning permission.
- 2.2 The applicant has provided samples of materials that could be used on the proposed building, these are set out below:

The brick will be:

- Terca- Anglesey Weathered Buff
- Ibstock- Tonbridge Handmade Heather Grey

The cladding for the top floor of the proposed building will be metal; the following options for materials have been put forward.

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- Bronze Satin Stainless
- Granex M1A Bronze Stainless
- Anthra- Zinc by VMZINC
- Quartz- Zinc Plus by VMZINC

- 2.3 The applicant is proposing that in order to provide further protection to the privacy of the residential unit at Lancaster House, the three windows on the Second Floor in closest proximity to the balcony would be fitted with opaque glazing, so that there would be no direct overlooking to Lancaster House. Officers are of the view that the development would still result in unacceptable overlooking to the balcony of Lancaster House, as only parts of the glazing are proposed to be opaque, and owing to the proximity of the proposed building and amount of glazing (that would not be opaque), there would still be overlooking to the balcony of Lancaster House.
- 2.4 An additional Head of Term is proposed in response to the comments from Thames Valley Police, the applicant is suggesting that details under the Head of Term for the Car Parking Management Plan would include details of CCTV to provide full coverage of the car park and vehicular entrance point.
- 2.5 There were errors in the main report, this update report corrects the points made in the main report.

Reference in main report	Officer comments
Paragraph 1.3- Proposed public use of car park	This paragraph is incorrect. Please refer to paragraph 6.42 of the main report. The applicant has indicated their willingness to enter into a legal agreement to secure the public use of the car park.
Paragraph 4.4- Reference to proposed public use of car park	Reference should be made to paragraph 6.42 of the main report.
6.37 and 6.38- Travel Plan targets	These paragraphs are incorrect. It was advised in the update report at the May 2016 Panel meeting that the revised Travel Plan targets were considered to be acceptable.
Pages 22 and 23 and consultee table- Reference to Highways raising an objection.	Highways are not raising an objection- this was explained in the update report at the previous Panel meeting.
Paragraph 6.39 and 6.40 (regarding the car park) are not up to date.	Reference should be made instead to paragraph 6.42

#### Comments from Consultees

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Comment	Officer response	Change to recommendation?
<p>Council's Parking Officer:</p> <p><i>We would have to add the car park to the councils off street parking places order and then we could enforce.</i></p> <p><i>Any additional resident or public parking in the evening or at weekends would be greatly received.</i></p>	Noted.	No

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<p>Thames Valley Police Raise concerns over the proposed public use of the car park in respect of crime prevention terms. The main points for concern are summarised below:</p>	<p>The concerns are noted. However, if the application was being recommended for approval, it is considered that measures could be secured to ensure</p>	<p>No</p>
<ul style="list-style-type: none"> <li>-Victoria Road car park is open to the general public 24/7 and suffers historic and existing issues of vagrancy, ASB, and criminal activity.</li> <li>-Public accessible rear parking courts are considered problematic in terms of crime prevention and community cohesion. They make rear boundaries, building and vehicles vulnerable to criminal activity as they lack natural surveillance, provide gathering opportunities and often attract anti social behaviour (ASB).</li> <li>-Due to the design and layout this rear court facility appears to lack natural surveillance outside of normal office hours. Secluded unrestricted areas such as this are likely to provide places where individuals can gather unobserved.</li> <li>-If the parking facility is opened up for public use, there are concerns over the above mentioned lack of surveillance and access control will leave the neighbouring Boundary of the Windsor Arm Barracks vulnerable.</li> </ul>	<p>surveillance of the car parking area, such as lighting and CCTV. Also, the flats of Vitoria Court would overlook this area, providing a degree of natural surveillance.</p>	

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

**Windsor Urban Panel**

<b>Application No.:</b>	15/03135/FULL
<b>Location:</b>	Datchet Mead Cottage 145A Slough Road Datchet Slough SL3 9AE
<b>Proposal:</b>	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
<b>Applicant:</b>	Howarth Homes Plc
<b>Agent:</b>	Mr Sam Tiffin - Progress Planning
<b>Parish/Ward:</b>	Datchet Parish
<b>If you have a question about this report, please contact:</b> Alistair De Joux on 01628 685729 or at <a href="mailto:alistair.dejoux@rbwm.gov.uk">alistair.dejoux@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 There is evidence of bats at the site, as such this will require mitigation measures to be secured and implemented – such matters can be addressed through the use of a condition. The S106 Agreement is at an advanced stage and will need to be signed by relevant parties by 1<sup>st</sup> August 2016.

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

**2. ADDITIONAL INFORMATION**

- 2.1 The Bat Surveys have been reviewed by the Council's Ecologist. These show that the Soprano Pipistrelle bat has a roost in the existing building on the site. The applicant's ecologist has put forward measures to mitigate the impact on the bats. As such, a condition is recommended to secure the full details of the mitigation measures (see condition 4 of the main report).
- 2.2 The S106 Agreement is at an advanced stage but has not been signed. The Agreement will secure:
- the affordable housing;
  - the landscaping on the boundary of the site; and,
  - the previous obligations secured under the planning permission 10/02486/FULL.

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

**Windsor Urban Panel**

<b>Application No.:</b>	15/03465/FULL
<b>Location:</b>	Street Record Shirley Avenue Windsor SL4 5LH
<b>Proposal:</b>	Erection of residential development of 93 dwellings including 2 x 2 bed, 4 x 3 bed houses, 25 x 1 bed, 57 x 2 bed and 5 x 3 bed flats, refuse and cycle stores, with new road and pavements/cycleways with parking (surface and underground) and amenity space, hard and soft landscaping, ancillary works following demolition of all existing commercial buildings.
<b>Applicant:</b>	Medina Property Limited
<b>Agent:</b>	Mr M Carter- Carter Planning Ltd
<b>Parish/Ward:</b>	Clewer North Ward
<b>If you have a question about this report, please contact:</b> Alistair De Joux on 01628 685729 or at <a href="mailto:alistair.dejoux@rbwm.gov.uk">alistair.dejoux@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 Since writing the main report, a further reason for refusal is recommended in respect of the development not passing the 'Exceptions Test' in relation to national planning policy in relation to flooding. In addition, clarification is provided on the status of the draft Borough Local Plan as a material consideration in the determination of this application.

**The recommendation in the main report is changed to include an additional reason for refusal relating to the development not passing the 'Exceptions Test', as set out in section 3 of this update report.**

**2. ADDITIONAL INFORMATION**

- 2.1 In order for the development to provide for sustainability benefits to the community to pass the exceptions test relating to national policy in respect of flooding, paragraph 6.27 of the main report refers to a safe escape being provided in this development which could also be used for neighbouring properties to the north, both at the Vale House site and for residents at Rutherford Close and other properties. However, it has not been demonstrated how this safe escape would link to the neighbouring sites and the mechanism to secure this so that it can be used by existing and future residents in this part of Dedworth. As such, it is considered that the exceptions test is not passed.
- 2.2 In the main report in relation to the principle of the development, paragraph 6.6 states that "...it is not considered that any weight can be given to the draft Borough Local Plan." The emerging Local Plan has been posted on the Council's website in advance of formal consultation and proposes to allocate this site for housing instead of employment.
- 2.3 The draft Borough Local Plan is at an early stage and is subject to formal consultation, so at this stage it can in fact be given limited weight, rather than no weight – as was specified in the main Development Control Panel Windsor Urban

report – as a material consideration in the determination of this planning application. However, given the limited weight to the draft Borough Local Plan as a material consideration, this is not sufficient to outweigh the conflict with policies of the current, adopted Local Plan.

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### 3. RECOMMENDED REASONS FOR REFUSAL

#### Additional reason for refusal

The applicant has failed to demonstrate that the scheme will result in wider sustainability benefits to the community that outweigh flood risk and as such the development cannot pass the Exceptions Test. The proposal is contrary to paragraph 102 of the National Planning Policy Framework.



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

**Windsor Urban Panel**

<b>Application No.:</b>	16/01031/FULL
<b>Location:</b>	Windsor Girls School Imperial Road Windsor SL4 3RT
<b>Proposal:</b>	Single storey infill extension, two storey front extension, demolition and relocation of bin store and cycle shelter, amendments to fenestration, cladding of reception block, reconfiguration of parking and associated landscaping
<b>Applicant:</b>	Miss Derczynska
<b>Agent:</b>	Mr Simon McNabb - McBains Cooper
<b>Parish/Ward:</b>	Clewer East Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

**1. SUMMARY**

Additional drainage information has been submitted. The Lead Local Flood Authority comments that the proposals to manage surface water drainage are not acceptable. For clarification the site is not located within the flood zone, and as such there is no requirement for the Environment Agency to be consulted or for a Flood Risk Assessment to be submitted. The recommendation has therefore been amended to reflect this.

<b>It is recommended the Panel authorises the Borough Planning Manager:</b>	
1.	To grant planning permission on the submission of the information requested by the Lead Local Flood Authority with the conditions listed in section 9 of the main report and suitably worded conditions to ensure the development is undertaken in accordance with drainage information.
2.	To refuse planning permission if the information requested by the Lead Local Flood Authority does not provide adequate drainage measures by the 24th August 2016.

**2. ADDITIONAL INFORMATION**

- 2.1 The amended drainage information is not acceptable. Additional information is required regarding; peak runoff rates and volumes and drainage systems. It is considered that an acceptable solution to these matters is possible, and as such it is recommended that the application is deferred to allow the Borough Planning Manager to approve the application following the submission of a suitable drainage strategy.

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**Windsor Urban Panel**

<b>Application No.:</b>	16/01033/FULL
<b>Location:</b>	The Windsor Boys School Maidenhead Road Windsor SL4 5EH
<b>Proposal:</b>	Sheltered enclosure to 6th Form fire escape, extension to main visitor entrance and single storey infill extension to dining hall. Single storey extension to changing rooms and alterations to first floor fenestration of proposed staff room. New security fence with gate at staff entrance with associated minor landscaping works.
<b>Applicant:</b>	Miss Derczynska
<b>Agent:</b>	Mr Simon McNabb
<b>Parish/Ward:</b>	Castle Without Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at <a href="mailto:adam.jackson@rbwm.gov.uk">adam.jackson@rbwm.gov.uk</a>	

**1. SUMMARY**

A Flood Risk Assessment (FRA) has been submitted. This has been assessed in section 2 below. For clarification whilst the site is located within flood zone 3 there is no requirement to consult the Environment Agency due to the proposed extensions being under 250sqm. Additional surface water drainage information has also now been submitted and this has found to be acceptable.

**It is recommended the Panel grants planning permission with the conditions listed in Section 9 of the main report with the additional conditions in section 3 below.**

**2. ADDITIONAL INFORMATION**

- 2.1** A Flood Risk Assessment has been submitted which confirms that it is not possible to provide a safe means of escape to an area wholly outside of the floodplain. However, in the River Thames catchment sufficient warning times can be given to alert the school of a flood. As such a safe means of escape is not considered necessary.
- 2.2** As the proposed developments are extensions to the existing school buildings it is not possible to raise the floor levels above the predicted flood levels in order to allow water to flow under the buildings and so as not to reduce floodplain capacity.
- 2.3** Instead a void in the school grounds is proposed which would fill up with water during a flood. This would be achieved by excavating a section of the school field to the west of the site. However, there are a number of trees along this boundary which form important screening and impact positively on the character of the area. It is not clear how the excavation would impact on these trees and there are concerns that they could be damaged. The proposed flood compensation is not therefore considered acceptable. Due to the constrained nature of the site it is considered unlikely there are any alternative locations for this flood compensation. As such excavation within the school grounds would not be feasible. The lack of flood compensation will affect the free flow of water and reduce the floodplain capacity in the event of a flood.
- 2.4** Paragraph 72 of the National Planning Policy Framework states that great importance is attached
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to the ensuring a sufficient choice of school places is available to meet the needs of existing and new communities and Local Planning Authorities should give great weight to the need to create, expand or alter schools. There is fast-growing demand for pupil places across all ages locally and there are no other upper schools for boys within Windsor. The need to provide additional space for pupils at The Windsor Boys School is therefore high and as such it is considered that the benefits that the extensions would provide the school and the local community would outweigh the flood risk.

- 2.3 Additional drainage information has been submitted and has been found to be acceptable on surface water drainage grounds. The Lead Local Flood Authority has commented that they no longer object to the application subject to conditions. These suggested conditions are in section 3 of this report.

**3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 3.1 Notwithstanding the submitted details, no development shall take place until full details of the invert levels of the existing surface water system and the management and maintenance plan relating to the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.

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PANEL UPDATE**

**Windsor Urban Panel**

<b>Application No.:</b>	16/01788/FULL
<b>Location:</b>	Alexandra Gardens Barry Avenue Windsor SL4 5JA
<b>Proposal:</b>	Construction of ice rink and attractions from November to January for a period of 3 years
<b>Applicant:</b>	Mr Coleman - Citiesonice Windsor
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Castle Without Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 Two letters of objection have been received; one letter from a resident and another from the Windsor and Eton Society. Issues raised are either ones which cannot be taken into account in the determination of the application, or are ones that have already been addressed in the main report.

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

**Comments from Interested Parties**

- 2.1 1 additional comment received, summarised as:

<b>Comment</b>	<b>Officer response</b>	<b>Change to recommendation?</b>
Plans are dated 2014 which means the applicant has given no consideration to changes in the park.	This is not a material planning consideration.	No
Attractions are not associated with Christmas.	This is not a material planning consideration.	No
Gardens will be out of use longer than the period specified, owing to recovery time needed for the park.	See 6.8 of main report	No
Granting a 3 year licence would tie the Council's hands, and would not allow for more appealing attractions that might come up.	See 6.10 of main report.	No
Last year the ice rink and attractions did not make profit.	This is not a material planning consideration	No
Did not see any provision for additional toilets.	This is not a material planning consideration	No
Would prevent use of the bandstand at Christmas.	6.9 of main report.	No

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It is not for the applicant to offer use of the bandstand, that is for the council tax payers	6.9 of main report.	No
Attractions are noisy and ugly.	6.2 of main report	No
The use of the gardens for this purpose means elderly people can't use the gardens.	This is a temporary impact, and other parts of the open space are available.	No
Impact on parking	See 6.7 of main report.	No
Flood risk assessment is not credible	See 6.6 of main report.	No
A hefty fine must be imposed for illegal advertising.	See 6.12 of main report.	No
If upgrading the power supply is required, who will pay for it?	Not relevant to the planning consideration.	No
Would be happy for council tax to cover maintenance of the grass.	This is not a material planning consideration.	No

## Comments from Consultees

### 2.2

Comment	Officer response	Change to recommendation?
<p>Windsor and Eton Society comment that:</p> <p>Alexandra Gardens is a significant visual, recreation and landscape resource. The funfair attractions are contrary to the objectives of the Alexandra Gardens and Goswell Management Plan.</p> <p>Last year the gardens were unusable for the best part of 6 months.</p> <p>Concerns that the attractions will render the bandstand unusable.</p> <p>If planning permission is granted, it should only be for 1 year</p>	See main report.	No