



Appeal Decision

Site visit made on 4 May 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/T0355/W/21/3288610

Manor Lodge Probation Hostel, 8 Straight Road, Old Windsor, Windsor SL4 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ministry of Justice against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00477, dated 16 February 2021, was refused by notice dated 26 July 2021.
 - The development proposed is the demolition of two single storey garages and redevelopment to provide three additional bedrooms and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of two single storey garages and redevelopment to provide three additional bedrooms and associated works at Manor Lodge Probation Hostel, 8 Straight Road, Old Windsor, Windsor SL4 2RL in accordance with the terms of the application, Ref 21/00477, dated 16 February 2021, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. Since determination of the appeal application, the Borough Local Plan (2013 – 2033) (Local Plan) has been formally adopted by the Council, and now forms part of the Council's development plan. The Council has confirmed that Policy QP3 of the Local Plan, relating to the character and design of new development, is relevant to the main issue of this appeal. Given that the appellant has been given opportunity to comment, I am satisfied that I can determine this appeal with regard to the latest development plan policies, without prejudice to the main parties. I have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the safety, or perceived safety, of the local area, with particular regard to crime, disorder and antisocial behaviour.

Reasons

4. The appeal property is an Approved Premises (AP), which provides accommodation for convicted prisoners upon release from prison under licence. APs are under the control of the Ministry of Justice, and their primary purpose is to manage the reintroduction of offenders back into the community, whilst seeking to reduce re-offending, and manage associated risk. The Probation

Hostels Report¹ indicates that their role is both necessary and valuable to the protection of the public, as they are proven to help facilitate this rehabilitation and resettlement. The Government has identified a need to increase the number of AP bedspaces by over 200, to help reduce reliance on the use of hotel accommodation, and to increase the care and management of released offenders. Minor extensions to existing APs are considered one of the key mechanisms to help meet this identified need.

5. The AP currently has 25 single-occupancy bedrooms for offenders. The proposal seeks to demolish two existing garages on the appeal site, to make way for an extension to the property which would accommodate three additional bedrooms. In turn, this would increase the maximum occupancy of the AP from 25 offenders, to 28 (being an increase of 12%).
6. It is understood that Thames Valley Police (TVP) works closely with staff of the AP, to share intelligence about any suspected or observed antisocial behaviour. During consultation regarding the proposal, TVP confirmed they had no objection to the expansion of the hostel. Moreover, whilst the AP has been in operation since circa 1967, there is no statistical nor empirical evidence before me to demonstrate that its presence has led to any particular prevalence of crime or disorder in the locality.
7. Whilst I note and sympathise with local concern regarding alleged instances of antisocial behaviour which have been attributed to residents of the AP, given that the presence of the AP is already long established, any such concerns are likely to remain, irrespective of whether the development is permitted. In other words, there is already a base perception among local residents in terms of safety issues arising from the presence of the AP, and this perception is unlikely be altered in any meaningful way by the modest addition of just three bedrooms.
8. Moreover, APs and their residents are managed and supervised in line with the National Probation Service Guidance/Regulations, to help reduce any potential or perceived risk to the local community. They are staffed 24 hours a day, and residents are closely monitored. Where necessary, residents are also fitted with Electronic Monitoring Tags to track their movements. If a resident is deemed to have a negative impact on the community, procedures are in place to secure their relocation to another AP, or else their recall to prison. Together, these factors should help ensure that the modest increase in the capacity of the AP would not unduly compromise the safety, or perceived safety, of local residents.
9. Bringing these points together, the proposed development would help meet the Government's need for additional AP bed spaces. Moreover, I am satisfied that the modest increase to bedspaces would not materially affect the safety, nor perceived safety of the local area, with particular regard to crime, disorder and antisocial behaviour. The development would therefore be consistent with Policy QP3 of the Local Plan, which seeks to ensure new development creates safe places, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. The development would also be consistent with the provisions with the Framework, which promotes the same

¹ Probation Hostels' (Approved Premises) Contribution to Public Protection, Rehabilitation and Resettlement, An inspection by HM Inspectorate of Probation, July 2017

objectives, alongside a need to procure specialist housing to meet identified need.

Other Matters

10. To overcome local concern, the siting of the Air Source Heat Pump (ASHP) has been revised, to increase its distance from the neighbouring boundary wall. On account of the revised location, Environmental Health is satisfied that the ASHP would not lead to any unacceptable noise impact on local residents. I have no reason to disagree with this assessment.
11. Whilst the proposal would introduce solar panels to the roof of the single storey extension, the increase in height would be relatively modest. Moreover, given the separation distance between the proposed extension, the boundary wall, and the flank wall of the closest neighbouring property, I am satisfied that the addition of the solar panels would not lead to an unacceptable impact on the amenity of neighbouring occupiers, with regard to overshadowing, loss of light and/or any overbearing impact.
12. As the appeal site is located near to a number of listed buildings, in line my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving these buildings and their settings. Nonetheless, the single-storey extension would occupy a similar footprint to the existing garages, and would integrate with the existing property through the use of sympathetic and matching materials. On this basis, I am satisfied that the proposal would preserve the setting of any nearby listed buildings, including Abbey Cottage, Sheelin Cottage and The Tapestries.

Conditions

13. The Council has supplied a list of suggested conditions which I have reviewed and amended in line with the Framework and the Planning Practice Guidance.
14. I have included a plans condition for certainty over the development permitted. I have also included a condition requiring the external surfaces of the development to match those used in the existing building, which will ensure it integrates properly.
15. Details of ventilation and insulation of the habitable rooms of the development must be submitted to and approved by the Council prior to any development above slab level, to ensure the living conditions of occupiers are acceptable. To protect the amenity of neighbouring occupiers, the rating level of any noise emitted from plant and machinery must also be regulated.
16. Cycle parking facilities must be provided in accordance with the approved plans prior to occupation of the development. This is to ensure that the development is provided with adequate cycle parking to encourage sustainable modes of transport.
17. To mitigate against any risk of flooding, flood mitigation measures must be implemented in accordance with approved details, prior to occupation of the development. Similarly, a Flood Emergency Plan must be approved by the Council prior to occupation, to manage any associated risks were a flood event to occur.

18. Finally, to ensure adequate protection of the mature trees at the site's frontage, protective fencing must be erected prior to any equipment or machinery being brought on to site.
19. Whilst the Council also suggested a condition requiring the Air Source Heat Pump to be implemented in accordance with the details shown on the approved plans, I am satisfied that this requirement is already met by the approved plans condition.

Conclusion

20. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

James Blackwell

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 20201-WA-001 Rev A (Site Location Plan and Block Plan); 20201-WA-003 Rev B (Proposed Floor Plan); 20201-WA-004 Rev B (Proposed Elevations and Sections); and 20201-WA-SDA3397-M-004 Rev T1 (Proposed NSP Expansion Works Heating, H&CWS Layout).
- 3) Unless otherwise specified on the approved drawings, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against aircraft noise, together with details of the methods of providing ventilation to habitable rooms, shall be submitted to and approved by the local planning authority prior to any development above slab level. The development shall be carried out in accordance the approved details and retained thereafter.
- 5) The rating level of the noise emitted from any fixed plant and stationary equipment shall be lower than existing background level by at least 5dB(A). The measurement and assessment shall be carried out in accordance with BS 4142: 2014, and measured no more than 1 metre from the nearest noise-sensitive premises during operation of the plant and equipment, at 1-hour intervals during the day (0700 – 2300) and 15-minute intervals during the night (2300 – 0700).
- 6) No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawings. These facilities shall thereafter be kept available for the parking of bicycles at all times.
- 7) Prior to occupation of the extension hereby permitted, a detailed Flood Emergency Plan (FEP) shall be submitted to and approved by the local planning authority. The FEP must include full details of the risks, triggers and actions to be undertaken during and after any flood event, as well as review dates of the FEP (which shall be at least annual). The FEP shall be implemented as approved, and retained thereafter.
- 8) Prior to occupation of the development, the mitigation measures set out in the Flood Risk Assessment (Flood Risk Assessment prepared by Motion (August 2020) including updated Appendix D) shall be fully implemented. These measures shall include (but not be limited to) ensuring that finished floor levels are set no lower than 18.28 metres above Ordnance Datum (AOD). Once implemented, the mitigation measures shall thereafter be retained and maintained throughout the lifetime of the development.
- 9) Protective fencing (which is compliant with BS 5837) shall be erected around the perimeter of the soft landscaping at the site's frontage, before any equipment, machinery or materials are brought on to site. The

protective fencing shall thereafter be maintained until completion of all construction work, and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed within the fenced area during construction.