

NOTICE  
OF  
MEETING

**MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 15TH FEBRUARY, 2017**

at

**7.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL,**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DAVID BURBAGE (CHAIRMAN)  
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)  
COUNCILLORS CLIVE BULLOCK, GERRY CLARK, DAVID COPPINGER),  
MAUREEN HUNT, RICHARD KELLAWAY, PHILIP LOVE, DEREK SHARP,  
ADAM SMITH, CLAIRE STRETTON AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS PAUL BRIMACOMBE, STUART CARROLL, CARWYN COX,  
JUDITH DIMENT, GEOFF HILL, MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS,  
HARI SHARMA AND LISA TARGOWSKA

Karen Shepherd  
Democratic Services Manager  
Issued: Tuesday, 7 February 2017

Members of the Press and Public are welcome to attend Part I of this meeting.

The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) – if you are viewing this on the website and there are appendices you are unable to access, please contact the Panel Administrator **Shilpa Manek** 01628 796310, or [democratic.services@rbwm.gov.uk](mailto:democratic.services@rbwm.gov.uk)

**Fire Alarm** - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

**Recording of Meetings** – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

## AGENDA

### PART 1

| ITEM | SUBJECT  | WARD | PAGE NO |
|------|--|------|---------|
| 1.   | <u>APOLOGIES FOR ABSENCE</u><br>To receive any apologies for absence.  |      |         |
| 2.   | <u>DECLARATIONS OF INTEREST</u><br>To receive any declarations of interest.  |      | 3 - 4   |
| 3.   | <u>MINUTES</u><br>To confirm the part I minutes of the meeting of 18 January 2017.   |      | 5 - 8   |
| 4.   | <u>PLANNING APPLICATIONS (DECISION)</u><br>To consider the Borough Planning Managers report on planning applications received.<br><br>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link.<br><a href="http://www.rbwm.gov.uk/web/dc_public_apps.htm">http://www.rbwm.gov.uk/web/dc_public_apps.htm</a> |      | 9 - 68  |
| 5.   | <u>ESSENTIAL MONITORING REPORTS (MONITORING)</u><br>To consider the Appeals Decision Report and Planning Appeals Received.   |      | 69 - 74 |
| 6.   | <u>ENFORCEMENT UPDATE - LAND AT FAIRVIEW STABLES - 16/50097</u><br>To consider the Enforcement Update for the Land at Fairview Stables.  |      | 75 - 76 |
| 7.   | <u>ENFORCEMENT INFORMATION REPORT AND TEMPORARY STOP NOTICE - LAND TO THE SOUTH OF POOL LANE FARM</u><br>To consider the Enforcement Report and Temporary Stop Notice for the Land to the south of Pool Lane Farm, Maidenhead.   |      | 77 - 82 |

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDANCE NOTE

### DECLARING INTERESTS IN MEETINGS

#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

#### **PREJUDICIAL INTERESTS**

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

#### **DECLARING INTERESTS**

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

# Agenda Item 3

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18.01.17

PRESENT: Councillors David Burbage (Chairman), Derek Wilson (Vice-Chairman), Clive Bullock, Gerry Clark, David Coppinger, Richard Kellaway, Philip Love, MJ Saunders, Derek Sharp, Adam Smith, Claire Stretton and Leo Walters.

Officers: Tony Carr (Traffic & Road Safety Manager), Victoria Gibson (Development Management Team Manager), Arron Hitchen (Senior Enforcement Officer), Jenifer Jackson (Head of Planning) and Shilpa Manek (Clerk).

110/15 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Hunt. Councillor Saunders substituting.

111/15 DECLARATIONS OF INTEREST

Councillors Kellaway, Love, Stretton and Wilson, all declared an interest in item 3 as they were all Members of PRoM. Councillors Kellaway, Love and Wilson, all declared an interest in item 3 as they were all Members of the Maidenhead Town Partnership Board.

112/15 MINUTES

The Minutes of the Part I meeting on 19 December 2016 were **Unanimously Agreed**.

113/15 PLANNING APPLICATIONS (DECISION)

The Panel considered the Borough Planning Manager's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: \*Updates were received in relation to planning applications marked with an asterisk.

|   |   |
|---|---|
| <b>Item 1</b><br><b>16/02277/FULL</b><br><br><b>The Lawns Guest House</b><br><b>6 Boyn Hill Avenue</b><br><b>Maidenhead</b><br><b>SL6 4ER</b> | <p>Change of use from C1 (guest house) to C3 (residential) to provide 7 x 2 bed and 1 x 1 bed flats with two storey rear extension, alterations and extension to roof to provide additional habitable accommodation with amendments to fenestration.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Stretton and seconded by Councillor Walters.</p> <p><b>The PANEL VOTED UNANIMOUSLY that the application be APPROVED as per the officer's recommendation.</b></p> <p>(Speakers: The Panel was addressed by Rosemary Harper, Applicant)</p> |
| <b>Item 2</b><br><b>*16/03011/FULL</b><br><br><b>17 Castle Hill</b><br><b>Maidenhead</b><br><b>SL6 4AD</b>                                    | <p>Demolition of existing dwelling and replacement with 12no. apartments and modifications to existing gatehouse (retained as a 1-bedroom dwelling), associated parking and landscaping.</p> <p>Councillor Love put forward a motion to refuse the Officer's recommendation on the grounds of harm to character of the surrounding area (DG1), failure</p>  |

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|  | <p>to enhance or preserve the character and appearance of the Conservation Area (CA2) and damage to character and amenity owing to scale and density (H11). It was also agreed that the order to assess the provisions of the NPPF be delegated to the Borough Planning Manager. This was seconded by Councillor Walters.</p> <p>Nine Councillors (Councillors Burbage, Bullock, Clark, Kellaway, Love, Sharp, Smith, Stretton and Walters) voted for the motion. Councillors Coppinger, Saunders and Wilson abstained from voting.</p> <p><b>The PANEL VOTED that the application be REFUSED against the officer's recommendation.</b></p> <p>(Speakers: The Panel was addressed by Mr Stephen Pyne, Objector and Mr Thomas Rumble, Applicants Agent).</p>  |
| <p><b>Item 3</b><br/><b>16/03214/FULL</b></p> <p><b>94 - 96 High Street</b><br/><b>Maidenhead</b></p>  | <p>Erection of 3 storey building comprising retail and 8 x 1 bedroom apartments following demolition of existing retail units.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Coppinger and seconded by Councillor Wilson.</p> <p><b>The PANEL VOTED UNANIMOUSLY that the application be APPROVED as per the officer's recommendation.</b></p> <p><i>(Speakers: The Panel was addressed by Ms Emily Temple, Applicants Agent).</i></p>   |
| <p><b>Item 4</b><br/><b>16/03360/FULL</b></p> <p><b>Colemans Solicitors</b><br/><b>21 Marlow Road</b><br/><b>Maidenhead</b><br/><b>SL6 7AA</b></p> | <p>Extension of existing building by altering second floor and adding third and fourth floor and penthouse floor, change of use from offices to create 7 no 1 bed and 7 no 2 bed apartments with gym and management office at basement level with external alterations (amendments to planning permission 16/00909/FULL).</p> <p>The Officers recommendation to permit the application was put forward by Councillor Burbage and seconded by Councillor Smith.</p> <p><b><i>A named vote was carried out, six councillors (Councillors Burbage, Bullock, Clark, Coppinger, Saunders and Smith) voted for the motion and five councillors (Kellaway, Love, Sharp, Walters and Wilson) voted against the motion.</i></b></p> <p><b>The PANEL VOTED that the application be APPROVED as per the officer's</b></p> |

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|  | <p><b>recommendation with the informative that officers suggest moving the cycle shed.</b></p> |
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114/15 ESSENTIAL MONITORING REPORTS (MONITORING)  
 The Panel noted the appeal decisions.

115/15 PLANNING ENFORCEMENT REPORT  
**The Panel voted Unanimously that an Enforcement Notice be issued which was the officer's recommendation.**

The meeting, which began at 7.00 pm, ended at 8.05 pm

Chairman.....

Date.....

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## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

15th February 2017

#### INDEX

APP = Approval  
 CLU = Certificate of Lawful Use  
 DD = Defer and Delegate  
 DLA = Defer Legal Agreement  
 PERM = Permit  
 PNR = Prior Approval Not Required  
 REF = Refusal  
 WA = Would Have Approved  
 WR = Would Have Refused

|                   |   |                        |                      |                       |                  |                 |
|-------------------|---|------------------------|----------------------|-----------------------|------------------|-----------------|
| <b>Item No.</b>   | 1   | <b>Application No.</b> | 16/02025/FULL        | <b>Recommendation</b> | PERM             | <b>Page No.</b> |
|                   |   |                        |                      |                       |                  | <b>11</b>       |
| <b>Location:</b>  | Cliveden View Shopping Centre Shifford Crescent Maidenhead  |                        |                      |                       |                  |                 |
| <b>Proposal:</b>  | Erection of a nursery with associated parking and improvements to existing parking layout and landscaping, together with fascia improvements to existing parade building and relocation of mobile library facility.   |                        |                      |                       |                  |                 |
| <b>Applicant:</b> | Mr Howells  | <b>Member Call-in:</b> | Cllr Derek Wilson    | <b>Expiry Date:</b>   | 26 August 2016   |                 |
| <hr/>             |   |                        |                      |                       |                  |                 |
| <b>Item No.</b>   | 2   | <b>Application No.</b> | 16/03006/FULL        | <b>Recommendation</b> | PERM             | <b>Page No.</b> |
|                   |   |                        |                      |                       |                  | <b>25</b>       |
| <b>Location:</b>  | Upper Lea Farm Startins Lane Cookham Maidenhead   |                        |                      |                       |                  |                 |
| <b>Proposal:</b>  | Erection of a polytunnel (12.5m x 6m) for growing vegetables and associated lowering of land levels.  |                        |                      |                       |                  |                 |
| <b>Applicant:</b> | Mr Fisher   | <b>Member Call-in:</b> | Cllr M J Saunders    | <b>Expiry Date:</b>   | 23 December 2016 |                 |
| <hr/>             |   |                        |                      |                       |                  |                 |
| <b>Item No.</b>   | 3   | <b>Application No.</b> | 16/03309/FULL        | <b>Recommendation</b> | REF              | <b>Page No.</b> |
|                   |   |                        |                      |                       |                  | <b>31</b>       |
| <b>Location:</b>  | Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead   |                        |                      |                       |                  |                 |
| <b>Proposal:</b>  | Erection of a pair of semi-detached cottages following demolition of builders sheds.  |                        |                      |                       |                  |                 |
| <b>Applicant:</b> | Mr And Mrs Pickering  | <b>Member Call-in:</b> | Cllr David Coppinger | <b>Expiry Date:</b>   | 27 December 2016 |                 |
| <hr/>             |   |                        |                      |                       |                  |                 |
| <b>Item No.</b>   | 4   | <b>Application No.</b> | 16/03324/VAR         | <b>Recommendation</b> | PERM             | <b>Page No.</b> |
|                   |   |                        |                      |                       |                  | <b>39</b>       |
| <b>Location:</b>  | Tudor Lea 15 Sutton Close Cookham Maidenhead SL6 9QU  |                        |                      |                       |                  |                 |
| <b>Proposal:</b>  | Single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation as approved under planning permission 15/02302 without complying with condition 2 (matching materials) 4 (approved plans) to remove the boarding/render to the first floor rear elevation and replace with facing brickwork and alterations to fenestration. Replace approved drawing. |                        |                      |                       |                  |                 |

**Applicant:** Mr And Mrs Smith      **Member Call-in:** Cllr M J Saunders      **Expiry Date:** 26 December 2016

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**Item No.** 5      **Application No.** 16/03553/FULL      **Recommendation** REF      **Page No.** 49

**Location:** Zaman House And Awan House Church Road Maidenhead

**Proposal:** Construction of 16x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2x dwellings

**Applicant:** Mr Iqbal      **Member Call-in:** Cllr. D. Wilson      **Expiry Date:** 28 February 2017

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|  |             |
|--|-------------|
| Appeal Decision Report   | Page No. 69 |
| Planning Appeals Received  | Page No. 72 |
| Enforcement Update – Land at Fairview Stables – 16/50097             | Page No. 75 |
| Enforcement Information Report – Land to the south of Pool Lane Farm | Page No. 77 |
| Temporary Stop Notice - Land to the south of Pool Lane Farm          | Page No. 79 |

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 February 2017

Item: 1

|                         |   |
|-------------------------|---|
| <b>Application No.:</b> | 16/02025/FULL   |
| <b>Location:</b>        | Cliveden View Shopping Centre Shifford Crescent Maidenhead  |
| <b>Proposal:</b>        | Erection of a nursery with associated parking and improvements to existing parking layout and landscaping, together with fascia improvements to existing parade building and relocation of mobile library facility. |
| <b>Applicant:</b>       | Mr Howells  |
| <b>Agent:</b>           | Not Applicable  |
| <b>Parish/Ward:</b>     | /Furze Platt Ward   |

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The principle of allowing the proposal is acceptable in this location, although it would involve the loss of the current parking provision for a Council mobile library which uses the site once a week. The loss of the mobile library to a day nursery is in-principle acceptable as a community use of the site is being retained. The application does, however, propose an alternative location for the library on land adjacent to the site in the Council's ownership. This would involve the loss of some open space. It is therefore a matter for the Council to determine whether it wishes to retain the open space as it is or lose part of it to facilitate the mobile library.
- 1.2 The proposed day nursery building would be of a scale and design in keeping with the existing shopping parade against which it would be seen, and will not harm the character and appearance of the area. The building would also be at least 50m away from the closest house and as such will not harm the living conditions of any neighbours.
- 1.3 The proposal complies with the Council's parking standards and would not lead to a level of traffic movements that could not be accommodated by the existing highway network. Adequate turning space would be provided within the rear service area to allow all delivery vehicles to exit the site in a forward gear onto Switchback Road North. Notwithstanding this, the application has attracted some interest for local residents who are concerned about lorries reversing onto Switchback Road North, which is an existing problem that could potentially get worse as a result of the application. As the applicant is also the owner of the shopping parade, it is recommended that any permission granted is subject to a condition requiring a management plan for delivery vehicles using the Switchback Road North access to minimise the risk to other road users and pedestrians.
- 1.4 A proposed day nursery would add to the mix of uses in this locality and help meet a local demand. The Planning Department often receives inquiries about possible sites for this type of use, but in many cases the locations are not appropriate. The application site is a suitable, sustainable location for a day nursery.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor. D.Wilson in the public interest.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located at the eastern end of a two-storey parade of shops with flats above, known as Cliveden View Shopping Parade, facing Shifford Crescent, Maidenhead. The site is located in a predominantly residential area. A car park is located to the front of the shops and along the eastern side, where the development is proposed to be sited. The parade is bounded by Switchback Road to the west, housing to the north and east and Shifford Crescent to the south. The site itself lies adjacent to an important area of open space between Whitchurch Close and Shifford Crescent (as identified on the proposals map of the local plan).
- 3.2 The site currently comprises 15 parking spaces and provides access to the rear of the parade. An RBWM container library is sited on some of the parking spaces once a week. Rear access is also provided off Switchback North Road.

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1

| Application   | Description   | Decision   |
|---------------|---|--|
| 06/01312/Full | To site a containerised library in the car park one day per week. | Approved 03.08.06.<br>Temporary permission until 03.08.11. |
| 13/02231/Full | To site a containerised library in the car park one day per week. | Approved 27.09.13.   |

- 4.2 The application seeks planning permission for the erection of a new building to accommodate a day nursery with associated parking, together with changes to the existing parking layout, landscaping and fascia on the parade building at Cliveden View.
- 4.3 The proposed nursery will be a two storey building (9.8m high), with a single storey outshot (10m deep), comprising of 450sqm of floor area. To the rear of the building is the external amenity area for the nursery. It is estimated that the nursery will provide facilities and day care for up to 75 children.
- 4.4 An additional 10 car parking spaces are proposed, as well as a re-configuration of the car park layout and the repositioning of the mobile library area. In addition to this, two new motorcycle spaces and two cycle stands are proposed.
- 4.5 The main access into the site off of Shifford Crescent will be maintained, however, the access route around the rear of the shopping parade will be stopped up due to the proposed nursery.
- 4.6 Switchback Road North will become an in and out access, to allow access to the parking spaces to the rear of the shops and the proposed nursery, and also allowing delivery lorries to access and egress safely. Recycle bins will be sited on the southern boundary of the site.

### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 1 (Building a strong and competitive economy) and 8 (Promoting healthy communities).

#### Royal Borough Local Plan

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

| Within settlement area | Highways and Parking | Community Facilities |
|------------------------|----------------------|----------------------|
| DG1                    | P4, T5               | CF1, CF2             |

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## Relevant Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

Information on these document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development, including the loss of open space;
- ii The impact on the character and appearance of the area;
- iii Highway safety and convenience and parking provision; and
- iv The impact on the amenities of neighbouring residential properties.

### The principle of development

- 6.2 Policy E6 of the Local Plan states that proposals for development for business outside of the Green Belt will be acceptable on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties. Proposals involving the provision of small business/industrial units or the provision of mix of uses appropriate to the character of the area will generally be encouraged.
- 6.3 Policy E10 states that when considering planning applications for business development, the Council will: Have regard to the layout of activities within the site and the design and scale of the buildings and the materials used; Ensure that the development would not result in an unneighbourly development or undesirable intensification of an existing use and, where appropriate; provide on site environmental or townscape improvements, provide a mix of use appropriate to the character of the area and have regard to the availability and capability of adequate local services (water, sewerage, drainage, public transport etc).
- 6.4 Policy R1 of the Local Plan states that the Council will not approve proposals that would result in the loss of existing areas of important urban open land identified on the Proposals Map unless they are replaced by new provision which is at least comparable in terms of facilities, amenity and location; or they can best be retained and enhanced through the redevelopment of a small part of the site.
- 6.5 In terms of national planning policy, section 1 of the NPPF advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. Section 8 advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and that, planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who works, live and play in the vicinity. Planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and should guard against the unnecessary loss of valued facilities and services. Access to high quality open spaces can make an important contribution to the health and well-being of communities and, as such, existing open space should not be built on unless it is surplus to requirements; or would be replaced by the equivalent or better provision in

terms of quantity and quality in a suitable location; or the development if for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 6.6 Given the national and local plan policies, the principle of a day nursery in the proposed location is acceptable. While a day nursery is formally classed as a D1 non-residential institution, (in the same way as libraries), they also fall under the description of community facilities. As such, while the proposal involves the loss of a community facility (the library once a week) within the site, it is being replaced by another community facility (the day nursery). The proposal should not therefore be refused on the grounds of a loss of a community facility. It is also important to remember that the Council's mobile library has only been allowed to park within the Cliveden View Shopping Parade with the agreement of the landowner, who is also the applicant in this case.
- 6.7 No evidence of need for a day nursery has been submitted with the application. However, officers are aware that there have been a number of pre-application inquiries about possible sites for this use advising that there is a high demand for day nurseries in the area. These pre-application inquiries do not often lead to planning applications as there are frequently a number of issues that need to be overcome. The application site in this case is a suitable, sustainable location for a day nursery.
- 6.8 Notwithstanding that there will be no net loss of community facilities, the application proposes a new location for the mobile library to the side of the day nursery on open space owned by the Council. The open space is identified on the Local Plan Proposals Map as being Important Urban Open Land. The issue therefore is whether the loss of part of this open space for the library is acceptable in planning terms. On the one hand, the new library parking place would allow for the retention of this existing facility and would only involve the loss of a relatively small area of the open space. On the other hand, the mobile library is only available in this location once a week and any loss of open space in a densely populated area should arguably be resisted. National and local planning policies support either approach.
- 6.9 The RBWM Head of Libraries has advised of the importance of retaining a library facility in this location and the absence of alternative sites in the locality. The Head of Communities and Economic Development has advised that this is a very small park with high levels of demand. In the round, as the Council owns the open space in question and is responsible for the mobile library, it is recommended that the Panel accepts the principle of the new parking place for the mobile library to provide the option of an alternative location for it, but only on the basis of it being used no more than weekly to park the mobile library.

### **The impact on the character and appearance of the area**

- 6.10 The Cliveden View Shopping Centre is located in a prominent position off Shifford Crescent and Switchback Road North. It is a clearly visible development in a residential area, but is modest in scale and design and bounded by landscaping and open space to the east. The proposed development is not an extension of the existing parade, but a separate building. However, given its close proximity to the parade (approximately 1.4 metres) it will be viewed in this context.
- 6.11 The existing shopping parade is not architecturally striking, but an attempt has been made to break-up the bulk and appearance of the building at the front by setting back the row of individual shops from the main Co-op section. The rear of the building, which is clearly visible from the surrounding roads and park is not particularly attractive.
- 6.12 The proposed nursery would be positioned in an existing parking area that currently provides an open buffer between the shopping parade and park. Although it would be sited close to the edge of the open space (the building would be 1m from the east side boundary), it will be set back from the main parade frontage by 3m. In addition, the building will have a fully hipped roof and be of a similar height to the neighbouring building. Contrasting materials in keeping with the shopping parade (the fascia for which is to be updated) are proposed with the insertion of windows on the side elevations to help break-up the appearance of the building. Although the rear single storey section is deep at 10m this would be largely screened by the 1.8m boundary fencing. Overall, it

is not considered that the proposed nursery building will appear dominating in the street scene so as to harm the character and appearance of the area.

- 6.13 The parking place for the mobile library would be an area of hardstanding measuring 4m by 12m. The provision of this would result in the loss of part of the grassed area of the park. With appropriate surfacing and additional landscaping, the library parking place will not harm the visual amenities of the area.

### **Highway safety and convenience and parking provision**

- 6.14 Cliveden View Shopping Centre is located on the eastern side of the B4447 Switchback Road North and north and west of Shifford Crescent. The B4447 is essentially a district distributor road linking Cookham Rise with Maidenhead Town Centre. Switchback Road North has a carriageway width of 7.3m flanked by 2 x 2.0m wide footways, plus a 2.0m wide grass verge south of the service yard access. Shifford Crescent is a residential street and cul-de-sac, having a carriageway width of 6.3m with 2 x 1.8m wide footways. Both roads are subject to a local 30mph speed restriction and are lit.
- 6.15 The main access to the site and car parking area is off Shifford Crescent. At present delivery vehicles also enter the site from the Shifford Crescent access point and then leave the service area located behind the shops from the exit onto Switchback Road North. The proposal involves retaining the access off Shifford Crescent for use by private vehicles, but stopping up the access route to the rear of the shopping parade in order to allow the nursery to be built.
- 6.16 Provided any planting and vegetation either side of the Shifford Crescent access is kept below a height of 0.6m the required visibility splays of 2.4m by 43m in both directions can be achieved.
- 6.17 It is proposed that the access off Switchback Road North will become an in and out access for the delivery vehicles, together with access to parking for the flats. This access will be widened to allow two-way vehicle movements and two turning areas (one of which is of a sufficient size for large lorries delivering to the supermarket) are provided within the site enabling delivery vehicles to exit in a forward gear. The submitted site layout plan shows that this can be achieved so there should be no need for any vehicles to reverse onto Switchback Road North. Visibility at this access is unrestricted and in excess of the required 2.4m by 43m splays.
- 6.18 The parking provision is to be redistributed so that the day nursery staff will be provided with 9 spaces, 10 retained for the flats and 58 for the shops. Parents / carers of children attending the day nursery will be able to park in the main car park. The proposal also provides for new parking areas for motorbikes and cycle stands. Overall, the parking provision complies with the Council's adopted standards.
- 6.19 The submitted Transport Statement utilising TRICS (Trip rate Information Computer System) for similar uses at peak traffic periods predicts that there would be 31 two-way vehicle trips in the weekday morning peak hour (0800-0900 hours) and 27 two-way trips in the evening peak period (1700-1800 hours). The Highway Authority has advised that this level of vehicular activity could be accommodated on the highway network and that a Travel Plan encouraging the use of sustainable modes of travel would be of assistance.
- 6.20 Overall, there are no objections to the proposal in terms of parking provision and highway safety and convenience.

### **The impact on the amenities of neighbouring residential properties**

- 6.21 The closest house to the proposed nursery would be at least 50m away across Shifford Crescent. Given this minimum separation distance and subject to a condition restricting the hours of operation the proposal will not harm the living conditions of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.

## Other material considerations

6.22 Currently footpaths cross the park from Whitchurch Close and from Shifford Crescent up to the shopping parade and these will remain largely unaffected by the proposal. These footpaths are not Public Rights of Way but as they cross the park are maintained by the Council. Subject to a minor re-configuration around the recycling bins and mobile library space, these paths will still provide a short-cut to the shops for residents walking from surrounding homes.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal is not CIL liable.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 14<sup>th</sup> July 2016.

6 letters and 1 petition with 15 signatures were received objecting to the application, summarised as:

| Comment  | Where in the report this is considered |
|--|--|
| 1. This is an inappropriate location for a day nursery as there is already lots of traffic in the area. The increase in traffic associated with the day nursery will severely impact the flow of traffic on the estate – more traffic will lead to more accidents and this is particularly dangerous for children.   | 6.14 – 6.20                            |
| 2. The proposal involves the loss of one of the footpaths to make way for the mobile library.  | 6.22                                   |
| 3. The car park is not large enough. No additional parking will be provided for the parents using the nursery.   | 6.18                                   |
| 4. It appears that the nursery will be erected on the grass play area.   | No it will not – see 3.1               |
| 5. Will the footpath from Whitchurch Close across the play area to the shops remain in place?  | 6.22                                   |
| 6. The new nursery will put the future of Poundfield Pre-School (Community Hall, Radcot Close) in jeopardy.  | Not a planning issue.                  |
| 7. Delivery lorries will not reverse within the site but will end up reversing into Switchback Road  | 6.17                                   |
| 8. Noise from the nursery school will affect the adjoining properties.   | 6.21                                   |
| 9. Summary of comments raised in the submitted petition:<br>Concerned about the adverse effects to road safety of closing off the road that runs around the back of the site, which is used for delivery vehicles for the shops.<br>The proposed changes to cater for these deliveries are inadequate and impractical – These vehicles will have to reverse onto Switchback Road which will lead to accidents.<br>Lorries swinging across the road forces other drivers to stop.<br>Lorries cause damage to footpaths which is a hazard to pedestrians and wheelchair users.<br>There is insufficient parking on the site.<br>Loss of open space to accommodate the mobile library.<br>Concerns about congestion of delivery vehicles arrive at the same time. | 6.14 – 6.20                            |



## Consultee responses

| Consultee                | Comment   | Where in the report this is considered |
|--------------------------|---|--|
| Highway Authority        | No objections subject to planning conditions.   | 6.14 – 6.20                            |
| Environmental Protection | No objections. Recommends informatives in relation to noise, dust and smoke controls and hours of construction. | Noted.                                 |

### 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations
- Appendix D – Proposed floor plans

### 10. 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 details 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.
- 3 No development shall take place 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.
- 4 The use hereby permitted shall only operate between the hours of 0700hours and 1900 hours on Mondays to Fridays and at no time on weekends, Bank or Public Holidays.  
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 5 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
- 6 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.
- 7 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 space approved shall be kept available for parking and turning in association with the development.  
Reason: 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, DG1.

- 8 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 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. 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 No part of the development shall be commenced until a management plan for delivery vehicles using the Switchback Road North access has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as approved.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 11 Prior to the occupation of the day nursery, a plan showing the re-routing of the existing footpaths that cross the park from Whitchurch Close and Shifford Crescent up to the shopping parade has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.  
Reason: To ensure the pedestrian access to the park and shopping park is sufficiently retained. Relevant Policy - Local Plan DG1.
- 12 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved Travel Plan shall be implemented on first occupation of the development and thereafter for the duration of the development. Reason: To minimise vehicular movements to and from the site and encourage the use of public transport, walking and cycling as means of accessing the site.
- 13 The mobile library space shall only be used once a week and not permanently.  
Reason: To accord with the terms of the application and to protect the amenities of the area, Relevant policy: Local Plan DG1.
- 14 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 is requested to carry out a noise impact assessment for the proposed development to be submitted to the Environmental Health Unit, Environmental Protection Team Leader before the development commences. The assessment shall include details of principal noise sources, hours of operation, attenuation equipment and predicted noise levels at the development site boundaries and residential site boundaries.
- 2 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the

applicant's behalf.

- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 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.

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Clivedon View Shopping Centre, Shifford Crescent, Maidenhead, SL6 7UA

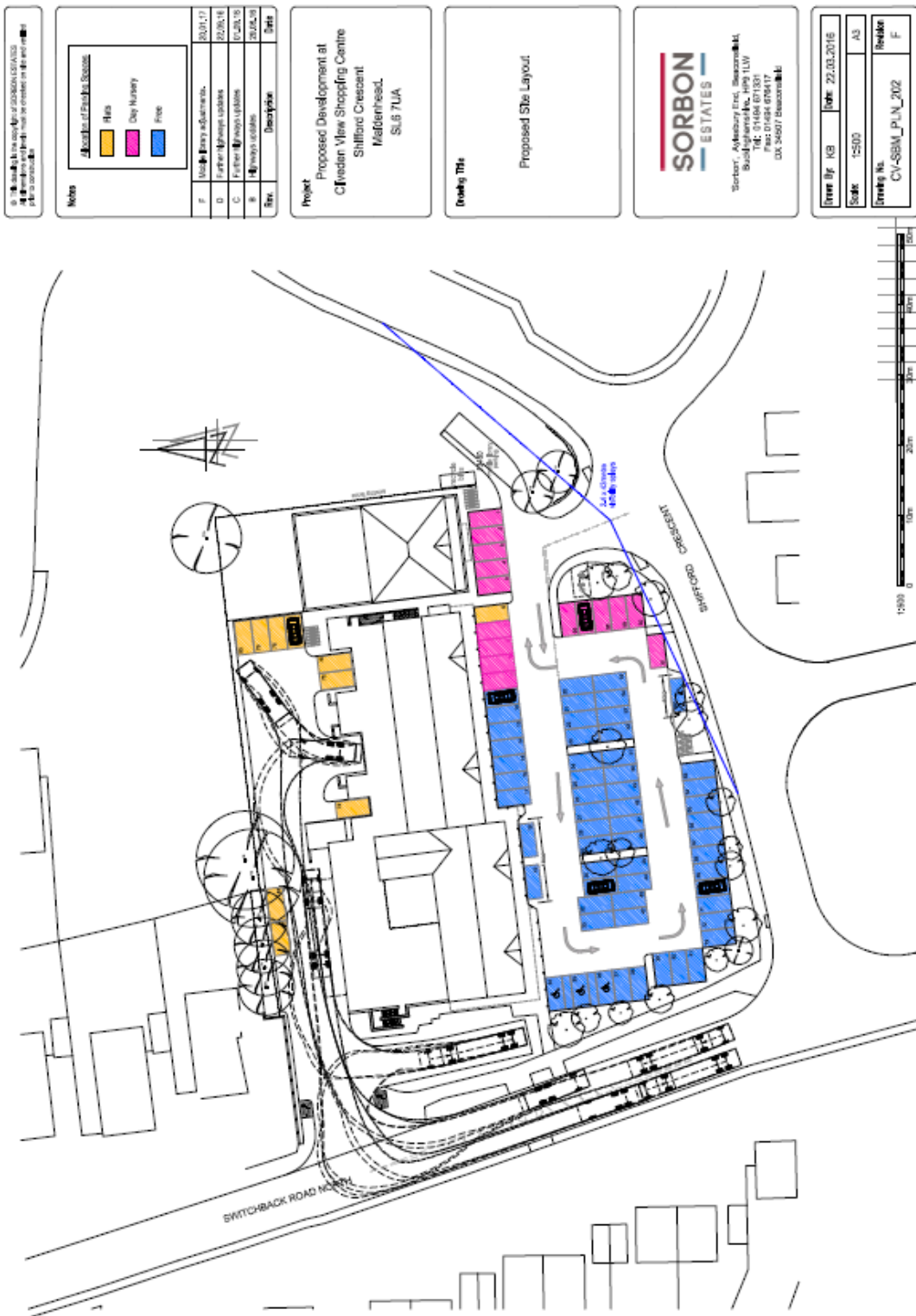
LOCATION PLAN

Scale: 1/1250  
Date: 14.01.2016

Drawing No: CV-SBM\_LOC\_200A



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C:\Users\james\OneDrive\Documents\2017\2017\CV-SBM\_PLN\_205\205-001 - existing-proposed elevations.dwg 22/03/2016 14:21:05. CADPAC v10.0

Notes

| Rev. | Description | Date |
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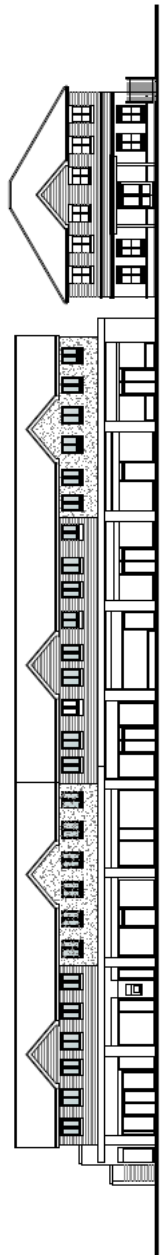
Project  
**Proposed Development at  
 Cliveden View Shopping Centre**  
 Shifford Crescent  
 Maldenhead  
 SL6 7UA

Drawing Title  
**Proposed Elevations**

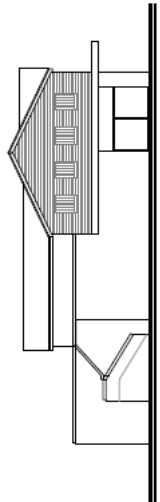
  
**SORBON**  
 ESTATES

'Sorbon', Adelaide Fd., Beaconsfield,  
 Buckinghamshire, HP9 1LW  
 Tel: 01494 671331  
 Fax: 01494 676417  
 DX 34507 Beaconsfield

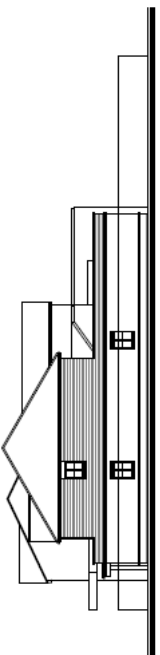
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| Drawn By: KB               | Date: 22.03.2016 |
| Scale: 1:200               | A2               |
| Drawing No. CV-SBM_PLN_205 | Revision         |



Proposed Front Elevation (facing south)



Proposed Side Elevation (facing west)



Proposed Side Elevation (facing east)

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**Consultant:**

It is the responsibility of the client to ensure that the information provided in this document is accurate and up to date.

**Notes**

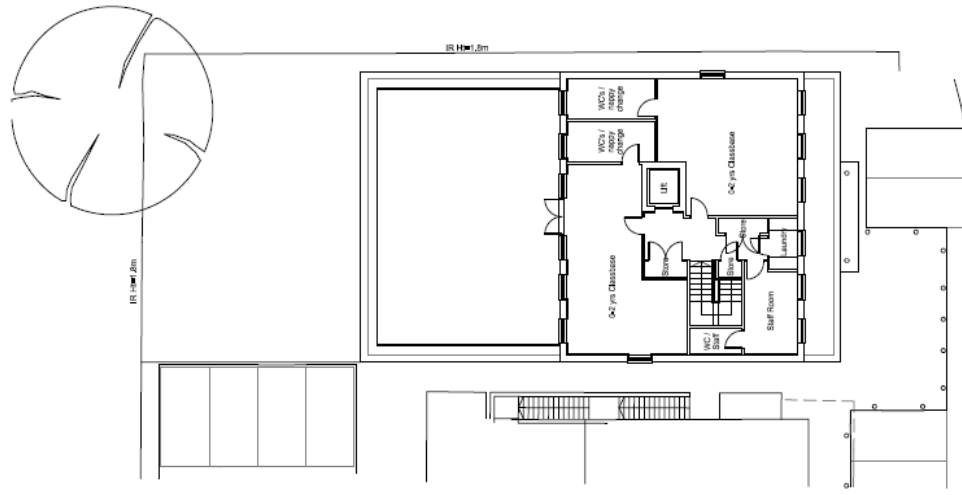
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**Project**  
 Proposed Development at  
 Cliveon View Shopping Centre  
 Shiloh Crescent  
 Midland, WA  
 SLB T/A

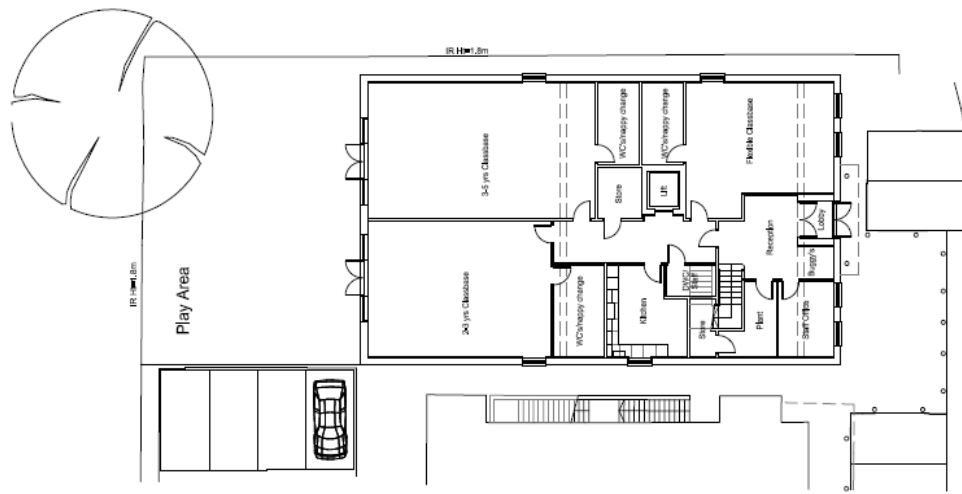
**Drawing Title**  
 Proposed Floor Plans  
 for Day Nursery



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| Drawn By:    | JL                | Date: | 14/11/2023 |
| Scale:       | 1:100             | AT    |            |
| Drawing No.: | CVA-SBM_Plan_2023 |       |            |
| Revision:    |                   |       |            |



First Floor Plan



Ground Floor Plan



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 February 2017

Item: 2

|                         |  |
|-------------------------|--|
| <b>Application No.:</b> | 16/03006/FULL  |
| <b>Location:</b>        | Upper Lea Farm Startins Lane Cookham Maidenhead  |
| <b>Proposal:</b>        | Erection of a polytunnel (12.5m x 6m) for growing vegetables and associated lowering of land levels. |
| <b>Applicant:</b>       | Mr Fisher  |
| <b>Agent:</b>           | Mr Geoffrey Proffitt   |
| <b>Parish/Ward:</b>     | Cookham Parish/Bisham And Cookham Ward   |

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal is for an appropriate form of development in the Green Belt that will not harm the character and appearance of the area or the living conditions of any neighbouring residential properties.
- 1.2 While there are concerns about possible permitted development rights, the existing agricultural holding already benefits from such rights and Government advice is that these should only be removed in exceptional circumstances where it is reasonable and necessary.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor. M.J.Saunders if the recommendation of the Head of Planning is to grant the application without removal of all permitted development rights for change of use and without a condition to restrict use to horticulture only. Cookham Parish Council and Cookham Society concerns.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application relates to an existing agricultural holding extending to 4.6 hectares, which lies to the east of Startins Lane and south of Winter Hill, Cookham. The main access to the site is from Startins Lane and the horticultural part of the holding, to which the proposal relates, is at this end of the farm. The remainder of the site is for sheep rearing. The land is largely open with a large barn located along the eastern boundary and an open sided shed towards the main access.
- 3.2 The area is rural in character and appearance. A few stables and open land lies to the north of the site. Open fields lie to the east and an orchard is to the south of the site. Individual residential properties are located to the east. The site is located in the Green Belt, and Area of Special Landscape Importance and in the Cookham Dean Conservation Area.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The proposal is to erect a permanent polytunnel measuring 6m wide, 12.5m long and 2.9m high. The site rises from south to north so it is proposed to level the land to be covered by lowering it at the northern end by a maximum of 750mm. The polytunnel would be positioned on the east side of the existing shed and 4m away from the northern boundary. A cherry tree sits between the shed and the proposed polytunnel and is to be retained.

- 4.2 The size of the agricultural unit is less than 5 hectares and therefore the site does not benefit from Permitted Development Rights allowing new building/structures.
- 4.3 The applicant has advised that the polytunnel will be used for growing small peppers and cucumbers which, together with other salad foods grown on the site such as courgette flowers which there is a high demand for, will be sold direct to local restaurants. When in season, produce will be hand picked daily and delivered the same morning direct to customers. There will be no selling from the site. The scale of the activity is small relative to the size of the farm holding as a whole.
- 4.4 There is no planning history relevant to the consideration of this application. There are no planning records for the existing shed and barn on the site, although from their condition both appear to be well established.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 3 (Supporting a prosperous rural economy) and 9 (Protecting Green Belt land).

### Royal Borough Local Plan

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

| Green Belt | Conservation Area |
|------------|-------------------|
| GB1, GB2   | CA2               |

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- The Cookham Village Design Statement, May 2013 – relevant section R13.1

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:
- RBWM Landscape Character Assessment – view at:
  - RBWM Parking Strategy – view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal is appropriate development in the Green Belt.
- 6.2 Paragraph 89 of the NPPF sets out the types of buildings that are not inappropriate in the Green Belt. These include buildings for agriculture. As such the proposed polytunnel is appropriate development in the Green Belt.

- 6.3 Given the size of the structure relative to the size of the whole agricultural unit, the polytunnel will only have limited impact on the openness of the Green Belt which is considered acceptable.
- 6.4 The Parish Council and The Cookham Society have requested that, should the Panel be minded to approve the application, the permission should be subject to a condition removing agricultural permitted development rights. National planning policy guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms for development that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
- 6.5 As there are no exceptional circumstances in this case, it would not be reasonable for the Council to remove the applicant's agricultural permitted development rights and it is recommended that such a condition is not imposed.
- 6.6 Although not an 'ideal' type of agricultural building in terms of its appearance, the polytunnel will be largely screened from public view and will not significantly harm the rural character of the area. The structure will also not harm the living conditions of any neighbours as it will be sited at least 60m from the nearest residential property.
- 6.7 The Highway Authority has no objections to the proposal.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is not CIL liable.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 19<sup>th</sup> October 2016.

The application was advertised in the Maidenhead Advertiser on 6<sup>th</sup> October 2016.

No letters of representation have been received.

### Consultee responses

| Consultee              | Comment   | Where in the report this is considered |
|------------------------|---|--|
| Cookham Parish Council | Would urge the Planning Authority to remove permitted development rights.   | 6.4.                                   |
| The Cookham Society    | No objection to the construction of the proposed polytunnel for growing vegetables. However, we are aware that recently Permitted Development Rights to change the use of agricultural buildings shortly after construction have been exercised locally. We would not want to see this happen at this site. We therefore request that, if permission is granted for this structure, all permitted development rights for change of use are removed.<br>There have also been issues locally recently regarding the use of a polytunnel structure for keeping chickens uncomfortably close to dwellings. Because of this we | 6.4.                                   |

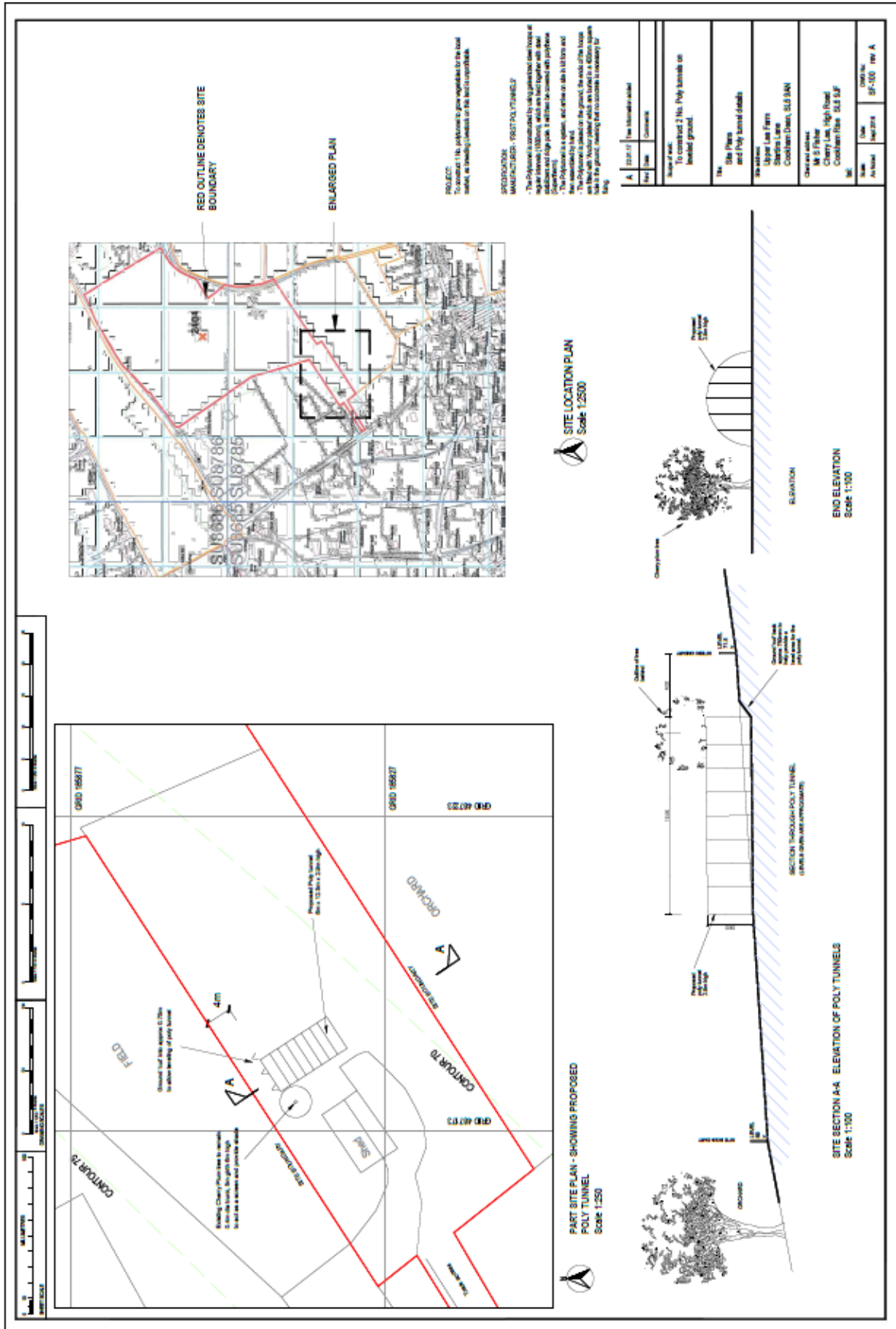
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|                            | request that a condition is placed on any approval restricting the use to horticulture only.   |   |
| Highway Authority          | No objections.   | 6.7   |
| Trees                      | There appears to be a tree to the north of the proposed polytunnel that is not shown on the plans, which the proposed structure and change in levels could affect. Details and confirmation of retention needs to be provided. | 4.1<br>A revised plan has been received showing the existing cherry tree which is to be retained. |
| Lead Local Flood Authority | This is for a minor development, no further comments.  | Noted.  |

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location and layout plan and elevation drawing.

## 10. 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 be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The change in site levels shall only occur where its relates to the proposed polytunnel and on no other part of the application site.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 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.



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 February 2017

Item: 3

|  |  |
|--|--|
| <b>Application No.:</b><br><b>Location:</b><br><b>Proposal:</b><br><b>Applicant:</b><br><b>Agent:</b><br><b>Parish/Ward:</b>   | 16/03309/FULL<br><br>Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead<br>Erection of a pair of semi-detached cottages following demolition of builders sheds.<br>Mr And Mrs Pickering<br>Mr Philip Tilbury<br>Bray Parish/Bray Ward |
| <b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk |  |

**1. SUMMARY**

- 1.1 The proposal would not harm the living conditions of any neighbours nor the character and appearance of the area. However, it would have a greater impact on the openness of the Green Belt and the purposes of including the land in it than the previous development on site and, as such, is inappropriate development in the Green Belt. Although the proposal would contribute to the housing supply in the Royal Borough this alone does not justify allowing inappropriate development in the Green Belt and no 'very special circumstances' exist in this case.

|   |   |
|---|---|
| <b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reason is identified in Section 10 of this report):</b> |   |
| 1.  | <b>Represents inappropriate development in the Green Belt for which no very special circumstances exist to justify allowing it. Contrary to policies GB1 and GB2(A) of the Local Plan and paragraph 89 of the NPPF.</b> |

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor. D. Coppinger for the reason that it is in the public interest.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises an area of land of 0.07 hectares and is located at the end and on the east side of Rolls Lane, Holyport. The site is currently vacant but had previously, until recently, been occupied by a number of predominantly single storey outbuildings positioned along the northern edge of the site.
- 3.2 In front of the site along the west side of Rolls Lane are approximately 6 individual residential properties. Open land lies to the north, east and south. The area is predominantly rural in character with sporadic residential properties. The site is located in the Green Belt.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

| Application   | Description  | Decision             |
|---------------|--|----------------------|
| 16/00228/FULL | Construction of a 1 x 3 bedroom detached dwelling with associated works, following demolition of existing builders yard. | Approved<br>16.05.16 |

- 4.1 The application seeks planning permission for a pair of two-bedroom semi-detached cottages measuring 15m wide, 11.5m deep and having a ridge height of 6.7m. The cottages would be

positioned centrally within the site, 12.5m back from Rolls Lane. Each property would have a single integral garage with additional parking space to the front, together with space for landscaping.

- 4.2 Planning permission for a single storey (ridge height 4.5m), three bedroom dwelling was granted in May 2016.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 9 – Protecting Green Belt Land

### Royal Borough Local Plan

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

| Green Belt         | Highways and Parking |
|--------------------|----------------------|
| GB1, GB2, GB3, DG1 | P4, T5               |

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Other Local Strategies or Publications

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

- RBWM Parking Strategy

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal is appropriate development in the Green Belt and, if not, whether any very special circumstances exist to justify allowing it.
- 6.2 Paragraph 89 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this which includes limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.3 In this case, the site is previously developed land having been a builder's yard, and the principle of redeveloping the site has already been established by application 16/00228. The site was occupied until recently by seven small outbuildings which were predominantly single storey flat roofed structures, the exception being a shed with a mono-pitched roof reaching 3m in height. The total volume of the former buildings was approximately 244m<sup>3</sup>.
- 6.4 Planning permission was granted under application 16/00228 to redevelop the site with the construction of a three-bedroom bungalow. The approved bungalow was 14m wide, 15m deep and 4.5m high. This extant permission represents a fallback position that can be implemented, but as it has not been built it is not 'existing development' which the proposed development is required to be assessed against as set out in paragraph 89 of the NPPF. The site currently has no buildings on it, but the reasonable approach given that these have only recently been demolished it to treat these as being the 'existing development' on the site.
- 6.5 The current proposal would have a similar footprint to the approved bungalow, but would sit further back into the site. It also involves the removal of a 2m high hoarding type fence currently



enclosing the site and replacing it with a 1.5m timber high post and rail fence. However, the proposed cottages would be over 2m higher than the approved bungalow and double the height of the tallest structure previously on the site. This bulkier scheme would fill the majority of the width of the site.

- 6.6 Furthermore, the volume of the proposed development at approximately 550m<sup>3</sup> would be more than double the volume of the previous (existing) development on site (244m<sup>3</sup>). Case law has established that the concept of 'openness' means the absence of buildings. The proposed development would result in a 125% increase of building on the site and would therefore have a greater impact on the openness of the Green Belt. Accordingly, the proposal is inappropriate development.
- 6.7 The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities are advised that they should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.8 In support of the application, a number of residents have commented that the proposal for two dwellings would be a more efficient use of the land, as opposed to one bungalow. Reference is also made to the emerging Bray Neighbourhood Plan which advises that local people want their families to be able to live in the area and that the preference is for the re-use of previously developed sites. It should be stressed however that the key objective of Green Belts is to keep the land permanently open i.e. undeveloped, and therefore Green Belt policy restricts the type and amount of new buildings, in this case, by not have a greater impact on the openness of the Green Belt and the purposes of including the land than the existing development on site.
- 6.9 Redevelopment of the site would undoubtedly improve the appearance of a former builder's yard, but this can be achieved without increasing the amount of development on site, as demonstrated by the previous planning application. Matters such as the design of the cottages, (which would be expected to be of a high standard anyway), efficient use of land and the contribution to the housing land supply do not in this case amount to other considerations that clearly outweigh the substantial harm to the Green Belt and, as such, 'very special circumstances' (vsc) do not exist in this case.
- 6.10 In the absence of vsc, the proposal is contrary to paragraph 89 of the NPPF and adopted Local Plan policies GB1 and GB2 (A).

### **Other Material Considerations**

- 6.11 The proposed cottages would be approximately 20m from the front of 'Lenore Cottage', which is the closest neighbouring property to the development. Given this separation distance the proposed development would not harm the living conditions of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.
- 6.12 The proposed development is for a pair of semi-detached cottages which are of a scale and design that would be in keeping with the sporadic residential development within the locality. No objection is raised to the proposal in terms of its impact on the rural character and appearance of the area.
- 6.13 The proposal provides sufficient on-site parking to comply with the Council's adopted parking strategy and the Highway Authority raises no objections.
- 6.14 The NPPF advises that there is a presumption in favour of sustainable development, which the re-use of brownfield land is. The exception to this is where sites have a specific protection designation that limits development, such as Green Belts (Section 14).
- 6.15 It is noted that a number of representations received have advised of the need for more housing in the locality. However, while housing need (where it can be demonstrated with evidence) may contribute with other considerations to a case of very special circumstances (vsc), it is highly

unlikely to amount to vsc on its own. If it did, it would undermine the fundamental aim of Green Belt Policy and the plan making process.

### Housing Land Supply

- 6.16 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 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 5 year supply of deliverable housing sites.
- 6.17 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.
- 6.18 As with housing need, the lack of a five year housing land supply does not, on its own, amount to very special circumstances to justify inappropriate development in the Green Belt.

## **7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £45,840.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

2 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 18<sup>th</sup> November 2016.

11 letters were received supporting the application, summarised as:

| Comment |   | Where in the report this is considered |
|---------|---|--|
| 1.      | This community is in desperate need of more houses on brownfield sites.                     | 6.14 & 6.15                            |
| 2.      | The proposed houses have been sensitively designed and would make the best use of the land. | 6.12 & 6.14                            |
| 3.      | The increase in height does not have a greater impact on openness.                          | 6.5 & 6.6                              |
| 4.      | The site will be more open at the front and back.   | 6.5 – 6.9                              |
| 5.      | The proposal is an enormous improvement to the current state of the site.                   | 6.9                                    |
| 6.      | It is more sustainable to put two houses on the site. It would be a waste to not build two. | 6.8                                    |
| 7.      | The Parish Council and local residents want to see houses built on brownfield sites.        | 6.8                                    |
| 8.      | The footprint of the proposal is similar to the extant permission for a bungalow.           | 6.4 – 6.5                              |

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

| Comment |  | Where in the report this is considered |
|---------|--|--|
| 1.      | Two homes are too many on this narrow busy un-adopted lane. This would mean at least 4 cars going up and down this crowded lane/ | 6.13                                   |

### Consultees responses

| Consultee                | Comment  | Where in the report this is considered |
|--------------------------|--|--|
| Bray Parish Council      | Recommend for approval.  | Noted.                                 |
| Environmental Protection | No objections subject to conditions including a contaminated land condition. | Noted.                                 |
| Highways                 | No objections subject to conditions.   | Noted.                                 |

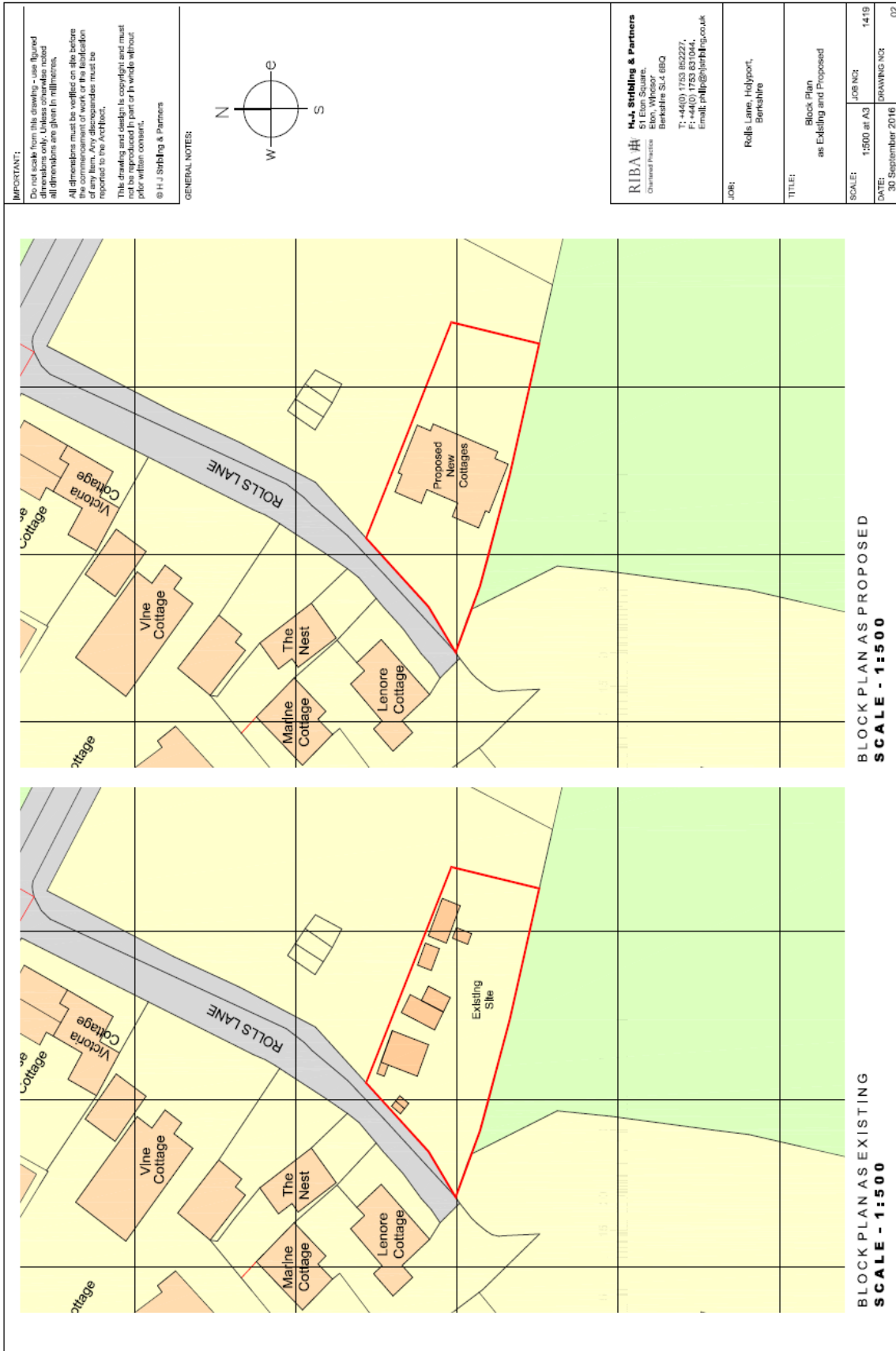
## 9. APPENDICES TO THIS REPORT

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

## 10. REASON RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would have a greater impact on the openness of the Green Belt than the existing development at the site and would result in encroachment in the countryside. It therefore represents inappropriate development in the Green Belt which by definition is harmful and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness. The proposal is therefore contrary to saved Policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 89 of the National Planning Policy Framework, March 2012.

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 February 2017

Item: 4

|                         |   |
|-------------------------|---|
| <b>Application No.:</b> | 16/03324/VAR  |
| <b>Location:</b>        | Tudor Lea 15 Sutton Close Cookham Maidenhead SL6 9QU  |
| <b>Proposal:</b>        | Single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation as approved under planning permission 15/02302 without complying with condition 2 (matching materials) 4 (approved plans) to remove the boarding/render to the first floor rear elevation and replace with facing brickwork and alterations to fenestration. Replace approved drawing. |
| <b>Applicant:</b>       | Mr And Mrs Smith  |
| <b>Agent:</b>           | Mr Jason Lee  |
| <b>Parish/Ward:</b>     | Cookham Parish/Bisham And Cookham Ward  |

**If you have a question about this report, please contact:** Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

**1. SUMMARY**

- 1.1 Planning permission has already been granted for a very similar extension, however the extension has not been built in accordance with the approved plans or recommended conditions and therefore this application has been submitted to seek to vary these conditions where necessary.
- 1.2 The rear extension to this house has been built with bricks which match one of the bricks on the original property. The rear patio doors are of grey powder coated aluminium as specified in the original application and approved. The other windows however are also grey rather than white (as required to match the existing) and an objection is raised to this as it is not in keeping with the original house or the character and appearance of the area. None of the rear windows are leaded, nor is this a requirement as none of the rear windows were originally leaded. The applicant has confirmed that they would be willing to coat the grey windows, (not the doors) white to overcome objections and this can be conditioned.
- 1.3 Additionally, the rear gable elevation is of brick rather than being of timber and render as originally approved. Other houses in the close, including the neighbouring one, all have brick rear elevations. It is considered that the proposed rear extension is not of sufficient bulk that it needs to be broken up with this detailing and therefore its omission is considered acceptable. Subject to the windows being coated white the proposal is not considered harmful to the character of the house or the area, and complies with the Cookham Village Design Statement and the relevant Local Plan policies.

**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 Saunders, only if the recommendation of the Head of Planning is to grant the variations, because of neighbours, Cookham Parish Council and Cookham Society concerns.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The site is a two storey house situated in a close of 1950's detached houses which vary in size, but which share a prominent design theme encompassing features such as mock-Tudor timbered

front elevations and leaded windows on the front elevations, giving it a highly individual character. The house in question had an original back wall built of brick, without any mock-Tudor features or leaded windows at the rear.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

15/02302 Single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation. Approved 11.9.2015

- 4.1 The proposal is to vary condition 2, which was materials to match, and condition 4, the approved plans, to substitute new plans and elevations.
- 4.2 With reference to materials, it is noted that the bricks which cover approximately half of the rear elevation of the house are slightly different to the other bricks on the house. The new extension has been built of bricks which are an exact match of the bricks on the rear elevation, and which are a close match to the other bricks which make up the west side elevation of the original house.
- 4.3 The windows of the house are of white UPVC, and the new windows and patio doors to the rear extension are of grey powder coated aluminium, whereas the original planning application form for 15/02302 had said that the windows would be of white UPVC to match, and the doors would be of timber/ powder coated aluminium.
- 4.4 With reference to the plans, the extension as built differs from the approved plans in the following ways. The upper floor of the gable end on the left hand side of the rear elevation has been built of facing brick to match the original rear elevation of the house, instead of being of Tudor style timber boarding and render as shown on the original plans. There is a 2.4m wide window on the ground floor in place of one of the approved sets of folding doors. There is no rooflight in the kitchen as had originally been proposed. The rear upstairs windows in the extension are slightly increased in width. Internally the bathroom has been moved from the front of the house to the rear, and the study has been moved to the front. All the windows, in addition to the patio doors, have been built of grey powder coated aluminium, instead of being white UPVC as specified in the application.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 17, 56 and 64.

##### Royal Borough Local Plan

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

|                        |
|------------------------|
| Within settlement area |
| DG1, H14               |

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

##### Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
  - Cookham Village Design Statement.

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)



## **6. EXPLANATION OF RECOMMENDATION**

- 6.1 The key issues for consideration is whether the extension as built is harmful to the character and appearance of the original house, the street scene or the area, and also whether the condition imposed was necessary to make the development acceptable.

### **Character and appearance**

- 6.2 The original house had a back wall built entirely of brick, so the extension as built matches this completely. The original plans approved for the rear elevation showed the upper floor of the gable end wall to be built of Tudor-style timbers and render to match the front of the house; however it is not thought to be necessary to retain this feature, as it is not a feature of the original rear elevation of the house. It is noted that the rear elevation of the house to the East is of brick rather than being of Tudor style. It is noted that the new brick matches the brick on the remaining part of the rear elevation of the house, and is a close match to the brick on the side elevation of the house which differs slightly from the rear elevation. If the brick on the extension were coloured to match completely the West side elevation of the house, as suggested by a neighbour, then it would not completely match the brick on the remaining part of the rear elevation of original house. It was not therefore necessary to make the development acceptable. The rear elevation as built does not harm the character and appearance of the original house, the street scene or the area.
- 6.3 The changes to the fenestration from those originally proposed and approved are also not considered to be harmful to the character and appearance of the house, the street scene or the area. It does not diminish the design quality.
- 6.4 It is noted that the Cookham Village Design Statement refers to Sutton Close having a prominent design theme encompassing features such as mock-Tudor timbered front elevations and leaded windows on the front elevations, giving it a highly individual character. It does not say that the rear elevations match these front elevations, and in the case of this house, the rear elevation of the original house did not match the front elevation. The use of brickwork on the rear elevation therefore is not contrary to the Cookham Village Design Statement.
- 6.5 The rear windows of the original house were of white UPVC and were unleaded. The remaining original upstairs window of the rear elevation has been changed to grey powder coated aluminium, and the windows in the extension have been built to match this window and the patio doors. The planning application forms of the original application stated that the existing windows were white UPVC and the proposed windows would also be of white UPVC, while the original doors were white UPVC while the proposed doors would be timber/ powder coated aluminium. The windows and patio doors as built are of grey powder coated aluminium, and are unleaded. As the rear windows of the house were previously unleaded, this aspect of the windows matches the house. It is considered that the grey coloured window frames are harmful to the character of the area, and that they should be coloured white to match those at the front of the house. The applicant has agreed to this and a condition is therefore proposed that the window frames in the extension be sprayed or coloured white to match the other windows in the house, and maintained as such. The patio doors can remain grey, as this was approved in the original application.
- 6.6 It is considered therefore on balance that the proposal to vary conditions 2 and 4 of the original permission, concerning matching materials and approved plans, is acceptable with a condition about colouring the window frames white, and as such the development complies with the Cookham Village Design Statement and Policies H14 and DG1 of the Local Plan.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

4 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 3.11.2016.

Neighbours were notified of the application, and then subsequently they were notified that the planning application's description had been changed to delete reference to condition 2 (on the advice of the planning officer). On further consideration of the application the description was further amended to re-include reference to condition 2, and neighbours were re-notified of this. Unfortunately an error occurred on the second notification and it contained text belonging to a different application concerning a public car park, so a further letter was sent out correcting this. Two neighbours commented on receiving 4 notifications for the same planning application.

4 letters were received from one neighbour, and 4 letters and emails from 4 other neighbours were received objecting to the application, summarised as:

| Comment |  | Where in the report this is considered                                  |
|---------|--|---|
| 1.      | We think that the requirements of the existing permission to match existing brickwork and windows (including leaded lights) reflect Policy H14 and VDS recommendations 6.9a and 6.11.  | 6.2-6.6   |
| 2.      | There is no explanation of why or what has changed.  | 7   |
| 3.      | This is the wrong type of application for a public car park.   | 7   |
| 4.      | The extension has not been built with matching brickwork and has grey window frames, unlike the original house. It is unsightly and has a major impact on neighbouring properties. Relaxation of the matching materials condition is contrary to approved planning policies and the VDS.   | 6.2-6.6   |
| 5.      | Whilst we support removing the requirement for timber and rendering to the gable end on the South elevation, the gable itself remains an overbearing feature which is contrary to good design and, more specifically, to the requirements of the VDS. It should be either hipped or amended to follow the precedent on the street elevations of nos. 1 and 17 Sutton Close (photo attached showing verge detail with mortar pointing to exposed edge of tiles, and eaves detail using inverted plinth bricks)(photo attached showing no.16 has white framed windows and leaded lights at the rear)(photo attached showing grey window frames and poor match to brickwork). | 6.2-6.6   |
| 6,      | The drawings are incorrect – they show a first floor window in the West elevation which has not been constructed.  | This is in the existing wall and does not form part of the application. |
| 7.      | The application should be treated as a whole and no consent for any part of it should be granted until all matters have been satisfactorily resolved.  | 6.2-6.6   |
| 8.      | The application should be considered by the full Development Control Panel and not dealt with under delegated powers.  | Entire report.  |
| 9.      | The full requirements of the 'existing materials' condition should be complied with before any re-application is accepted by RBWM.   | 6.2-6.6   |
| 10      | The use of smoked grey aluminium windows is detrimental to the visual impact of the development, is in contravention of the requirement to use matching materials, and marks out the development as being out of line with all the other developments in Sutton Close.(2)  | 6.2-6.6   |
| 11      | Whilst the brick match is poor, we understand there is a facility to colour the bricks to produce a better match, and we would request that this is undertaken.(2)   | 6.2   |
| 12      | The development contravenes the Village Design Statement for the area in its use of non-matching materials.  | 6.2-6.6   |
| 13      | We have no objection to the replacement of the black timber and whitewash on the South elevation as it was out of keeping and detrimental.   | 6.2   |

|    |   |         |
|----|---|---------|
| 14 | The use of smoked grey aluminium windows should be a planning concern. Should preserve the integrity and quality, through the application of the VDS, or what is a unique visual group of houses in the area. | 6.2-6.6 |
| 15 | Should be matching materials like other houses in the close.  | 6.2-6.6 |
| 16 | Should adhere to the VDS in terms of matching windows and brickwork.  | 6.2-6.6 |
| 17 | In all the other 8 extensions in the close the builders have been careful to maintain the existing design features in order to match neighbouring properties, often incurring additional costs.               | 6.2-6.6 |
| 18 | Relaxation of the conditions would permit ongoing (and future) use of brickwork and windows entirely incompatible with the original grant of permission.  | 6.2-6.6 |
| 19 | The application compromises Local Plan Policy DG1.  | 6.2-6.6 |

### Statutory consultees

| Consultee      | Comment  | Where in the report this is considered |
|----------------|--|--|
| Parish Council | Stipulated conditions must be enforced. No amendments are acceptable. The amendments do not comply with the requirements of the VDS. | 6.2-6.6                                |

### Other consultees

| Consultee           | Comment   | Where in the report this is considered |
|---------------------|---|--|
| The Cookham Society | The proposal does not conform to the guidance contained in the Village Design Statement... 'timber front elevations and leaded windows'. In particular the windows are not leaded and the materials used for the window frames do not accord with other houses. Detracts from the homogeneous look of Sutton Close. | 6.2-6.6                                |

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Approved plans and elevations reference 15/02302
- Appendix C – Plans and elevations as built, subject of current application.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

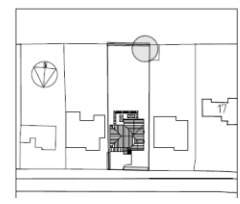
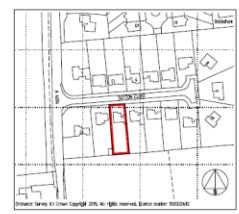
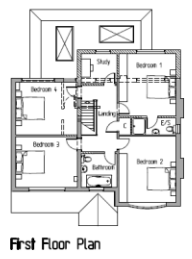
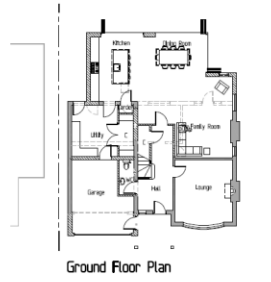
- 1 All of the side and rear grey windows shall be coated white to the satisfaction of the Local Planning Authority within 6 months of the date of this decision notice and thereafter maintained as such..  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans 15-010-10c.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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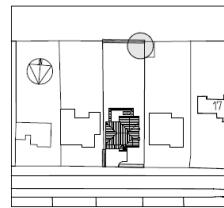
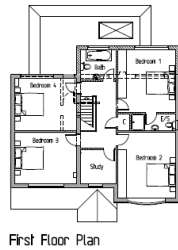
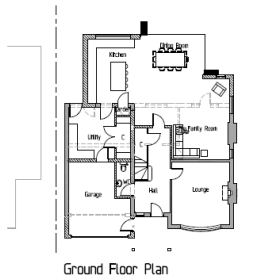
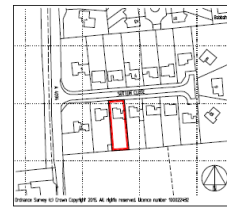
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Appendix A



|   |   |
|---|---|
| <b>Legend</b>   | Existing walls<br>New external walls<br>New partition<br>Existing structure removed   |
| No. 1: Client comments<br>No. 2: Draft comments<br>01/05/16<br>01/05/16 | <b>PROPOSED ALTERATIONS TO FLOOR 1/2A 1/5 SUTTON CLOSE COOKHAM BERKS RG4 7DU</b><br>For<br><b>Mr &amp; Mrs SMITH</b><br><b>SCHME PROPOSALS</b><br><b>Plans &amp; Elevations</b><br>SCALE: DATE: REF:<br>1:100 June 2015 E-010-10B |

# Appendix C



|   |  |  |
|---|--|--|
| <b>Legend</b><br>   | No. 1: Existing walls<br>No. 2: New walls<br>No. 3: Existing walls to be removed   | No. 4: Existing walls<br>No. 5: New walls<br>No. 6: Existing walls to be removed |
|   | PROPOSED ALTERATIONS TO TUDOR LEA 'S SUTTON CLOSE COORHAM BEERS SL6 9GU<br>For<br>Mr & Mrs SMITH<br><b>SCHEME PROPOSALS</b><br>Plans & Elevations<br>SCALE:    DATE:    REF: |  |
| 1: 100    June 2015    EP-010-15L   |  |  |
| BOWEN EVANS<br>CONSULTANCY<br>ARCHITECTS, PLANNERS<br>AND INTERIORS<br>WALLINGBOROUGH, ENGLAND<br>TEL: 01296 487711 |  |  |

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 February 2017

Item: 5

|   |   |
|---|---|
| <b>Application No.:</b>   | 16/03553/FULL   |
| <b>Location:</b>  | Zaman House And Awan House Church Road Maidenhead   |
| <b>Proposal:</b>  | Construction of 16x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2x dwellings |
| <b>Applicant:</b>   | Mr Iqbal  |
| <b>Agent:</b>   | Mr Jake Collinge  |
| <b>Parish/Ward:</b>   | Maidenhead Unparished/Oldfield Ward   |
| <b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796697 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a> |   |

**1. SUMMARY**

- 1.1 The site is located within a built up area of Bray wherein the principle of development is acceptable. However, due to its form, scale, bulk and design of the proposed buildings, and its limited setting, would result in the proposal appearing out of scale and as a purpose built flatted development, which would represent an overly dominant and incongruous development. The proposal would also result in the loss of trees to the detriment of the character of Bray Road and the wider area, and fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees.
- 1.2 In terms of flood risk, the proposal fails to demonstrate that the proposal cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding.
- 1.3 The proposal is considered unduly harmful to neighbouring amenity due to actual and perceived loss of privacy to adjacent neighbours at September House, Beeches and Hampton Lodge. There are no undue concerns over loss of light or visual intrusion to these neighbouring properties.
- 1.4 The proposal is considered acceptable in terms of highway safety, flow, parking and impact on local highway infrastructure. Further information has been received on sustainable drainage, which at the time of writing this report is being reviewed by the Lead Local Flood Authority and their comments will be reported in an update.

|   |   |
|---|---|
| <b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b> |   |
| <b>1.</b>   | The proposal fails to demonstrate that the development cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, contrary to the NPPF which aims to steer new development to areas with the lowest probability of flooding.  |
| <b>2.</b>   | Due to its form, scale, bulk and design of the buildings together with its limited setting, the proposal would appear out of scale and as a flatted development, representing an overly dominant and incongruous development contrary to the more modest scaled, single-family dwellings prevailing within the locality. Furthermore, the removal of a section of TPO trees along Bray Road would erode the green character of Bray Road and wider locality. The proposal would therefore be unduly harmful to the streetscene, setting of Maidenhead Riverside Conservation Area, character of the area and visual amenity in general. |
| <b>3.</b>   | The proposal fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees, including those required to be planted, which contribute to the visual amenities of the area.  |
| <b>4.</b>   | Due to the location and number of windows serving habitable rooms, and balconies, the   |

|   |
|---|
| proposal would introduce perceived and actual overlooking into neighbouring gardens, resulting in an undue loss of privacy. |
|---|

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson due to public interest expressed on this application.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises of a rectangular plot measuring approximately 0.34 hectares at the junction of Bray Road and Church Road. It currently accommodates 2 detached houses known as Zaman House and Awan House, fronting onto Church Road with a set back of approximately 18.5m. The existing houses are two storeys in height with a hipped roof. There is a substantial boundary wall on the Church Road frontage with two gated entrances off Church Road; however the dividing fences have been removed to form one large driveway.
- 3.2 The site lies within Flood Zone 2 and 3.
- 3.3 There are several trees within the boundary of Zaman House and Awan House that are subject to Tree Preservation Orders.
- 3.4 The surrounding area is predominately residential comprising of large single family dwelling houses with differing size plots but all sit comfortably within them. The application site lies outside of Maidenhead Riverside Conservation Area, but the boundary runs along the shared boundary of Awan House and Hampton Lodge.

## 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of 16 x 2 bed apartments with access, parking, landscaping and amenity spaces following the demolition of the existing 2 dwellings.
- 4.2 The 8 flats will be housed in 2 detached 'L-shape' buildings, sited approximately in the same location as the existing dwellings. 3 flats are proposed at both the ground and first floor level and 2 flats within the roof space. The buildings would incorporate a raised floor, and extend to an overall height of approximately 10.5m. A crown roof is proposed on each building with dormer windows on all roof slopes. Communal amenity space is proposed to north east of the site, and parking is proposed to the south adjacent to Church Road and between the 2 proposed buildings. The development will be served by a new access of Bray Road and the existing 2 accesses off Church Road will be stopped up.

### Zaman House

| Planning Reference | Proposal  | Decision              |
|--------------------|---|-----------------------|
| 96/30700/FULL      | Front entrance porch extension to existing garage and new pitched roof to garage  | Approved - 02.04.1997 |
| 00/36250/FULL      | Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall | Approved – 01.03.2001 |
| 02/38988/FULL      | Single storey rear and first floor front extension. Conservatory to side and detached double garage                               | Approved – 22.08.2002 |
| 03/40033/FULL      | Construction of single storey rear and first floor rear extension and front ground  | Approved – 06.05.2003 |

|               |  |                       |
|---------------|--|-----------------------|
|               | floor extension with bay   |                       |
| 03/40209/FULL | New conservatory, breakfast room to rear and two storey extension to side (retrospective)  | Approved – 04.03.2004 |
| 08/02424/FULL | Erection of replacement boundary wall to Church Road frontage  | Approved – 20.11.2008 |
| 10/00709/CLU  | Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful                     | Refused – 03.06.2010  |
| 10/01336/FULL | Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)   | Refused – 20.09.2010  |
| 12/00430/FULL | Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows   | Approved – 13.04.2012 |
| 14/03355/FULL | Two storey and part first floor front extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows                          | Approved - 08.01.2015 |
| 15/01887/FULL | Part two storey, part first floor front extension and part two storey, part first floor rear extension with raising of existing roof to facilitate loft conversion with addition of two front dormers and two rear dormers | Approved - 20.07.2015 |

#### Awan House

| Planning Reference | Proposal  | Decision              |
|--------------------|---|-----------------------|
| 00/36118/FULL      | Single storey rear extension, first floor side extension and new timber cladding to front elevation   | Approved – 30.01.2001 |
| 07/00573/FULL      | Erection of front boundary wall and entrance gates  | Approved – 21.05.2007 |
| 07/03247/FULL      | First floor side extension  | Approved – 05.02.2008 |
| 11/02492/FULL      | First floor side extension over existing flat roof and two storey side extension and a chimney and ancillary works to windows, doors and façade following demolition of existing chimney and garage | Approved – 28.11.2011 |
| 12/01596/CPD       | Certificate of Lawful Development to determine whether a proposed single  | Refused - 03.08.2012  |

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 10, 11 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 | Highways and Parking | Trees |
|------------------------|----------------------|-------|
| F1, DG1, H10, H11,     | P4, T5, T7           | N6    |

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) (SPG)

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy
- ▣ Maidenhead Riverside Conservation Area Appraisal

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Principle of Development
- Flood Risk
- Design and Appearance
- Highway Issues
- Residential Amenity
- Trees
- Other Material Considerations

### Principle of Development

6.2 There is no objection to the loss of the existing dwellings and redevelopment for housing. Concerns have been raised from local residents over the loss of family housing and the provision of solely 2-bed flats, but the Council's Strategic Housing Market Assessment (2014) identified that the highest need is for 2 to 3 bed units, which the proposal would meet. Concerns have also

been raised by local residents over the proposed density which would be significantly higher than the low density of the surrounding area, but in the context of the stated aim to boost the supply of housing, a key element of national planning policy as set out in paragraph 47 of the NPPF, the proposed density would be a clear benefit of the scheme and may be acceptable provided that there is no undue harm to the character and amenity of the area, which is assessed below (paragraphs 6.6 – 6.9, and 6.23 – 6.25).

### **Flood Risk**

- 6.3 The submitted Flood Risk Assessment (FRA) has identified the site as being within Flood Zone 2, but the Environment Agency has advised that based on their current Flood Map, the topography of the site and detailed modelling, the proposal lies within the 1% flood extent (Flood Zone 3).

### Sequential Test

- 6.4 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk by applying a Sequential Test. A Sequential Test has been undertaken by the applicant using sites identified as potentially available in the Council's Strategic Housing Land Availability Assessment (SHLAA; 2014) and related to 'small sites' identified in the SHLAA given that the site contained two dwellings each occupying a site that falls within the defined range of a 'small site'. However, it is considered that 'large sites', which is classified as over 0.25ha in size should have been used instead of 'small sites' which is classified as under 0.25ha. Overall the application site measures approximately 0.34ha and guidance on carrying out a Sequential Test advises that comparable sites should be used. As such, the proposal fails to demonstrate that the proposal could not be accommodated on a site with a lower probability of flooding.
- 6.5 As the proposal is not considered to pass the Sequential Test an assessment of whether the proposal passes the Exception Test, including an assessment of the submitted Flood Risk Assessment, is not required in accordance with paragraph 102 of the NPPF and the application should be refused in accordance with paragraph 101 of the NPPF. Additionally, the proposal would be contrary to Local Plan Policy F1, which in accordance with the NPPF, seeks to reduce flood risk.

### **Design and Appearance**

- 6.6 The NPPF attaches great importance to design and paragraph 60 states it is proper to promote or reinforce local distinctiveness, while paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping, while Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance. The boundary of Maidenhead Riverside Conservation Area runs along the eastern boundary of the site, and paragraph 128 of the NPPF states that the contribution of its setting should be considered in determining a planning application. The Maidenhead Riverside Conservation Area Appraisal identifies that the most significant feature is the River Thames and the built form consists of large, detached dwellings set back from the road in large plots with mature planting.
- 6.7 The existing houses are not considered to be of any particular historic or architectural merit and are unworthy of listing. The houses also lie outside of, although adjacent to, Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection on this basis to their loss in principle.
- 6.8 In terms of the replacement buildings, the proposed buildings would be approximately 0.5m higher and the footprint would be approximately 22sqm larger for Block 1 and 167sqm for Block 2

than Zaman and Awan House respectively. This is not considered excessive in itself, however, the stepped heights and elevations of the existing houses are considered to break up their visual bulk and mass while due to the consistent height and consolidated forms of each of the proposed buildings would result in a more solid and dominant appearance. Together with its limited setting due to the amount of associated development (internal access, parking and turning area, and bin/cycle stores) the proposal is considered to appear out of scale in the streetscene and locality, and would represent an overdevelopment of the site. The incongruity with the character of the area is reinforced by its design. The building would contain flats on 3 levels and the amount and placement of fenestration, the front, rear and side dormers, the crown roofs, and the front, rear and side balconies are considered to result in the appearance of a purpose built flatted development rather than a single-family dwelling house which forms the prevailing character of the wider area. This would be compounded by the extensive car parking area to the front of the site and between the proposed buildings, and number of bin/cycle stores along the frontage.

- 6.9 It is noted that there is some large scale flatted development within the wider locality and it is accepted that the proposed development would be a more efficient use of previously developed land, but it is considered that the proposal would not promote or reinforce local distinctiveness and would unduly compromise the visual quality of the streetscene, setting of Maidenhead Riverside Conservation Area and the locality in general. For these reasons it is considered that the proposal would conflict with the paragraphs 60, 64 and 128 of the NPPF and Local Plan policies DG1, H10 and H11.

### **Highway Issues**

- 6.10 The B3028 Bray Road provides an alternative link between the A4 Bridge Road via Oldfield Road and the A308 Windsor Road. There is a footway to the west of Bray Road that varies between 2.10 and 1.50m in width. To the east there is no footway, however, there is a 2.6m verge. Between the Bray Road/Church Road junction and the northern boundary of the application site, the width of the carriageway gradually reduces from 5.10m to 5.7m. In the immediate area Bray Road is also subject to a 30mph speed limit, and parking is prohibited and enforced by double yellow lines. Church Road is a private street where vehicular speeds are subject to an advisory 20mph speed limit and further enforced with speed humps. The highway is some 5.0m wide and operates as a shared pedestrian and vehicular access.

### Access

- 6.11 Local Plan policy T5 requires all development proposals to comply with the Council's adopted highway design standards. A new vehicular access off Bray Road, sited approximately 40m to 45m to the north of junction with Church Road, is proposed and following the stopping up of the 2 existing accesses on Church Road the new access will serve between 64 and 128 movements per day. The proposal demonstrates that the new access can achieve visibility splays of 2.4 x 43m in each direction, complying with the Council's standard and there are no defects or deficiency in the surrounding highway network to suggest that the development would pose harm to road safety subject to acceptable visibility splays. This is supported by accident records that reveal that there have been no reported injury accidents in the area during the past 10 years. If there were defects or deficiency in the surrounding highway network then there is likely to be a cluster of incidents to indicate such.
- 6.12 The access is designed in the form of a bell mouth junction with 4.0m radii but the Highway Authority would expect minimum 6m kerb radii to aide manoeuvrability to and from the site, especially for service and small delivery vehicles. Had the application been recommended for approval details of the design of bell mouth could have been secured by condition; it is therefore an insufficient basis to refuse the proposal.
- 6.13 A pedestrian link from Bray Road to the proposed flats is situated south of the access road and runs from the site and into Bray Road, terminating south of the bell mouth. To achieve genuine pedestrian permeability from the site, across Bray Road and to the surrounding areas a pedestrian crossing point on both sides of the road would be necessary. However, securing these works is not considered necessary to make the development acceptable if the proposal had been recommended for approval.

### Parking

- 6.14 The development will provide 32 car parking spaces within the site curtilage. This meets the maximum standard outlined in the Council's adopted Parking Strategy (2 parking spaces for each 2-bed flat). The proposal therefore complies with Local Plan policy P4, which requires parking provision to accord with Council adopted parking standards. The turning and manoeuvrability has been provided in front of each car parking space which will allow a vehicle to enter and exit the site in forward gear. Had the application been recommended for approval, a condition would have been recommended to secure the parking layout to ensure adequate parking facilities to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and highway safety.

### Cycle Parking and Refuse Provision

- 6.15 The submitted Transport Statement states that cycle and refuse/recycling storage would be provided in a combined storage building. The scheme includes direct pedestrian access from Church Road, and the carry distance between the stores and a refuse vehicle stationed along Church Road complies with guidelines as set out in Manual for Streets. Submission and approval of the size and details of the cycle and refuse/recycling storage could have been secured by condition had the application be recommended for approval.

### Impact on Local Highway Infrastructure

- 6.16 While this is an increase, the resultant traffic is not considered to be unduly detrimental to the local highway infrastructure.

### **Residential Amenity**

- 6.17 Core Principle 4 requires new development to secure good amenity for all, Local Plan policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area. The road separates the site from the houses on the south side of Church Road, Fatimah House and Arcturus, with a separation distance of approximately 32m between the proposed and existing buildings. At this distance the proposal is not considered to result in any undue visual intrusion, loss of light or privacy to these properties.
- 6.18 Windows and balconies are proposed on the north elevation of both blocks which would face September House and Beeches to the north on Glebe Road. While there is a back-to-back minimum distance of approximately 32m between Block 1 and September House and approximately 35m between Block 2 and Beeches, given the approximate minimum 9m to 10m offset from the shared boundary and the large number of windows serving habitable rooms and balconies at elevated heights there are concerns over unreasonable levels of actual and perceived overlooking into their rear gardens to the detriment of neighbouring amenity. There are also concerns over loss of privacy to Hampton Lodge. 4 first floor and above windows, which serve habitable rooms, would overlook the side amenity space at Hampton Lodge at a distance of approximately 6m. It is noted that there is a certain amount of screening provided by existing vegetation, however this cannot be taken as a mitigating factor as there is no mechanism to secure its perpetuity. The proposal is therefore considered to be contrary to Core Principle 4 of the NPPF and Local Plan policy H11.
- 6.19 It is not considered that there would be any undue visual intrusion or visual or loss of light September House, Beeches or Hampton Lodge given the step in the north and east elevation which sufficiently breaks up mass and bulk. In terms of daylight the development would also pass the 25 degree rule for windows at neighbouring properties facing the proposed buildings, which indicates that the proposal is unlikely to result in an unreasonable loss of daylight.

- 6.20 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenity.
- 6.21 All future residents will have good sized accommodation and will receive adequate levels of light to, and an acceptable outlook from, habitable rooms. It is considered that proposed amenity space would be somewhat of poor quality due to the limited size and sense of enclosure from the proposed building and boundary treatment, but given its proximity with Braywick Park and Bray Green and that 12 of the flats would have access to private balconies this is considered acceptable.

### **Trees**

- 6.22 Paragraph 3.2 of the submitted Arboricultural Report identifies that there is good tree cover on the site as well as adjacent sites with many semi-mature and mature trees of both native and exotic species that characterise the area. Collectively it is considered that these trees are a positive landscape feature in general and to the setting of the adjacent Maidenhead Riverside Conservation Area. The trees growing within the boundary of Zaman House are subject to Tree Preservation Order (TPO) 123/2002. Trees growing within the boundary of Awan House are subject to TPO 039/2001. The TPOs protect trees of all species growing on the site.
- 6.23 The proposal includes the removal of a section of G4 and T13 due to the position in relation to the proposal as they cannot be effectively retained, and T1 due to the presence of decay fungi. There are no objections to the removal of T13 or T1, however, while individually the trees are in a mixed condition it is considered that the removal of a section of G4 to create the new vehicular entrance would create a significant gap in this screening and green corridor along Bray Road unduly harming the streetscene, character of the area and visual amenity, contrary to Local Plan policies DG1, H10 and H11.
- 6.24 In relation to retained trees, it is considered that the proposal fails to demonstrate that the proposal would ensure the health and longevity of retained trees, contrary to Local Plan policy N6, and would result in the potential loss of existing trees to the detriment of the green character of the wider locality including Maidenhead Riverside Conservation Area, contrary to Local Plan policies DG1, H10 and H11. A section of the proposed new driveway will be located within the root protection area (RPA) of T8. If structures (including hard surfacing) are proposed within the RPA of a retained tree it will require an overriding justification in accordance with paragraph 5.3.1 of British Standards 5837:2012 Trees in relation to design, demolition and construction Recommendations (BS5837). It would also need to be demonstrated that the tree can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the RPA and mitigation measures to improve the soil environment of the tree can be implemented. In this case while it has been noted that that the existing house encroaches within the RPA of T8, there are concerns that the submitted Arboricultural Report has not sufficiently taken the impact of this on root growth to inform the plotting of the RPA for T8. Therefore the extent of the RPA for T8 is questioned. The report also fails to demonstrate the necessary justification, compensation or mitigating soil improvements contrary to BS5837. With regard to the group of trees G2 and G3 on the eastern boundary of the development, it is considered that these trees would overshadow a large proportion of the eastern building and the amenity area; as such there would be pressure to cut back regularly and/or felling, which is not recommended by BS5837.
- 6.25 The removal of a sycamore tree and horse chestnut from this site were granted, ref: 15/01176/TPO and 16/02550/TPO respectively, but approval of these tree-works were both subject to a condition requiring a replacement tree within 2m of the original to be felled. The replacement trees have not yet been planted and little to no space has been made available in the proposed layout for the planting of these trees in the required location. Furthermore, these trees have not been considered within the submitted arboriculture report for this application in the interest of their future growth and viability, contrary to Local Plan policy N6. Failure to provide a replacement tree or to ensure their longevity would be unduly harmful to the character of the area.



## Other Material Considerations

### Sustainable Drainage

- 6.26 It is expected that the proposal will meet the standards set out in the 'Non-statutory technical standards for sustainable drainage systems'. The application fails to demonstrate how surface water will be managed. The submitted Flood Risk Assessment refers to using the existing system, but according to Thames Water records there is no surface water system in the surrounding area. Further information has been submitted by the applicant, which at the time of writing this report is being reviewed by the Lead Local Flood Authority. Comments from the Lead Local Flood Authority Officer will be reported in an update. If the further information provides not to be acceptable this would form the basis for a further reason for refusal.

### Housing Land Supply

- 6.27 Paragraphs 7 and 14 of the NPPF set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that 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 5 year supply of deliverable housing sites. It is acknowledge that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. The required CIL payment for the proposed development would be £100 per sqm based upon the chargeable residential floor area. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

7 occupiers were notified directly of the application, the planning officer posted a statutory notice advertising the application at the site on 6 December 2016, and the application was advertised in the Maidenhead Advertiser on 29 December 2016.

45 letters, including 2 from the Fisheries Residents Association, and 1 petition comprising of 81 signatures were received objecting to the application, summarised as:

| Comment |   | Where in the report this is considered |
|---------|---|--|
| 1.      | Flatted development is out of character in terms of density, height, scale, appearance, associated development/ paraphernalia and level of activity with single family dwellings of Fishery Estate. | Para. 6.6 – 6.9                        |
| 2.      | Disproportionate development /overdevelopment of the site, over dominant and cramped which is harmful to the character of the locality and street scene   | Para. 6.6 – 6.9                        |

|     |   |  |
|-----|---|--|
| 3.  | Harm to the setting of Maidenhead Riverside Conservation Area, the conservation area should be extended to cover the whole of the Fishery Estate  | The site is not currently within a conservation area, although adjacent to Maidenhead Riverside CA, and the application has to be assessed on this basis.<br><br>Para. 6.6 – 6.9.    |
| 4.  | Increase in flood risk  | Para. 6.3 – 6.5  |
| 5.  | New access would result in a highway hazard and disrupt highway flow as it would be located at the narrowest part of Bray Road, which is a busy road, and where there is no pavement.   | Para. 6.10 – 6.13  |
| 6.  | Excessive parking provision resulting in over dominance of hardstanding / inadequate parking provision on site parking leading on overspill onto Church Road  | Para. 6.8 and 6.14   |
| 7.  | Refuse collection is proposed from Church Road but Church Road is a private road maintained by Fisheries Resident Association.  | Rights of access is not a material planning consideration  |
| 8.  | Impact to local infrastructure, which is already under pressure / no S106 contributions   | Para. 7.1. CIL is used to fund a wide range of infrastructure such as transport schemes, schools and open space.   |
| 9.  | Loss of neighbouring amenity in terms of overlooking, visual intrusion, light pollution, noise and disturbance as a result of the development; increase in noise and disturbance during construction and obstruction from large construction vehicles | Para. 6.17 – 6.20  |
| 10. | Loss of family dwellings which are in demand within the borough   | Para. 6.2  |
| 11. | The site has not been identified in the draft Borough Local Plan which lists all sites suitable for more than 10 residences   | Not all future housing land is allocated in forward planning documents such as local plans. 'Windfall' sites will come forward on an ad hoc basis as unforeseen circumstances arise. |
| 12. | Would contribute to housing supply, but lack of housing does not outweigh harm  | Para. 6.27   |
| 13. | Precedent for ribbon development along Bray road  | Each proposal has to be assessed on its own merits.  |

### Other consultees

| Consultee                | Comment   | Where in the report this is considered              |
|--------------------------|---|---|
| Maidenhead Civic Society | In sustainability terms the demolition of the houses and extensions are a waste of resources. The proposal is over development and blocks of purpose built flats are out of | 6.2, 6.3 – 6.5, 6.6 – 6.9, 6.10 - 6.16, 6.17 - 6.21 |

|                         |  |   |
|-------------------------|--|---|
|                         | keeping which threatens the character and ambience of the area. Due to overdevelopment there would be an increase in flood risk. There is inadequate parking and the new access onto Bray road would result in highway danger. There is poor amenity space provided for the future occupants. The proposal would be unneighbourly.   |   |
| Local Highway Authority | The development raises no highway concern. The new site access offers clear views in both directions to allow a driver exiting the development to see and be seen by a vehicle proceeding along Bray Road. If the Planning Authority is minded to approve the application we recommend the inclusion of the following conditions on access in relation to the access, construction management plan, parking layout, visibly splays, cycle parking facilities, refuse bin storage and stopping up of existing accesses.   | Para. 6.10 - 6.16   |
| Arboriculture Officer   | In the current format the scheme fails to adequately secure the protection and replacement of important protected trees. The loss of these trees would be detrimental to the character and appearance of the area.   | Para. 6.22 – 6.25   |
| Bray Parish Council     | The development is not compatible with the adjacent buildings or the character of the area in general. The height of the new buildings are out of keeping with the properties in the area. The current properties on the site have been recommended for inclusion in the conservation area. There is an unsatisfactory highway access and the increase in traffic will place an undue burden on the highway.   | The site is not currently within a conservation area, although adjacent to Maidenhead Riverside CA, and the application has to be assessed on this basis.<br><br>Para. 6.6 – 6.9, 6.11 – 6.13, 6.16 |
| Environment Agency      | The Sequential Test should be applied to this application. The decision on whether this is passed or failed is for the LPA to make.<br><br>The Flood Risk Assessment (FRA) does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the NPPF. It does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA has failed to demonstrate that: <ul style="list-style-type: none"> <li>☐ The correct climate change allowances have been used to assess future flood risk or provide adequate justification for the use of these allowances.</li> <li>☐ The loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for.</li> <li>☐ The proposed development has finished floor levels above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.</li> <li>☐ There has been a sufficient assessment of the impact of the information to demonstrate that the</li> </ul> | Para. 6.3 – 6.5   |

|                            |  |            |
|----------------------------|--|------------|
|                            | proposal will not have an adverse impact on flood flows.   |            |
| Lead Local Flood Authority | The application submitted does not contain any details of how the surface water will be managed. The FRA makes reference to using the existing system, there is no surface water system in the surrounding area according to Thames Water records. The applicant is requested to provide a plan showing the existing surface water drainage. The proposal should meet the standards from the Non-statutory technical standards for sustainable drainage systems. | Para. 6.26 |

## 9. APPENDICES TO THIS REPORT

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

## 10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal fails to satisfactorily demonstrate that the development cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, contrary to paragraph 101 of the National Planning Policy Framework 2012 and policy F1 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 2 Due to its form, scale, mass and bulk and design of the buildings together with its limited setting, the proposal would appear out of scale. As a flatted development, representing an overly dominant and incongruous development, contrary to the more modest scaled, single-family dwellings prevailing within the locality. Furthermore, due to the loss of a significant section of TPO trees along Bray Road the proposal would result in a the erosion of the green corridor and verdant character along Bray Road and the wider area. For these reasons the proposal causes significant and demonstrable harm to the visual quality of the streetscene, setting of Maidenhead Riverside Conservation Area and the wider locality in general. This conflicts with paragraphs 60, 64 and 128 of the National Planning Policy Framework 2012, and policies DG1, H10, H11 and N6 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 3 The proposal fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees, including those required to be planted, which contribute to the visual amenities of the area and are covered by an Area Tree Preservation Order. The proposal would therefore be contrary to the provisions of policy N6 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 4 Due to the location and number of windows serving habitable rooms and balconies on elevations directly facing neighbouring properties at September House, Beeches or Hampton Lodge, the proposal would introduce perceived and actual overlooking into gardens, resulting in an unreasonable loss of privacy. The proposal is therefore unduly harmful to neighbouring amenity, contrary to Core Principle 4 of the National Planning Policy Framework 2012 and policy H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003).

Appendix A – Site Location Plan and Site Layout



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Scale @ A4 1:1,250



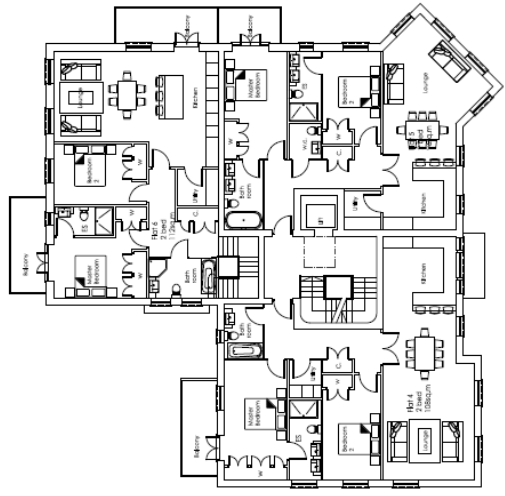


Appendix B - Plan and Elevation Drawings

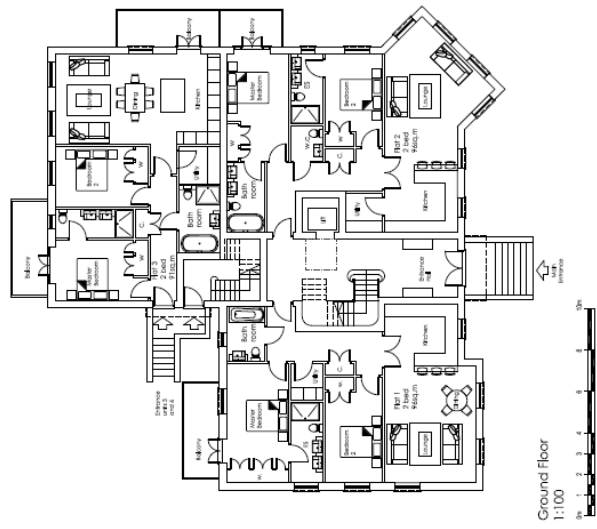


|  |                            |
|--|----------------------------|
| <p><b>TPARCHITECTS</b><br/>         334 S. Lamar Street, Midtown, Dallas, TX 75204<br/>         www.tparchitects.com</p> |                            |
| <p>Project: Zisman and Awan House<br/>         Location: Midtown, Dallas, TX</p>   | <p>Scale: 1/8" = 1'-0"</p> |
| <p>No: Block 1</p>   | <p>Date: 11/10/14</p>      |
| <p>No: Elevation</p>   | <p>Sheet: 1 of 1</p>       |
| <p>Site No.: 2357/P-1, 054</p>   | <p>Project No.: 14014</p>  |

1. Design drawings are made for all elements to be shown on this sheet.  
 2. All dimensions are in feet and inches.  
 3. All dimensions shall be rounded to the nearest 1/8" or 1/16".  
 4. All dimensions shall be rounded to the nearest 1/8" or 1/16".  
 5. All dimensions shall be rounded to the nearest 1/8" or 1/16".  
 6. All dimensions shall be rounded to the nearest 1/8" or 1/16".  
 7. TPARCHITECTS is a trading name of TPA, Design and Construction, 334 S. Lamar Street, Midtown, Dallas, TX 75204.



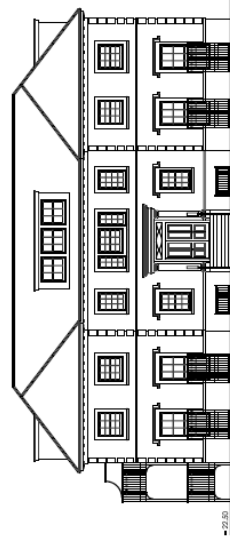
First Floor



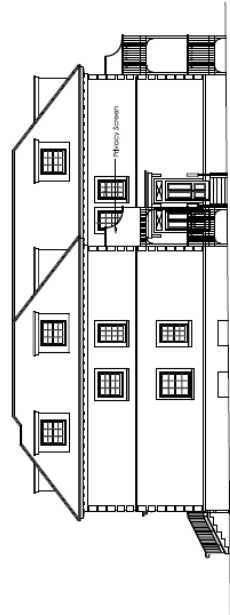
Ground Floor  
1:100

|  |  |
|--|--|
| <p>Project: 2000 sq ft 2-story House<br/>Ground floor<br/>Midwest<br/>Floor Plans<br/>2000 sq ft 2-story House</p> | <p>TPARCHITECTS<br/>1000 N. 1st St., Suite 100<br/>Milwaukee, WI 53233<br/>Tel: 414.224.1234<br/>www.tparchitects.com</p>  |
|  |  |
| <p>Drawn by: [Name]<br/>Checked by: [Name]<br/>Date: [Date]</p>  | <p>Notes:<br/>1. All dimensions are given unless otherwise noted.<br/>2. All dimensions are given unless otherwise noted.<br/>3. All dimensions are given unless otherwise noted.<br/>4. All dimensions are given unless otherwise noted.<br/>5. All dimensions are given unless otherwise noted.<br/>6. All dimensions are given unless otherwise noted.<br/>7. TPARCHITECTS is a member of the TPARCHITECTS Group.</p> |

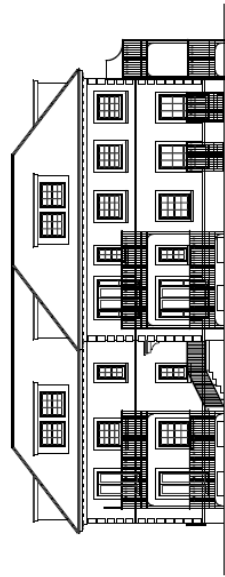




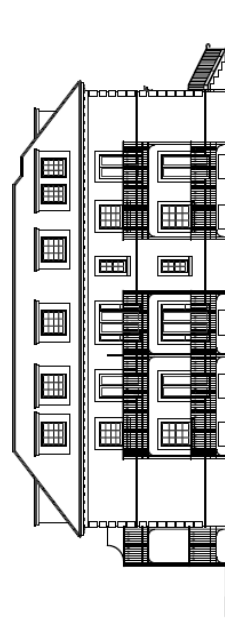
South Elevation



East Elevation



North Elevation



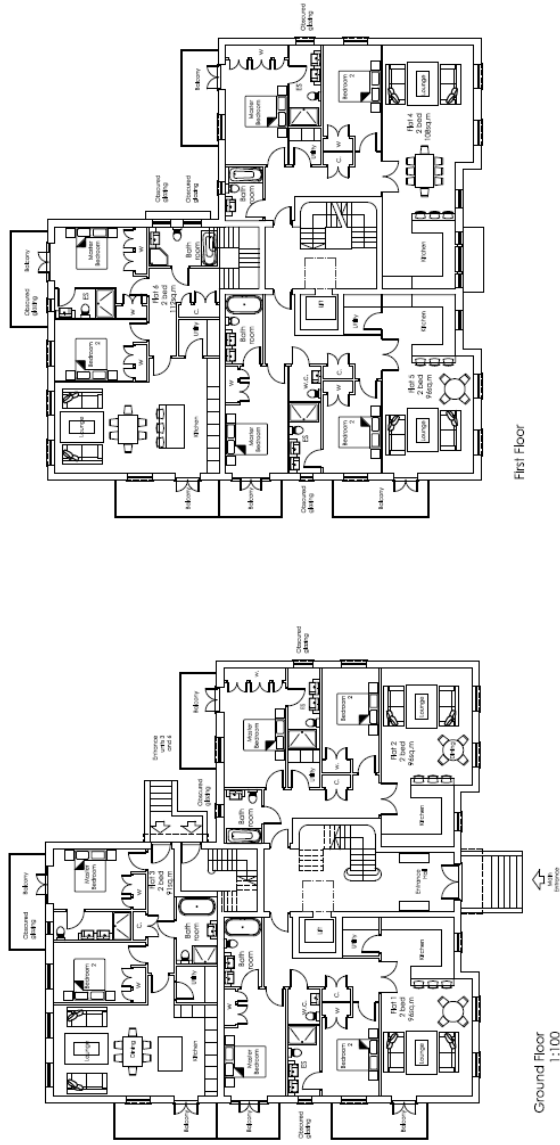
West Elevation

**NOTES**

- 1. Check for Notes.
- 2. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Mechanical Code (IMC)
  - d. International Electrical Code (IEC)
  - e. International Plumbing Code (IPC)
  - f. International Fire Code (IFC)
  - g. International Energy Conservation Code (IECC)
- 3. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Mechanical Code (IMC)
  - d. International Electrical Code (IEC)
  - e. International Plumbing Code (IPC)
  - f. International Fire Code (IFC)
  - g. International Energy Conservation Code (IECC)
- 4. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Mechanical Code (IMC)
  - d. International Electrical Code (IEC)
  - e. International Plumbing Code (IPC)
  - f. International Fire Code (IFC)
  - g. International Energy Conservation Code (IECC)
- 5. Please ensure that the drawings are read together and that all notes and specifications are followed.
- 6. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Mechanical Code (IMC)
  - d. International Electrical Code (IEC)
  - e. International Plumbing Code (IPC)
  - f. International Fire Code (IFC)
  - g. International Energy Conservation Code (IECC)
- 7. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Mechanical Code (IMC)
  - d. International Electrical Code (IEC)
  - e. International Plumbing Code (IPC)
  - f. International Fire Code (IFC)
  - g. International Energy Conservation Code (IECC)

Project: Zumar and Avash House  
 Church Road  
 Elmwood  
 W. 11  
 Elevation  
 Date: 2023/05/10  
 Drawn by: [Signature]

**TP ARCHITECTS**  
 334 S. Lakes Road, Lakeland, Florida 34051  
 Tel: 813.708.2008  
 Fax: 813.708.2008  
 Email: info@tparchitects.com  
 Website: www.tparchitects.com



First Floor

Ground Floor  
1:100

**Architects**

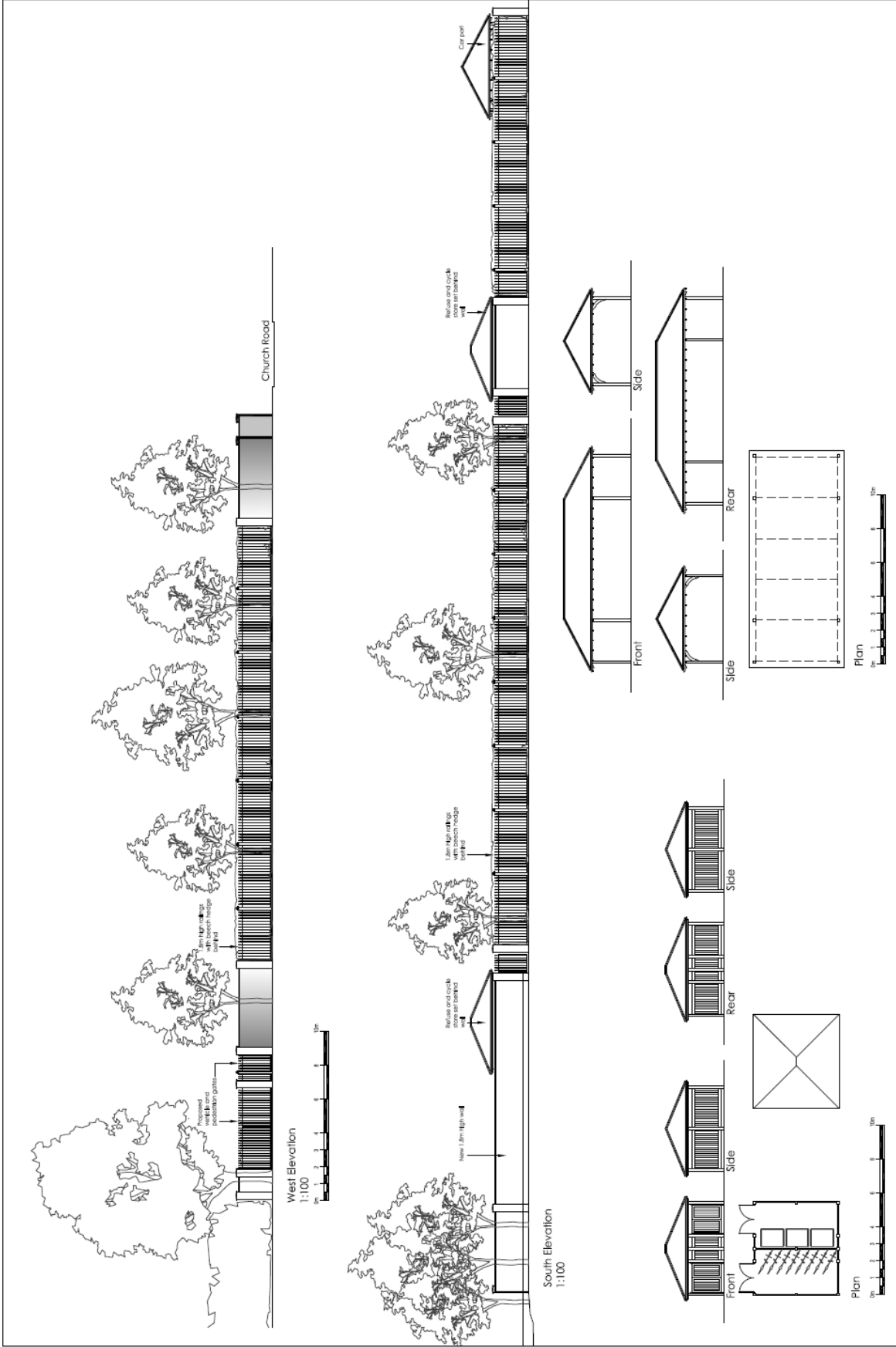
**TP ARCHITECTS**

305/15, Larkin Road, Melbourne, VIC 3004  
 Phone: 03 9412 1234  
 Email: info@tparchitects.com.au  
 Website: www.tparchitects.com.au

Project: Zaman and Awan House  
 Location: Larkin Road, Melbourne, VIC 3004  
 Title: Block 2 Floor Plans  
 Ground and First  
 Date: 2023/05/10  
 Scale: 1:100

Drawings include:  
 1. Site plan  
 2. Floor plans  
 3. Section drawings  
 4. Detail drawings  
 5. Construction drawings  
 6. Landscape drawings  
 7. Furniture schedule

Drawings include:  
 1. Site plan  
 2. Floor plans  
 3. Section drawings  
 4. Detail drawings  
 5. Construction drawings  
 6. Landscape drawings  
 7. Furniture schedule



**Client:** Zingy and Aileen House  
**Address:** Church Road  
 Malvernhead  
**Site No:** Boundary Wall, Carport  
 and Refuse / Cycle Storage  
**Project No:** 235/PA/109

**Scale:** 1:100

**TPARCHITECTS**  
 31a De Lisle Road, Malvernhead, Warwickshire CV35 9TA  
 www.tparchitects.co.uk

**Drawings:**

- 1. Site plan
- 2. Floor plan
- 3. Section
- 4. Elevation
- 5. Detail
- 6. Landscape plan
- 7. Schedule of materials

**Checklist:**

- 1. All drawings are to scale.
- 2. All drawings are to be approved by the local authority.
- 3. All drawings are to be approved by the local authority.
- 4. All drawings are to be approved by the local authority.
- 5. All drawings are to be approved by the local authority.
- 6. All drawings are to be approved by the local authority.
- 7. All drawings are to be approved by the local authority.

**Notes:**

1. This drawing is a survey drawing. All dimensions to be checked on site.
2. The client is responsible for the accuracy of the information provided.
3. The architect is not responsible for the accuracy of the information provided.
4. All dimensions to be checked on site and cross checked with all other relevant architectural drawings, schedules and specifications.
5. All drawings are to be approved by the local authority.
6. All drawings are to be approved by the local authority.
7. TPARCHITECTS is trading name of TPA Design Ltd Registered address: 31a De Lisle Road, Malvernhead, Warwickshire CV35 9TA.

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Appeal Decision Report

6 January 2017 - 3 February 2017

MAIDENHEAD

**Appeal Ref.:** 16/60089/REF      **Planning Ref.:** 16/00971/FULL      **Plns Ref.:** APP/T0355/W/16/  
3156047

**Appellant:** Mr Roy Keates **c/o Agent:** Miss Lottie Burgess Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Construction of garage (retrospective)

**Location:** **New Farm New Farm Fishery Drift Road Maidenhead SL6 3ST**

**Appeal Decision:** Dismissed      **Decision Date:** 17 January 2017

**Main Issue:** The appellant has not argued that the proposal would not be inappropriate in the Green Belt and sets out the considerations he argues amount to the very special circumstances necessary to justify the development in the Green Belt. The appellant argues that a garage would usually be acceptable as permitted development within the Green Belt and is a building for an ancillary use to a dwellinghouse. Nevertheless, no evidence or detailed justification has been provided of how the proposal would comply with the relevant permitted development criteria or to show how the proposal, as an ancillary outbuilding, would fall within the criteria for appropriate development as set out in either the development plan or the Framework. On this basis, the Inspector considered the proposed development to be inappropriate development within the Green Belt. Whilst noting the judgement in *Timmins & Anor v Gedling Borough Council*, the Inspector considered that the resulting garage would have a materially greater impact on openness. Whilst this impact would be somewhat limited in the context of the wider area, it would amount to harm to the Green Belt that carries substantial weight in accordance with the Framework. The proposed dwelling would represent inappropriate development in the Green Belt that would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. The Inspector gave careful consideration to the other arguments in favour of the proposal. However, the Inspector found that such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposal development is therefore contrary to the Green Belt aims of policies GB1 and GB2 of the Local Plan and the Framework.

**Appeal Ref.:** 16/60090/COND    **Planning Ref.:** 16/01753/FULL    **Plns Ref.:** APP/T0355/W/16/3156065

**Appellant:** Mr Nick Evans **c/o Agent:** Mr Tom McArdle Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

**Decision Type:** Delegated    **Officer Recommendation:** Application Permitted

**Description:** Single storey rear extension

**Location:** **Honey Lane Farm Honey Lane Hurley Maidenhead SL6 6RG**

**Appeal Decision:** Allowed    **Decision Date:** 17 January 2017

**Main Issue:** The Government's Planning Practice Guidance advised that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the fall back position of the permitted development extension, exceptional circumstances do not exist to justify the removal of permitted development rights. The application for an award of costs is refused, as unreasonable behaviour on the part of the Council has not been demonstrated.

---

**Appeal Ref.:** 16/60091/NOND ET    **Planning Ref.:** 16/01090/FULL    **Plns Ref.:** APP/T0355/W/16/3155315

**Appellant:** Mr Rowen Atkinson - Atkinsons Private Nursing Homes **c/o Agent:** Mr Paul Devine Left City Ltd Storey B/2 160 West George Street Glasgow G2 2HG

**Decision Type:** Delegated    **Officer Recommendation:** Would Have Refused

**Description:** Alterations and extension to roof to provide additional habitable accommodation, amendments to fenestration and demolition of existing conservatory

**Location:** **Longlea Fifield Road Fifield Maidenhead SL6 2PG**

**Appeal Decision:** Dismissed    **Decision Date:** 30 January 2017

**Main Issue:** The appeal site is in the Green Belt and the proposal would have resulted in a substantial increase in the massing of the building at the rear and a very significant increase in size, which would amount to a disproportionate addition over and above the size of the original building. As such the proposal represented inappropriate development in the Green Belt. As the resultant increase in bulk and massing would be significant, there would be loss of openness to the Green Belt. In addition, the proposal would have led to a loss of privacy of the neighbouring property to the detriment of their living conditions. The other considerations cited by the appellant in support of the proposal, relating to accommodation for the elderly, do not outweigh the harm to the Green Belt and other harm identified and accordingly no very special circumstances exist to justify the proposed development.

---

**Appeal Ref.:** 16/60092/REF    **Planning Ref.:** 16/00831/CLAS SO    **Plns Ref.:** APP/T0355/W/16/3156044

**Appellant:** Forever Fuels **c/o Agent:** Mrs Jan Molyneux Molyneux Planning 38 The Lawns Brill Aylesbury Buckinghamshire HP18 9SN

**Decision Type:** Delegated    **Officer Recommendation:** Refuse

**Description:** Change of use from offices ( B1(a) ) to a dwelling house (C3).

**Location:** **Forever Fuels Summerlease Barn 225 Blackmoor Lane Maidenhead SL6 8RT**

**Appeal Decision:** Dismissed    **Decision Date:** 19 January 2017

**Main Issue:** The information submitted with both the application and in support of the appeal did not provide evidence that the measures suggested by the Flood Risk Assessment would enable prospective occupiers of the dwelling to remain for an extended period of time in the event of a flood. As such, it would be contrary to paragraph 103 of the Framework.

---

**Appeal Ref.:** 16/60094/NOND **Planning Ref.:** 16/01887/FULL **Plns Ref.:** APP/T0355/W/16/3  
ET 157199

**Appellant:** Mr Michael Smyth **c/o Agent:** Ms Shelley Woods Relic Studio Ltd Battlers Green Farm  
Common Lane Radlett Hertfordshire WD7 8PH

**Decision Type:** Delegated **Officer Recommendation:** Would Have Refused

**Description:** Conversion and change of use of barn to dwelling including raising of roof.

**Location:** **Unit 1 Coningsby Farm Coningsby Lane Fifield Maidenhead**

**Appeal Decision:** Dismissed **Decision Date:** 13 January 2017

**Main Issue:** The Inspector found that various increases in roof ridge and eaves height for this barn conversion scheme of between 12.5% and 25% represented disproportionate additions to the property, so the scheme could not be considered to be exempted from being inappropriate development within the Green Belt, as set out in the fourth bullet point of paragraph 89 of the NPPF 2012. She also found that while there is limited visibility of the barn, the openness of the Green Belt would still be reduced by the increase in the mass and bulk of the building, and therefore there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

---

**Appeal Ref.:** 16/60102/REF **Planning Ref.:** 16/01700/FULL **Plns Ref.:** APP/T0355/D/16/  
3159482

**Appellant:** Mr Nigel Braithwaite **c/o Agent:** Mr Michael Drake Michael Drake Architects Ltd 83  
Greenbank Road Greenbank Bristol BS5 6HE

**Decision Type:** Delegated **Officer Recommendation:** Refuse

**Description:** Two storey side and rear extension

**Location:** **3 Golden Ball Lane Maidenhead SL6 6NW**

**Appeal Decision:** Dismissed **Decision Date:** 9 January 2017

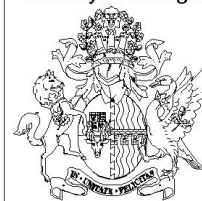
**Main Issue:** The Inspector found that the proposed extension would be disproportionate to the size of the original dwelling, and therefore would be inappropriate development in the Green Belt.

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## Planning Appeals Received

30 December 2016 - 3 February 2017

The Royal Borough



Windsor &  
Maidenhead

### MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/>. Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email [teame1@pins.gsi.gov.uk](mailto:teame1@pins.gsi.gov.uk)

**Other appeals:** The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email [teamp13@pins.gsi.gov.uk](mailto:teamp13@pins.gsi.gov.uk)

**Ward:**

**Parish:**

**Appeal Ref.:** 16/60112/PRPA      **Planning Ref.:** 16/02471/TPO      **PIns Ref.:** ENV/3162630

**Date Received:** 30 December 2016      **Comments Due:** Not Applicable

**Type:** Part Refusal/Part Approval      **Appeal Type:** Fast-track

**Description:** T1 (London Plane); crown reduce by around 25% (circa 3m) from the overall height and radial crown spread.

**Location:** **6 Astor Close Maidenhead SL6 1XQ**

**Appellant:** Mr And Mrs King **c/o Agent:** Mr Matthew Vaughan Four Seasons Tree Care Ltd 1 Beech Road Thame OX9 2AL

**Ward:**

**Parish:** Maidenhead Unparished

**Appeal Ref.:** 17/60008/REF      **Planning Ref.:** 16/02260/FULL      **PIns Ref.:** APP/T0355/D/16/3  
165825

**Date Received:** 17 January 2017      **Comments Due:** Not Applicable

**Type:** Refusal      **Appeal Type:** Householder

**Description:** Part single part two storey side/rear extension, widened front dormer, enlargement and conversion of loft into habitable accommodation to form gable end with 3 x rear dormers, front porch and amendments to fenestration.

**Location:** **24 Clarefield Drive Maidenhead SL6 5DP**

**Appellant:** Mr And Mrs P Catchpole 24 Clarefield Drive Maidenhead SL6 5DP

**Ward:**

**Parish:** Bray Parish

**Appeal Ref.:** 17/60011/REF      **Planning Ref.:** 16/02614/FULL      **PIns Ref.:** APP/T0355/D/16/  
3165979

**Date Received:** 19 January 2017      **Comments Due:** Not Applicable

**Type:** Refusal      **Appeal Type:** Householder

**Description:** Part single storey, part two storey front extension, rebuilding existing ground floor rear conservatory and first floor rear extension over

**Location:** **The Inches Holyport Road Maidenhead SL6 2HD**

**Appellant:** Mr Blue Kinane **c/o Agent:** Mr Graham Gray The T P A Design Co Ltd 33A St Lukes Road Maidenhead SL6 7DN



**Ward:**  
**Parish:** Cookham Parish  
**Appeal Ref.:** 17/60014/NONDET **Planning Ref.:** 16/01411/FULL **Plns Ref.:** APP/T0355/W/16/3  
162882  
**Date Received:** 19 January 2017 **Comments Due:** 23 February 2017  
**Type:** Non-determination **Appeal Type:** Written Representation  
**Description:** Erection of 4 No. dwellings with associated access works, public open space, car parking and landscaping to include on site parking area for nursery staff and additional parking for the residents of Roman Lea.  
**Location:** **Land To North And East of Cookham Nursery School Station Hill Cookham Maidenhead**  
**Appellant:** Oakford Homes **c/o Agent:** Mr Alistair Harris Wyg Plc First Floor The Pavilion Grange Drive Hedge End SO30 2AF

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 17/60015/REF **Planning Ref.:** 16/02661/CPD **Plns Ref.:** APP/T0355/X/17/  
3166403  
**Date Received:** 24 January 2017 **Comments Due:** 7 March 2017  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Certificate of lawfulness to determine whether a single storey outbuilding is lawful  
**Location:** **Green Acres Fifield Road Fifield Maidenhead SL6 2NX**  
**Appellant:** Mr And Mrs Rieder **c/o Agent:** Mr Alistair Lloyd Abracad Architects The Atrium Broad Lane Bracknell RG12 9BX

**Ward:**  
**Parish:**  
**Appeal Ref.:** 17/60016/REF **Planning Ref.:** 16/02364/FULL **Plns Ref.:** APP/T0355/D/16/  
3165965  
**Date Received:** 1 February 2017 **Comments Due:** Not Applicable  
**Type:** Refusal **Appeal Type:** Householder  
**Description:** Single storey rear extension and amendments to fenestration on side elevation  
**Location:** **25 Moor Lane Maidenhead SL6 7JX**  
**Appellant:** Mr Kevin Shea **c/o Agent:** Mr Derek Ingram 8 Garthlands Maidenhead SL6 7PJ

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## ENFORCEMENT UPDATE

### **Reference and Site:**

16/50097 – Land at Fairview Stables, Darlings Lane, Maidenhead, SL6 6PB

### **Enforcement**

Panel resolved on 18 January 2017 to take enforcement action in the following terms;

- i. Cease the use of land as a Stud Farm and Commercial Livery**
- ii. Cease the use of land for residential purposes**
- iii. Remove all good and chattels from the land used in connection with the unauthorised use, including, but not limited to, horse boxes and the metal container.**
- iv. Remove all horse from the land that are kept in connection with the Stud farm and Commercial Livery**
- v. Remove the caravan / mobile home from the land**

Following new information since the Council resolution the enforcement team had cause to attend the site further and noted that the caravan had been removed. The enforcement action taken by the Council now requires only steps (i – iv) to be complied with.

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## ENFORCEMENT INFORMATION REPORT

The Head of Planning under the Council Constitution is delegated to issue any Notice relating to enforcement action under the Town & Country Planning Act 1990 where it is considered to be of an urgent nature.

On 25 January 2017 the enforcement team reported to the Head of Planning that a breach of planning control had occurred and it was officer opinion that a Temporary Stop Notice was required.

**BREACH OF CONTROL: Without planning permission the importation and distribution of materials, including but not limited to soil, to facilitate the formation of hardstanding and the raising of land.**

The head of planning authorised action to:

Issue a Temporary Stop Notice requiring the following:

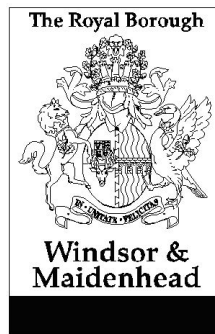
1. Stop the importation of materials, including but not limited to soil.
2. Stop the distribution by all mechanical means of materials, including but not limited to soil.
3. Stop the formation of a hardstanding.
4. Stop the importation of soil to be used in connection with land raising.
5. Stop the scraping and re-distribution of soil to re-profile and raise the land.
6. Stop the digging of trenches.

**A copy of the Temporary Stop Notice is appended to this information report**

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ISSUED 25 January 2017

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD



TEMPORARY STOP NOTICE

Relating to

Land to the south east of Pool Lane Farm, Broadmoor Road, Waltham St Lawrence, Reading,  
Berkshire

Jenifer Jackson, Head of Planning, Town Hall, St Ives Road,  
Maidenhead, SL6 1RF  
Ref: AH

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(As amended by the Planning and Compensation Act 1991 and the Planning and  
Compulsory Purchase Act 2004)**

**TEMPORARY STOP NOTICE**

**SERVED BY:** The Royal Borough of Windsor and Maidenhead hereinafter referred to as "the Council".

To: Trevor James Fuller of 35 Micawber Avenue, Uxbridge, Middlesex, UB8 3NY

On 25 January 2017 the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in section 2 below. This temporary stop notice is issued by the Council, in exercise of their power in Section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in section 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

**1. THE REASONS FOR ISSUING THIS NOTICE**

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning merits on a site within the Green Belt substantial weight should be given to any harm to the Green Belt. 'Very Special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The importation of materials, the formation of hardstanding, the scraping and re-distribution of soil and the formation of bunding represents inappropriate development in the Green Belt and the owner has failed to detail very special circumstances that outweigh the in principle harm and impact on the openness as required by the NPPF.

The further raising and re-profiling of land and the distribution of materials will cause a bunding effect that will impede the free flow of flood waters.

Accordingly the development is contrary to saved Policies GB1, GB2, GB3 and F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003), Paragraphs 87 - 89 and 103 of the National Planning Policy Framework (March 2012).

**2. THE LAND TO WHICH THIS NOTICE RELATES**

Land to the south east of Pool Lane Farm, Broadmoor Road, Waltham St Lawrence, Reading, Berkshire shown edged red on the attached plan ("the Land").



### **3. THE ACTIVITY TO WHICH THIS NOTICE RELATES**

Without planning permission the importation and distribution of materials, including but not limited to soil, to facilitate the formation of hardstanding and the raising of land.

### **4. WHAT YOU ARE REQUIRED TO DO**

1. Stop the importation of materials, including but not limited to soil.
2. Stop the distribution by all mechanical means of materials, including but not limited to soil.
3. Stop the formation of a hardstanding.
4. Stop the importation of soil to be used in connection with land raising.
5. Stop the scraping and re-distribution of soil to re-profile and raise the land.
6. Stop the digging of trenches.

### **5. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **25 January 2017** when all the activity specified in this notice shall cease. This notice will cease to have effect on **22 February 2017**.

Dated: 25 January 2017

Signed:

Jenifer Jackson  
Head of Planning  
On behalf of The Royal Borough of Windsor and Maidenhead

Nominated Officer: Arron Hitchen, Planning Enforcement Officer  
Telephone Number: 01628 796049

## **ANNEX / WARNING**

**THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 5.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE AGAINST THIS NOTICE**

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Arron Hitchen, Planning Enforcement Officer at The Royal Borough of Windsor and Maidenhead on telephone number 01628 796049. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

S171G Town & Country Planning Act 1990 -

171G Temporary stop notice: offences

- (1) A person commits an offence if he contravenes a temporary stop notice—
  - (a) which has been served on him, or
  - (b) a copy of which has been displayed in accordance with section 171E(5).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.
- (5) A person does not commit an offence under this section if he proves—
  - (a) that the temporary stop notice was not served on him, and
  - (b) that he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding £20,000;
  - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.