

NOTICE
OF
MEETING

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 30TH AUGUST, 2017

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DAVID BURBAGE (CHAIRMAN)
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, MAUREEN HUNT, RICHARD KELLAWAY,
PHILIP LOVE (DEPUTY LEAD MEMBER - MAIDENHEAD REGENERATION AND
MAIDENHEAD), DEREK SHARP, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

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

Karen Shepherd
Democratic Services Manager
Issued: Monday, 21 August 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 – 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

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> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		5 - 8
3.	<u>MINUTES</u> To confirm the part I minutes of the meeting of 2 August 2017.		9 - 12
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Borough Planning Managers report on planning applications received. 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. http://www.rbwm.gov.uk/web/dc_public_apps.htm		13 - 94
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		95 - 100
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 7 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"		

PART II PRIVATE MEETING

ITEM	SUBJECT	WARD	PAGE NO
7.	<u>ENFORCEMENT REPORT - 16/50405/ENF - THE FLAT AT 123 POWNEY ROAD, MAIDENHEAD, BERKSHIRE, SL6 6EG</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1, 2, 5, 6, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		101 - 104
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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.

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

02.08.17

PRESENT: Councillors David Burbage (Chairman), Derek Wilson (Vice-Chairman), Clive Bullock, Judith Diment, Maureen Hunt, Mohammed Ilyas, Philip Love, Marion Mills and Claire Stretton.

Officers: Tony Carr (Traffic & Road Safety Manager), Paul Cross (Arboricultural Officer), Victoria Gibson (Development Management Team Manager), Mary Kilner (Head of Law and Governance), Antonia Liu and Shilpa Manek

Also Present:

6 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Kellaway, Sharp and Smith.

Councillors Diment, Ilyas and Mills substituting.

7 DECLARATIONS OF INTEREST

Councillor Burbage declared an interest as he is a member of Bray Parish Council.

Councillor Ilyas declared an interest in item 5 as he is the Ward Councillor but had attended the meeting with an open mind.

Councillor Love declared a personal interest in item 4 as he lives close to the school but had attended the meeting with an open mind.

Councillor Wilson declared a personal interest in item 5 as he is a member of Bray Parish Council. Councillor Wilson had declared an interest at the Bray Parish Council Meeting.

8 MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 5 July 2017 be approved.

9 PLANNING APPLICATIONS (DECISION)

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be varied.

The Panel considered the Head of Planning'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.

*Item 1 16/03440/FULL Piersburgh House 1 Woodfield Drive Maidenhead SL6 4NX	Construction of two detached dwellings (house A and B) and a new access onto Sandisplatt Road to serve House B following demolition of 1 Woodfield Drive. The Officers recommendation to refuse the application was put forward by Councillor Love and seconded by Councillor Wilson. A Named Vote was carried out.
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	<p>Councillors Bullock, Diment, Ilyas, Love, Mills, Stretton and Wilson voted for the application to be refused. Councillors Burbage and Hunt voted against.</p> <p>The PANEL VOTED that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Lawrence Haines, Objector and Paul Butt, Applicant Agent).</p>
<p>*Item 2 17/00812/FULL</p> <p>National Sports Centre Bisham Village Bisham Abbey Marlow Road Bisham Marlow SL7 1RR</p>	<p>Erection of six retractable sports-lighting masts to serve the existing 3G artificial-grass pitch.</p> <p>Councillor Stretton put forward a motion to refuse the Officer's recommendation. This was seconded by Councillor Burbage.</p> <p>A Named Vote was carried out.</p> <p>Councillors Burbage, Bullock and Stretton voted for refusal. Councillors Diment, Hunt, Ilyas, Love, Mills and Wilson voted against. The motion fell.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Love and seconded by Councillor Wilson, subject to automatic retractable poles and lights.</p> <p>A Named Vote was carried out.</p> <p>Councillors Diment, Hunt, Ilyas, Love, Mills and Wilson voted for approval and Councillors Burbage, Bullock and Stretton voted against approval.</p> <p>The PANEL VOTED that the application be PERMITTED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Jacqualine Gutfeld, Objector, Councillor Alan Keene, Bisham Parish Council and Simon Millett, Applicant).</p>
<p>*Item 3 17/01220/FULL</p> <p>Cox Green School Highfield Lane Maidenhead SL6 3AX</p>	<p>Two storey new build teaching block with ancillary works.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Wilson and seconded by Councillor Burbage with sufficient changes to condition 10 to included thorough monitoring and more specific consultation with other users of the car parking and specific changes to Informative 6.</p> <p>A Named Vote was carried out.</p> <p>Councillors Burbage, Diment, Hunt, Ilyas, Love, Mills, Stretton and Wilson voted for approval and Councillor</p>

	<p>Bullock abstained from voting.</p> <p>The PANEL VOTED that the application be PERMITTED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Councillor Ian Harvey, Cox Green Parish Council and Ann-Marie Illes and Danuta Longworth-Krafft, Applicants).</p>
<p>Item 4 17/01321/FULL</p> <p>Furze Platt Junior School Oaken Grove Maidenhead SL6 6HQ</p>	<p>Provision of additional main hall space.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Love and seconded by Councillor Ilyas.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED, as per the officer's recommendation.</p>
<p>Item 5 17/01387/FULL</p> <p>Braywood CE First School Oakley Green Road Oakley Green Windsor SL4 4QF</p>	<p>Single storey modular extension to create a separate dining room and enlarged classroom.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Burbage and seconded by Councillor Wilson.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED as per the officer's recommendation.</p>
<p>*Item 6 17/01497/FULL</p> <p>Forest Bridge School Chiltern Road Maidenhead SL6 1XA</p>	<p>Erection of two temporary single-storey modular buildings comprising five classrooms, one staff room and one study room to provide for an educational establishment until September 2019.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Wilson and seconded by Councillor Love.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Graham Sadd, Applicant).</p>
<p>Item 7 TPO 005/2017</p> <p>Bellman Hanger, Shurlock Row and Crockfords Cottage Shurlock Row</p>	<p>Councillor Hunt put forward the motion to move the officers recommendation, subject to modifications, A1 forward as is and W1 only for Oak Tress. This was seconded by Councillor Stretton.</p> <p>The PANEL VOTED UNANIMOUSLY that the TPO be APPROVED subject to changes proposed as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Russel</p>

	Taylor).
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10 ESSENTIAL MONITORING REPORTS (MONITORING)
The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 8.40 pm

Chairman.....

Date.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

30th August 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

Item No.	1	Application No.	16/02340/LBC	Recommendation	WR	Page No.	15
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR						
Proposal:	Consent for replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration						
Applicant:	Mr Majeed	Member Call-in:	N/A	Expiry Date:	5 October 2016		
<hr/>							
Item No.	2	Application No.	16/02350/FULL	Recommendation	WR	Page No.	27
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR						
Proposal:	Replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration						
Applicant:	Mr Majeed	Member Call-in:	N/A	Expiry Date:	27 September 2016		
<hr/>							
Item No.	3	Application No.	16/02352/FULL	Recommendation	WR	Page No.	49
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR						
Proposal:	Change of use of ground floor from commercial to 2x two bedroom apartments						
Applicant:	Mr Majeed	Member Call-in:	N/A	Expiry Date:	5 October 2016		
<hr/>							
Item No.	4	Application No.	16/02354/LBC	Recommendation	WR	Page No.	67
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR						
Proposal:	Consent for change of use of ground floor from commercial to 2x two bedroom apartments						
Applicant:	Mr Majeed	Member Call-in:	N/A	Expiry Date:	5 October 2016		

Item No. 5 **Application No.** 17/01885/FULL **Recommendation** REF **Page No.** 79

Location: 157 - 159 Boyn Valley Road Maidenhead

Proposal: Construction of 40 apartments, comprising of 1 and 2 bedrooms with ground level car parking following demolition of the existing building

Applicant: **Member Call-in:** Cllr Stretton **Expiry Date:** 8 September 2017

Appeal Decision Report
Planning Appeals Received
Enforcement Report (Part II)

Page No. 95
Page No. 98
Page No. 101

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 1

Application No.:	16/02340/LBC
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR
Proposal:	Consent for replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration
Applicant:	Mr Majeed
Agent:	Not Applicable
Parish/Ward:	/Oldfield Ward
If you have a question about this report, please contact: Julia Foster on 01628 683796 or at julia.foster@rbwm.gov.uk	

1. SUMMARY

The proposal seeks consent for a three storey front extension above the existing first floor part balcony over the original stables courtyard to provide flats in this grade II listed building located within the conservation area. Although the ground floor plans show the conversion of the ground floor restaurant to two flats, this is the subject of separate applications; 16/02354/LBC and 16/02352/FULL. The full extent of the proposed extension is unclear due to inaccurate drawings and missing supporting information. Revised drawings were submitted on 23.12.2016 which are even more inaccurate than those originally submitted in August 2016. However, from the information submitted it is considered that the proposed alterations would be likely to cause 'less than substantial harm' (NPPF para 134) to this grade II listed building.

These listed building and planning applications were invalidated on 9th November 2016 due to the inaccurate and incomplete submission. The applicant has appealed against non-determination of the applications which the Planning Inspectorate has accepted. These applications therefore need to be determined on the basis of how we would have determined them if the appeal had not been submitted.

- 1.1 This building is the former Nicholson's Brewery stables. The ground floor including the original courtyard, dray storage and horses staircase (excluding the through passageway) and the first floor (part) balcony covered by a modern mono-pitched glazed roof are currently used as a restaurant. The upper floors of the original brick building are converted to flats. This application proposes to replace the glazed roof with a three storey brick building over the existing part balcony covering all of the original stables courtyard to give four full floors, a floor higher than the existing building.
- 1.2 No structural report or sections and only an inadequate heritage report have been submitted, and the submitted plans and elevations are inaccurate and not sufficiently detailed.
- 1.3 Amended drawings were submitted on 23.12.2016 showing the proposed three storey extension, a revised heritage statement and Land Registry documents to confirm the extent of the applicant's land ownership and private right of access through the property.

- 1.4 Officers did not re-validate the applications following the submission of the new drawings as the plans were at an unacceptable scale, and were less accurate than those previously submitted. However, the Planning Inspectorate has decided to consider these revised drawings as part of a valid appeal. Both the original and the revised sets of submission drawings will therefore be considered in this report.
- 1.5 It is considered that the proposal would result in 'less than substantial harm' to the significance of this Heritage Asset. There are not considered to be public benefits arising from the scheme which would outweigh this 'less than substantial harm' and refusing Listed Building Consent (LBC) for the scheme would not prevent securing the optimum, or indeed any, viable use of the building. The proposed scheme therefore conflicts with the National Planning Policy Framework (NPPF para 134).

It is recommended that the Panel agree that the application would have been refused Listed Building Consent (16/02340/LBC) for the following summarised reasons (the full reasons are identified in Section 6` of this report):	
1.	The application is incomplete and the drawings are inaccurate and not sufficiently detailed; no structural report to indicate how the three storey extension would be supported on the existing structure has been provided and the Heritage Statement is inadequate.
2.	The amended plans are drawn at a scale not permissible for listed building consent applications, they are also inaccurate and show only the most basic details.
3.	The proposed development would result in alterations and extensions which would cause less than 'substantial harm' to the significance of the Heritage Asset. The proposed three storey extension would be a floor taller than the original building; this incongruous structure would dominate and detract from the special architectural and historic interest of the listed building, would result in the loss of the historic plan form and would confuse the history of the building, causing harm to the significance of the heritage asset. The scheme does not provide public benefits that outweigh the harm, and refusing LBC for the scheme would not prevent securing a viable use of the building.
4.	The proposed internal alterations to the ground floor to enable the proposal set out in this application would further enclose the original open courtyard, the cart/dray storage area which has arched openings and barrel vaulted roof, and the curved external horse ramp, causing harm to the significance of this heritage asset.
5.	When the upper floors were recently converted to flats new windows were permitted which should have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not appropriate on this listed building. It is now proposed to add several new windows to the building in the proposed extension. Even if all the windows matched the original cast iron windows, this building was designed as a stables and the proliferation of so many additional openings would cause harm to the character and special interest of the listed building.
6.	No indication has been given that the proposed works would comply with the Building and Fire Regulations. Further alterations which could be damaging to the significance of the listed building may be required to implement the scheme.
7.	The proposed drawings indicate that the proposed four storey extension would be supported on the existing brick walls. Despite requests no structural report has been provided to demonstrate how this proposal would be implemented without causing harm to the existing historic structure.

2. REASON FOR PANEL DETERMINATION

The applicant is a close relative of a Councillor.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Listed Grade II, the former multi-storey stable building was constructed in around 1870 for the Nicholson Brewery (demolished 1965). The red brick, slate roofed buildings are L shaped in plan with a courtyard in which a shallow curved ramp (now stairs) was used by horses to access first floor stabling. The ramp which has brick balustrades, lead to a covered landing beneath the roof of the two storey north building. The three storey eastern building had a hay loft accessed by a door on the front elevation on the second floor and has a planked door on the ground floor the full width of the building. The building retains a number of original cast iron windows with cambered brick arches. On the ground floor, cambered brick arches on the east side of the courtyard provide access into the covered storage for the brewery carts and drays. A passageway, formed by a modern block wall bisecting the cart storage area, retains its original blue clay squared floor tiles (the passageway was until recently used for deliveries to the charity shop at the rear- 101 High St). The first floor of the existing three storey building is supported by a series of small barrel arched mortar floors formed over corrugated iron. The original open courtyard and ramp are now enclosed with a modern mono-pitched glazed roof, and a balcony has been added over part of the courtyard. It is still possible to view the horses ramp/ staircase, former courtyard and the arched openings where the drays and carts were stored together in the existing open restaurant space beneath the glazed roof.
- 3.2 The property is located in the Maidenhead Town Centre Conservation area. It backs onto buildings on the High Street. A number of buildings are identified in the Conservation Area appraisal as being of local interest near to the site. However, as the brewery which the stables served was demolished in the 1960's, number 3 Nicholson's Lane is regrettably now surrounded by modern development on its Nicholson Lane frontage.
- 3.3 The building was spot listed on 8.8.1994. The list description reads as follows:
- 3.4 The significance of this building was not identified by the applicants in the Heritage Statement. It is considered that the significance of this building is that it is an unusual and rare example of an urban brewery stable building, having very unusually, a first floor stables, which the horses accessed via a ramp with brick balustrading and a roofed open landing. The ramp enclosed the open courtyard which also gave access to the arched openings for the storage of drays and carts beneath the stables. The first floor is constructed of a series of small barrel vaults of mortar supported on corrugated iron. The building retains a number of its original cast iron windows and on the ground floor running front to back there is a wide passageway which has retained the original blue clay squared floor tiles. A chimney stack survives at the north west corner of the building. Despite the recent addition of a lean-to conservatory and a balcony over part of the courtyard, it is still possible to see the layout and read the original plan and significance of this grade II listed building. This unusual stable building is all that is left of the Nicholson's Brewery which is an important part of the history of Maidenhead.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning history is outlined below.

Application Reference	Description of proposal	Decision
01/36647/LBC and 01/36623/FULL	Conversion and alteration of The Stables to offices	Approved 25.6.2001
02/39078/LBC and	Change of use to restaurant	Approved 2002/ 2004 on appeal

02/39483/COU		
12/02320/LBC and 12/02608/FULL	Partial conversion to three flats and alterations.	Withdrawn and refused 2015
14/04039/LBC and 14/04037/FULL	Internal alterations to facilitate change of use of 1 st and 2 nd floors from restaurant to three flats	Approved 22.12.2014.

4.2 This current application would remove the existing conservatory roof and replace it with a three storey extension over the courtyard to give four floors (the existing building has part two and part three floors). Separate applications propose the conversion of the ground floor to two flats, but the plans indicate that the restaurant use would not operate with the proposed extension.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 In determining applications for Listed Building Consent the Council is obliged, by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

5.2 Pertinent to the determination of this application are National Planning Policy Framework Sections 7 and 12; Conserving and Enhancing the Historic Environment- Paragraphs 128, 129, 131, 132, 133, 134 and Design; Paragraphs 58, 60, 64.

5.3 Paragraph 132 of the National Planning Policy Framework states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*'. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

5.4 The NPPF identifies two levels of harm which would normally result in the refusal of a listed building consent application. Paragraph 133 considers that where 'substantial harm' or 'total loss' of the significance of a designated heritage asset occurs, then consent should be refused, unless such harm or loss is necessary to achieve substantial public benefits, or unless all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site, and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

5.5 Paragraph 134 of the NPPF deals with cases where 'less than substantial harm' would occur, and requires that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, it is considered that less than substantial harm would be caused to the significance of the heritage asset but as discussed above 'great weight' should still be given to the heritage asset's conservation.

5.6 The following documents are also relevant to the consideration of this application:

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, 2009)

Making Changes to Heritage Assets (Historic England, 2016)

Managing Significance in Decision- Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (Historic England)

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Historic England)

Traditional Windows: Their Care, Repair and Upgrading (Historic England, 2017)

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The plans and supporting information for the original application are incomplete and inaccurate
- ii The amended proposals are inaccurate and incomplete and appear not to be divisible from the proposals set out in two other applications for the conversion of the ground floor of the building to create two flats (16/02352/FULL and 16/02354/LBC)
- iii Impact of original proposals on the Heritage Asset
- iv Impact of revised proposals on the Heritage Asset

6.2 (i) Incomplete and inaccurate submission

6.3 The elevation drawings are not accurate. As an example, on the rear (north) elevation; two wings of a property fronting the High Street are attached to the rear elevation of the application building, but these are not shown on the drawings. Also, the doors and windows are not accurately drawn and the three first floor cast iron windows, original roof lights and chimney stack in the NW corner of the building are all omitted from the survey drawings.

6.4 The Heritage Statement is only one page long. The proposals will have a major impact on the significance of the building but the Heritage Statement does not assess the significance of the building. The Historic Environment Record does not appear to have been consulted, and the impact that the proposed extension will have on its significance has not been assessed. It does not appear that appropriate expertise has been used (ie an historic buildings professional) in the preparation of the documentation.

6.5 The NPPF paragraph 128 states that;

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

A second heritage statement submitted on 5.9.2016 appears to have been written in 2012 for the proposed conversion of the upper floors to flats and does not address the current proposals.

6.6 (ii) The revised drawings submitted 23.12.2016

- 6.7 The revised drawings are even less accurate than the original submission. The plans are drawn at scale 1:200; not acceptable under National Requirements for a submission as part of a listed building consent application, (which should be 1:100 or 1:50). The survey plans show the spiral staircase and the west wall of the existing three storey building above ground floor level moved 1-1.5 metres to the west- not located above the arches on the ground floor, and this error is repeated on the proposed drawings. The elevations are very basic and do not even show the design of any windows and doors. No additional assessment of significance or impact assessment was submitted with the revised drawings.
- 6.8 Apart from the greater inaccuracy of the plans compared to those previously submitted, other modifications are proposed. These include an alternative route for the neighbours right of way through the NW corner of the building from its west yard into the rear yard of the High Street property, rather than through the toilet extension. However, this appears to demolish an original chimney in the NW corner of the listed building. It also proposes relocating a proposed bedroom window within an outbuilding of the adjoining property to the north.
- 6.9 A revised Heritage Statement only includes the 'list description' of the building and a description of the proposed works. It states that a 'CARE report confirms that it is safe and acceptable to create new openings' ; it is assumed that this refers to the 2012 report by Jon Avent of Mann Williams, who includes in his qualifications that he is a CARE Accredited Conservation Engineer, ie he is on the 'Conservation Accreditation Register for Engineering'. However, his structural report was prepared in 2012 for the conversion of the upper floors of the eastern section of the building, and not for the current proposals. A structural report was requested to enable the impact to be assessed of the proposed three storey extension which appears to be built over and taking support from the listed building.
- ## 6.10 (iii) Impact of original proposals on the heritage assets
- 6.11 The biggest impact of this application would be the construction of an extension three full storeys high over the original courtyard and horses ramp. This incongruous extension would be a floor higher than the original building and would be a violent assault on an already battered building. Externally it would dominate and detract from the special architectural and historic interest of the listed building and its setting.
- 6.12 Internally the proposed three storey extension additional walls and ceilings/ floors over and within the originally open courtyard and the cart/ dray storage area with its arched openings, would enclose, compartmentalise, confuse, detract from and cause harm to the architectural and historical significance of the original spaces of this important building.
- 6.13 When the upper floors were recently converted to flats new windows were permitted which were required to have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not appropriate on this listed building. It is now proposed to add several new windows to the ground and first floor and a large new window on the front elevation of the original three storey building, although this is not shown on the floor plans. Even if all the windows matched the original cast iron windows, this was originally a stables and the insertion of so many additional openings would cause harm to the character and significance of the building.

- 6.14 There is no indication of what additional alterations would be required to enable installation of services and to comply with fire and building regulations. Furthermore drainage pipes have been inserted (without consent) through the barrel arched roof of the existing through passage. This matter also raises questions over unauthorised works having already taken place, and the potential for misunderstanding of, or disregard for, the need to specify and obtain LBC for technical details for the implementation of a residential conversion.
- 6.15 It is considered that the scheme would cause 'less than substantial harm' to the historical significance and appearance of the Listed Building, and its setting. Paragraph 134 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.16 In this case, the applicant has not put forward public benefits which would outweigh the 'less than substantial harm', With regard to securing the optimum viable use of the building, there is nothing to suggest that refusing these alterations would prevent the viable use of building. The proposal therefore conflicts with paragraph 134 of the NPPF.
- 6.17 **(iv) Impact of revised proposals (23.12.2016) on the heritage assets**
- 6.18 All of the above concerns still apply to the revised submission.
- 6.19 If the proposed relocation of the spiral staircase and west wall of the three storey building is not a drafting error, the proposed demolition and relocation of the west wall of the three storey building would result in 'substantial harm' to the listed building.
- 6.20 The revised layout still does not show the existing rear wings of the High Street property which are attached to the rear/north elevation of this building. The right of way from the High Street property appears to have been amended to exit into the rear yard of their property, but this also indicates the loss of what appears to be an original chimney stack on that corner (also not shown on the survey plans and elevations).
- 6.21 This recommendation is made following careful consideration of all the issues raised through the application process and discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have not been resolved.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

No occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on the 2nd February 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 18th August 2016.

No comments have been received to date.

8. APPENDICES TO THIS REPORT

1. Appendix A - Site location plan
2. Appendix B – Existing and proposed floor plans
3. Appendix C - Existing and proposed elevations

9. RECOMMENDATION;

THAT THE APPLICATION WOULD HAVE BEEN REFUSED IF AN APPEAL HAD NOT BEEN LODGED

- 1 Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the apparent proposed development would not be harmful to the significance of the Listed Building and to the character and appearance of the Conservation Area. The development would therefore conflict with the terms and objectives of guidance contained within the NPPF 2012.

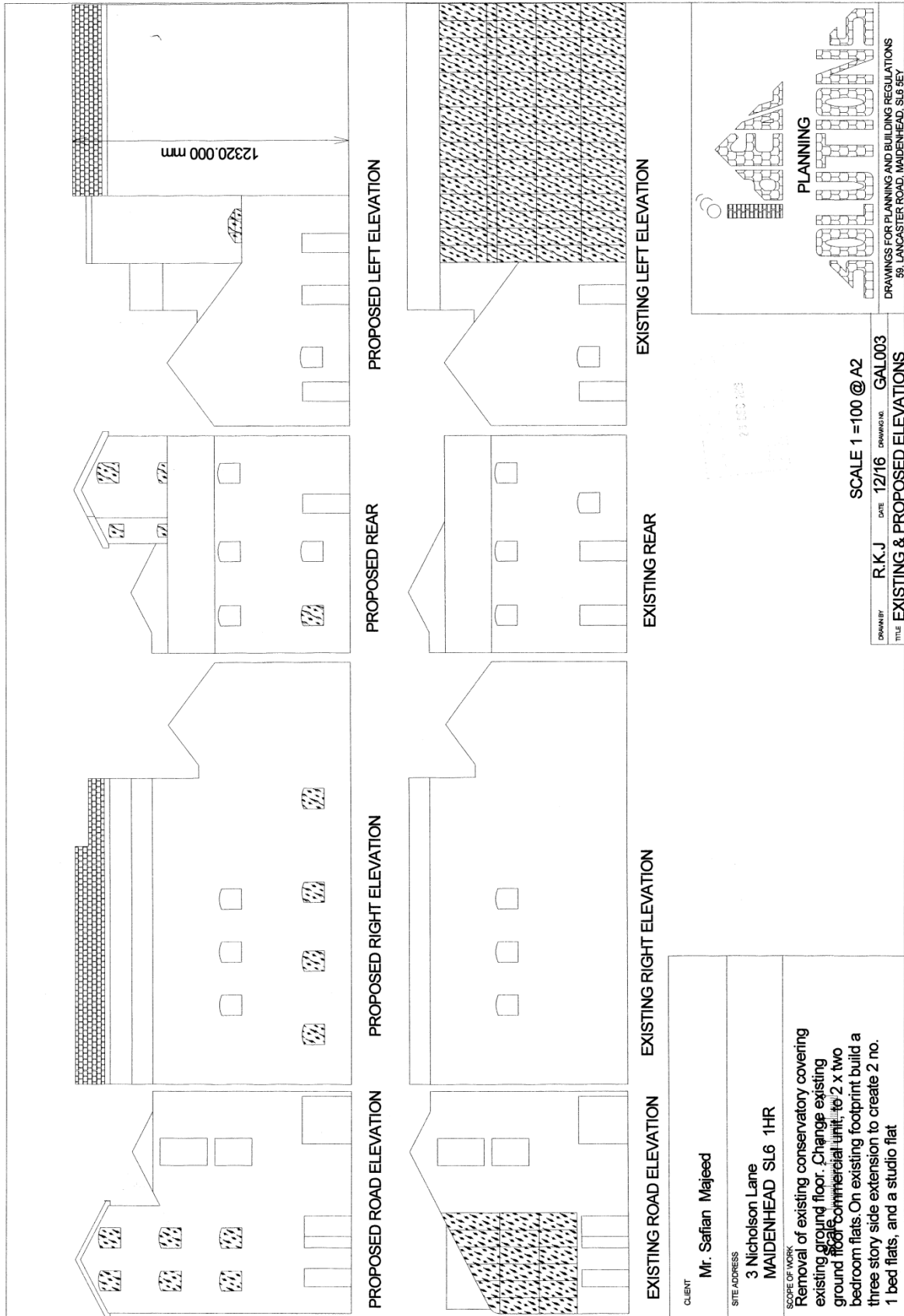
- 2 The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause less than substantial harm to the significance of the building. No substantial public benefits which would be secured by the development have been identified or are apparent that would outweigh the harm. The proposed works would conflict with the terms and objectives of guidance contained within the NPPF 2012.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 488695, 181135**



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20/06/2016 15:48

<p>CLIENT Mr. Safian Majeed</p>	<p>SITE ADDRESS 3 Nicholson Lane MAIDENHEAD SL6 1HR</p>			<p>SCOPE OF WORK Removal of existing conservatory covering existing ground floor. Change existing ground floor commercial unit, to 2 x two bedroom flats. On existing footprint build a three story side extension to create 2 no. 1 bed flats, and a studio flat</p>		
<p>DRAWINGS FOR PLANNING AND BUILDING REGULATIONS 58, LANCASTER ROAD, MAIDENHEAD, SL6 5ET</p> <p>DRAWN BY R.K.J DATE 12/16 DRAWING NO. GAL 002 TITLE EXISTING AND PROPOSED PLANS</p>						
<p>SCALE 1=200 @ A2</p>						



R.K.J. PLANNING

 DRAWINGS FOR PLANNING AND BUILDING REGULATIONS

 59, LANCASTER ROAD, MAIDENHEAD, SL6 5EY

DRAWN BY: **R.K.J.** DATE: **12/16** DRAWING NO.: **GAL003**

 SCALE: **1 = 100 @ A2**

 TITLE: **EXISTING & PROPOSED ELEVATIONS**

CLIENT: **Mr. Safian Majeed**

 SITE ADDRESS: **3 Nicholson Lane MAIDENHEAD SL6 1HR**

 SCOPE OF WORK: **Removal of existing conservatory covering existing ground floor. Change existing ground floor commercial unit to 2 x two bedroom flats. On existing footprint build a three story side extension to create 2 no. 1 bed flats, and a studio flat**

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MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 2

Application No.:	16/02350/FULL
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR
Proposal:	Replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration
Applicant:	Mr Majeed
Agent:	Not Applicable
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks full planning permission for the alteration and extension of the Grade II Listed former brewery stables at 3 Nicholsons Lane. The scheme proposes to replace a first floor glazed conservatory (currently part of a restaurant) with a new three storey brick extension to provide three new flats at first, second and third floor levels. This application for full planning permission partners the Listed Building Consent application referenced **16/02340/LBC**.
- 1.2 An appeal against the Borough's non-determination of the application has been submitted to the Planning Inspectorate, and this report sets out the assessment of the proposal and the recommendation (to refuse planning permission) that would have been made, had the application not been made invalid, and had the appeal not been lodged.
- 1.3 The first set of drawings submitted for this application indicate that the building currently accommodates a restaurant on its ground and part first floor, with three flats already located within the second floor and within the remaining part of the first floor of this L-shaped building. Originally the building comprised a ground floor uncovered courtyard which gave access to archway-entranced storage spaces for carts, with first floor stabling above reached by a ramp skirting the western side of the courtyard, and a hayloft on the second floor above the stabling. More recently a balcony has been inserted at first floor level part way across the former courtyard, and vertical and mono-pitched roof glazing has enclosed the space, to form a restaurant. A passageway, separate from the restaurant, has been created, truncating the cart storage areas by the insertion of a new wall which runs within the building along the entire length (front to rear) of the eastern side of the ground floor, where the original blue/black square clay tiles of the cart store have been retained. This passageway gives access onto Nicholsons Lane directly from the rear extensions of the High Street building to the north of the site.
- 1.4 In addition to the proposals for development and works subject of this pair of applications (for planning permission and Listed Building Consent), applications referenced **16/02352/FULL** and **16/02354/LBC** seek full planning permission and Listed Building Consent respectively for the change of use and conversion of the ground floor of the building to create two further flats. In combination, the proposals indicate that the extended building would become residential only, containing a total of eight flats.
- 1.5 The development has been subject of discussion with the applicant and of the submission of amended plans. This application was initially registered by the Council in early August 2016. All four cases were allocated to officers who began to assess the proposals. During this process it became clear that the information supplied with the applications was neither accurate nor adequate, and that the discernible proposals were unacceptable. Discussions (site and office meetings, and written correspondence) between the case officers and the applicant took place, and advice was given that additional information and amendments needed to be submitted or the applications should be withdrawn. However, the submissions were not amended or augmented to provide the needed information, nor were they withdrawn.

- 1.6 The officers initially dealing with the applications left the Council, and in October 2016 the cases were re-allocated. Owing to the lack of information, it was decided that the applications should be made invalid, and this was actioned on 9th November 2016. Following the invalidation of the four applications, and after further discussion with the applicant, new drawings and heritage statement documentation, in paper form, were submitted to the Council on 23rd December 2016. This documentation was still considered not to provide adequate and accurate information on which to process applications for planning permission or Listed Building Consent, as it still did not provide sufficient detail and information to enable a full understanding and evaluation of the significance of the heritage assets affected, nor of the impacts of the proposals upon those assets (in fact the plans were less accurate).
- 1.7 The applicant submitted appeals against non-determination of all four related applications to the Planning Inspectorate (PINS) in May 2017. As the applications were still considered by the Borough to be invalid, the ability of the Inspectorate to register the appeals was questioned. Following correspondence between PINS, the Council and the appellant, PINS decided to register the appeals, and confirmed that it would include in its assessment of the proposals the documents submitted to the Council in December 2016. The application for planning permission subject of this report, therefore, will be assessed on the basis of the plans and documentation submitted in December 2016.
- 1.8 The proposed development is considered to be harmful to the special interest of the Listed Building and to the character and appearance of the Maidenhead Town Centre Conservation Area, would represent the unjustified loss of a food establishment which contributes positively to the mix of activities in the town centre's economy, and would comprise poorly appointed residential accommodation without appropriate domestic amenities.

1.9

It is recommended that the Panel authorises the Head of Planning to issue a decision notice to the effect that the Royal Borough of Windsor and Maidenhead <u>would have refused planning permission</u> for the proposed development, for the following reasons (as also set out in Section 10 of this report), and, by the submission of a Statement of Case under the written representations procedure, to urge the Planning Inspectorate to dismiss the non-determination appeal lodged.	
1.	Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the proposed development would be anything other than harmful to the significance of the Listed Building or to the character and appearance of the Conservation Area.
2.	The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause harm to it. No substantial public benefits, that would outweigh the harm, would be secured by permitting the development.
3.	The proposed development would comprise an over-tall and poorly detailed extension to the existing building, which would be out of scale and proportion with its host, would have inappropriate architectural features, and would mask further the significance of the structure, and which therefore would neither preserve nor enhance the character and appearance of the Maidenhead Town Centre Conservation Area.
4.	The loss of the existing restaurant on the ground and part first floor of the building (which would result from the proposed extension) would be damaging to the attractiveness and vibrancy of the town centre. No viability, area character assessment or building suitability information has been supplied to demonstrate why the existing restaurant use cannot continue, and no evidence has been submitted to show how the proposed alternative use of the building would achieve other desirable planning objectives that would outweigh the loss.
5.	The scheme shows no provision for cycle parking, for refuse and recycling storage, for clothes drying or for amenity space for the residents of the proposed units, nor

are adequate details supplied to demonstrate how the host building would be adapted to achieve a satisfactory internal living environment in respect of air quality and noise and meet the normal requirements of the building regulations (such as sound insulation, fire retarding and escape details and ventilation).

2. REASON FOR PANEL DETERMINATION

- The applicant is a close relative of a Councillor and the proposal would be contrary to adopted planning policies. Therefore under the Borough’s Scheme of Delegation (D3(i)f) this application is required to be determined by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 This town centre site comprises a three storey brick and slate former stable, cart/dray store and hayloft building, to which a metal-framed glazed structure has been added to create a mono-pitched first floor conservatory. The site includes a narrow strip of hardstanding on the east and on the west of the building, with tall gates to each side on the Nicholson’s Lane frontage.

3.2 The building is one of only four Listed Buildings in the Maidenhead Conservation Area, having been spot-listed in 1994. The entry in the National Heritage List for England (NHLE) states:

STABLES IMMEDIATELY TO EAST OF 3 AND 5 KING STREET, KING STREET Multi-storey brewery stables. Circa 1870. Red brick. Slate roof with gabled ends. L-shaped on plan around a small courtyard; with stables and tack room on the first floor approached by external stairs on the west side to a covered landing in the angle and with a hay loft on the second floor. 3 storeys. The south gable end has an RSJ over later doorways and a hayloft doorway in the gable with a plank divided door and hoist above. The west side of the main east range has cambered arch openings on the ground floor with inserted piers and two segmentally-headed multi-pane iron windows above on the first floor and projecting bay on left clad in corrugated sheets and with 3 small 12-pane windows [the bay is supported on ornate cast-iron brackets now inside a later lean-to below]; second floor blind. On the right [west] side of the small courtyard a shallow flight of stairs with solid brick balustrades leads to a covered open-fronted landing with timber posts and a slate roof These are the stables to Nicholsons Brewery, founded in 1820 by Robert Nicholson. In 1965 the brewery on this site was demolished except for the stables.

3.3 Other buildings served by Nicholsons Lane are of mixed age, height, materials and roof form, with those immediately adjoining the site partly of four storeys to the west, of brick and render under hipped slate roofing, and to the east of three storeys, principally rendered, with metal and glass balconies, under an asymmetrical roof of shallow pitch. Opposite the site a tall modern brick walled block (estimated to be of three or four storeys) has fenestration only at top floor level, with a commercial-scale opening into a delivery yard enclosed by metal gates next to it.

3.4 The building covers its plot up to the rear (north) boundary, where it abuts the extensions and rear yard of the commercial building fronting into the time-controlled pedestrian section of the High Street.

3.5 Nicholsons Lane is a cul-de-sac which serves a mix of commercial and residential units (including deliveries for the Nicholsons shopping centre) with very few active frontages. On street parking is restricted by double yellow lines or is time limited to short stay during working hours.

3.6 The site lies within the Maidenhead Town Centre Conservation Area, which encompasses the historic hub of the settlement, focussing on the town’s commercial origins as a coaching stop on the London-Bristol route.

3.7 The site lies within the Maidenhead Town Centre Air Quality Monitoring Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision	and
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		Date
88/0893/FULL	Erection of three storey office building	Permitted 05.09.1989
88/0895/CAC	Demolition of building	Consented 23.03.1989
01/36623/FULL	Conversion and alteration of building to offices	Permitted 25.06.2001
01/36647/LBC	Conversion and alteration of building to offices	Consented 25.06.2001
02/39077/COU	Change of use to A3 restaurant	Refused 23.10.2002 Appeal allowed 25.03.2003
02/39078/LBC	Internal alterations to form restaurant	Consented 02.03.2004
11/011844/VAR	Variation of condition limiting opening and delivery times	Permitted 30.06.2011
12/02319/FULL	Partial change of use from restaurant to 2 flats	Application returned 20.08.2012
12/02320/LBC	Internal alterations to form 3 flats, and insertion of windows at ground and first floor level	Withdrawn 28.01.2015
12/02608/FULL	Change of use of first and second floors from restaurant to three one-bedroomed flats	Refused 08.09.2014
14/04037/FULL	Change of use of first and second floors from restaurant to three one-bedroomed flats	Permitted 24.06.2015
14/04039/LBC	Internal alterations to form three flats. Insertion of windows at ground and first floor level	Consented 24.06.2015
16/02340/LBC	Replacement of glass conservatory with three storey extension to create 3 flats with amendments to fenestration	Appeal lodged. See associated officer report.
16/02352/FULL	Change of use of ground floor from restaurant to 2 flats	Appeal lodged. See associated officer report.
16/02354/LBC	Alterations to ground floor to form 2 flats	Appeal lodged. See associated officer report.

- 4.1 As noted above the accuracy of the drawings, for the existing layout and appearance of the building, and to illustrate the proposals, are inaccurate such that it is difficult to understand and therefore to assess the merits of the scheme. For example, on the existing and proposed floor plans and elevations submitted in December 2016 existing structures currently fixed to the rear (north) of the building are not shown at all, namely a chimney at the north west corner, and a modest building on the north west, which provides toilet facilities for the High Street building to the north.
- 4.2 This scheme seeks permission for the creation of 2 one-bedroomed flats and 1 bedsit flat by the removal of the modern first floor metal-framed glass conservatory that presently ceils the former stables courtyard, and the erection of a brick, slate and flat-roofed extension at first, second and third floor levels.

- 4.3 The proposed extension would stand a storey higher than the highest part of the existing building. Windows to light the rooms would face north and south, to the front and rear of the property only. However, the number and location of new windows differs between the proposed floor plan and proposed elevation drawings on the December 2016 submission. New windows are stated to be of “similar design to existing windows”. Contrary to the requirements of the earlier permission and Listed Building Consent for the conversion of part of the first and second floor areas of the building to create three flats (**14/04037/FULL** and **14/04039/LBC**), unsympathetic double glazed top-hung upvc windows have been inserted into the building on its east side. It is assumed that these would be the “existing windows” that the new proposals would copy.
- 4.4 Alterations to the interior of the building are indicated, including the installation of new dividing walls and openings into existing walls, being necessary to facilitate the proposed circulation pattern within the building, although the drawings for both existing and proposed floor layouts are inaccurate. For example the drawings submitted in December 2016 inaccurately show the extent of the existing first floor flats in the part of the building that was originally first floor stabling. Although internal works do not necessarily require planning permission, they are relevant to the assessment of the planning application that the Local Planning Authority must make under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.5 In the originally submitted plans it appeared that the proposed extension subject of the application could not be implemented unless the restaurant lost at least a part of its operational area. The revised plans submitted show the complete loss of the restaurant which is considered under 16/02352..
- 4.6 No car or cycle parking, or refuse and recycling bin storage for the proposed units is now shown, and no outdoor amenity space, either at ground floor or balcony level is indicated. No details of venting or flues, or of plant for heating or extraction of steam and other emissions, or of any air conditioning or sound insulation measures to address existing levels of air or noise pollution, are shown.

5. MAIN RELEVANT LEGISLATION AND POLICIES RELEVANT TO THE DECISION

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

5.1 Sections 66 and 72 of the Act are relevant to the assessment of this proposal.

5.2 Section 66(1) states that:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

5.3 Section 72(1) of the same Act states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

National Planning Policy Framework 2012

5.4 Paragraphs 6, 7, 11, 12, 13, 14 and 17 of the NPPF, together with the thematic guidance in its sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable travel), 6 (Delivering a wide choice of high quality homes) 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are relevant to the assessment of the proposed development.

Historic England Guidance

- 5.5 The following HE guidance is also pertinent:
- Conservation Principles – 2008;
 - Setting of Heritage Assets -2011;
 - Managing Significance in Decision-taking in the Historic Environment – 2015, and
 - Making Changes to Heritage Assets 2016.

Royal Borough Local Plan 1999, incorporating alterations adopted 2003

- 5.6 The Local Plan policies relevant to the evaluation of the proposal are:

DG 1 Design guidelines
CA 1 Development in Conservation Areas
CA 2 Guidelines on Development affecting Conservation Areas
LB 2 Proposals affecting Listed Buildings or their settings
LB 3 Change of use of Listed Buildings
NAP 1 Pollution and development (road and rail noise)
H 6 Town centre housing
H 8 Meeting a range of housing needs
H 9 Meeting a range of housing needs
H 10 Housing layout and design
H 11 Housing density
T 7 Cycling
T 8 Pedestrian environment
P 4 Parking within Development

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Maidenhead Town Centre Area Action Plan 2011

- 5.7 The policies contained within this adopted plan that are relevant to the evaluation of the proposal are:

MTC 4 Quality design
MTC 8 Food and drink
MTC 12 Housing
MTC 14 Accessibility

Borough Local Plan: Submission Version 2017

- 5.8 The policies contained within this emerging plan that are relevant to the evaluation of the proposal are:

SP 2 Sustainability and placemaking
SP 3 Character and design of new development
HO 2 Housing mix and type
HO 5 Housing density
ED 3 Loss of floorspace in economic use
TR 3 Maidenhead Town Centre
HE 1 Historic Environment
EP 2 Air quality
EP 4 Noise
IF 2 Sustainable transport

- 5.9 The NPPF states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 27 September 2017 with the intention to submit the Plan to the Planning Inspectorate thereafter. In this context, the

Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents and other strategies or publications

5.10 Supplementary planning documents and other publications adopted or produced by the Council relevant to the proposal are:

- Parking Strategy 2004
- Sustainable design and construction 2009
- Planning for an ageing population 2010
- Townscape assessment 2010
- Maidenhead Town Centre Conservation Area Appraisal 2016

More information on these documents can be found at:
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 Ability of the Council to scope and assess the scheme
- ii Principle of development
- iii Listed Building
- iv Maidenhead Town Centre Conservation Area
- v Loss of food and drink business
- vi Residential amenity

Scope and assessment

6.2 The application documents, both those originally submitted and the amendments received in December 2016, do not accurately or sufficiently describe the site, the building, its heritage significance or the impact of the proposals on that significance. As the documentation comprised in the application does not show the correct existing form of the building, the proposal for alterations is therefore based on an incorrect premise. Alterations to parts of the building (such as the existing second floor flats) are also shown on the submitted revisions, although neither Listed Building Consent nor planning permission is sought these changes. The Heritage Statement supplied with the application does not identify the significance of the Listed Building, nor does it assess properly the impact of the proposed development, and its implications (for example in terms of the need to undertake works to fire-proof surfaces between dwellings) on the special historic and architectural interest of the building. As a result the Council is severely hindered in its ability to understand the precise extent and nature of the proposed development, and to assess the merits of the scheme, and therefore it cannot be confident that the proposed development, if carried out, would have no harmful effect on the heritage asset.

Principle of development

6.3 Paragraph 6 of the National Planning Policy Framework 2012 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three

dimensions - economic, social and environmental – of sustainable development should be assessed and balanced in the performance of the planning process. In this case the proposal would provide employment for the duration of conversion works, so supporting the prosperity of the local economy, but would cause the loss of an existing business, of a type that the Area Action Plan encourages and expects to be retained, because of its positive contribution to the vitality and attractiveness of the Town Centre. The development would add three small dwellings to the stock of housing, and therefore would serve a social purpose by contributing iteratively to meeting the identified housing demand in the Borough for new homes. The units would be well placed in close proximity to employment sources, public transport routes and the services of the town. The proposal is not put forward to provide affordable or key worker accommodation, although the restricted size of the flats would be aimed at small households, identified by the Council as a desired provision. However, in this case the size and layout of the units is considered to be too cramped (as outlined later in this report), so the virtue of their perceived affordability is outweighed by lack of amenity. In environmental terms, the development would be sited on previously developed land, so would not impact on the character and appearance of the open countryside, nor increase the physical presence of built form in the Green Belt around Maidenhead. Furthermore, the development would appear to have no adverse impact on wildlife and habitats on the site or elsewhere. However, the scheme would neither preserve nor enhance heritage assets, in that it would cause harm to the special interest of the Grade II Listed host building, and would not respect or make a positive contribution to the character and appearance of the Conservation Area. No indication is given of how the scheme would address environmental issues of noise pollution or air quality (the site lies within an AQMA). Consequently it is not possible to state with confidence that these environmental factors can be addressed satisfactorily without further likely harmful impact on the heritage assets.

- 6.4 As a result of the negative aspects of the scheme significantly outweigh its benefits in relation to these three dimensions (economy, society, environment) the scheme is considered not to comprise sustainable development, and so there is no simple presumption in favour of the development in terms of paragraph 14 of the NPPF 2012. There are no material considerations that indicate otherwise.
- 6.5 The provision of dwellings within the town centre is supported in policies H6 of the Local Plan and MTC 12 of the AAP, but this general encouragement is not considered to overcome the shortcomings of the proposed development in terms of the standard of design and amenity of the proposed dwellings nor any other harm to the heritage and economic vitality of the area the scheme would cause.

Listed Building

- 6.6 The extent of inaccuracies and omissions of the original and amended documents is further catalogued in the report for the Listed Building Consent referenced **16/02340/LBC**. The duty placed on the Council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” must, in this instance, take a precautionary approach: there is not sufficient information submitted to show that the scheme would preserve the heritage asset as expected under Section 66 above.
- 6.7 The Council’s assessment of the significance of the building is that the structure is a rare surviving example of an unusual form of building in an appropriate service-lane setting within the town centre, given the historical importance of the coaching and hostelry industries to Maidenhead. Its part conversion to residential use, and the existing alterations and additions to it have already diminished but not extinguished the ability of the building’s evidential value to be read. The building has clear local importance, by association with the former Nicholson’s brewery after which the Lane and the nearby shopping centre have been named.
- 6.8 Notwithstanding the above matter of insufficient information, the general scale, form layout and circulation of the proposed extension, and the likely need for intervention in the fabric of the existing Listed Building, can be estimated, and is considered to be harmful to the significance of the heritage asset in terms of physical change to the building and its capacity to be appreciated.

- 6.9 As noted in section 4.4 above, the proposed scheme indicates that new windows are to match existing. Should the proposals be so implemented this would result in a proliferation of inappropriate and unsuitable fenestration on all elevations of the historic building, which would further denigrate its character as a simple stabling and vehicle service building.
- 6.10 As set out in the partner LBC application **16/02340/LBC** the proposed development is not acceptable in the light of advice contained in the NPPF and specialist guidance provided by Historic England, as the degree and nature of the work to the Listed Building would cause less than substantial harm to its heritage significance. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and goes on to note that as heritage assets are irreplaceable any harm or loss should require clear and convincing justification. The scheme would not preserve the building or its setting or any features of special architectural or historic interest which it possesses, in terms of the evidential (physical fabric) value of the building, and also its historical value, as the former stabling building comprises a rare form of service building, and is the only surviving example of this type of structure in the town. These values are currently appreciable both externally (because of the building's road edge location) and internally (by virtue of its use as a restaurant). No justification of the scale of the extension or the degree of its intervention in the existing building has been offered, to offset the harm caused by these factors, and the proposals therefore do not comply with guidance in the NPPF. Paragraph 134 of the NPPF states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*" The public benefit would be the provision of additional residential units which would not outweigh the harm caused to the heritage assets. There is nothing before the Council to suggest that the optimum viable use is not as a restaurant.
- 6.11 Furthermore, it would not accord with local plan policy that is relevant to planning applications affecting Listed Buildings, namely LB 2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, in that the application is not accompanied by detailed survey drawings (in order to ensure an accurate record of the existing building and site, against which alterations can be assessed and monitored); the character of the building would be adversely affected both internally and externally, and the proposals would not make use of appropriate traditional materials and techniques nor would it be of a high standard of design.
- 6.12 Policy LB3 requires that Listed Buildings should be used for purposes which will secure their long term future and which will preserve or enhance their physical fabric, setting, special character and interest, and proposals for changes of use which do not meet these objectives will not be permitted. In this case the proposed extension of the building would appear to necessitate an undesirable change of use of an associated part of the building from a food and drink use, without, insofar as can be discerned from the documents submitted, either preserving or enhancing the building, but would instead be likely to damage its fabric and obscure its historic value. No information has been submitted to justify the change of use which is implied in the initial drawings, and is clearly shown on the revised drawings.

Conservation Area

- 6.13 As Historic England explains, "significance is a collective term for the sum of all the heritage values attached to a place". The significance of the Conservation Area is identified in the Maidenhead Town Centre Conservation Area Appraisal as its function and evolution "*as a medieval settlement, located just out of reach of the flood waters of the Thames but along small tributaries, which developed into a thriving coach stop for vehicles travelling from east to west along the Great West Road. Following the arrival of rail the coaching industry fell away and the town and the town centre adjusted to meet the needs of the commuters and leisure visitors of the time. The mixture of building ages, styles and services reflect the changing needs of the people it served: those travelling through, leisure visitors and residents of the town.*"
- 6.14 The values that make up the significance of the Conservation Area include "*Historical Value: Maidenhead's remaining service architecture inclusive of coaching inns, former brewery stable*

buildings, retail and other services provides illustrative evidence of the role Maidenhead town centre has played through its history.”

- 6.15 Nicholson’s Lane is sure to have originally provided rear servicing to the medieval narrow plots of commercial buildings along the High Street to this north, and still performs this function today. The survival of this stabling service building, originally attached to the principal brewery in the town, is an important piece of physical evidence about past human activity related strongly to the hospitality function of Maidenhead that has been identified as a fundamental activity in its development. The current use of part of the building, in another capacity associated with hospitality, is an appropriate reflection of the history of the site, and is a positive contributor to the character of the area. The use also allows for internal access to the building to allow the public to appreciate this heritage asset.
- 6.16 As above, the inaccuracy and incompleteness of the information submitted for the planning application also hinders a full assessment of the impact of the scheme on the Conservation Area. However, from the information submitted it can be discerned that the proposed three storey extension would be clumsy, would overpower the scale of the remaining host structure, and would create an imbalance in its form that would damage the historical value, attractiveness and legibility of the surviving structure. While not in its original form, the building is still identifiable as an historic structure among more modern neighbours, as the glazed and metal-framed conservatory at least enables the earlier form of the building to be discerned. The proposed development would cloak and overwhelm the original building. As a result, it is considered that the scheme would neither preserve nor enhance the character or appearance of the Conservation Area, nor would it better reveal the significance of the heritage asset, as identified above. The development would not comply with the advice contained in paragraph 137 of the NPPF, nor with the expectations of policies CA 1 and CA 2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, nor with policy MTC 4 of the Maidenhead Town Centre Area Action Plan 2011.

Loss of food and drink establishment

- 6.17 While this application does not seek permission for the change of use of the restaurant to residential units, the loss of the food use is implicit in the scheme, as the implementation of the three storey extension would appear to deprive the restaurant of access and internal circulation so as to render its continuation impossible. The revised drawings submitted with this application show the conversion of the ground floor of the building to two flats in place of the existing restaurant.
- 6.18 Policy MTC 8 of the Maidenhead Town Centre Area Action Plan states that *“Development proposals that would result in the loss of existing restaurants and pubs will only be acceptable where the loss would not result in a reduction in the choice and range of pubs and restaurants available; or would be outweighed by the achievement of other Area Action Plan objectives through the proposed development.”* In the supporting text for the policy, the Plan states: *“When proposals involving the loss of an existing restaurant or public house are submitted, they should be accompanied by evidence including a marketing exercise. This should detail price and terms on which the business was offered, advertising undertaken and interest received, along with any other relevant factors. [This] marketing evidence will be assessed within the context of the following criteria to assess whether the proposal is appropriate:*
- Choice, variety and range of restaurants or pubs available in the area*
 - Character of the area*
 - Suitability of the building and site for restaurant or pub use*
 - Economic viability of the restaurant or pub use*
 - Need for the restaurant or pub use*
 - Benefits from reusing the site for alternative uses*
 - Achievement of other AAP objectives.*
- 6.19 For this proposal no evidence of the type outlined above has been submitted to demonstrate why the existing use of the building cannot or should not continue. In fact, when the application was first submitted, the building hosted a curry and biryani restaurant, and since then one food establishment or another has been operating fairly consistently in the building, with a new

operation “the Thai Spoon” taking over from an interim business “Ganh Vietnamese” in July 2017. Had any marketing evidence been provided, it can be assumed that it would have shown that there is clearly a demand for premises to provide food outlets in this location in the town, and that the building is suitable for this operation, insofar as concerns businesses wishing to occupy the available floor space and use the existing facilities on the ground and first floors.

- 6.20 No reason is put forward or is apparent, therefore to support the loss of the present restaurant use of part of the building. This function is a contributor to the variety of town centre uses, assisting its vitality and attractiveness, and benefitting the diversity of the local economy. The scheme conflicts with policy MT8 of the Maidenhead Town Centre Area Action Plan and with advice contained within section 2 (Ensuring the vitality of town centres) of the NPPF 2012.

Residential amenity

- 6.21 Again, as a result of the lack of accuracy on the application documents, it is difficult to clarify the precise details of the scheme proposals. However, from the drawings submitted it can be concluded that the proposed development would be cramped, without any private outdoor amenity area for sitting out or for clothes drying, and therefore with only a poor level of residential amenity. The development would potentially impact badly on the privacy of the occupiers of other residential units in the vicinity. New north facing windows at second and third floor level of the proposed extension would potentially overlook at close range the roof windows permitted in the flat occupying the first floor and attic space of the northern wing of the building. These new windows would also have an unattractive outlook only across to the rear extensions of property on the High Street. At the front (south) new windows would face onto the street, with the tall (perhaps three storeys high) brick wall and top floor windows of no 7 Nicholsons Lane only some 10 – 11 metres away. The proposal fails to secure a good standard of amenity for all existing and future occupants of land and building, contrary to core planning principle 4 of the NPPF.
- 6.22 No car parking is proposed to serve the new flats, but no cycle storage is indicated either. While the highly accessible town centre location for the scheme may enable no objection to be raised against the lack of car parking, given the range and frequency of alternative transport available, the site should at least provide a single cycle parking space, in a secure location within its boundaries, for each new flat. The plans are also silent with regard to refuse and recycling storage and therefore the implications for the heritage asset cannot be evaluated. Without these facilities the residential amenities of the new units are considered to be unacceptable, and do not accord with the expectations of policy DG 1 and T7 of the Local Plan, with policy MTC 14 of the Area Action Plan and guidance found at core planning principle 4, paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.23 No details have been submitted with the scheme to demonstrate how the residential amenity of proposed occupiers would be secured in relation to an acceptable level of air quality and tranquillity within the proposed flats, given the known or likely air quality and noise pollution levels in the vicinity of the site. Measures such as the installation of air conditioning and sound insulation of existing building fabric that may normally be covered by condition on any planning permission should not be dealt with in this way, given that the impact of such measures may be harmful to the heritage asset subject of the application. Without evidence that potential poor effects of air and noise pollution on future residents can be satisfactorily addressed *without* further damage to the significance of the Listed Building or the character and appearance of the Conservation Area, the scheme is considered not to accord with the terms of policies NAP1 and NAP 2 of the Local Plan, nor with paragraphs 17, 123 and 124 of the NPPF in relation to residential amenity.

Other Material Considerations

Housing Land Supply

6.24 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

6.25 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.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The CIL regime adopted by the Council supersedes the need to make a Section 106 Agreement to cover the types of infrastructure set out in the Regulation 123 List that would normally be expected to be provided for developments of this nature (including, for example, facilities for education, health, transport, sport and recreation, flood defence and other matters). Although CIL is payable generally on retail and housing development in the Borough, not all types of development will need to pay it. Levy rates are based on the financial viability of different types of development. Those considered to be on the margins of viability have been given a nil rate. Hence rates have been set at £0 charge for residential units within the Maidenhead AAP area.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site in the week beginning 10.08.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 18.08.2016

No letters were received in relation to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	Recommends approval subject to conditions relating to the submission and implementation of details for a Construction Traffic Management Plan, refuse and recycling bin storage provision and secure cycle parking provision	6.22
Environmental Protection	No objection subject to conditions controlling emissions of noise, light, dust and smoke, and the treatment of any asbestos encountered during construction works.	6.23

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – plan drawings
- Appendix C – elevation drawings

10. REFUSAL REASONS RECOMMENDED

- 1 Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the apparent proposed development would not be harmful to the significance of the Listed Building and to the character and appearance of the Conservation Area. The development would therefore conflict with the terms and objectives of policies LB2, LB3, CA1 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 2 The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause less than substantial harm to the significance of the building. No substantial public benefits, that would outweigh the harm, would be secured by permitting the development. The proposed development would conflict with the terms and objectives of policies LB2, LB3, CA1 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 3 The proposed development would comprise an over-tall and poorly detailed extension to the existing building, which would be out of scale and proportion with its host, would have inappropriate architectural features, and would mask further the significance of the structure, and which therefore would neither preserve nor enhance the character and appearance of the Maidenhead Town Centre Conservation Area. The proposed development would therefore conflict with the terms and objectives of policies CA1, CA2 and DG1of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 4 The loss of the existing restaurant on the ground and part first floor of the building (which would result from the proposed extension) would be damaging to the attractiveness and vibrancy of the town centre. No viability, area character assessment or building suitability information has been supplied to demonstrate why the existing restaurant use cannot continue, and no evidence has been submitted to show how the proposed alternative use of the building would achieve other desirable planning objectives that would outweigh the loss. The proposed development is in conflict with the terms and objectives of policy MTC8 of the Maidenhead Town Centre Area Action Plan 201, and with guidance contained within the NPPF 2012.
- 5 The proposed development would comprise cramped accommodation, with poor outlook. The aspect of new windows would enable increased overlooking of other existing residential accommodation. The scheme shows no provision for cycle parking, for refuse and recycling storage, for clothes drying or for amenity space for the residents of the proposed units, nor are adequate details supplied to demonstrate how the host building would be adapted to meet the normal requirements of the building regulations (such as sound insulation, fire retarding and escape details and ventilation). The proposed development would conflict with the terms and objectives of policies H10, H11, T7, P4, NAP1 and NAP2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.

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**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 488695, 181135**

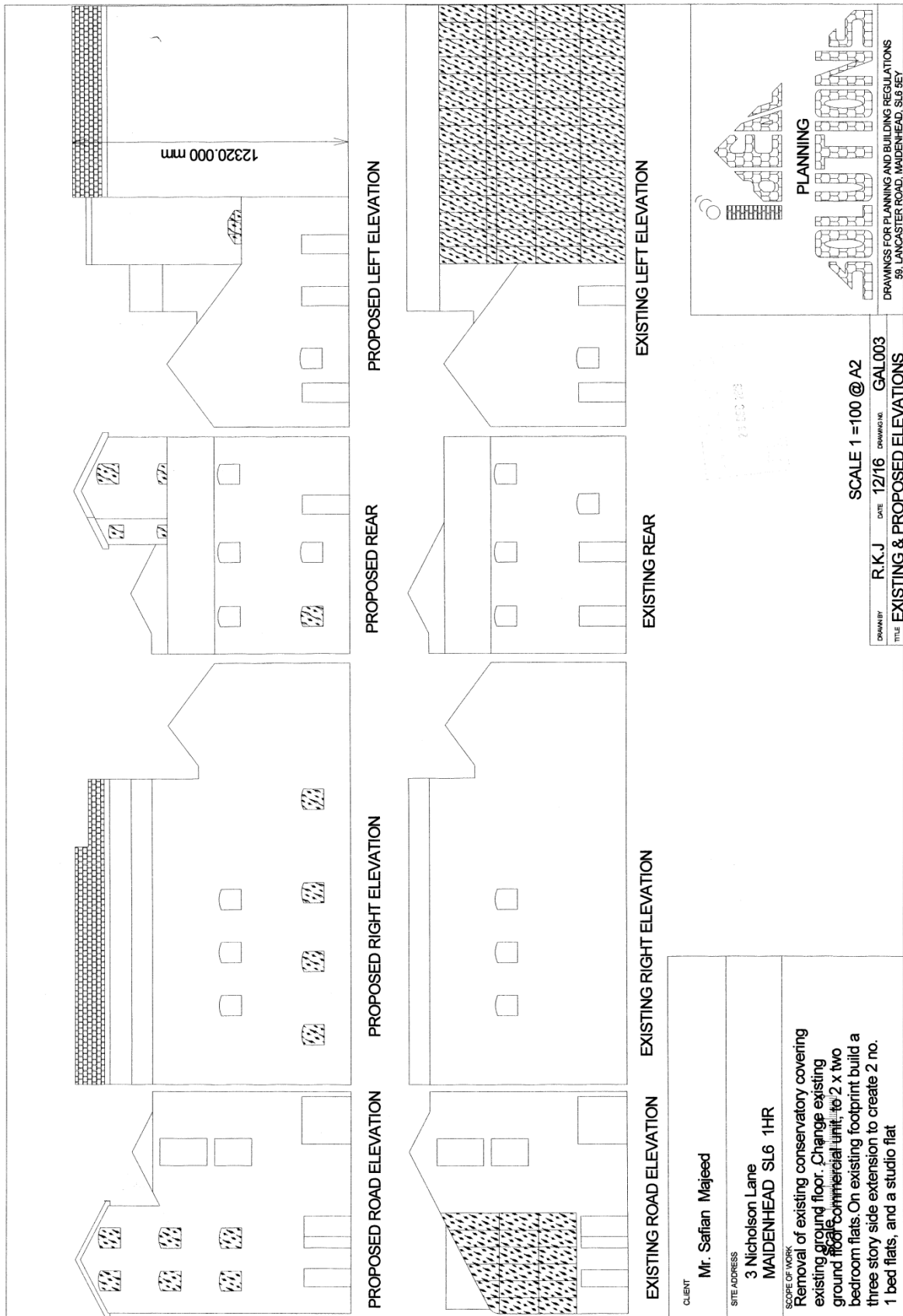


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20/06/2016 15:48**

<p>CLIENT Mr. Safian Majeed</p>	<p>SITE ADDRESS 3 Nicholson Lane MAIDENHEAD SL6 1HR</p>	<p>SCOPE OF WORK Removal of existing conservatory covering existing ground floor. Change existing ground floor commercial unit, to 2 x two bedroom flats. On existing footprint build a three story side extension to create 2 no. 1 bed flats, and a studio flat</p>		<p>DRAWINGS FOR PLANNING AND BUILDING REGULATIONS 58, LANCASTER ROAD, MAIDENHEAD, SL6 5ET</p> <p>DRAWN BY R.K.J DATE 12/16 DRAWING NO. GAL 002</p> <p>TITLE EXISTING AND PROPOSED PLANS</p>
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<p>existing ground floor</p> <p>existing 1st floor</p> <p>existing 2nd floor</p> <p>existing roof</p>	<p>proposed ground floor</p> <p>proposed 1st floor</p> <p>proposed 2nd floor</p> <p>proposed 3rd floor</p> <p>proposed roof</p>	<p>New stud walls in fills</p> <ul style="list-style-type: none"> 12.5 plaster board and setting 50 stud wall 50 sound deadening quilt 12.5 plaster board and setting <p>New stud walls set on high load D.P.C.</p> <ul style="list-style-type: none"> walls only fixed sideways not up or down <p>New stud walls between flats or common areas</p> <ul style="list-style-type: none"> 12.5 plaster board and setting 12.5 W.B.P. ply 40 plaster board 40 sound deadening quilt 12.5 plaster board 12.5 plaster board and setting
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SCALE 1=200 @ A2



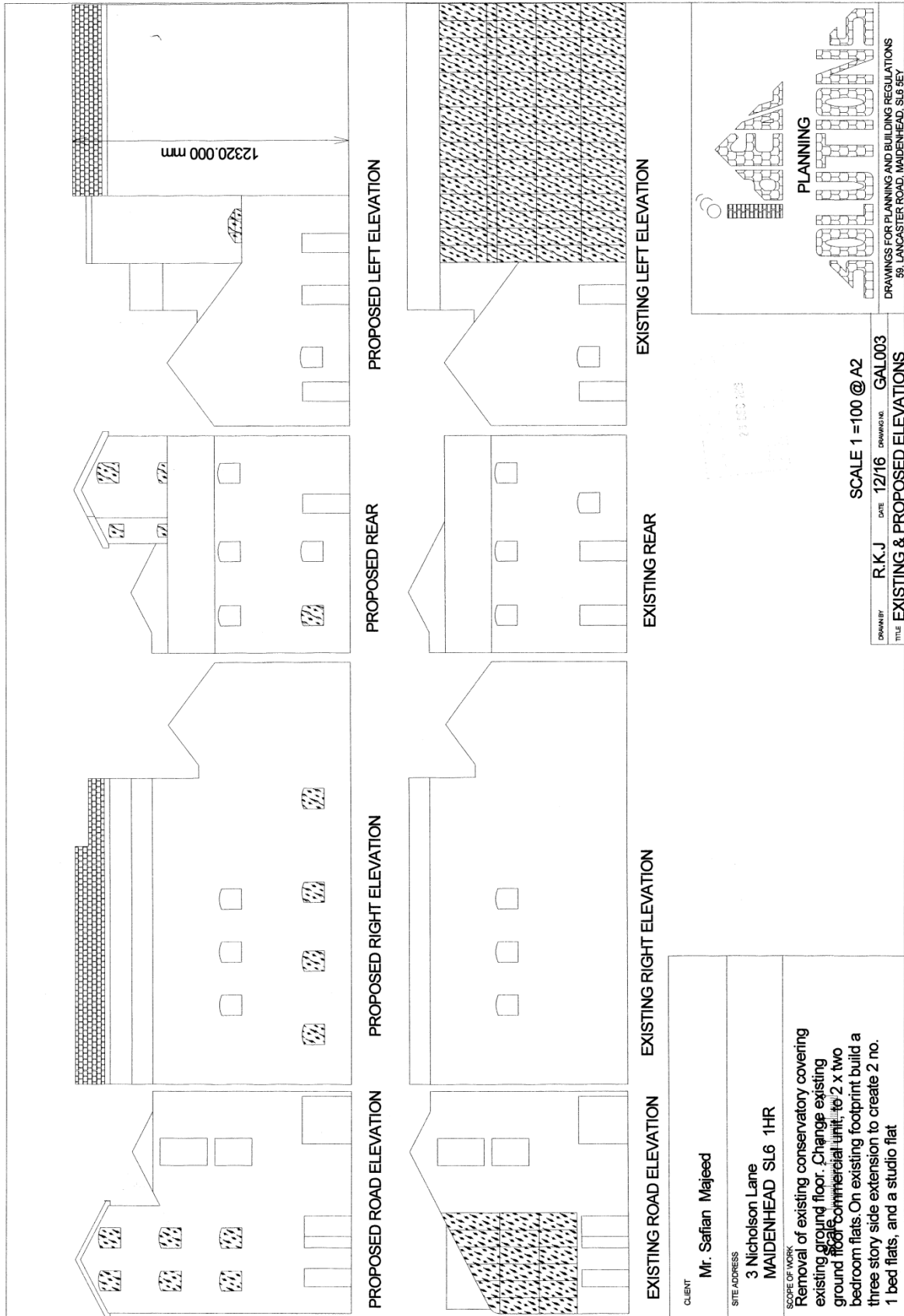
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MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 3

Application No.:	16/02352/FULL
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR
Proposal:	Change of use of ground floor from commercial to 2x two bedroom apartments
Applicant:	Mr Majeed
Agent:	Not Applicable
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks full planning permission for the alteration of the Grade II Listed former brewery stables at 3 Nicholsons Lane. The scheme proposes to convert its ground floor to two two-bedroomed flats, including internal works and the alteration and creation of window and door openings in the external walls of the existing building. This application for full planning permission partners the Listed Building Consent application referenced **16/02354/LBC**.
- 1.2 An appeal against the Borough's non-determination of the application has been submitted to the Planning Inspectorate, and this report sets out the assessment of the proposal and the recommendation (to refuse planning permission) that would have been made, had the application not been made invalid, and had the appeal not been lodged.
- 1.3 The first set of drawings submitted for this application indicates that the building currently accommodates a restaurant on its ground and part first floor, with three flats already located within the second floor and within the remaining part of the first floor of this L-shaped building. Originally the building comprised a ground floor uncovered courtyard which gave access to archway-entranced storage spaces for carts, with first floor stabling above reached by a ramp skirting the western side of the courtyard, and a hayloft on the second floor above the stabling. More recently a balcony has been inserted at first floor level part way across the former courtyard, and vertical and mono-pitched roof glazing has enclosed the space, to form a restaurant. A passageway, separate from the restaurant, has been created, truncating the cart storage areas by the insertion of a new wall which runs within the building along the entire length (front to rear) of the eastern side of the ground floor, where the original blue/black square clay tiles of the cart store have been retained. This passageway gives access onto Nicholsons Lane directly from the rear extensions of the High Street building to the north of the site.
- 1.4 In addition to the proposals for development and works subject of this pair of applications (for planning permission and Listed Building Consent), applications referenced **16/02350/FULL** and **16/02340/LBC** seek full planning permission and Listed Building Consent respectively for the replacement of a first floor glazed conservatory with a new three storey brick extension to provide three new flats at first, second and third floor levels. In combination, the proposals indicate that the extended building would become residential only, containing a total of eight flats.
- 1.5 The development has been subject of discussion with the applicant and of the submission of amended plans. This application was initially registered by the Council in mid August 2016. All four cases were allocated to officers who began to assess the proposals. During this process it became clear that the information supplied with the applications was neither accurate nor adequate, and that the discernible proposals were unacceptable. Discussions (site and office meetings, and written correspondence) between the case officers and the applicant took place, and advice was given that additional information and amendments needed to be submitted or the applications should be withdrawn. However, the submissions were not amended or augmented to provide the needed information, nor were they withdrawn.

- 1.6 The officers initially dealing with the applications left the Council, and in October 2016 the cases were re-allocated. Owing to the lack of information, it was decided that the applications should be made invalid, and this was actioned on 9th November 2016. Following the invalidation of the four applications, and after further discussion with the applicant, new drawings and heritage statement documentation, in paper form, were submitted to the Council on 23rd December 2016. This documentation was still considered not to provide adequate and accurate information on which to process applications for planning permission or Listed Building Consent, as it still did not provide sufficient detail and information to enable a full understanding and evaluation of the significance of the heritage assets affected, nor of the impacts of the proposals upon those assets (in fact the plans were less accurate).
- 1.7 The applicant submitted appeals against non-determination of all four related applications to the Planning Inspectorate (PINS) in May 2017. As the applications were still considered by the Borough to be invalid, the ability of the Inspectorate to register the appeals was questioned. Following correspondence between PINS, the Council and the appellant, PINS decided to register the appeals, and confirmed that it would include in its assessment of the proposals the documents submitted to the Council in December 2016. The application for planning permission subject of this report, therefore, will be assessed on the basis of the plans and documentation submitted in December 2016.
- 1.8 The proposed development is considered to be harmful to the special interest of the Listed Building and to the character and appearance of the Maidenhead Town Centre Conservation Area, would represent the unjustified loss of a food establishment which contributes positively to the mix of activities in the town centre's economy, and would comprise poorly appointed residential accommodation without appropriate domestic amenities.

1.9

It is recommended that the Panel authorises the Head of Planning to issue a decision notice to the effect that the Royal Borough of Windsor and Maidenhead <u>would have refused planning permission</u> for the proposed development, for the following reasons (as also set out in Section 10 of this report), and, by the submission of a Statement of Case under the written representations procedure, to urge the Planning Inspectorate to dismiss the non-determination appeal lodged.	
1.	Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the proposed development would be anything other than harmful to the significance of the Listed Building or to the character and appearance of the Conservation Area.
2.	The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause harm to it. No substantial public benefits, that would outweigh the harm, would be secured by permitting the development.
3.	The proposed development would comprise an unsympathetic conversion of a historic property which would be damaging to the historical value of the building, would have inappropriate architectural features, and would mask further the significance of the structure, which therefore would neither preserve nor enhance the character and appearance of the Maidenhead Town Centre Conservation Area.
4.	The loss of the existing restaurant would be damaging to the attractiveness and vibrancy of the town centre. No viability, area character assessment or building suitability information has been supplied to demonstrate why the existing restaurant use cannot continue, and no evidence has been submitted to show how the proposed alternative use of the building would achieve other desirable planning objectives that would outweigh the loss.
5.	The scheme shows no provision for cycle parking, for refuse and recycling storage, for clothes drying or for amenity space for the residents of the proposed units. Unacceptable provision is indicated for levels of natural light and outlook for occupiers of the proposed units. Inadequate details are supplied to demonstrate

how the host building would be adapted to achieve a satisfactory internal living environment in respect of air quality and noise and meet the normal requirements of the building regulations (such as sound insulation, fire retarding and escape details and ventilation).
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2. REASON FOR PANEL DETERMINATION

- The applicant is a close relative of a Councillor and the proposal would be contrary to adopted planning policies. Therefore under the Borough's Scheme of Delegation (D3(i)f) this application is required to be determined by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 This town centre site comprises a three storey brick and slate former stable, cart/dray store and hayloft building, to which a metal-framed glazed structure has been added to create a mono-pitched first floor conservatory. The site includes a narrow strip of hardstanding on the east and on the west of the building, with tall gates to each side on the Nicholson's Lane frontage.

3.2 The building is one of only four Listed Buildings in the Maidenhead Conservation Area, having been spot-listed in 1994. The entry in the National Heritage List for England (NHLE) states:

STABLES IMMEDIATELY TO EAST OF 3 AND 5 KING STREET, KING STREET Multi-storey brewery stables. Circa 1870. Red brick. Slate roof with gabled ends. L-shaped on plan around a small courtyard; with stables and tack room on the first floor approached by external stairs on the west side to a covered landing in the angle and with a hay loft on the second floor. 3 storeys. The south gable end has an RSJ over later doorways and a hayloft doorway in the gable with a plank divided door and hoist above. The west side of the main east range has cambered arch openings on the ground floor with inserted piers and two segmentally-headed multi-pane iron windows above on the first floor and projecting bay on left clad in corrugated sheets and with 3 small 12-pane windows [the bay is supported on ornate cast-iron brackets now inside a later lean-to below]; second floor blind. On the right [west] side of the small courtyard a shallow flight of stairs with solid brick balustrades leads to a covered open-fronted landing with timber posts and a slate roof These are the stables to Nicholsons Brewery, founded in 1820 by Robert Nicholson. In 1965 the brewery on this site was demolished except for the stables.

3.3 Other buildings served by the Lane are of mixed age, height, materials and roof form, with those immediately adjoining the site partly of four storeys to the west, of brick and render under hipped slate roofing, and to the east of three storeys, principally rendered, with metal and glass balconies, under an asymmetrical roof of shallow pitch. Opposite the site a tall modern brick walled block (estimated to be of three or four storeys) has fenestration only at top floor level, with a commercial-scale opening into a delivery yard enclosed by metal gates next to it.

3.4 The building covers its plot up to the rear (north) boundary, where it abuts the extensions and rear yard of the commercial building fronting into the time-controlled pedestrian section of the High Street.

3.5 Nicholsons Lane is a cul-de-sac which serves a mix of commercial and residential units (including deliveries for the Nicholsons shopping centre) with very few active frontages. On street parking is restricted by double yellow lines or is time limited to short stay during working hours.

3.6 The site lies within the Maidenhead Town Centre Conservation Area, which encompasses the historic hub of the settlement, focussing on the town's commercial origins as a coaching stop on the London-Bristol route.

3.7 The site lies within the Maidenhead Town Centre Air Quality Monitoring Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
88/0893/FULL	Erection of three storey office building	Permitted 05.09.1989
88/0895/CAC	Demolition of building	Consented 23.03.1989
01/36623/FULL	Conversion and alteration of building to offices	Permitted 25.06.2001
01/36647/LBC	Conversion and alteration of building to offices	Consented 25.06.2001
02/39077/COU	Change of use to A3 restaurant	Refused 23.10.2002 Appeal allowed 25.03.2003
02/39078/LBC	Internal alterations to form restaurant	Consented 02.03.2004
11/011844/VAR	Variation of condition limiting opening and delivery times	Permitted 30.06.2011
12/02319/FULL	Partial change of use from restaurant to 2 flats	Application returned 20.08.2012
12/02320/LBC	Internal alterations to form 3 flats, and insertion of windows at ground and first floor level	Withdrawn 28.01.2015
12/02608/FULL	Change of use of first and second floors from restaurant to three one-bedroomed flats	Refused 08.09.2014
14/04037/FULL	Change of use of first and second floors from restaurant to three one-bedroomed flats	Permitted 24.06.2015
14/04039/LBC	Internal alterations to form three flats. Insertion of windows at ground and first floor level	Consented 24.06.2015
16/02340/LBC	Replacement of glass conservatory with three storey extension to create 3 flats with amendments to fenestration	Appeal lodged. See associated officer report.
16/02350/FULL	Replacement of glass conservatory with three storey extension to create 3 flats with amendments to fenestration	Appeal lodged. See associated officer report.
16/02354/LBC	Alterations to ground floor to form 2 flats	Appeal lodged. See associated officer report.

- 4.1 As noted above the accuracy of the drawings, for the existing layout and appearance of the building, and to illustrate the proposals, are inaccurate such that it is difficult to understand and therefore to assess the merits of the scheme. For example, on the existing and proposed floor plans and elevations submitted in December 2016 there are existing structures currently fixed to the rear (north) of the building that are not shown at all, namely a chimney at the north east corner, and a modest building on the north west, which provides toilet facilities for the High Street building to the north.
- 4.2 This scheme seeks permission for the conversion of the ground floor part of the restaurant, together with the through passage from Nicholson's Lane to the rear of the High Street property to its north, to form two flats: one with two bedrooms and one with two bedrooms and a study.

- 4.3 The drawings of December 2016 indicate conflicting works for the proposals between the elevation drawings and the plans: on the south frontage facing onto Nicholsons Lane, the existing plank doors which span the depth of the former dray shed are inaccurately depicted on the survey drawing, but not shown altered from their inaccurate depiction on the proposed elevations, although the proposed floor plan indicates a complete blocking up of any opening on this part of the building.
- 4.4 New and altered windows to light the rooms would affect all elevations of the building, according to the elevation drawings, although no details of the changes or insertions are supplied. However, the number and location of windows and doorways (new or altered) differs between the proposed floor plan and proposed elevation drawings on the December 2016 submission. New windows are stated to be of “similar design to existing windows”. Contrary to the requirements of the earlier permission and Listed Building Consent for the conversion of part of the first and second floor areas of the building to create three flats (**14/04037/FULL** and **14/04039/LBC**), unsympathetic double glazed top-hung upvc windows have been inserted into the building on its east side. It is assumed that these would be the “existing windows” that the new proposals would copy.
- 4.5 Alterations to the interior of the building are indicated, including the installation of new dividing walls and openings into existing walls, being necessary to facilitate the proposed circulation pattern within the building, although the drawings for both existing and proposed floor layouts are inaccurate. For example, the position of the spiral stair indicated on the existing floor plans is considered to not be correctly shown. Although internal works do not necessarily require planning permission, they are relevant to the assessment of the planning application that the Local Planning Authority must make under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.6 The revised plans submitted show the complete loss of the restaurant.
- 4.7 No car or cycle parking, or refuse and recycling bin storage for the proposed units is now shown, and no outdoor amenity space is indicated. No details of venting or flues, or of plant for heating or extraction of steam and other emissions, or of any air conditioning or sound insulation measures to address existing levels of air or noise pollution, are shown. The lounge window of one of the flats, proposed on the north face of the building, would look and open directly into the courtyard belonging to the High Street property to the north of the site, and, in the case of the bedroom window proposed at the eastern end of the north elevation (which is currently a door) this would look and open into an extension of the separate High Street building. This door currently serves as the right of way for the owners of the High Street property to Nicholsons Lane. The proposal now indicates a route to be created through the north western corner of the application building, to be let onto the open strip of land to the west of the building, then on to Nicholsons Lane through double gates.

5. MAIN RELEVANT LEGISLATION AND POLICIES RELEVANT TO THE DECISION

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

5.1 Sections 66 and 72 of the Act are relevant to the assessment of this proposal.

5.2 Section 66(1) states that:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

5.3 Section 72(1) of the same Act states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention

shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

National Planning Policy Framework 2012

- 5.4 Paragraphs 6, 7, 11, 12, 13, 14 and 17 of the NPPF, together with the thematic guidance in its sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable travel), 6 (Delivering a wide choice of high quality homes) 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are relevant to the assessment of the proposed development.

Historic England Guidance

- 5.5 The following HE guidance is also pertinent:
- Conservation Principles – 2008;
 - Setting of Heritage Assets -2011;
 - Managing Significance in Decision-taking in the Historic Environment – 2015, and
 - Making Changes to Heritage Assets 2016.

Royal Borough Local Plan 1999, incorporating alterations adopted 2003

- 5.6 The Local Plan policies relevant to the evaluation of the proposal are:

DG 1 Design guidelines
CA 1 Development in Conservation Areas
CA 2 Guidelines on Development affecting Conservation Areas
LB 2 Proposals affecting Listed Buildings or their settings
LB 3 Change of use of Listed Buildings
NAP 1 Pollution and development (road and rail noise)
H 6 Town centre housing
H 8 Meeting a range of housing needs
H 9 Meeting a range of housing needs
H 10 Housing layout and design
H 11 Housing density
T 7 Cycling
T 8 Pedestrian environment
P 4 Parking within Development

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Maidenhead Town Centre Area Action Plan 2011

- 5.7 The policies contained within this adopted plan that are relevant to the evaluation of the proposal are:

MTC 4 Quality design
MTC 8 Food and drink
MTC 12 Housing
MTC 14 Accessibility

Borough Local Plan: Submission Version 2017

- 5.8 The policies contained within this emerging plan that are relevant to the evaluation of the proposal are:

SP 2 Sustainability and placemaking
SP 3 Character and design of new development
HO 2 Housing mix and type
HO 5 Housing density
ED 3 Loss of floorspace in economic use

TR 3 Maidenhead Town Centre
HE 1 Historic Environment
EP 2 Air quality
EP 4 Noise
IF 2 Sustainable transport

- 5.9 The NPPF states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 27 September 2017 with the intention to submit the Plan to the Planning Inspectorate thereafter. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents and other strategies or publications

- 5.10 Supplementary planning documents and other publications adopted or produced by the Council relevant to the proposal are:
- o Parking Strategy 2004
 - o Sustainable design and construction 2009
 - o Planning for an ageing population 2010
 - o Townscape assessment 2010
 - o Maidenhead Town Centre Conservation Area Appraisal 2016

More information on these documents can be found at:
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 Ability of the Council to scope and assess the scheme
 - ii Principle of development
 - iii Listed Building
 - iv Maidenhead Town Centre Conservation Area
 - v Loss of food and drink business
 - vi Residential amenity

Scope and assessment

- 6.2 The application documents, both those originally submitted and the amendments received in December 2016, do not accurately or sufficiently describe the site, the building, its heritage significance or the impact of the proposals on that significance. As the documentation comprised in the application does not show the correct existing form of the building, the proposal for alterations is therefore based on an incorrect premise. Alterations to parts of the building (such as the existing second floor flats) are also shown on the submitted revisions, although neither Listed Building Consent nor planning permission is sought for these changes. The Heritage Statement supplied with the application does not identify the significance of the Listed Building, nor does it assess properly the impact of the proposed development, and its

implications (for example in terms of the need to undertake works to fire-proof surfaces between dwellings, or address noise and air quality issues) on the special historic and architectural interest of the building. As a result the Council is severely hindered in its ability to understand the precise extent and nature of the proposed development, and to assess the merits of the scheme, and therefore it cannot be confident that the proposed development, if carried out, would have no harmful effect on the heritage asset.

Principle of development

- 6.3 Paragraph 6 of the National Planning Policy Framework 2012 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions - economic, social and environmental - of sustainable development should be assessed and balanced in the performance of the planning process. In this case the proposal would provide employment for the duration of conversion works, so supporting the prosperity of the local economy, but would comprise the loss of an existing business, of a type that the Area Action Plan encourages and expects to be retained, because of its positive contribution to the vitality and attractiveness of the Town Centre. The development would add two small dwellings to the stock of housing, and therefore would serve a social purpose by contributing iteratively to meeting the identified housing demand in the Borough for new homes. The units would be well placed in close proximity to employment sources, public transport routes and the services of the town. The proposal is not put forward to provide affordable or key worker accommodation, although the restricted size of the flats would be aimed at small households, identified by the Council as a desired provision. However, in this case the size and layout of the units is considered to be too cramped, so the virtue of their perceived affordability is outweighed by lack of amenity. In environmental terms, the development would be sited on previously developed land, so would not impact on the character and appearance of the open countryside, nor increase the physical presence of built form in the Green Belt around Maidenhead. Furthermore, the development would appear to have no adverse impact on wildlife and habitats on the site or elsewhere. However, the scheme would neither preserve nor enhance heritage assets, in that it would cause harm to the special interest of the Grade II Listed host building, and would not respect or make a positive contribution to the character and appearance of the Conservation Area. No indication is given of how the scheme would address issues of noise pollution (road and rail) or air quality (the site lies within an AQMA). Consequently it is not possible to state with confidence that these environmental factors can be addressed satisfactorily without further likely harmful impact on the heritage assets.
- 6.4 As a result of the negative aspects of the scheme outweighing its benefits in relation to these three dimensions (economy, society, environment) the scheme is considered not to comprise sustainable development, and so there is no simple presumption in favour of the development in terms of paragraph 14 of the NPPF 2012. There are no material considerations that indicate otherwise.
- 6.5 The provision of dwellings within the town centre is supported in policies H6 of the Local Plan and MTC 12 of the AAP, but this general encouragement is not considered to overcome the shortcomings of the proposed development in terms of the standard of design and amenity of the proposed dwellings, nor any other harm to the heritage and economic vitality of the area that the scheme would cause.

Listed Building

- 6.6 The extent of inaccuracies and omissions of the original and amended documents is further catalogued in the report for the Listed Building Consent referenced **16/02354/LBC**. The duty placed on the Council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” must, in this instance, take a precautionary approach: there is not sufficient information submitted to show that the scheme would preserve the heritage asset as expected under Section 66 above.
- 6.7 The Council’s assessment of the significance of the building is that the structure is a rare surviving example of an unusual form of building in an appropriate service-lane setting within the town centre, given the historical importance of the coaching and hostelry industries to

Maidenhead. Its part conversion to residential use, and the existing alterations and additions to it have already diminished but not extinguished the ability of the building's evidential value to be read. The building has clear local importance, by association with the former Nicholson's brewery after which the Lane and the nearby shopping centre have been named.

- 6.8 Notwithstanding the above matter of insufficient information, the degree of intervention and compartmentalisation of the proposed conversion, and the likely need for further intervention in the fabric of the existing Listed Building, can be estimated, and is considered to be harmful to the significance of the heritage asset in terms of physical change to the building and its capacity to be appreciated.
- 6.9 As noted in section 4.4 above, the proposed scheme indicates that new windows are to match existing. Should the proposals be so implemented this would result in a proliferation of inappropriate and unsuitable fenestration on all elevations of the historic building, which would further denigrate its character as a simple stabling and vehicle storage building. Even with appropriate detailing for any new windows, the number of new openings proposed in the walls of this former plain building would over-domesticate its character, to the detriment of its original form.
- 6.10 As set out in the partner LBC application **16/02354/LBC** the proposed development is not acceptable in the light of advice contained in the NPPF and specialist guidance provided by Historic England, as the degree and nature of the work to the Listed Building would cause less than substantial harm to its heritage significance. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and goes on to note that as heritage assets are irreplaceable any harm or loss should require clear and convincing justification. The scheme would not preserve the building or its setting or any features of special architectural or historic interest which it possesses, in terms of the evidential (physical fabric) value of the building, and also its historical value, as the former stabling building comprises a rare form of service building, and is the only surviving example of this type of structure in the town. These values are currently appreciable both externally (because of the building's road edge location) and internally (by virtue of its use as a restaurant). No justification of the scale of the extension or the degree of its intervention in the existing building has been offered, to offset the harm caused by these factors, and the proposals therefore do not comply with guidance in the NPPF. Paragraph 134 of the NPPF states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*" The public benefit would be the provision of additional residential units which would not outweigh the harm caused to the heritage assets. There is nothing before the Council to suggest that the optimum viable use is not as a restaurant.
- 6.11 Furthermore, it would not accord with local plan policy that is relevant to planning applications affecting Listed Buildings, namely LB 2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, in that the application is not accompanied by detailed survey drawings (in order to ensure an accurate record of the existing building and site, against which alterations can be assessed and monitored); the character of the building would be adversely affected both internally and externally, and the proposals would not make use of appropriate traditional materials and techniques nor would it be of a high standard of design.
- 6.12 Policy LB3 requires that Listed Buildings should be used for purposes which will secure their long term future and which will preserve or enhance their physical fabric, setting, special character and interest, and proposals for changes of use which do not meet these objectives will not be permitted. In this case the proposed conversion comprises an unnecessary change of use of this part of the building from a food and drink use, without, insofar as can be discerned from the documents submitted, either preserving or enhancing the building, but would instead be likely to damage its fabric and obscure its historic value. No information has been submitted to justify the conversion, in terms of why the current use is inappropriate for the building, how the proposed works would preserve the Listed Building, or why the change of use would be necessary to secure the long term welfare of the building.

Conservation Area

- 6.13 As Historic England explains, “significance is a collective term for the sum of all the heritage values attached to a place”. The significance of the conservation area is identified in the Maidenhead Town Centre Conservation Area Appraisal as its function and evolution “as a medieval settlement, located just out of reach of the flood waters of the Thames but along small tributaries, which developed into a thriving coach stop for vehicles travelling from east to west along the Great West Road. Following the arrival of rail the coaching industry fell away and the town and the town centre adjusted to meet the needs of the commuters and leisure visitors of the time. The mixture of building ages, styles and services reflect the changing needs of the people it served: those travelling through, leisure visitors and residents of the town.”
- 6.14 The values that make up the significance of the Conservation Area include “*Historical Value: Maidenhead’s remaining service architecture inclusive of coaching inns, former brewery stable buildings, retail and other services provides illustrative evidence of the role Maidenhead town centre has played through its history.*”
- 6.15 Nicholsons Lane is sure to have originally provided rear servicing to the medieval narrow plots of commercial buildings along the High Street to this north, and still performs this function today. The survival of this stabling service building, originally attached to the principal brewery in the town, is an important piece of physical evidence about past human activity related strongly to the hospitality function of Maidenhead that has been identified as a fundamental activity in its development. The current use of part of the building, in another capacity associated with hospitality, is an appropriate reflection of the history of the site, and is a positive contributor to the character of the area. The use also allows for internal access to the building to allow the public to appreciate this heritage asset.
- 6.16 As above, the inaccuracy and incompleteness of the information submitted for the planning application also hinders a full assessment of the impact of the scheme on the Conservation Area. However, from the information submitted it can be discerned that the proposed conversion would mask or in places eradicate opportunities to read the original service function of the building, and would instead be likely to over-domesticate its appearance. Taken in isolation the proposed conversion of the ground floor to two flats would maroon the first floor balcony, rendering it an unused and therefore vulnerable part of the overall building. While not in its original form, the building is still identifiable as an historic structure among more modern neighbours, as the glazed and metal-framed conservatory at least enables the earlier form of the building to be discerned. Without a use the maintenance of sections of the building are less likely to be kept up, which is undesirable for the sake of the building per se, but also any resultant neglect of the building is likely to have the effect of creating further pressure for inappropriate change. As a result, it is considered that the scheme would neither preserve nor enhance the character or appearance of the Conservation Area, nor would it better reveal the significance of the heritage asset, as identified above. The development would not comply with the advice contained in paragraph 137 of the NPPF, nor with the expectations of policies CA 1 and CA 2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, nor with policy MTC 4 of the Maidenhead Town Centre Area Action Plan 2011.

Loss of food and drink establishment

- 6.17 The revised drawings submitted with this application show the conversion of the ground floor of the building to two flats in place of the existing restaurant. Although the plans also show works to the first floor area of the building that currently provides a balcony seating space (this is not shown correctly on the existing floor plans), this application seeks permission only for the ground floor element.
- 6.18 Policy MTC 8 of the Maidenhead Town Centre Area Action Plan states that “*Development proposals that would result in the loss of existing restaurants and pubs will only be acceptable where the loss would not result in a reduction in the choice and range of pubs and restaurants available; or would be outweighed by the achievement of other Area Action Plan objectives through the proposed development.*” In the supporting text for the policy, the Plan states: “When

proposals involving the loss of an existing restaurant or public house are submitted, they should be accompanied by evidence including a marketing exercise. This should detail price and terms on which the business was offered, advertising undertaken and interest received, along with any other relevant factors. [This] marketing evidence will be assessed within the context of the following criteria to assess whether the proposal is appropriate:

- Choice, variety and range of restaurants or pubs available in the area*
- Character of the area*
- Suitability of the building and site for restaurant or pub use*
- Economic viability of the restaurant or pub use*
- Need for the restaurant or pub use*
- Benefits from reusing the site for alternative uses*
- Achievement of other AAP objectives.*

6.19 For this proposal no evidence of the type outlined above has been submitted to demonstrate why the existing use of the building cannot or should not continue. In fact, when the application was first submitted, the building hosted a curry and biryani restaurant, and since then one food establishment or another has been operating fairly consistently in the building, with a new operation “the Thai Spoon” taking over from an interim business “Ganh Vietnamese” in July 2017. Had any marketing evidence been provided, it can be assumed that it would have shown that there is clearly a demand for premises to provide food outlets in this location in the town, and that the building is suitable for this operation insofar as concerns businesses wishing to occupy the available floor space and use the existing facilities on the ground and first floors.

6.20 Although the provision of town centre housing is promoted in the AAP, this scheme is not considered to provide an acceptable level of residential amenity, and therefore the loss of the food and drink use would not further the achievement of other goals in the AAP. No reason is put forward or is apparent, therefore, to support the loss of the present restaurant use of part of the building. This function is a contributor to the variety of town centre uses, assisting its vitality and attractiveness, and benefitting the diversity of the local economy. The scheme conflicts with policy MT8 of the Maidenhead Town Centre Area Action Plan and with advice contained within section 2 (Ensuring the vitality of town centres) of the NPPF 2012.

Residential amenity

6.21 Again, as a result of the lack of accuracy on the application documents, it is difficult to clarify the precise details of the scheme proposals. However, from the drawings submitted it can be concluded that the proposed development would be cramped, without any private outdoor amenity area for sitting out or for clothes drying, and therefore with only a poor level of residential amenity. The development would potentially impact badly on the privacy of the occupiers of other residential units in the vicinity as a result of the aspect of proposed windows. . New north facing windows at ground floor level would only open onto land not in the control of the applicant, so while part of the land to the north of the building currently provides natural light and air to the proposed lounge for the northern flat, it is not in the control of the applicant to ensure this is always the case. Even if secured, this new window would have an unattractive outlook only across to the rear extensions of property on the High Street. The bedroom window on this elevation would appear to open into the adjoining building, so having no natural light or air. The living space for the southern flat appears to have no natural light or ventilation at all, being an internalised space enclosed on all sides. “Borrowed” light through doors left open in surrounding rooms is not considered to provide acceptable levels of light and fresh air for a principal habitable room. The proposal conflicts with core planning principle 4, paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

6.22 No car parking is proposed to serve the new flats, but no cycle storage is indicated either. While the highly accessible town centre location for the scheme may enable no objection to be raised against the lack of car parking, given the range and frequency of alternative transport available, the site should at least provide a single cycle parking space, in a secure location within its boundaries, for each new flat. The plans are also silent with regard to refuse and recycling storage.

- 6.23 Without adequate facilities as set out in the preceding paragraphs the residential amenities of the proposed new units are considered to be unacceptable, and do not accord with the expectations of policy DG 1 and T7 of the Local Plan, with policy MTC 14 of the Area Action Plan and with guidance contained in NPPF paragraph 17, relating to the core principle of securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.24 No details have been submitted with the scheme to demonstrate how the residential amenity of proposed occupiers would be secured in relation to an acceptable level of air quality and tranquillity within the proposed flats, given the known or likely air quality and noise pollution levels in the vicinity of the site. Measures such as the installation of air conditioning and sound insulation of existing building fabric that may normally be covered by condition on any planning permission should not be dealt with in this way, given that the impact of such measures may be harmful to the heritage asset subject of the application. Without evidence that potential poor effects of air and noise pollution on future residents can be satisfactorily addressed *without* further damage to the significance of the Listed Building or the character and appearance of the Conservation Area, the scheme is considered not to accord with the terms of policies NAP1 and NAP 2 of the Local Plan, nor with paragraphs 17, 123 and 124 of the NPPF in relation to residential amenity.

Other Material Considerations

Housing Land Supply

- 6.25 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 housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.26 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.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The CIL regime adopted by the Council supersedes the need to make a Section 106 Agreement to cover the types of infrastructure set out in the Regulation 123 List that would normally be expected to be provided for developments of this nature (including, for example, facilities for education, health, transport, sport and recreation, flood defence and other matters). Although CIL is payable generally on retail and housing development in the Borough, not all types of development will need to pay it. Levy rates are based on the financial viability of different types of development. Those considered to be on the margins of viability have been given a nil rate. Hence rates have been set at £0 charge for residential units within the Maidenhead AAP area.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

13 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site in the week beginning 15.08.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 25.08.2016

No letters were received in relation to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	Recommends approval subject to conditions relating to the submission and implementation of details for a Construction Traffic Management Plan, refuse and recycling bin storage provision and secure cycle parking provision	6.22
Environmental Protection	No comment received	

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – plan drawings
- Appendix C – elevation drawings

10. REFUSAL REASONS RECOMMENDED

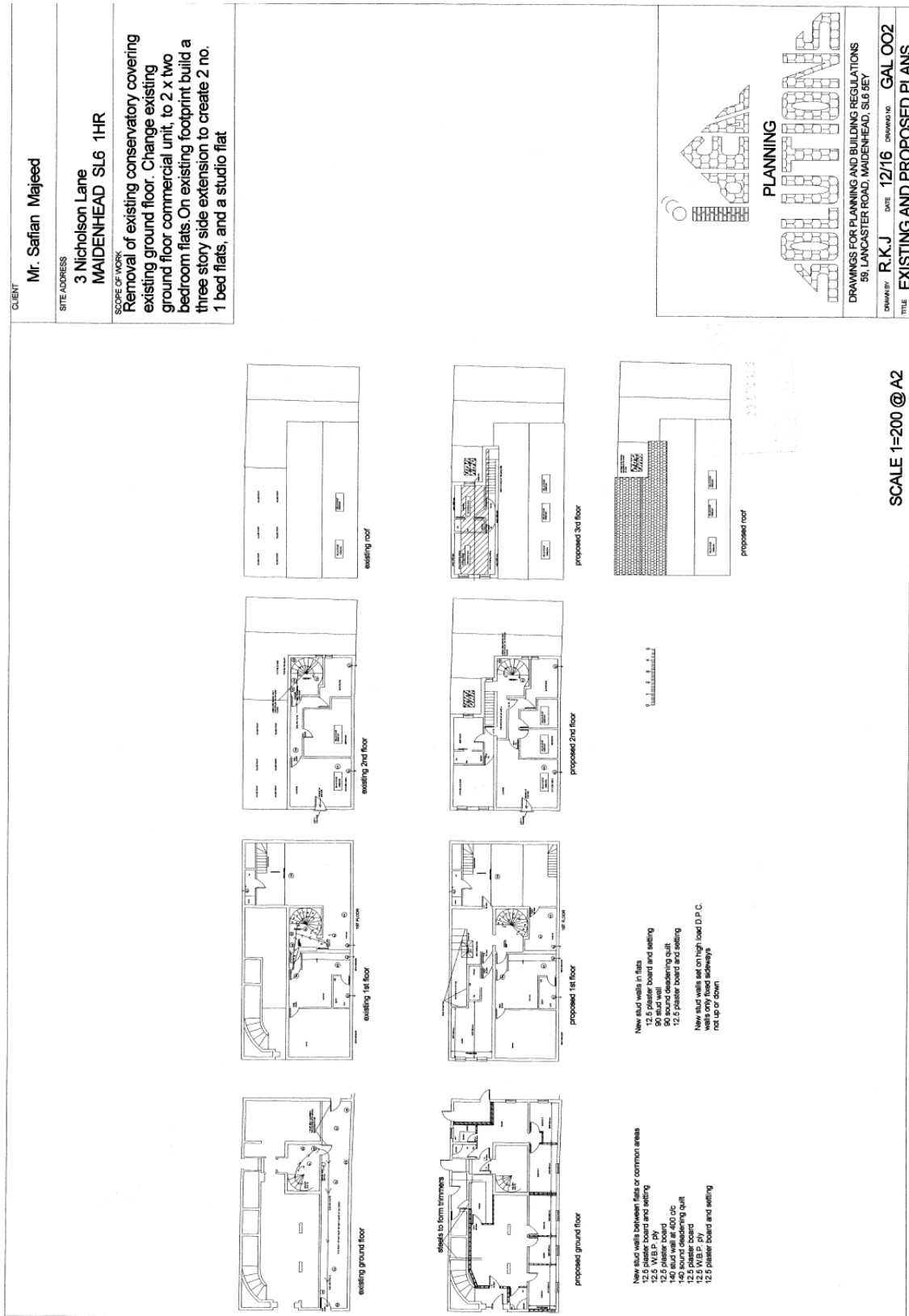
- 1 Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the apparent proposed development would not be harmful to the significance of the Listed Building and to the character and appearance of the Conservation Area. The development would therefore conflict with the terms and objectives of policies LB2, LB3, CA1 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 2 The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause less than substantial harm to the significance of the building. No substantial public benefits, that would outweigh the harm, would be secured by permitting the development. The proposed development would conflict with the terms and objectives of policies LB2, LB3, CA1 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 3 The proposed development would comprise an unsympathetic conversion of a historic property which would be damaging to the historical value of the building, would have inappropriate architectural features, and would mask further the significance of the structure, which therefore would neither preserve nor enhance the character and appearance of the Maidenhead Town Centre Conservation Area. The proposed development would conflict with the terms and objectives of policies CA1, CA2 and DG1of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
- 4 The loss of the existing restaurant would be damaging to the attractiveness and vibrancy of the town centre. No viability, area character assessment or building suitability information has been supplied to demonstrate why the existing restaurant use cannot continue, and no evidence has been submitted to show how the proposed alternative use of the building would achieve other desirable planning objectives that would outweigh the loss. The proposed development is in conflict with the terms and objectives of policy MTC8 of the Maidenhead Town Centre Area Action Plan 201, and with guidance contained within the NPPF 2012.
- 5 Unacceptable provision is indicated for levels of natural light and outlook for occupiers of the

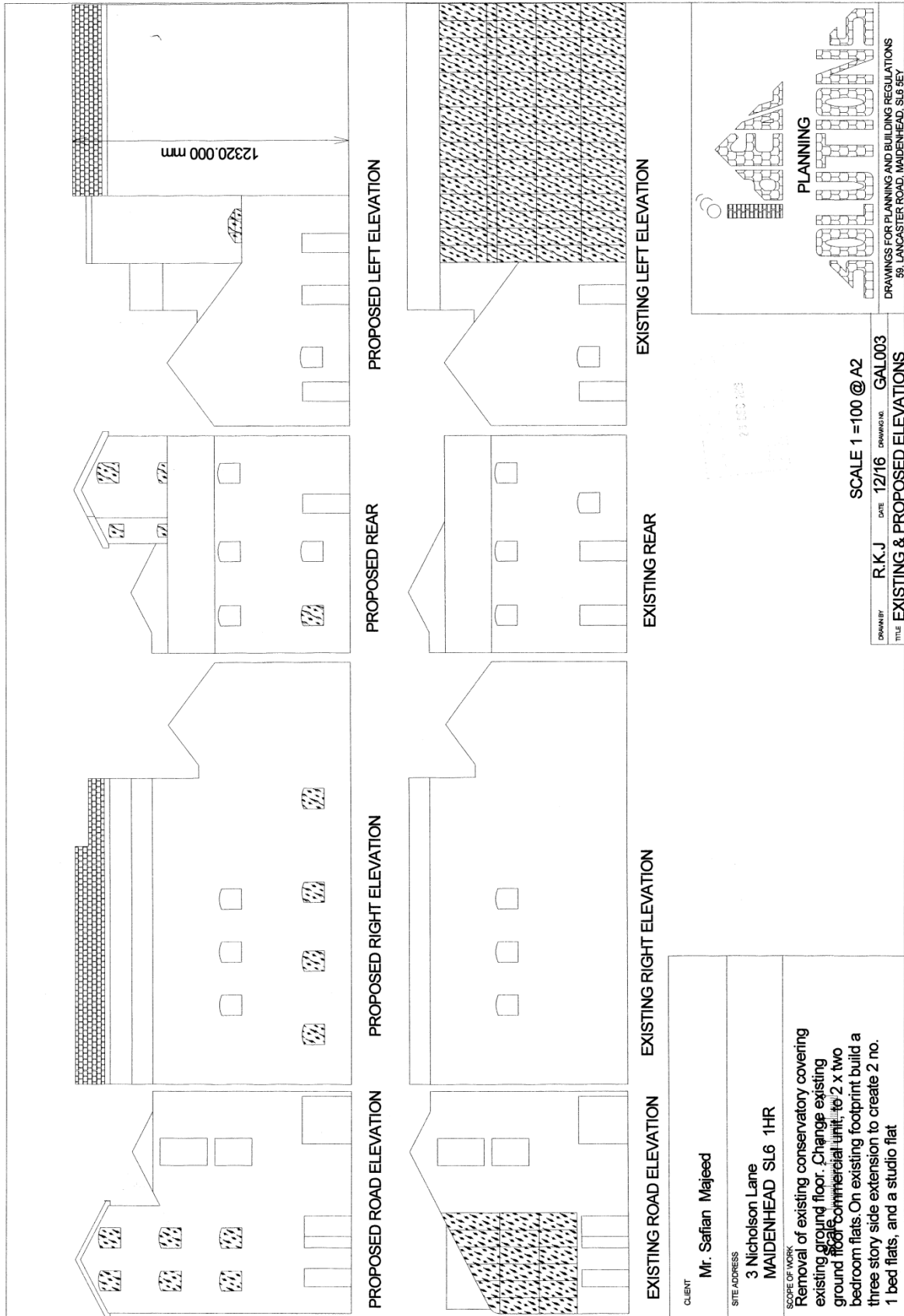
proposed units. The scheme shows no provision for cycle parking, for refuse and recycling storage, for clothes drying or for amenity space for the residents of the proposed units, nor are adequate details supplied to demonstrate how the host building would be adapted to meet the normal requirements of the building regulations (such as sound insulation, fire retarding and escape details and ventilation). The proposed development would conflict with the terms and objectives of policies H10, H11, T7, P4, NAP1 and NAP2 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations June 2003, policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 488695, 181135**



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MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 4

Application No.:	16/02354/LBC
Location:	Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR
Proposal:	Consent for change of use of ground floor from commercial to 2x two bedroom apartments
Applicant:	Mr Majeed
Agent:	Not Applicable
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: Julia Foster on 01628 683796 or at julia.foster@rbwm.gov.uk

1. SUMMARY

The proposal seeks consent for alterations to facilitate a change of use from restaurant to residential use (to two flats) of part of this grade II listed building which is located within the Maidenhead Town Centre Conservation Area. The full extent of the proposed conversion is unclear due to missing and inaccurate drawings and supporting information. The proposals have been amended by further plans, which are even more inaccurate, submitted on 23.12.2016, after this application had been invalidated.

From the information supplied, it is considered that the proposed alterations would be likely to cause 'less than substantial harm' (NPPF para 134) to this grade II listed building.

These listed building and planning applications were invalidated on 9th November 2016 due to the inaccurate and incomplete nature of their submission. The applicant has appealed against non-determination of the applications which the Planning Inspectorate has accepted. These applications therefore need to be determined on the basis of how the Council would have determined them if the appeal had not been submitted.

- 1.1 This building is the former Nicholson's Brewery stables. The ground floor including the original courtyard, dray storage and horses staircase (excluding the through passageway) and the first floor (part) balcony covered by a modern mono-pitched glazed roof are currently used as a restaurant. The upper floors of the original brick building are converted to flats. This application proposes to replace the glazed roof with a three storey brick building over the existing part balcony covering all of the original stables courtyard to give four full floors, a floor higher than the existing building.
- 1.2 No structural report or sections and only an inadequate heritage report have been submitted, and the submitted plans and elevations are inaccurate and not sufficiently detailed.
- 1.3 Amended drawings were submitted on 23.12.2016 showing the proposed three storey extension, a revised heritage statement and Land Registry documents to confirm the extent of the applicant's land ownership and private right of access through the property.

- 1.4 Officers did not re-validate the applications following the submission of the new drawings as the plans were at an unacceptable scale, and were less accurate than those previously submitted. However, the Planning Inspectorate has decided to consider these revised drawings as part of a valid appeal. Both the original and the revised sets of submission drawings will therefore be considered in this report.
- 1.5 It is considered that the proposed alterations would result in 'less than substantial harm' to the significance of this Heritage Asset. There are not considered to be public benefits arising from the scheme which would outweigh this 'less than substantial harm', and refusing LBC for the scheme would not prevent securing the optimum, or indeed any, viable use of the building. The proposed scheme therefore conflicts with the National Planning Policy Framework (NPPF para 134).

It is recommended the Panel refuses Listed Building Consent (16/02354/LBC) for the following summarised reasons (the full reasons are identified in Section 9 of this report):	
1.	The original application is incomplete; no proposed front elevation or first floor plan has been submitted, the survey and proposed plans and elevations are inaccurate and not sufficiently detailed, and the Heritage Statement is inadequate.
2.	The amended plans are drawn at a scale not permissible for listed building consent applications, they are also inaccurate and show only the most basic details.
3.	With regard to the original submission, it is assumed that the creation of the living room to flat 1 will necessitate the extension of the inserted balcony and new walls or the extension of the original staircase brick balustrading to enclose the living room. Also additional walls would be necessary at first floor above for the atrium. These alterations and the compartmentalisation of the ground floor for the flats would further enclose the original open courtyard, the cart/dray storage area which has arched openings and barrel vaulted roof, and the curved external horse ramp, causing harm to the significance of this heritage asset.
4.	When the upper floors were recently converted to flats new windows were permitted which should have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not considered appropriate on this listed building. It is now proposed to add several new windows to the ground and first floor. Even if all the windows matched the original cast iron windows, this building was designed as a stables and the insertion of so many additional openings would cause harm to the character and special interest of the listed building.
5.	No indication has been given that the proposed works would comply with the Building and Fire Regulations. Further alterations which could be damaging to the significance of the listed building may be required to implement the scheme.

2. REASON FOR PANEL DETERMINATION

Following requests for additional information and accurate plans (which were not forthcoming) and a meeting with the applicant where this was requested, this application was invalidated on 9th November 2016. However, the applicant appealed to the Planning Inspectorate for non-determination and the Inspectorate have decided that the appeal can proceed. The Inspectorate require a formal indication of whether this Council would have approved or refused the application. The applicant is a close relative of a Council member, therefore this application is required to be determined by the panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Listed Grade II, the former multi-storey stable building was constructed in around 1870 for the Nicholson Brewery (demolished 1965). The red brick, slate roofed buildings are L shaped in plan with a courtyard in which a shallow curved ramp (now stairs) was used by horses to access first floor stabling. The ramp which has brick balustrades, lead to a covered landing beneath the roof of the two storey north building. The three storey eastern building had a hay loft accessed by a door on the front elevation on the second floor and has a planked door on the ground floor the full width of the building. The building retains a number of original cast iron windows with cambered brick arches. On the ground floor, cambered brick arches on the east side of the courtyard provide access into the covered storage for the brewery carts and drays. A passageway, formed by a modern block wall bisecting the cart storage area, retains its original blue clay squared floor tiles (the passageway was until recently used for deliveries to the charity shop at the rear- 101 High St). The first floor of the existing three storey building is supported by a series of small barrel arched mortar floors formed over corrugated iron. The original open courtyard and ramp are now enclosed with a modern mono-pitched glazed roof, and a balcony has been added over part of the courtyard. It is still possible to view the horses ramp/ staircase, former courtyard and the arched openings where the drays and carts were stored together in the existing open restaurant space beneath the glazed roof.
- 3.2 The property is located Maidenhead Town Centre Conservation area. It backs onto buildings on the High Street. A number of buildings are identified in the conservation area appraisal as being of local interest near to the site. However, as the brewery which the stables served was demolished in the 1960's, number 3 Nicholson's Lane is regrettably now surrounded by modern development on its Nicholson Lane frontage.
- 3.3 The building was spot listed on 8.8.1994. The list description reads as follows:
- Multi-storey brewery stables. Circa 1870. Red brick. Slate roof with gabled ends. L-shaped on plan around a small courtyard; with stables and tack room on the first floor approached by external stairs on the west side to a covered landing in the angle and with a hay loft on the second floor. 3 storeys. The south gable end has an RSJ over later doorways and a hayloft doorway in the gable with a plank divided door and hoist above. The west side of the main east range has cambered arch openings on the ground floor with inserted piers and two segmentally-headed multi-pane iron windows above on the first floor and projecting bay on left clad in corrugated sheets and with 3 small 12-pane windows [the bay is supported on ornate cast-iron brackets now inside a later lean-to below]; second floor blind. On the right [west] side of the small courtyard a shallow flight of stairs with solid brick balustrades leads to a covered open-fronted landing with timber posts and a slate roof These are the stables to Nicholson's Brewery, founded in 1820 by Robert Nicholson. In 1965 the brewery on this site was demolished except for the stables.*
- 3.4 The significance of this building was not identified by the applicants in the Heritage Statement. It is considered that the significance of this building is that it is an unusual and rare example of an urban brewery stable building, having very unusually, a first floor stables, which the horses accessed via a ramp with brick balustrading and a roofed open landing. The ramp enclosed the open courtyard which also gave access to the arched openings for the storage of drays and carts beneath the stables. The first floor is constructed of a series of small barrel vaults of mortar supported on corrugated iron. The building retains a number of its original cast iron windows and on the ground floor running front to back there is a wide passageway which has retained the original blue clay squared floor tiles. A chimney stack survives at the north west corner of the building.

Despite the recent addition of a lean-to conservatory and a balcony over part of the courtyard, it is still possible to see the layout and read the original plan and significance of this grade II listed building. This unusual stable building is all that is left of the Nicholson's Brewery which is an important part of the history of Maidenhead.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The planning history is outlined below.

Application Reference	Description of proposal	Decision
01/36647/LBC and 01/36623/FULL	Conversion and alteration of The Stables to offices	Approved 25.6.2001
02/39078/LBC and 02/39483/COU	Change of use to restaurant	Approved 2002/ 2004 on appeal
12/02320/LBC and 12/02608/FULL	Partial conversion to three flats and alterations.	Withdrawn and refused 2015
14/04039/LBC and 14/04037/FULL	Internal alterations to facilitate change of use of 1 st and 2 nd floors from restaurant to three flats	Approved 22.12.2014.

4.2 The original submission indicated the retention of the existing conservatory roof and the conversion of the ground floor to two flats. Internal partitions subdivided the ground floor to provide two flats and additional windows were proposed. Amended plans submitted 23.12.2016 show the application would be interrelated with the applications for the proposed three storey front extension over the first floor balcony.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 In determining applications for Listed Building Consent the Council is obliged, by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

5.2 Pertinent to the determination of this application are National Planning Policy Framework Sections 7 and 12; Conserving and Enhancing the Historic Environment- Paragraphs 128, 129, 131, 132, 133, 134 and Design; Paragraphs 58, 60, 64.

5.3 Paragraph 132 of the National Planning Policy Framework states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*'. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

5.4 The NPPF identifies two levels of harm which would normally result in the refusal of a listed building consent application. Paragraph 133 considers that where 'substantial harm' or 'total loss' of the significance of a designated heritage asset occurs, then consent should be refused, unless such harm or loss is necessary to achieve substantial public benefits, or unless all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site, and

- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- This reason for refusal is rarely used.

5.5 Paragraph 134 of the NPPF deals with cases where 'less than substantial harm' would occur, and requires that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, it is considered that less than substantial harm would be caused to the significance of the heritage asset but as discussed above 'great weight' should still be given to the heritage asset's conservation.

5.6 *Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment* (English Heritage, 2009)
Making Changes to Heritage Assets (Historic England, 2016)
Managing Significance in Decision- Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (Historic England)
The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Historic England)
Traditional Windows: Their Care, Repair and Upgrading (Historic England, 2017)

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The plans and supporting information for the original application are incomplete and inaccurate
- ii The amended proposals are inaccurate and incomplete and appear not to be divisible from the proposals set out in two other applications for the three storey extensions (16/02350/FULL and 16/02340/LBC).
- iii Impact of original proposals on the Heritage Asset
- iv Impact of revised proposals on the Heritage Asset

6.2 (i) Incomplete and inaccurate original submission

6.3 No proposed first floor plan was originally submitted for this application. Additional walls (not shown on the submitted plans) would be required to enclose the gap between the top of the horses stair balustrading and a ceiling; to form the walls of the living room of flat 1. An extension of the existing (inserted) balcony/ mezzanine floor (also not drawn on the submitted plans) would also be required to provide a ceiling to the part of the living room of flat 1 closest to the main entrance. An atrium is proposed alongside the top of the horses staircase but there is no indication of any new walls or a roof at first floor level to enclose the atrium for safety reasons. There is no indication of the proposed use of the extended balcony/ mezzanine at first floor level.

6.4 No proposed front elevation to Nicholson's Lane was originally submitted with this application showing the proposed blocking of the wide planked door and the formation of the proposed new bathroom window all indicated on the proposed plans.

6.5 The elevation drawings are not accurate, as an example, on the rear (north) elevation; two wings of a property fronting the High Street are attached to the rear elevation of the application building, but these are not shown on the drawings. Also, the doors and windows are not accurately drawn and the three first floor cast iron windows, original roof

lights and chimney stack in the NW corner of the building are all omitted from the survey drawings.

- 6.6 The Heritage Statement is considered to be inadequate. The proposals will have a major impact on the significance of the building but the Heritage Statement does not assess the significance of the building. The Historic Environment Record does not appear to have been consulted, and the impact that the proposed extension will have on its significance has not been assessed. It does not appear that appropriate expertise has been used (ie an historic buildings professional) in the preparation of the documentation. The NPPF paragraph 128 states that;

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

A second heritage statement submitted on 5.9.2016 appears to have been written in 2012 for the proposed conversion of the upper floors to flats and does not address the current proposals.

6.7 (ii) The revised drawings submitted 23.12.2016

- 6.8 The revised drawings are even less accurate than the original submission. The plans are drawn at scale 1:200; not acceptable under National Requirements for a submission as part of a listed building consent application, (should be 1:100 or 1:50). The survey plans show the spiral staircase and the west wall of the existing three storey building above ground floor level moved 1-1.5 metres to the west- not located above the arches on the ground floor, and this error is repeated on the proposed drawings. The elevations are very basic and do not even show the design of any windows and doors. No additional assessment of significance or impact assessment was submitted with the revised drawings.

- 6.9 These drawings now show the proposed three storey extension on top of the existing balcony, indicating that the applicant would like the change of use and conversion of the ground floor to be considered in connection with the three storey extension applications. Apart from the greater inaccuracy of the plans compared to those previously submitted and the proposed substantial extension shown on the drawings but not considered part of this application, other modifications are proposed. These include an alternative route for the neighbour's right of way from through the NW corner of the building from the west yard into the rear yard of the High Street property to the north, rather than through the toilet extension. However, this appears to demolish an original chimney in the NW corner of the listed building. It also proposes relocating a proposed bedroom window to open into an outbuilding of the adjoining property to the north.

- 6.10 A revised Heritage Statement only includes the 'list description' of the building and a description of the proposed works. It states that a 'CARE report confirms that it is safe and acceptable to create new openings' ; it is assumed that this refers to the 2012 report by Jon Avent of Mann Williams, who includes in his qualifications that he is a CARE Accredited Conservation Engineer, ie he is on the 'Conservation Accreditation Register for Engineering'. However, his structural report was prepared in 2012 for the conversion of the upper floors of the eastern section of the building, and not for the current proposals. A structural report was requested to enable the impact to be assessed of the

proposed three storey extension which appears to be built over and taking support from the listed building.

6.11 (iii) Impact of original proposals on the heritage assets

6.12 The proposed additional walls and ceilings/ floors (including those assumed) within the originally open courtyard and the cart/ dray storage area with its arched openings and would enclose, compartmentalise, confuse, detract from and cause harm to the architectural and historical significance of the original spaces of this important building.

6.13 When the upper floors were recently converted to flats new windows were permitted which were required to have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not appropriate on this listed building. It is now proposed to add several new windows to the ground floor for this proposal. Even if all the windows matched the original cast iron windows, this was originally a stables and the insertion of so many additional openings would cause harm to the character and significance of the building.

6.14 No alterations are noted on the revised front elevation that has been submitted with this application but in plan form the scheme shows the front wide planked doors to be bricked up and a new bathroom window inserted. The sister applications, for the proposed large extension, indicate doors and windows on their upper floors of an unsympathetic modern domestic design which would look incongruous on this principal elevation of the former stables.

6.15 There is no indication of what additional alterations would be required to enable to installation of services and to comply with fire and building regulations. Furthermore drainage pipes have been inserted (without consent) through the barrel arched roof of the existing through passage. This matter also raises questions over unauthorised works having already taken place, and the potential for misunderstanding of, or disregard for, the need to specify and obtain LBC for technical details for the implementation of a residential conversion

6.16 It is considered that the scheme would cause 'less than substantial harm' to the historical significance and appearance of the Listed Building. Paragraph 134 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the applicant has not put forward public benefits which would outweigh the 'less than substantial harm', With regard to securing the optimum viable use of the building, there is nothing to suggest that refusing these alterations would prevent the viable use of building. The building currently has tenants operating a restaurant 'Thai Spoon' The proposal therefore conflicts with paragraph 134 of the NPPF.

6.17 (iv) Impact of revised proposals (23.12.2016) on the heritage assets

6.18 All of the above concerns still apply to the revised submission

6.19 The revised drawings now indicate that this application could not be implemented separately from the applications for the three storey extension which would provide a ceiling and walls to flat 1.

- 6.20 The proposed three storey front extension over the original open courtyard of the stables to would be an alien structure which would dominate and cause great harm to the significance of the listed building, the impact of which is considered in more detail on in the report on 16/02340/LBC and 16/02350/FULL
- 6.21 If the proposed relocation of the spiral staircase and west wall of the three storey building is not a drafting error, the proposed demolition and relocation of the west wall of the three storey building would result in 'substantial harm' to the listed building.
- 6.22 The revised layout still does not show the existing rear wings of the High Street property which are attached to the rear/ north elevation of this building. The right of way from the High Street property appears to have been amended to exit into the rear yard of their property, but this also indicates the loss of what appears to be an original chimney stack on that corner (also not shown on the survey plans and elevations).

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

No occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site in the week of 16.08.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 25.8.2016.

No comments have been received to date.

8. APPENDICES TO THIS REPORT

1. Appendix A - Site location plan
2. Appendix B – Existing and proposed floor plans
3. Appendix C - Existing and proposed elevations

9. RECOMMENDATION;

THAT THE APPLICATION WOULD HAVE BEEN REFUSED IF THE APPEAL HAD NOT BEEN LODGED

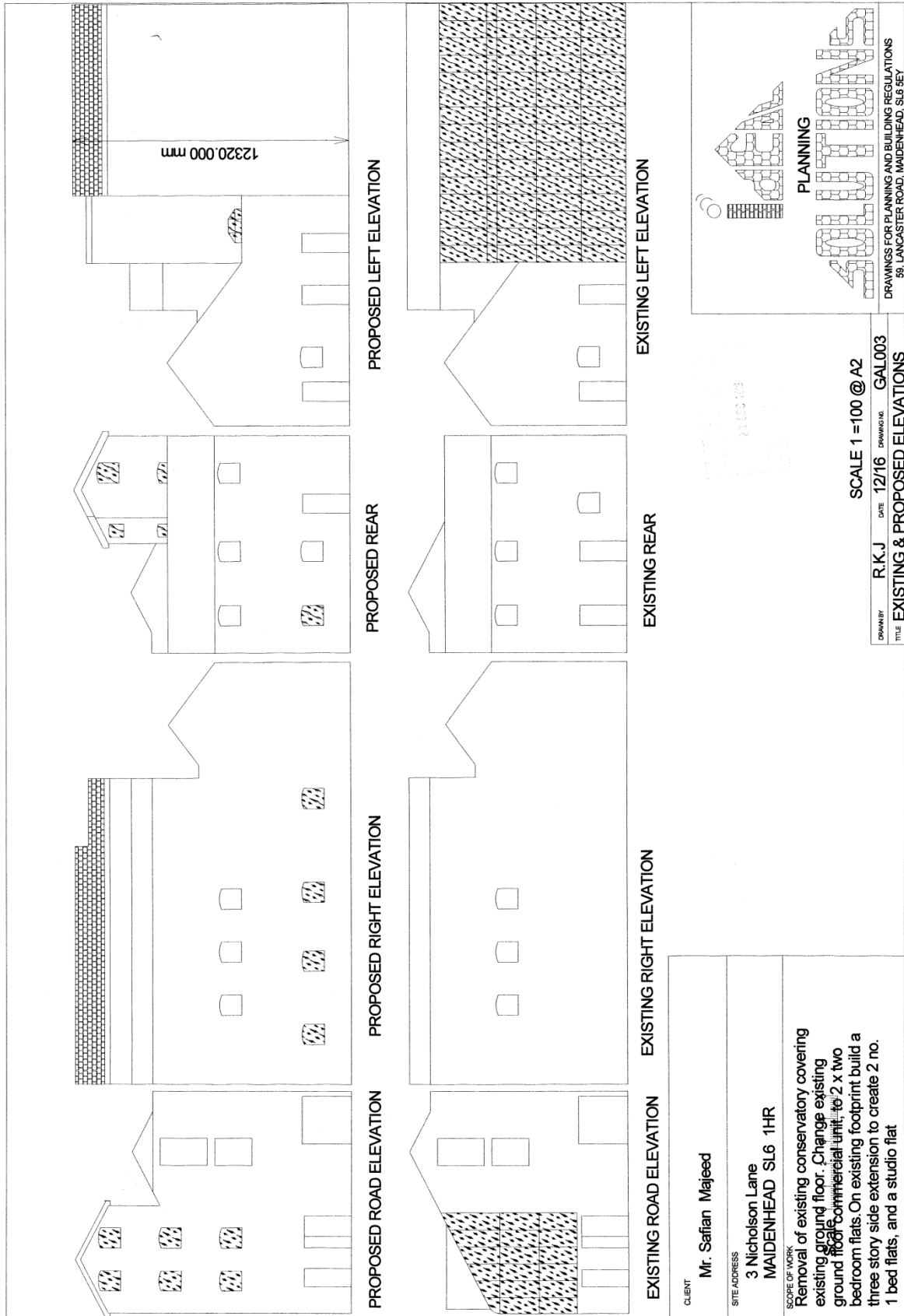
- 1 Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the apparent proposed development would not be harmful to the significance of the Listed Building and to the character and appearance of the Conservation Area. The development would therefore conflict with the terms and objectives of guidance contained within the NPPF 2012.
- 2 The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause less than substantial harm to the significance of the building. No substantial public benefits which would be secured by the development have been identified or are apparent that would outweigh the harm. The proposed works would conflict with the terms and objectives of guidance contained within the NPPF 2012.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 488695, 181135**



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<p>CLIENT Mr. Safian Majeed</p>	<p>SITE ADDRESS 3 Nicholson Lane MAIDENHEAD SL6 1HR</p>	<p>SCOPE OF WORK Removal of existing conservatory covering existing ground floor. Change existing ground floor commercial unit, to 2 x two bedroom flats. On existing footprint build a three story side extension to create 2 no. 1 bed flats, and a studio flat</p>		<p>SCALE 1=200 @ A2</p>
			<p>PLANNING APPLICATION</p> <p>DRAWINGS FOR PLANNING AND BUILDING REGULATIONS 58, LANCASTER ROAD, MAIDENHEAD, SL6 5ET</p> <p>DRAWN BY R.K.J DATE 12/16 DRAWING NO. GAL 002</p> <p>TITLE EXISTING AND PROPOSED PLANS</p>	



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MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 5

Application No.:	17/01885/FULL
Location:	157 - 159 Boyn Valley Road Maidenhead
Proposal:	Construction of 40 apartments, comprising of 1 and 2 bedrooms with ground level car parking following demolition of the existing building
Applicant:	
Agent:	Mr Paul Butt
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward

If you have a question about this report, please contact: Laura Ashton on 01628 685693 or at laura.ashton@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development due to its height and scale would have an unacceptable detrimental impact upon the established character of the area contrary to saved Local Plan policy H10, H11 and DG1. Furthermore due to the scale of the building along with insufficient separation distances the proposed development would have a negative impact upon the amenity of neighbouring occupiers in the form of loss of privacy, increased sense of enclosure and overbearing impacts. The applicant has also failed to demonstrate that there would be no loss of daylight/sunlight to neighbouring properties as a result of the proposed scheme. Neighbouring occupiers to the rear would also experience noise and disturbance due to the close proximity of the proposed rear car parking area to their properties. Due to its harm to the amenity of neighbouring occupiers the proposed development is contrary to Saved Local Plan policies H10 & H11 and NPPF Core Principle 4. The proposed development makes insufficient provision for car parking which will likely be harmful to highway safety and convenience contrary to saved Local Plan policy P4 and the Council's Parking Strategy. The applicant has failed to make a contribution to the boroughs affordable housing need and in this respect the development is contrary to Saved Local Plan policy H3. For these reasons it is recommended that the panel refuses to grant planning permission for the proposed development.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposed development due to its height and scale will be harmful to the character and appearance of the area
2.	The proposed development due to its height, insufficient separation distances and close proximity of the rear car parking area to neighbouring properties will be harmful to the amenities of neighbouring occupiers
3.	The proposed development fails to provide an appropriate level of car parking in line with the Council's car parking strategy and will subsequently lead to a threat to highway safety and convenience
4.	The applicant has failed to make a contribution to the borough's affordable housing need

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Stretton in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by a two storey flat roof light/office industrial unit, which takes up the majority of the site. A parking forecourt is located at the front of the building. The floor area of the existing building is estimated to be in the region of 1600sqm. Surrounding the site are residential dwellings with terraced housing to the rear, semi-detached properties to the west and detached houses to the east. The dwellings in the site's surroundings are characterised by buildings of mostly uniform height that are of an appearance typical of the 1930s. The houses to the rear along Clare Road are set on higher ground than the proposal site and comprise a mix of 1930s semi-detached dwellings and Victorian terraced dwelling houses. An industrial estate is located on the south side of Boyn Valley Road. The site is located within a developed area of Maidenhead and is one of three examples of a commercial use being sandwiched between the residential land uses on the north side of Boyn Valley Road. The north side of Boyn Valley Road predominantly comprises residential land uses whereas commercial uses are located on the south side adjacent to the railway line.
- 3.2 It is acknowledged that there is extant permission under planning application reference 16/01630/FULL relating to 99-103 Boyn Valley Road. Planning permission was granted on the 25th January 2017 for the erection of 45 x 1 and 2 bed apartments with basement and ground level car parking, following demolition of the existing commercial buildings on the site. These development proposals could soon form part of the established character of the area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the demolition of the existing two storey industrial buildings on site and erection of 40 apartments comprising 14 x 2 bedroom units and 26 x 1 bed units. 27 off-street parking spaces are shown to be located across the frontage and to the rear of the building which will be accessed through a central access, in the form of an archway, leading to a rear car park. Bin and cycles store would be positioned in the north-west corner of the site.
- 4.2 There is no relevant planning history for the site.

5. MAIN POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1		No
Acceptable impact on appearance of area	H14		No
Acceptable impact when viewed from nearby occupiers	H14		No
Maintains acceptable level of privacy for nearby residents	H14		No
Maintains acceptable level of daylight and sunlight for nearby occupiers	H14	Yes	
Sufficient parking space available	P4		No
Acceptable impact on trees important to the area	N6	Yes	

The Council's planning policies in the Local Plan can be viewed at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Principle of Development
- Impact on Character of the Area
- Impact on Amenity of Neighbouring Occupiers
- Amenity of Future occupiers
- Highways Considerations
- Impact on Trees
- Drainage
- Affordable Housing Provision
- Environmental Health.

Principle of Development

6.2 The site lies within the developed area of Maidenhead and there is no policy that would preclude the loss of employment land/floorspace in this location. There is therefore no in principle objection to the redevelopment of this site to a residential land use. This is provided that there would be no adverse impacts associated with the redevelopment with particular emphasis on the character of the area, the amenities of neighbouring occupiers and on the highways network, which includes the consideration of car parking.

Impact on Character of the Area

6.3 Whilst there is no objection to the general appearance of the building, particularly as the materials could be controlled by condition. There is however objection to the scale of the building proposed. The uniform roofline on Boyn Valley Road is, at present, a positive attribute when considering the established character of the area. The proposed development is considered to have a negative impact in this sense. The proposed building would dwarf the adjacent houses to the east and be taller than the dwellings to the rear on Clare Road even though they are set on higher land. Whilst the applicant has taken measures to reduce the bulk of the proposed building, it will still appear much larger than anything in its surroundings. The proposed building would appear cramped in its plot and over dominant within the streetscene. The scale of the proposed building is considered harmful in an area which is characterised by low rise commercial buildings and two storey dwelling houses. When considering the impact of the proposed development on the established character of the area it is recommended that this planning application is refused.

6.4 The applicant makes reference to the approved development at 99-103 Boyn Valley Road. This is however 130 metres from the application site and, due to the curve of the road, does not form part of the streetscene in which the application site is located. Whilst each planning application should be clearly considered on its own merits, in any event the difference in height between the approved building and the adjacent dwellings is less pronounced than as proposed in the current

planning application. The current application building, is 5.5 metres taller than the neighbouring dwelling to the east, whereas the approved scheme is 4.2 metres taller than the dwelling to the east.

Impact on Amenity of Neighbouring Occupiers

- 6.5 Whilst it is acknowledge that the applicant has attempted to reduce the bulk of the building by breaking up its massing and attempting to keep the main bulk of the building away from neighbouring properties; the bulk of the proposed building along with its height is considered to result in an unacceptable increase in the sense of enclosure when experienced from 155 and 161 Boyn Valley Road and 89-107 Clare Road.
- 6.6 Whilst the relationship between the proposed building and it's surroundings might be appropriate in a town centre environment, the proposed arrangement is not considered acceptable in the site's suburban surroundings.
- 6.7 The proposed development will have an overbearing impact on the occupiers of 155 Boyn Valley Road, this is on the basis that a 9 metre tall elevation will be located between only 1.25 and 1.75 metres from their shared boundary enclosing approximately 7.5 metres – half the length - of their garden. Whilst it is acknowledged that the existing building's side elevation runs the full length of the shared boundary, at present this is mitigated by the existing building's diminutive height. The proposed development is considered to represent an unacceptable increase in harm to the amenity of the occupiers of 155 Boyn Valley Road when compared to the current arrangement.
- 6.8 The occupiers of 161 Boyn Valley Road will also experience harmful overbearing impacts as a result of the proposed development. Whilst the boundary separation alone is not unreasonable, the height and bulk of the proposed building adjacent to the much smaller neighbour will be oppressive.
- 6.9 The rear elevation of the proposed building is between only 8.1 and 13 metres from the shared boundary with 89-107 Clare Road. Given that the rear elevation is 12 metres in height this is considered to be an unacceptable relationship. Whilst it is acknowledged that the houses on Clare Road to the rear are set on higher ground, the building will still extend 10 metres above the ground level of their gardens and two additional floors compared to the existing building on site. This will result in an overbearing impact and increased sense of enclosure which is harmful to the amenities of the occupiers of the existing dwellings.
- 6.10 The proposed building will have an unacceptable impact upon the privacy of the occupiers of 89-107 Clare Road. Their enjoyment of their gardens will be severely impacted by the proposed development and this will be exacerbated by the fact that balconies are included on the rear elevation of the proposed building and all of the windows/patio doors within the rear elevation serve habitable rooms. All the proposed windows are large and will lead to both actual and perceived overlooking to a harmful extent. It is accepted good practise to allow 30 metres back to back separation between the rear elevations of flats that are 2+ storeys and houses – in this instance there is between only 22 and 27 metres and as previously mentioned some rear gardens are as little as 8 metres away. Consideration should also be taken of the sites suburban surroundings where separation is typically more generous. The balconies at 1.4 metres in depth reduce this separation even further. The proposed building is of a height whereby the bedrooms and living rooms of houses to the rear will be easy to look into – this is not considered to be an acceptable arrangement. Whilst it is acknowledged that the building on site at present sits much closer to the rear boundary, again its impact is mitigated by its height, the second floor windows on the rear elevation mostly serve a staff kitchen and the building is much less intensively used than 40 flats would be.
- 6.11 No windows are proposed in the side elevations and so there will be no harmful overlooking/loss of privacy in this respect. Balconies will however be located just 1.5 metres from the shared boundary with 155 Boyn Valley Road. This is likely to result in harmful overlooking which will reduce the occupier's enjoyment of their garden.

- 6.12 Having 12 car parking spaces located so close to the shared rear boundary would also give rise to noise and disturbance that would be harmful to the amenity of neighbouring occupiers. The noise and disturbance, from cars manoeuvring in and out of quite tight spaces, doors slamming and general comings and goings, represents an increase in activity that will be harmful to neighbouring occupiers and this application should be refused on this basis.
- 6.13 A number of neighbours have raised concern regarding overshadowing or loss of light. Whilst the proposed development may lead to some overshadowing to the rear it would not be to the extent that it would warrant the refusal of this planning application compared to the current arrangement. The proposed development would not lead to a harmful reduction in the daylight/sunlight that can reach the habitable rooms of the houses on Clare Road to the rear. Again the building will cast some shadow over the properties to the east and west; but not to the extent, compared to the current arrangement, that would warrant the refusal of this application. The applicant however has not satisfactorily demonstrated that the development will not lead to a harmful loss of day light/sunlight that could reach the habitable rooms of 161 Boyn Valley Road. 161 Boyn Valley Road has a number of windows in its side elevation where the applicant has not assessed the development's impact.
- 6.14 The applicant makes much of the "precedent" set by the approval of 16/01630/FULL at 99-103 Boyn Valley Road which in places has less rear to rear separation than proposed in the current application and is set on higher ground than the houses to the rear. Each application should be considered on its own merits and it should be noted that the approved scheme is predominantly three storeys in height and does not include balconies on the rear elevation. Furthermore, in the approved scheme the closest projection to the houses to the rear, only has windows in the side elevations except on the top floor where the windows are set back. The approved scheme also replaces a taller building than the existing building in the current application. For the most part the neighbours to the rear of the approved scheme would experience one extra storey compared to the existing arrangement, whereas in the current application the neighbours to the rear will be impacted by an additional two storeys overlooking their properties. The approved scheme also has greater side to boundary and side to side elevation separation. It is clear when comparing the existing situation in the current application with the proposed arrangement there is more harm than when comparing the existing versus proposed in the approved application. Again this highlights why the current application should be considered on its own merits.

Amenity of Future occupiers

- 6.15 All of the proposed flats are of a size and layout that would provide an acceptable standard of living to future occupiers. The proposed balconies offer private outdoor amenity space to the occupants and Desborough Park is a short ten minute walk from the site. Whilst the separation distances between the houses on Clare Road and the proposed building are insufficient, if planning permission were to be granted and the scheme built out – unlike the existing occupiers – prospective occupiers would be able to weigh up the situation and make a decision as to whether the development meets their expectation in terms of acceptable levels of privacy. There is therefore no objection to the proposed development when considering the amenity of future occupiers.

Highways Considerations

- 6.16 This section of Boyn Valley Road has a carriageway width of about 8.0m flanked by 2 x 2.0m wide footways, is subject to a local 30mph speed restriction enforced by a series of road humps and is lit. The site currently benefits from access directly onto Boyn Valley Road, which offer clear visibility in both directions.

Development Proposal:

- 6.17 It is proposed to provide 14 car parking spaces along the street frontage accessed by a series of footway crossovers. However, this would effectively reduce the amount of on-street parking space currently available along the northern-side of Boyn Valley Road over the site frontage. The centrally positioned access point appears to be retained where access to 12 car parking spaces is via an archway to the rear of the building. It's unclear from the submission whether there is

sufficient headroom clearance for service vehicles to access the rear of the site. In total the development proposes 27 parking spaces.

Traffic Generation:

- 6.18 The submitted Transport Statement includes a TRICS analysis in Section 4 (Traffic Generation) for both existing and proposed traffic flows and includes a range of sites in England in suburban or edge of town centres, but excluding Greater London. The TS concludes that, 'The development will therefore give rise to no greater traffic impact than the existing use rights, and to the extent that the residential use will generate fewer commercial vehicles than the industrial uses, there will be some benefit in terms of amenity. The Highways Officer concurs that the traffic likely to be generated by the proposed development can be accommodated on the local highway network.

Car Parking Provision:

- 6.19 The development proposes 27 spaces at a parking ratio of 1 space per 2 bed apartment and 0.50 spaces per 1 bedroom. RBWM's parking standard for development in 'Areas of Good Accessibility' sets a requirement of 0.5 spaces per 1 bed and 1 space per 2 bed unit. It is unclear as to how these spaces (less than 1 space per unit) would be allocated and managed. Nevertheless, this site is located on the periphery of the two parking zones being located just within the 'Areas of Poor Accessibility' zone, according to definitions in the current parking standards. Accordingly, there would be a shortfall in on-site parking provision.
- 6.20 It is worth noting that in a Planning Update to the House of Commons on 25 March 2015, the then secretary of state at the Department for Communities The Rt. Hon. Sir Eric Pickles MP, said that the government was keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets. He went on to say that the government abolished maximum parking standards in 2011 under the National Planning Policy Framework (NPPF) with parking standards being covered in paragraph 39 of the NPPF. The Design & Access Statement makes reference to paragraph 39 of the NPPF with the inclusion of the following extract:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

- 6.21 The Borough will revise its local parking standards for residential and non-residential development in light of this current national advice. Meanwhile, in order to continue to manage the local highway network allowing traffic to continue to pass and re-pass (i.e. the primary function of a public highway), consideration needs to be given to the level of on-site parking provision for each development proposal so as to ensure that adjacent or nearby streets and pavements are not blocked or become more congested.
- 6.22 Reference is also made in the D & A to the 2011 Census Data on car ownership which states that the figure for the Boyn Hill Ward is 1.42 cars/household. The NPPF reports that local car ownership levels' should also be a consideration when setting parking standards. Using this ratio of 1.42 spaces per 2 bed unit and 1 space for a 1 bed unit, the development would attract a demand for 47 parking spaces. If the Borough's full parking standards for this level of development (in Areas of Poor Accessibility) is applied then a total of 54 on-site parking spaces would be required. However, for 2-bed residential developments on the periphery of 'Areas of

Good Accessibility' the Borough has recommended a parking ratio of 1.5 spaces per unit be sought. Using this approach would generate a total parking provision of 47 spaces (14 x 1.5 spaces per 2-bed unit, plus 26 x 1 space per unit). Such provision would address concerns raised regarding the shortfall in on-site parking facilities as currently proposed and reduce the reliance on-street parking.

- 6.23 The result of a 'snap shot' Parking Survey undertaken on the 9th May 2017 reported that during the peak period between 0730 and 0830 there were 41 available parking spaces along Boyn Valley Road. Whilst it is accepted there is (physically) space to park on-street at this moment in time, further residential redevelopment of other commercial premises (such as the Travis Perkins site opposite) in this area would soon result in any spare on-street capacity along Boyn Valley Road being eroded, particularly if other developers adopt the same approach as for this site (with associated parking being proposed to overspill onto the street rather than be provided on-site). As an aside reference is made to the approved residential development at 93-103 Boyn Valley Road (Application number 16/01630/FULL), a similar parking beat exercise was undertaken with the applicant's highway consultant stating that:

'The existing highway has capacity to accommodate any on street overflow parking arising from the proposed development.'

- 6.24 At present, there is no residential parking permit scheme in operation along roads adjacent to or in the vicinity of the site. Should such restrictions or scheme be introduced in the future then the owners and/or occupiers living within development sites having a shortfall in on-site parking provision would not normally be entitled to residential parking permits. The concern remains about the potential shortfall in off-street parking provision for this development given its reliance on the present availability of on street parking along Boyn Valley Road. As mentioned this application is among several redevelopment proposals, one of which has already been permitted which also remarks on the immediate highway network to support an overspill associated with the development.

Refuse Provision:

- 6.25 The plans indicate that a refuse facility would be provided on the ground floor of the building and suggest that the refuse vehicle would be stationed on the public highway, whilst the bins are collected by the operatives. The Highways Officer has raised no objection to this arrangement.

Cycle Provision:

- 6.26 Similarly, an enclosed cycle store within the building is also provided on the ground floor. Further details are required to determine whether the parking design is fit for purpose. This could be secured by condition if this planning application were to be approved.

Impact on Trees

- 6.27 The Trees & Landscape Officer has raised no objection to the proposed development provided that conditions are applied to any consent to secure a scheme of hard and soft landscaping; the protection of existing trees on site; and the replacement of any trees or shrubs that might become damaged or diseased.

Drainage

- 6.28 A Drainage Strategy was requested by the LLFA and the applicant has obliged in providing this document. At the time of writing this report the LLFA haven't completed their review of this document. This will be dealt with in an update to the Panel in advance of the Panel meeting.

Affordable Housing Provision

- 6.29 The application exceeds both the 0.5 hectare and 15 dwelling unit threshold at which an affordable housing requirement is triggered as set by saved Local Plan policy H3. This policy has been replaced by paragraph 031 of the NPPG which requires contributions to be sought from

developments not less than 10 units, and which has a greater combined gross floorspace of 1000 sq m. It is therefore expected that an onside provision of affordable housing should be made. This would normally be expected to be 30% over and above ten units. The planning application under consideration makes no provision for affordable housing. Whilst the applicant would normally be approached to negotiate provision, as this application is recommended for refusal on other grounds this has not been progressed in this instance. It is therefore recommended that a reason for refusal is included on the decision notice due to the lack of mechanism to contribute to the borough's affordable housing need. The applicant has suggested that this could be dealt with by a condition. This would not be appropriate in this instance.

Environmental Health

- 6.30 The Environmental Health Officer has raised no objection to the development proposals subject to the inclusion of a condition to control contamination and informative relating to dust, smoke, noise and working hours if this application were to be approved.

Other Material Considerations

6.31 Housing Land Supply

Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It is acknowledged that this scheme would make a contribution to the Borough's housing stock albeit it doesn't represent the mix of housing need indicated in the latest SHMA. It is the view of the Local Planning Authority that 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 consistent with the NPPF, and to the development plan as a whole.

Community Infrastructure Levy

- 6.32 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution. The applicant has failed to submit a CIL information form. An estimate based upon the submitted information suggests that the tariff payable for this development would be in the region of £78,500.

7. CONSULTATIONS CARRIED OUT

7.1 Comments from Interested Parties

Nine letters were received from the 16 neighbouring properties directly notified or as a result of a site notice that was posted on 23rd June

9 were received objecting to the application summarised as:

Comment	Officer Response
Concern regarding loss of privacy/over looking	2 spaces are retained, meeting the Council's requirements
Concern regarding loss of light/over shadowing	See para 6.14
Concern regarding height of building/proposed building being out of character	See paras 6.4-6.5
Concern regarding drains becoming blocked/drain capacity	Will be dealt with in panel update see para 6.29
Concern regarding pollution from additional cars	Vehicle emissions would

	not warrant the refusal of this planning application
Concern regarding gardens close proximity to proposed parking area	See para 6.13
Proposed building too close to neighbours	See paras 6.6-6.15
Not enough car parking	See paras 6.20-6.25
Concern regarding noise associated with intensified use	See para 6.13
Concern regarding increase in traffic	See para 6.19

7.2 Statutory Consultees

Comment	Officer Response
Highways Officer – Objects on grounds of insufficient parking	See paras 6.17-6.27
Trees & Landscape – No objection subject to conditions	See para 6.28
Environmental Health – No objection subject to condition and informatives	Noted
LLFA – Awaiting comments	See para 6.29

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Streetscene & Section Along Boyn Valley Road 2380-PL-106
- Appendix C – Front & Rear Elevations 2380-PL-104
- Appendix D – Side Elevations 2380-PL-105
- Appendix E – Comparative Section 2380-PL-109

9. RECOMMENDED FOR REFUSAL FOR THE FOLLOWING REASONS

- 1 Due to the scale and height of the proposed building, the proposals represent a form of development that fails to contribute in a positive way and will be harmful to the character and appearance of the surrounding area. As such the proposals are contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) adopted June 2003.
- 2 Due to the height of the proposed building combined with insufficient separation distances the proposed development will be harmful to the amenities of the occupiers of 161 and 155 Boyn Valley Road and 89-107 Clare Road contrary to Saved policies H10 and H11 of the Royal Borough of Windsor & Maidenhead Local Plan (Incorporating Alterations) adopted June 2003.
- 3 The proposed development does not comply with the RBWM's current parking standard and would further lead to a demand for increased parking in the immediate and the surrounding highway network. This is contrary to Policy P4 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations adopted) June 2003 and the Parking Strategy May 2004.
- 4 The proposed development fails to make provision to contribute to the Borough's affordable housing need contrary to saved policy H3 Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations) adopted June 2003
- 5 The applicant has failed to demonstrate to the satisfaction of Local Lead Flood Authority that the proposals would not increase the risk of surface water flooding on site or in the local area and subsequently fails to accord with paragraph 103 of the NPPF and the Non-Statutory Technical Standards for Surface Water Drainage (2015).

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Appendix B – Streetscene & Section



Street Scene Along Boyn Valley Road

06



Site Section



Appendix C – Front & Rear Elevations



No 155

Front (South) Elevation

No 161

91



Rear (North) Elevation



Appendix D – Side Elevations



Side (East) Elevation



Side (West) Elevation



Appendix E – Comparative Section with Approved Scheme

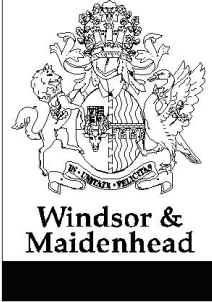


93



Approved application at 99 - 103 Boyn Valley Road
16/01630/FULL

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Appeal Decision Report

19 July 2017 - 21 August 2017

MAIDENHEAD

Appeal Ref.: 16/60106/PRPA **Planning Ref.:** 16/02649/TPO **Plns Ref.:** ENV/3161802

Appellant: Mrs Caroline Grant 2 Endfield Place Maidenhead SL6 4NZ

Decision Type: Delegated **Officer Recommendation:** Partial Refusal/Partial Approval

Description: (T1) Lime tree - Fell.

Location: 2 Endfield Place Maidenhead SL6 4NZ

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

Main Issue: The loss of the lime tree would result in harm to the sylvan character of the area. Furthermore, insufficient justification has been provided to fell the tree.

Appeal Ref.: 17/60015/REF **Planning Ref.:** 16/02661/CPD **Plns Ref.:** APP/T0355/X/1 7/3166403

Appellant: Mr And Mrs Rieder **c/o Agent:** Mr Alistair Lloyd Abracad Architects The Atrium Broad Lane Bracknell RG12 9BX

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

Description: Certificate of lawfulness to determine whether a single storey outbuilding is lawful

Location: Green Acres Fifield Road Fifield Maidenhead SL6 2NX

Appeal Decision: Allowed **Decision Date:** 14 August 2017

Main Issue: The Inspector considered that an outbuilding 14m in length by 6m in width and 2.5m high, which was proposed to house a games/snooker room, gym and shower would be permitted development under Class E of the Town and Country Planning (General Permitted Development) Order 2015. The appellant had provided further details within the appeal, of the minimum dimensions needed to accommodate a full size table, which the Council accepted were reasonable to justify the size of this space. Officers maintained their concerns about the size of the gym and need for a shower room, given the close proximity of the proposed outbuilding to the house. The Inspector concluded that a space of 3.8m by 3m was not excessive for a home gym and that it was not unreasonable to have a small dedicated shower room adjacent to a gym facility. Despite the substantial footprint of the outbuilding, it was considered to be of a scale appropriate for the purposes stated and incidental to the enjoyment of the dwellinghouse as such.

Appeal Ref.: 17/60047/REF **Planning Ref.:** 16/03011/FULL **Plns Ref.:** APP/T0355/W/17/3171818

Appellant: Mr G Murray **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Demolition of existing dwelling and replacement with 12no. apartments and modifications to existing gatehouse (retained as a 1-bedroom dwelling), associated parking and landscaping

Location: **17 Castle Hill Maidenhead SL6 4AD**

Appeal Decision: Dismissed **Decision Date:** 31 July 2017

Main Issue: The height and scale of the building as well as its proximity to site boundaries would give the site a cramped and overdeveloped appearance. Furthermore, whilst some of the gatehouse would be retained the removal of the archway would be particularly harmful to its significance as a non-designated heritage asset and there is no evidence which would justify the harm that would be caused. The public benefits from the gain in housing would not outweigh the harm caused by the proposal to the significance of the Castle Hill Conservation Area and a non-designated heritage asset.

Appeal Ref.: 17/60050/REF **Planning Ref.:** 16/03923/FULL **Plns Ref.:** APP/T0355/W/17/3173633

Appellant: Mr Rashid **c/o Agent:** Miss Emma Runesson JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

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

Description: Conversion of existing store and undercroft parking to 1 x 1 bedroom flat, new bin and cycle store and associated parking and landscaping

Location: **Danish Court 3 - 5 St Peters Road Maidenhead SL6 7QU**

Appeal Decision: Dismissed **Decision Date:** 21 July 2017

Main Issue: The main issues in the appeal were whether the proposed scheme would result in a well-designed development, in terms of the balance between buildings, hardstanding and soft landscaping and provide acceptable living conditions for the residents of Danish Court and the proposed scheme, with regard to amenity space provision. The appeal proposal would have resulted in the displacement of a bin store, bicycle store and undercroft parking area, resulting in loss of an area of landscaping previously approved which would have been the only outdoor area that could be used as amenity space where residents could sit out. For this reason the Planning Inspector considered the proposal would have resulted in poor living conditions and amenity for the residents of Danish Court. In addition, the proposal would have resulted in the loss of any meaningful structural landscaping along the rear elevation, giving the building a colder, harder appearance and representing a poor standard of design. The Planning Inspector found that the harm caused by the poor landscaping and living conditions arising from the proposed development were a significant concern and, on balance, significantly and demonstrably outweighed the benefits of the proposal.

Appeal Ref.: 17/60051/REF **Planning Ref.:** 16/01769/FULL **Plns Ref.:** APP/T0355/W/17/
3168858

Appellant: Mr Anthony Tanner The Lodge Court Road Maidenhead SL6 8LQ

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

Description: Change of use to separate dwelling.

Location: **The Lodge Boathouse Court Road Maidenhead**

Appeal Decision: Allowed **Decision Date:** 28 July 2017

Main Issue: The main issue was whether the change of use would increase the number of people or properties at risk from flooding. As part of this issue, the Inspector considered whether safe access to/from the site during a flooding event could be provided. The building was granted planning permission in 2010 on the basis that it was used as ancillary accommodation in connection with The Lodge and not occupied as a separate residential unit. However, no restrictions were placed on the period of occupation or the number of persons that can occupy the building. The site has been physically separated from The Lodge and has its own vehicular access, (although these were created without the need for planning permission). The boathouse comprises an open void space at ground floor level for boat storage although this has been used for car parking. The amount of living accommodation is considerable and comprises, inter alia, 4 bedrooms, two bathrooms and a large open-plan kitchen/living area all arranged over two upper floors, (though this was not shown on the plans for the originally approved building). The Inspector considered that for all intents and purposes the building to be a spacious family dwelling rather than a boathouse particularly bearing in mind there is no way to launch boats onto the river from the site. The Inspector considered it patently capable of being occupied independently of The Lodge and the appellant has confirmed that it has been his primary residence for over 4 years (though this has not been legalised established). The Inspector was unclear how tying the residential use to The Lodge reduces the risk posed by its occupants to flooding; The occupants of the boathouse would be at the same risk of flooding irrespective of whether their occupation is ancillary or separate to The Lodge. The Council recently accepted a similar evacuation plan in relation to a development for 5 houses at the former Velmead Works site also within Flood Zone 3a and the Inspector considered there to be a number of striking similarities with the appeal in relation to the issue of a safe escape route. The Inspector was not persuaded that the development would materially increase the number of people or properties at risk from flooding.

Planning Appeals Received

20 July 2017 - 21 August 2017

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 Plns 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

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

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 17/60072/REF **Planning Ref.:** 16/03508/FULL **Plns Ref.:** APP/T0355/W/17/3
174874
Date Received: 20 July 2017 **Comments Due:** 24 August 2017
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of x4 2bed and x5 1bed flats with access to Braywick road and Greenfields following demolition of existing dwelling
Location: **23 Braywick Road And Land To The Rear Providing Access From Greenfields Maidenhead**
Appellant: Mrs Maire Buttimer c/o **Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish:
Appeal Ref.: 17/60073/NONDET **Planning Ref.:** 16/02354/LBC **Plns Ref.:** APP/T0355/Y/17/
3175201
Date Received: 20 July 2017 **Comments Due:** 24 August 2017
Type: Non-determination **Appeal Type:** Written Representation
Description: Consent for change of use of ground floor from commercial to 2x two bedroom apartments
Location: **Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR**
Appellant: Mr Safian Majeed 52 Braywick Road Maidenhead SL6 1DA

Ward:
Parish:
Appeal Ref.: 17/60074/NONDET **Planning Ref.:** 16/02340/LBC **Plns Ref.:** APP/T0355/Y/17/
3175168
Date Received: 20 July 2017 **Comments Due:** 24 August 2017
Type: Non-determination **Appeal Type:** Written Representation
Description: Consent for replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration
Location: **Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR**
Appellant: Mr Safian Majeed 52 Braywick Road Maidenhead SL6 1DA

Ward:
Parish:
Appeal Ref.: 17/60075/NONDET **Planning Ref.:** 16/02352/FULL **Plns Ref.:** APP/T035/W/17/
/3175196
Date Received: 20 July 2017 **Comments Due:** 24 August 2017
Type: Non-determination **Appeal Type:** Written Representation
Description: Change of use of ground floor from commercial to 2x two bedroom apartments
Location: **Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR**
Appellant: Mr Safian Majeed 52 Braywick Road Maidenhead SL6 1DA

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Agenda Item 7

By virtue of paragraph(s) 1, 2, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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