

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

10 May 2017

Item: 1

Application No.:	17/00656/FULL
Location:	Rousbury Shoppenhangers Road Maidenhead SL6 2PZ
Proposal:	Construction of five apartments with associated parking following demolition of existing property.
Applicant:	Mr Krylov
Agent:	Mr Andrew Hope - MCIAT
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application is a resubmission of application 13/02021/FULL which granted consent for the demolition of the existing dwelling house and erection of three storey building (rooms in roof) to accommodate 5 x 2 bed apartments, with associated parking for 10 cars.
- 1.2 This scheme is an almost identical resubmission of application 13/02021/FULL, with the only difference being a correction to the roof of the front elevation from the approved scheme, to ensure that this matched the floor plans. Application 13/02021/FULL was not implemented before the consent expired on the 11th September 2016.
- 1.3 The proposed building by virtue of its appropriate size, scale, siting and design, is considered to be of a similar design and scale to those adjacent and surrounding developments and would not dominate its setting to an unacceptable degree. The proposed building is therefore considered to have an acceptable impact on the streets scene.
- 1.4 The siting and design of the building is such that it is not considered to have a detrimental impact on the amenities of the adjacent occupiers, and the car parking proposed as part of the application is considered to provide sufficient parking for the proposed units proposed.

<p>It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.</p>

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the eastern side of Shoppenhangers Road, the site has one access. Currently the plot is occupied by a 2 storey detached house. The pattern of development along Shoppenhangers Road is of large buildings set back from the road with some spacing to the sides.
- 3.2 The plot is broadly rectangular in shape and is long and narrow. It measures approximately 17 metres wide and 90 metres deep.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application seeks consent for the demolition of the existing building and construction of a 3 storey building to accommodate 5 x 2 bed apartments. The existing access would be improved and there would be 10 car parking spaces laid out to the front.
- 4.2 This application is a resubmission of application 13/02021/FULL, which granted consent for 5 x 2 bed units in the same layout and design as proposed within this submission. This application was not implemented before its expiry on the 11th September 2016, and this application is a resubmission of this scheme. One alteration is noted on the plans, which is an enlargement to the roof of the front south west elevation. However it should be noted that this corrects a discrepancy on the previously approved plans.

Ref.	Description	Decision and Date
11/02716	Single storey side and rear extension with balcony over, single storey extensions to existing garage and new boundary wall.	Permitted 14.11.2011.
13/01002	Construction of 7 x 2 bed apartments with parking following demolition of existing property.	Refused 5.6.2013.
13/02021	Construction of 5 apartments with parking following demolition of the existing.	Approved 11.09.13.
16/02989	Certificate of lawfulness to confirm if the implement of planning permission 13/02021/FULL is lawful.	Refused 09.03.17.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework Sections;

- 5.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 5.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to-date Development Plan.
- 5.3 Section 6 of the NPPF states that in order to significantly boost the supply of housing across the country, LPAs should identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of up to 20% where there is a persistent under delivery of new housing.
- 5.4 Section 7 of the NPPF establishes that LPAs, when determining planning applications, should ensure that development:
- Will function well and add to the overall quality of the area
 - Establish a strong sense of place
 - Optimise the potential of the site to accommodate development
 - Respond to local character
 - Reflect the identity of local surroundings and materials
 - Is visually attractive as a result of good architecture and appropriate landscaping.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H10, H11,	P4, T5

These policies can be found at:

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

Other Local Strategies or Publications

5.6 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

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 Impact on the character and appearance of the area;
- ii Impact on the neighbours amenity;
- iii Impact on highway safety; and
- iv Archaeology.

Impact on the character and appearance of the area

6.2 Local Plan Policy H10 requires new residential development schemes to display high standards of design and landscaping in order to create attractive safe and diverse areas and where possible to enhance the existing environment. Policy H11 takes this further and states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.

6.3 The National Planning Policy Framework (NPPF) also confirms the importance of design in section 7 of particular importance is the following paras.

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

64. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

6.4 The proposed building would be 13.5m wide and 8.8m high above ground level; and it would be sited some 2 metres and 1 metre from the north and south side boundaries. The proposed scale and form of the building and setting within its plot is considered acceptable in the context of the site and surrounding street scene and does not result in a cramped form of development.

6.5 The fundamental character of the area is significantly sized buildings set within good sized plots; there is also a strong emphasis on the width of buildings. The height of the building proposed is comparable to those adjacent and the elevation treatment has a strong horizontal emphasis, which allows it to sit more comfortably within its surroundings. The car parking area to the front is considered to be of a size and scale that does not dominate this elevation, and the provision of landscape areas softens the development and the proposed planting will help the scheme assimilate with its surroundings.

Impact on neighbours amenity

- 6.6 The proposed building would extend 3 metres further rearwards than the neighbouring flatted development at St Peter's Lodge. The building would also be sited some 2 metres off this side boundary at the front narrowing to 1.3 at the rear. Accordingly it is considered that the development would not significantly overshadow St Peter's Lodge or result in loss of light to its rear living room windows, side kitchen windows and side rooflight windows to a top floor flat. It would also not have an overbearing or intrusive impact upon the occupiers' of the buildings enjoyment of their outdoor space, given the depth and the stepped in rear building line.
- 6.7 Turning to the amenities of occupiers of the Fredrick's Hotel, the proposed siting, size, scale and design of the building is such that it is not considered to have a detrimental impact on the amenities of any guests.
- 6.8 Both of the neighbouring properties have side windows, so care has to be taken to ensure there would be no significant overlooking as a result of this development. With regard to side windows details of the glass brick panels to the dining areas have been submitted and these are to be obscurely glazed. A condition will be added to ensure the retention of such. (See condition 3) The side windows to the living areas are roof lights and would be 1.7 m above finished floor level. Lastly, the side kitchen windows are sited so not to result in any direct overlooking as the neighbours' side window nearest this window is obscure glazed.

Impact on highway safety

- 6.9 Shoppenhangers Road is a local district distributor road where vehicular speeds in the immediate vicinity are subject to a 30mph speed limit. To the north of the site the speed limit changes to a 20mph limit and is further reinforced by speed cushions.
- 6.10 The site is currently served by a single access off Shoppenhangers Road that achieves unrestricted views in both directions. The width of this access will need to be increased to 4.80m to facilitate two way flows through its entrance, which it is recommended is addressed by a planning condition.
- 6.11 The site is within walking distance to the town centre, to Maidenhead Station and is served by a regular bus service. Therefore, it is deemed to be within an accessible location as defined in the Borough's current Parking Strategy (2004). The development proposes a parking provision of 2 spaces per flat, which complies with the Borough's parking standard.
- 6.12 Cycle parking is provided in a store which is sufficient in size to accommodate 6 cycles. The Borough's standard sets a requirement of 5 cycle parking spaces and a separate bin store is also provided and is situated close to the site entrance.

Archaeology

- 6.13 There are potential archaeological implications with this proposed development as evidenced by Berkshire Archaeology's Historic Environment Record. The site lies on a plateau above the valley of The Cut. This plateau seems to have been a favoured location for settlement, especially in the Roman period. An extensive Roman villa complex was located at Cox Green to the west and closer still was the Roman villa at Castle Hill. Recent investigations at Shoppenhangers Manor have shown that this also was the site of a Roman settlement, although the exact status of the site is unknown. Antiquarians have also suggested that the site of a further Roman villa lay within the grounds of Desborough College, although archaeological evidence for this is currently lacking. However two ring-ditch crop marks are known within the grounds of Larchfield Primary School and may indicate the location of two ploughed out Bronze Age barrows.
- 6.14 The proposed development lies in a plot of reasonable size (0.15ha) with proposed new build lying partly in undeveloped garden areas. The proposed development therefore has the potential to disturb important buried remains. The archaeological implications can be mitigated by an appropriate programme of archaeological work. This is in accordance with Paragraph 141 of the

NPPF which states that local planning authorities should ‘*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*’. (See condition 12)

Other Material Considerations

Housing Land Supply

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

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council’s Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development would be £52,788 on the basis of a net increase of 527.88 sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13.3.17.

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

Comment	Where in the report this is considered
1. Loss of light to property in St Peters Lodge given the rear projection of the building and increase in height.	6.6-6.8.
2. Overlooking and loss of privacy to No. 6 St Peters Lodge as a result of the window locations.	6.6-6.8.
3. The plans do not show the proximity of the proposed building to the northern boundary of the plot.	6.6.

Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection unit	No objection subject to conditions.	Noted.
Highways	No objection to the scheme subject to conditions.	Noted.
Berkshire Archaeology	There are potential archaeological implications with the proposed development and a condition is recommended to secure a programme of archaeological work.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings
- Appendix C - Previous scheme.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. All first floor side windows and balcony screens shall be obscure glazed to at least Pilkington level three or equivalent. Additionally, the dining room glazed brick panelling shall be of a permanently fixed, non-opening design and a sample panel shall be submitted to and approved in writing prior to commencement. The obscure glass shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan DG1.
4. Any clear glazed second floor rooflight windows shall be a minimum of 1.7m above the finished internal floor level. Any rooflights less than 1.7m above internal finished floor level shall be of a non-openable design and fitted with obscure glazing to at least Pilkington level three or equivalent. Rooflights shall not be altered and no additional windows or rooflights shall be inserted on either side elevation of the building without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers Relevant Policies - Local Plan H11.
5. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
6. No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
7. Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the highway boundary or at least 7 metres from the nearside edge of the carriageway of the adjoining highway.
Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Local Plan T5
8. No part of the development shall be occupied until the access has been constructed in accordance a plan to be submitted and approved in writing by the Local Planning Authority. The

access shall be constructed in accordance with the approved details and thereafter be retained.

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

9. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority
Reason: Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
10. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
11. No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
12. No development, including demolition, shall take place until the applicant or their agents or successor in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.
Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric and Roman settlement and land use of this part of the Thames Valley. The potential impacts can be mitigated by a programme of archaeological work so as to record and advance our understanding of their significance in accordance with national and local planning policy.
13. The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

1. The applicant is requested to apply to the Local Authority Environmental Health Unit for a Prior Consent Approval under Section 61 of the Control of Pollution Act 1974, and is advised of the noise control provisions of Section 60 of that Act. The applicant's attention is also drawn to the British Standard Code of Practice BS5228 1984 'Noise Control on Construction and Open Sites'.
2. The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
3. The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites.

The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities

4. It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and Safety Executive at Priestley House, Priestley Road, Basingstoke, Hants, RG24 9NW tel 01256 404000 for further information and advice.