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

		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 fro 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

<u>Housing Land Supply</u>

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.