

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

25 October 2017

Item: 8

Application No.:	17/02830/VAR
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS
Proposal:	Erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings as approved under planning permission 16/00811 (allowed on appeal) without complying with condition 2 (approved plans) to replace the approved plans with amended plans.
Applicant:	David Howells
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward

If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk

1. SUMMARY

- 1.1 Section 73 of the Town and Country Planning Act (as amended) excludes the reconsideration of issues other than those covered by the condition that is the subject of this application. There have been no changes in planning policy or other material considerations that require matters such as the principle of development to be re-considered.
- 1.2 The proposed amendments do not compromise flood capacity, and would not result in undue harm to the proposed building, its setting, streetscene or wider locality, the health and longevity of retained trees, highway safety, parking provision or neighbouring amenity. The changes referred to are considered not to conflict with the Planning Inspectors conclusions on design and appearance.
- 1.3 At the time of writing, the consultation period is still open and any further representations will be reported in the Panel Update.

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

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 site comprises of a plot measuring approximately 0.19 hectares on the southern side of Widbrook Road at the junction with Sheephouse Road. The large detached house, known as Green Trees, has been demolished. A substantial hedge on the side (east) boundary with Sheephouse Road and the rear (south) boundary with no.70 Sheephouse Road has been retained. A wooden fence and vegetation forms the western boundary with Riverdale. The surrounding area is residential in character, mainly comprising of large detached houses. The application site is located approximately 600 metres from the River Thames and located on a dry island surrounded by flood zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
413782	The erection of a canopy over the front garden path, triple garage with games room over, extension and alteration to the existing garage building to contain indoor swimming pool and the erection of a 6ft high wall on the Widbrook Road frontage.	Approved – 28.04.1982
08/02894/FULL	Trellis type side structure (retrospective)	Approved – 14.01.2009
12/00239/CPD	Certificate of lawfulness to determine whether the development permitted under 413782 has commenced and is lawful	Approved – 15.03.2012
16/00811/FULL	Erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings	Refused – 09.09.2016 Appeal Allowed - 04.07.2017
16/03688/FULL	Construction of a new building comprising 12 x 2-bed flats with associated vehicular access, car parking, ancillary buildings comprising car-ports with refuse and cycle storage following demolition of existing dwelling and outbuildings.	Withdrawn - 07.06.2017

- 4.1 The proposal seeks to vary planning permission 16/00811/FULL (allowed on appeal) for the erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings without complying with condition 2 (approved plans) to replace the approved plans with amended plans as follows:

	Approved Plans - 16/00811/FULL	Amended Plans
Site layout	WID/1311_101 rev. G	1311.PLN.301
Widbrook and Sheephouse Road elevations	WID/1311_102 rev. E	1311.PLN.302
South and East elevations	WID/1311_103 rev. B	1311.PLN.303
Ground and First Floor Plans)	WID/1311_104 rev. D	1311.PLN.304
Second Floor and Roof Plans	WID/1311_105 rev. D	1311.PLN.305
Car ports, bin store and cycle store	WID/1311_106	1311.PLN.306

- 4.2 The changes to the proposal shown on the amended plans are as follows:

Widbrook Road Elevation

- Widening of ground floor projecting element and balcony over at eastern end
- Removal of first floor balcony and lean-to-canopy at ground floor
- Removal of chimney and addition of timber feature to projecting gable
- Addition of hanging tiles instead of brick at first floor
- Widening of ground floor projecting element and balcony over at western end

Sheephouse Road Elevation

Repositioning of windows at the northern end to be sited more centrally, and render to first floor instead of brick

1. Addition of gable roof and timber feature, removal of render to ground floor and reduction in width of windows to projecting element at the northern end
2. Alteration of window style of full height windows
3. Hanging tiles and brickwork instead of render to projecting element at southern end

South (rear) Elevation

4. Addition of screen panel to balcony instead of continuation of the wall

East (Rear) Elevation

5. Removal of render at southern end
6. Widening of full height windows

General

7. Addition of a gate to vehicular access (to comply with condition 10)
8. Alteration to car parking layout and increase in hardstanding adjacent to the bin store
9. Integration of previously detached bin and bicycle stores with car ports, and an increase in size of the bin and bicycle stores.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7, 10 and 11.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Flood Risk
DG1, H10, H11	P4, T5	N6	F1

These policies can be found 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
Acceptable housing development	HO2, HO3, HO5
Manages flood risk and waterways	NR1
Acceptable impact on trees	NR2
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 ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summaries the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. 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

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

- Interpretation of Policy F1

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:

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 Section 73 Amendment
- ii Flood Risk
- iii Design and Appearance
- iv Trees
- v Highway Safety and Parking
- vi Residential Amenity

Section 73 Amendment

6.2 Section 73 of the Town and Country Planning Act (as amended) specifically excludes the reconsideration of issues other than those covered by the condition that is the subject of this application, and there have been no changes in planning policy or other material considerations that require matters such as the principle of development to be considered as part of this amended application.

Flood Risk

6.3 The widening of the ground floor projecting element at the eastern and western end of the Widbrook Road elevation would increase the footprint of the proposed building by approximately 4sqm, while the increase in scale of the bin and bicycle stores would result in an increase in footprint by approximately 6.5sqm. However, given its location on a 'dry island' the proposal is not considered to compromise flood capacity.

Design and Appearance

6.4 The widening of the ground floor projecting element at the eastern and western end of the Widbrook Road elevation, and addition of a gable roof on the Sheephouse Road elevation would increase the footprint, and bulk and mass of the proposed building. However, the increase in footprint would be approximately 4sqm, and in terms of bulk and mass the additional volume would amount to approximately 7.8 cubic metres. Therefore, the increase in scale is considered not to result in an addition that is disproportionately over and above the approved building. Together with the conventional siting and form the proposal in this respect is not considered to be

visually intrusive or obtrusive to the proposed building, streetscene or wider locality. The proposed removal of the chimney, and changes to the windows, privacy screen, render, hanging tiles and timber decoration on the proposed building are considered to be minor and would not result in significant changes to the overall visual appearance of the building.

- 6.5 The proposed bin and bicycle stores would each increase in length by 1.5m and in width by 0.5m and integrated with the car ports, incorporating the dual, hipped roof form. Due to the relatively modest scale and conventional form the larger, integrated bin and bicycle stores are considered not to be disproportionate or incongruous, and would therefore not detract from the main building, streetscene or wider locality. There are examples of gates along Widbrook Road and so the proposed gate would not be an alien feature on Widbrook Road. The alterations to the car parking layout would not result in a material increase hardstanding (9sqm) and therefore not considered to be unduly harmful to the setting of the proposed building, the verdant, green character of Widbrook Road or the wider area.
- 6.6 The changes referred to are not considered to conflict with the Planning Inspectors conclusions on design and appearance.

Trees

- 6.7 In comparison with the approved scheme there would be an increase of approximately 9 square metres of hardstanding and approximately 3 square metres in built footprint within the Root Protection Area (RPA) of the pine tree (T8) sited within the adjoining site at Riversdale as a result of the amended bin store. This would result in a potential loss of roots and available rooting environment vital to sustain the health and stability of the pine tree, which is over and above the approved scheme, and no protection or mitigation details were submitted. However, following negotiation the applicants submitted an updated tree protection plan. Together with the arboricultural information submitted with the original application the updated tree protection plan provides sufficient details that would ensure that the pine tree can be successfully retained as part of the amended proposal. It is noted in the tree protection plan the details for the no dig construction and the no dig surfacing are only indicative and will be subject to engineering design, but this can be secured by condition. (see condition 6).

Highway Safety and Parking

- 6.8 The proposed gates will be set back approximately 7m from the back edge of the adopted carriageway, which is in line with the Council's highway standards. This would allow a vehicle to fully pull off the carriageway before gates are opened without affecting highway safety and free flow of traffic on Widbrook Road.
- 6.9 There are no increase in the number of flats or number of bedrooms and there are no changes to the number of car parking spaces proposed (22 spaces), which compiles with Council's current car parking standards of 1 space for a 1-bed flat and 2 spaces for a 2-bed flat. 6m manoeuvrability is also provided to the front of each bay to enable a vehicle to enter and exit the site in forward gear. As such, there are no objections to the proposed alterations to the parking layout.
- 6.10 The amended bin store is of sufficient size and would enable improved access by residents and bin collectors. The proposed bicycle store would accommodate 12 bicycle parking spaces, which is in line with the Council's current bicycle parking standards.
- 6.11 There is no increase in the number of flats or number of bedrooms as a result of proposed the amendments and so there is no anticipated increase in the number of estimated number of trips to and from the site generating additional impact on local roads.

Residential Amenity

- 6.12 Due to the modest increase in bulk and mass of the main building as a result of the widening of the ground floor projecting element at the eastern and western end of the Widbrook Road elevation and the addition of a gable roof on the Sheephouse Road elevation, and the modest increase in bulk and mass of the bin and bicycle stores, the proposal is not considered to result in undue loss of light or visual intrusion to neighbouring properties.
- 6.13 The addition of a screen panel elevation instead of continuation of the wall on the south elevation to the proposed balcony on the east elevation is considered to be sufficient in screening oblique views to no. 70 Sheephouse Road. The enlarged windows are not considered to result in an increase the number or alter the types of views and so there are no significant concerns over loss of privacy in this respect.
- 6.14 There is no increase in the estimated number of cars or trips to and from the site as there is no increase in the number of flats or bedrooms. Therefore it is not considered that the proposed amendments would result in additional noise and disturbance to warrant refusal of this application.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

At the time of writing public consultation is still open. 2 letters have been received and summarised below and any further representations will be reported in an update.

Comment	Where in the report this is considered
1. Flats not in keeping with the character of the area	Para. 6.2, 6.4
2. Noise and disturbance from increase in cars, and increase in congestion	Para. 6.11, 6.14
3. Loss of privacy due to elevated views which are over and above the height of a standard house	Para. 6.13
4. Previous application was refused on grounds of overdevelopment and this application makes no improvements on this matter	Para. 6.2, 6.4
3. Flood risk is a material consideration in determining planning applications and therefore must be taken into account and refused on this issue	Para. 6.2, 6.3

Other Consultees

At the time of writing consultation is still open therefore any comments from Environmental Protection and the Lead Local Flood Authority (SUDS) will be reported in an update.

Consultee	Comment	Where in the report this is considered
Local Highway Authority	No objection subject to amended conditions relating to the gates from the highway and bin and cycle stores to be carried out in accordance with the approved details.	Noted and agreed.
Trees	No objection subject to condition additional condition relating to tree protection details.	Noted and agreed.

9. APPENDICES TO THIS REPORT

1. Appendix A – Site location plan and site layout
2. Appendix B – Approved plans under 16/00811/FULL
3. Appendix C – Amended plans

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough 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 NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced before the 4rd July 2020.
Reason: To accord with the provisions of the original consent and sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- 3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- 4 Prior to the occupation of any flat a Flood Evacuation Plan, binding on the applicants or the successors in title, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented upon the first occupation of the dwellings hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority
- 5 Prior to any equipment, machinery or materials being brought onto the site, details of the method of "no dig construction", shown on drawing SH20371-03, shall be submitted to and approved in writing by the Local Planning Authority
- 6 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the no dig construction and no dig surfacing. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority
- 7 No development above slab level shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial

completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

- 8 No flat shall be occupied until the access and vehicle parking areas have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing, ref: 1311.PLN.306 received on the 13 September 2017. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 10 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing ref: 1311.PLN.306 received on 13 September 2017. These facilities shall be kept available for use in association with the development at all times.
- 11 Any gates provided shall open away from the highway and be set back a distance of at least 7 metres from nearside edge of the carriageway of the adjoining highway as shown on drawing number ref: 1311.PLN.301 received 13 September 2017.
- 12 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 13 The details shown on the Site Set Up Plan, ref: 1311_DF_D100, dated 6 July 2017, and Construction Method Statement, dated July 2017, approved under 17/02345/CONDIT shall be adhered to through the construction period for the development.
- 14 No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include: demonstration of compliance with the appropriate non-statutory technical standards for sustainable drainage systems (March 2015); full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert & cover levels, and drawings as appropriate; full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved, by the proposed surface water drainage system, based on infiltration rates determined by intrusive ground investigations on the site, undertaken in accordance with BRE Digest 365 and; full details of the maintenance arrangements for the development, covering every aspect of the proposed surface water drainage system. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.
- 15 Details of the pergolas and privacy screens, that is their height, intended position and material finish, and which are to be provided at first floor balcony to the east elevation of the building shall be submitted to and agreed by the Local Planning Authority before they are erected as part of it.
- 16 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Informatives

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

- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builder's materials, plant or vehicles related to the implementation of the development should be parked / stored on the public highway so as to cause an obstruction at any time.