

NOTICE
OF
MEETING



MAIDENHEAD DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 6TH JULY, 2016

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT CONTROL PANEL

COUNCILLOR DAVID BURBAGE (CHAIRMAN)
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, GERRY CLARK, DAVID COPPINGER
(DEPUTY CHAIRMAN OF CABINET AND LEAD MEMBER FOR ADULT
SERVICES AND HEALTH), GEOFF HILL (CABINET MEMBER FOR CUSTOMER
AND BUSINESS SERVICES), MAUREEN HUNT, RICHARD KELLAWAY,
PHILIP LOVE, DEREK SHARP, ADAM SMITH, CLAIRE STRETTON AND
LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS PAUL BRIMACOMBE, STUART CARROLL, CARWYN COX, DIMENT,
MOHAMMED ILYAS, MJ SAUNDERS, HARI SHARMA AND LISA TARGOWSKA

Karen Shepherd
Democratic Services Manager
Issued: Tuesday, 28 June 2016

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

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

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AGENDA

PART 1

| ITEM | SUBJECT | WARD | PAGE NO |
|------|---|------|------------|
| 4. | <p><u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning and Development's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm</p> | | 3 - 22 |

Maidenhead Panel

| | |
|------------------|---|
| Application No.: | 16/00984/FULL |
| Location: | Braywick Court School Hibbert Road Maidenhead SL6 1UU |
| Proposal: | Construction of part single part two storey school building (Class D1) with associated external works, following demolition of existing buildings. |
| Applicant: | Bellevue Place Education Trust |
| Agent: | Miss Rebecca Skinner - JLL Ltd |
| Parish/Ward: | Oldfield Ward |

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

1. SUMMARY

- 1.1 Further bat surveys have been undertaken which confirm that bat roosts exist within the buildings proposed to be demolished. The Council's ecologist has advised that if the Panel is minded to approve, the submitted mitigation measures should be implemented as proposed.
- 1.2 A further 13 letters of support and 2 letters of objection have been received since the publication of the main report.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of the main report with the amended condition in section 3 below

2. ADDITIONAL INFORMATION

- 2.1 The bat survey results have now been submitted and confirm the existence of roosts within the buildings proposed to be demolished. The Council's ecologist has advised that the Local Planning Authority (LPA) must give due regard to the full provision of the species protection afforded under the Conservation of Habitats and Species Regulations 2010 (as amended). The LPA must satisfy itself that the proposal adequately addresses the three legal tests before making a planning decision, these are: 1) The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; 2) There must be no satisfactory alternative and, 3) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 2.2 The Council's ecologist has advised that the proposed mitigation measures are acceptable and that the requirements of point 3) above will be met, subject to amended condition 12 and condition 13, as set out in the main report.
- 2.3 In terms of point 1) it is considered that the provision of additional school places, as proposed by the development will have social and economic benefits in the public interest and the use of previously developed land provides benefits of primary importance to the environment. Point 2) is also satisfied as the applicant has demonstrated that there are no alternative sites.

Comments from Interested Parties

2.4 13 additional letters of support have been received, summarised as:

| Comment | Officer response | Change to recommendation? |
|--|------------------|---------------------------|
| There is a pressing need for a school in the area. | Noted | No |
| This green school has significant benefits and being next to Braywick Park is the ideal location. | Noted | No |
| Most of the children are local. | Noted | No |
| Families are committed to using the park and stride. | Noted | No |
| The school has re-invigorated use of the park and nature reserve. | Noted | No |
| The objectors are mainly from Hibbert Road – they do not represent the views of all Braywick residents. | Noted | No |
| Approval of these plans is a fundamental stepping stone to ensure Braywick Park is saved for the current and future children of Braywick. | Noted | No |
| It is upsetting that important Parish Council decisions have been based on presentations of non-factual information and untruths. | Noted | No |
| Families are coping with the uncertainty and constant scrutiny from neighbours because their children are happy and thriving at Braywick Court School. The school provides excellent education and opportunities. | Noted | No |
| BCS is a shining example of how exercise can be incorporated into the daily routine. The walking bus and park and stride have proven to be a huge success and something the school and borough can be very proud of. | Noted | No |
| There are currently not enough school places in Maidenhead. With new development and regeneration of the town the demand for places will increase. | Noted | No |
| Children are our future – Braywick Court is a great school. | Noted | No |
| Please approve the application to enable it to continue the high quality teaching it already provides. | Noted | No |
| The Department of Education has a vision for the next 5 years to provide world class education and care that allows every child and young person to reach his or her potential – that is exactly what BCS is doing. | Noted | No |

2 additional letters of objection have been received, summarised as:

| Comment | Officer response | Change to recommendation? |
|---|------------------|---------------------------|
| The school Travel plan is not enforceable or practical. | Noted | No |
| It is inevitable that if this expansion goes ahead | Noted | No |

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| there will be increased traffic along Hibbert Road. | | |
| There are better alternative sites. | Noted | No |
| The application and report are misleading and untruthful. | Noted | No |
| The case officer's report misuses paragraph 89 of the NPPF, dismissing consideration of the scale and bulk of the building. | Noted | No |
| Parking restrictions along Hibbert Road should not go ahead. | Noted | No |
| Why has the Highway Authority changed its mind? | Noted | No |
| The site is too small and the building constitutes inappropriate development. | Noted | No |

Comments from Consultees

2.5

| Comment | Officer response | Change to recommendation? |
|--|--|--|
| Council's ecologist – No objections subject to conditions. | As set out in paragraphs 2.1 to 2.3 above. | No. Condition 12 in main report amended to exclude references to a mitigation strategy as the ecologist has agreed this. |

3. RECOMMENDED AMENDED CONDITION

- 3.1** Prior to commencement of development a copy of the European Protected Species License for bats, issued by Natural England shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the agreed license. Reason: To ensure that the development will not harm the protected species and its habitat, in accordance with the core principle⁷ of the National Planning Policy Framework.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

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|---|--|
| Application No.: | 16/00973/FULL |
| Location: | Church of Christ Science Marlow Road And The Cloisters Sun Lane Maidenhead |
| Proposal: | Erection of B1(a) office building with associated landscaping, car parking and cycle parking following demolition of existing buildings |
| Applicant: | Mr Richardson |
| Agent: | Mr Asher Ross |
| Parish/Ward: | Belmont Ward |
| If you have a question about this report, please contact: Daniel Gigg on 01628 796044 or at daniel.gigg@rbwm.gov.uk | |

1. SUMMARY

- 1.1** The applicant has provided full details of both the hard and soft landscaping plans, along with external lighting. It has now been demonstrated that a high quality public realm will be secured at this gateway location, as required by the Maidenhead Town Centre Area Action Plan.
- 1.2** In terms of highway matters, an updated Framework Travel Plan has been submitted that has addressed the outstanding shortcomings of the original version. This will be used to inform future Travel Plans that will be secured when an occupier(s) move into the office development. The Highway Authority is also content with the right hand visibility at the junction of Sun Lane/Marlow Road of 2.4m by 32.5m.
- 1.3** The S106 legal agreement is at an advanced stage, however, an extension to the timeframe for it to be signed by the relevant parties has been extended and this is reflected in the recommendation below.

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| It is recommended the Panel authorises the Borough Planning Manager: | |
| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure the off-site public realm improvements referred to at paragraph 6.15 of the main report, the Travel Plan and with the conditions listed in Section 9 of the main report and the additional conditions referred to in Section 3 of this update report. |
| 2. | To refuse planning permission if an undertaking to secure the obligations referred to above has not been satisfactorily completed by 20th July 2016 for the reason that the proposed development would not be accompanied by associated infrastructure improvement. |

2. ADDITIONAL INFORMATION

- 2.1** As set out in the main report, achieving a high quality of the public realm in this highly visible, gateway location is a key requirement of Policy MTC5 of the Maidenhead Town Centre Area Action Plan. In the previous office scheme which was dismissed at appeal, the Inspector considered that there was a conflict with the aforementioned policy because of the lack of space to secure soft landscaping in the appeal scheme which was considered to be necessary in the context of the gateway location.

- 2.2 Since writing the main report, the applicant has provided full details of their public realm improvements. With external lighting, each of the five trees will be lit up by LED lights that will be a warm white colour to give interest to the canopy at night-time.
- 2.3 In terms of the hard landscaping, the applicant has agreed to use stone paving both within the application site and off-site that will match that used in the public realm across the town centre (as has been laid in the pedestrianised part of the High Street).
- 2.4 With the soft landscaping, the applicant has specified the types of plants and trees, and the number of each type. There will be five fastigate oak trees, a yew hedge around the majority of the perimeter of the site facing Sun Lane and Marlow Road, climbers that will grow up part of the building to primarily cover the car park grilles and there will be a mix of other shrub plants to add colour and interest.
- 2.5 It is considered that the hard and soft landscaping proposals, along with the external lighting, will secure a high quality public realm in this important gateway location.

3. **CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

Condition 8 – External Lighting

The external lighting as shown on drawing number L_400 shall be carried out following substantial completion of the development. The external lighting approved shall be under control of light sensor/timer that will enable the light to come on when ambient external light drops at dusk and then turn off as ambient light levels rise at dawn on a daily basis. The development shall be carried out and maintained as such for the lifetime of the development.

Reason: To ensure the building contributes to the visual amenities of the area and because the reasonable protection of the amenities of neighbours is a matter of acknowledged planning importance and part of the principles of good planning practice as set out in national planning policy statement 1. Relevant Policies - Local Plan DG1 and NAP3, and MTCAAP MTC4

Condition 20 – Hard and soft landscaping

The hard and soft landscaping as shown on drawing no.s L_200 Rev E, L_500 Rev C, L_600 Rev A and L_601 Rev A shall be carried out in the first planting season following substantial completion of the development. If 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 and such replacement planting will take place for the lifetime of the office development.

Reason: To ensure a form of development that contributes positively to the character and appearance of the area. Relevant Policies - Local Plan DG1, AAP MTC4, MTC5.

New Condition – Soft landscaping implementation

No development shall commence until full details relating to planting implementation covering matters such as the irrigation system, watering regime, planting stock, quality of soil have been submitted to and approved in writing by the Local Planning Authority. The planting shall be implemented in accordance with the approved details.

Reason: To ensure that the planting will become established to ensure that it contributes positively to the character and appearance of the area.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

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| Application No.: | 16/01667/FULL |
| Location: | Hard Edge 100 - 102 High Street Maidenhead SL6 1PT |
| Proposal: | Construction of building with retail at ground floor and 1 x 1 bed and 4 x 2 bed flats following demolition of existing building. |
| Applicant: | Shenley Estates |
| Agent: | Mr Stephen Harrington - Boyes Rees Architects |
| Parish/Ward: | Oldfield Ward |
| If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk | |

1. SUMMARY

- 1.1** Comments have now been received from Berkshire Archaeology raising no objection subject to a condition to secure the implementation of a programme of archaeological works. A condition to secure this work is recommended. (See condition 9 in section 3 of this report).

There is no change to the recommendation in the main report.

2. ADDITIONAL INFORMATION

2.1 Comments from Consultees

| Comment | Officer response | Change to recommendation? |
|--|--|---------------------------|
| <p><u>Berkshire Archaeology</u></p> <p>Hard Edge lies within the historic medieval settlement of Maidenhead on the High Street, the principal thoroughfare through the town. Prior to the 13th century, the settlement may have been no more than a village but the construction of a bridge over the River Thames in the 13th century was the impetus for the growth and development of the town, primarily as a source of accommodation and servicing for travellers passing from London to the west country. The medieval town straddled the High Street and therefore the application site lies on the frontage of the main medieval street in the town. Historic boundaries are fossilized within some of the property boundaries extending from High Street to West Street. Little</p> | <p>Condition 9 is recommended 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</p> | <p>None.</p> |

| | | |
|--|--|--|
| <p>is known of the archaeology of the town as large parts were developed in the 20th century without any archaeological investigations. However, recently medieval deposits have been recorded in some parts of the town, such as to the rear of 1-3 High Street.</p> <p>As the site lies within an area of archaeological potential; a condition is recommended that will ensure the satisfactory mitigation of any impacts upon buried archaeological remains and advance understanding of their significance in accordance with national planning policy.</p> <p>The scope of any archaeological investigation will depend on details of the demolition and foundation design. It is not clear from the application the scale of any proposed ground works for the scheme and this will influence the scope of any archaeological investigation. This may include exploratory test pits or trenches after demolition but prior to construction and/or a watching brief during ground works.</p> | <p>impact, and to make this evidence (and any archive generated) publicly accessible'.</p> | |
|--|--|--|

3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 9.** No development shall take place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH4.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

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|--|--|
| Application No.: | 16/01236/FULL |
| Location: | Herons Court Terrys Lane Cookham Maidenhead SL6 9RR |
| Proposal: | Erection of new detached dwelling following demolition of existing dwelling and buildings |
| Applicant: | Ms Scott |
| Agent: | Mr Paul Butt - Paul Butt Planning Ltd |
| Parish/Ward: | Cookham Parish |
| 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** Comments from the Council's Arboriculture Officer have been received.
- 1.2** For clarity, the reason for refusal includes undue harm to the visual amenity due to the form and design of the proposed house which would be contrary to the vernacular architecture that is characteristic of the area. This was not included in the summarised reasons in section 1, but included in the recommendation in section 10 of the main report.

There is no change to the recommendation.

2. ADDITIONAL INFORMATION

- 2.1** The following additional consultation comments have been received:

| Comment | Officer response | Change to recommendation? |
|--|-------------------------|----------------------------------|
| Arboriculture Officer Following review of the submitted GHA Trees Tree Protection Plan Rev: A Jan 2016 there are no objections to the proposed scheme subject to the following tree and landscape conditions <ul style="list-style-type: none">- T01A Tree Protection - Details to be submitted- T04A Tree Retention/Replacement- T06A Landscaping Scheme – Details to be submitted | Noted. | No |

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

Application No.: **16/01292/FULL**
Location: **Hedsor Cottage
11 Maidenhead Court Park
Maidenhead
SL6 8HN**

Proposal: **Erection of detached dwelling following demolition of existing garage and annexe**
Applicant: **Mrs Hock**
Agent: **Not Applicable**
Parish/Ward: **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** Since writing the main report for application 16/01292/FULL comments from the Environment Agency, and 3 additional letters from local residents who have previously objected, have been received

There is no change to the recommendation for refusal in the main report, but the reasons recommended for refusal are amended as discussed in Section 2.1 and set out in Section 3 below.

2. ADDITIONAL INFORMATION

- 2.1** The Environment Agency (EA) has objected to the proposal on the basis of an unacceptable Flood Risk Assessment (FRA) by AA Environmental Limited, titled Hedsor Place Maidenhead Flood Risk Assessment and dated 15 December 2014. Paragraph 6.5 of the main report states that the existing ground floor levels of the annexe will be maintained for the new dwelling at 25.43m which is 0.58 metres above the 1 in 100 year (plus climate change) flood level. However, the EA has advised that current allowances for climate change were published on 19 February 2016 and the design of the proposed development and the submitted FRA are based on the previous allowance for climate change which were published in 2013. The application does not fall into any category outlined in the NPPG for any leeway in the transition period, and therefore an assessment should be based on the 2016 allowances for climate change. As such, the applicant has failed to demonstrate through a site-specific FRA that the finished floor levels of the development are set 300mm above the 1% annual probability flood level with an appropriate allowance for climate change and that there is no loss of flood water storage within the 1% annual probability flood extent with an appropriate allowance for climate change. If there is deemed to be a loss of flood water storage it will need to be directly compensated for, or if this is impossible, to detail how associated risks from the chosen form of mitigation can be minimised. This is necessary to prevent the new development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere. The development therefore fails to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and so fails the exception test, which is contrary to paragraph 102 and 103 of the NPPF and Local Plan policy F1.

Comments from Interested Parties

- 2.3** Additional comments received, summarised as:

| Comment | Officer response | Change to recommendation? |
|---|---|----------------------------------|
| Scale, height, forward siting, lack of landscaping to the front and narrower offset from the flank boundary would resulting in harm to local character. | Para. 6.11 of the main report | No |
| Inaccurate streetscene and has produced alternative streetscene for consideration. | Officers do not rely on streetscenes in assessing the merits of a proposal. The streetscene has been included in the panel presentation at the request of the objector / registered speaker. | No |
| Loss of privacy to no. 9 Maidenhead Court Road | Para. 6.15 of the main report | No |
| The loss of existing tree | Para. 6.22 of the main report | No |
| Support the recommended reason for refusal on flooding which supported by recent appeal decisions | Para. 6.3 – 6.9 of the main report | No |

Other Consultees

2.4 The following additional consultation comments have been received:

| Comment | Officer response | Change to recommendation? |
|---|-------------------------|---|
| <u>Environment Agency</u> Objects as per comments in paragraph 2.1 | Noted | No but reason for refusal amended as per wording in section 3 |

3. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

The application site lies within an area at high and medium risk from flooding and the proposal fails the Exception Test as it would not provide wider sustainability benefits to the community that outweigh flood risk and fails to demonstrate that it would not be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 102 and 103 of the NPPF.

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