

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 6TH JUNE, 2018

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<u>PLANNING APPLICATIONS (DECISION)</u> Item 2 – 18/00938 – Green Trees-Widbrook Road-Maidenhead-SL6 8HS - WITHDRAWN	3 - 40

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

6th June 2018

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	18/00864/FULL	Recommendation	PERM	Page No.	11
Location:	Cookham Rise Primary School High Road Cookham Maidenhead SL6 9JF						
Proposal:	Installation of a new outdoor learning classroom						
Applicant:	Mr Jones	Member Call-in:	Not applicable	Expiry Date:	8 June 2018		
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Item No.	2	Application No.	18/00938/VAR	Recommendation	REF	Page No.	17
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS						
Proposal:	Variation of Condition 9 (cycle parking), Condition 10 (refuse and recycling) and Condition 16 (approved plans) of approved application 17/02830/VAR to substitute the approved plan WID/1311_106 with an amended plan 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.						
Applicant:	David Howells	Member Call-in:	Not applicable	Expiry Date:	5 July 2018		
<hr/>							
Item No.	3	Application No.	18/01286/FULL	Recommendation	PERM	Page No.	39
Location:	Holy Trinity CE Primary School School Lane Cookham Maidenhead SL6 9QJ						
Proposal:	Timber cladding to the existing water tower structure and to three sides of the modular building.						
Applicant:	Mr Ansell	Member Call-in:	Not applicable	Expiry Date:	29 June 2018		
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 June 2018

Item: 1

Application No.:	18/00864/FULL
Location:	Cookham Rise Primary School High Road Cookham Maidenhead SL6 9JF
Proposal:	Installation of a new outdoor learning classroom
Applicant:	Mr Jones
Agent:	Not Applicable
Parish/Ward:	Cookham Parish/Bisham And Cookham 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 The proposal is for a single storey modular outdoor learning classroom to be used solely to enhance the existing learning facilities at Cookham Rise Primary School. It will not be used to facilitate an increase in the numbers of pupils and there will be no increase in the level of staffing. The proposed building would not harm the character and appearance of the area, nor the living conditions of any neighbours.

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 application site relates to Cookham Rise Primary School, which is located on the south side of High Road. The site is a rectangular shape, with the existing single storey building occupying approximately one-third of the site. Beyond this are the school's playing fields.
- 3.2 The school building adjoins the local library, but the area is predominantly residential, with dwellings located to the north, east and west of the site. The Alfred Major Recreation Ground lies to the south.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1

Ref.	Description	Decision and Date
16/01360/FULL	Rear classroom extension.	Approved 08.07.16
14/01610/FULL	Installation of roof mounted mechanical ventilation plant and screening.	Approved 31.07.14
11/00144/FULL	Erection of 2 Gazebos.	Approved 01.03.11
10/01272/FULL	Single storey rear canopy area.	Approved 27.07.10
10/01025/FULL	Erection of a log cabin.	Approved 07.07.10
09/01856/FULL	Installation of replacement external play equipment and erection of fence.	Approved 01.12.09
04/41719/FULL	Alterations to door and windows to front elevation of main school building.	Approved 30.04.04

- 4.2 The proposal is for a single storey modular classroom, measuring 12.3m by 6m and 3.2 metres in height. The new building is to be used as an outdoor learning area for the school and is to be used solely to enhance the existing learning environment, rather than as part of an expansion involving additional pupils or staff.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

Within settlement area	Community Facilities
DG1	CF2/3

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
Community Facilities	IF 7

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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination.

The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP 2, SP 3 and IF 7 in this case. The application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- Sustainable Design and Construction;
 - Cookham Village Design Statement.

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 The impact on the character and appearance of the area;
- ii The impact on the amenities of neighbours; and
- iii Parking.

The impact on the character and appearance of the area

6.2 The proposed classroom would be located to the rear of the existing school buildings, adjacent to the north-east side boundary that runs alongside Worster Road. The building will be largely invisible from public vantage points around the site due to its low lying design and distance from most of the boundaries – it will be at least 50m from the north, east and south boundaries, and would be positioned behind a 4m high hedge along the east boundary. Given the small scale of the building, distance from boundaries and boundary treatment, it would have no adverse impact on the character and appearance of the area.

The impact on the amenities of neighbours

6.3 The proposed classroom would be approximately 12m from the nearest residential property (Laburnham, Worster Road). Given the separation distances involved, the proposal will not harm the living conditions of any neighbours in terms of loss of light, by appearing overbearing or by resulting in loss of any sunlight or daylight.

Parking

6.4 The proposed classroom is to provide an outdoor learning area to enhance the facilities at the school. It will not lead to the increase in numbers of employees at the school and as such does not give rise to a need for any additional parking. The Highway Authority has raised no objections to the proposal.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 Given the nature of the development is not liable for financial contributions.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

19 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 10th April 2018.

No letters of representation have been received.

Consultees responses

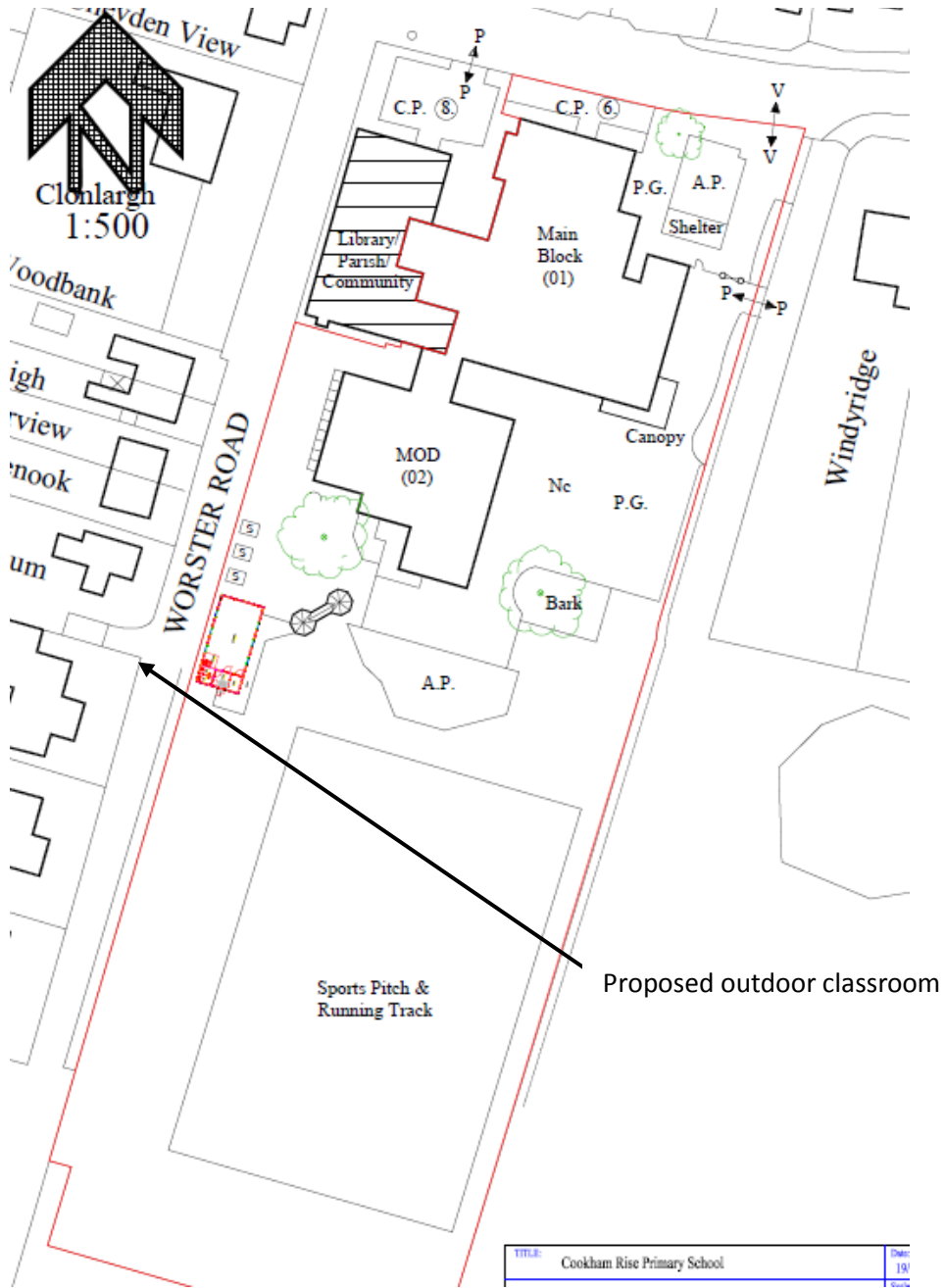
Consultee	Comment	Where in the report this is considered
Cookham Parish Council	No comments received.	-
Highway Authority	No objections.	6.4
Environmental Protection	Recommends planning conditions in respect of construction working hours, collections during demolition and construction hours, plus and dust and smoke control informatives.	None of these suggested conditions are considered necessary to impose on any approval due to the nature of the proposals.

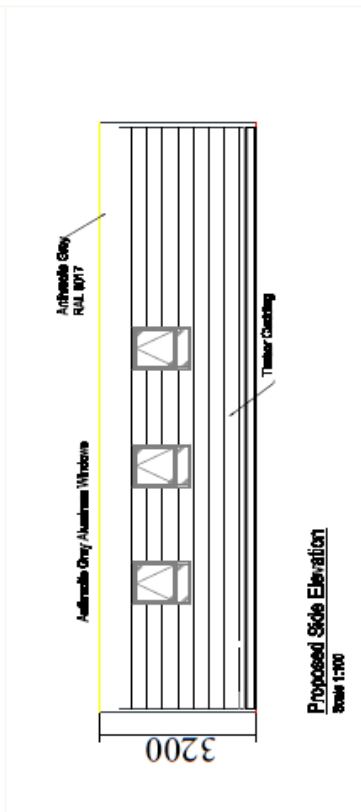
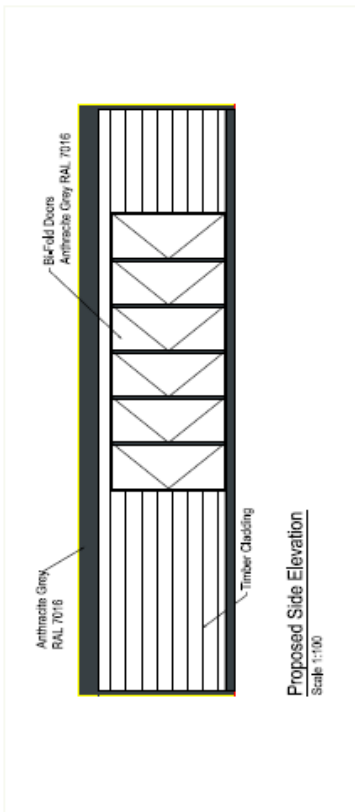
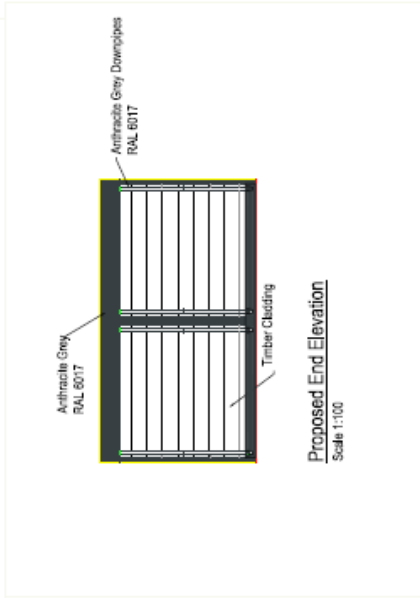
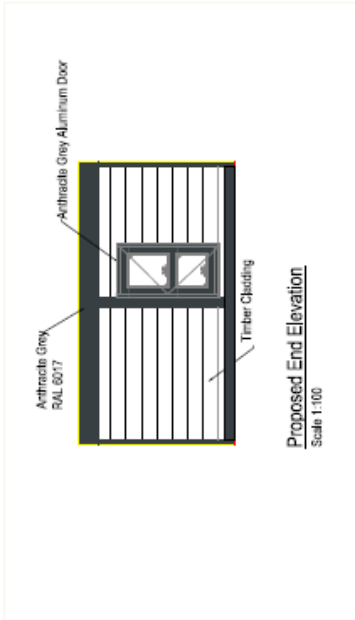
9. APPENDICES TO THIS REPORT

- Appendix A - Site plan
- Appendix B – Proposed plan and elevation drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.





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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 June 2018

Item: 2

Application No.:	18/00938/VAR
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS
Proposal:	Variation of Condition 9 (cycle parking), Condition 10 (refuse and recycling) and Condition 16 (approved plans) of approved application 17/02830/VAR to substitute the approved plan WID/1311_106 with an amended plan 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.
Applicant:	David Howells
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside 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 The application seeks to vary conditions 9 (cycle parking), 10 (refuse and recycling) and 16 (approved plans) of application 17/02830, (which was itself a variation to application 16/00811). However, the scale and design of the proposed carport is significantly different from that originally approved under application 16/00811 and varied by application 17/02830. As such, the proposal is not considered to be a minor material amendment and not acceptable as a S.73 minor material amendment.
- 1.2 In addition, the proposed carport by reason of its siting, scale and design would not respond to local character or add to the overall quality of the area, but would appear incongruous in the street scene and result in a cramped, overdevelopment of the site detracting from the distinctive spacious and leafy character of the area.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):	
1.	The proposal is not a minor material amendment and therefore not acceptable as a S.73 application.
2.	The proposal would harm the character and appearance of the area and is contrary to policies DG1, H10 and H11 of the Local Plan, SP 2 and SP 3 of the submission version of the Borough Local Plan and paragraphs 58 and 64 of the NPPF.

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 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 with the block of 12 flats (allowed on appeal) currently under construction. The site is located in a residential area approximately 600 metres from the River Thames.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The original application, 16/00811/FULL, to which this proposal relates, was 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. That application was refused by the Panel in 2016 on the grounds that the scale and appearance of the building (the flats) would be harmful to the character of the area. The application was subsequently allowed on appeal in July 2017.
- 4.2 Planning permission to vary the plans approved under 16/00811 was granted by the Panel under application 17/02830 in October 2017.
- 4.3 This application seeks to vary conditions 9 (cycle parking), condition 10 (refuse and recycling) and condition 16 (approved plans) of application 17/02830. The variation would allow for the approved carport and associated cycle and bin store to be further amended.
- 4.4 The carports (two) approved under 17/02830 each measured 16.95m wide, 5.5m deep and 4m high. The single carport proposed by this application would replace the two car ports previously proposed and would measure 34.9m wide, 6.8m deep and 5m high and would be positioned immediately adjacent to the east side boundary.

4.5

Ref.	Description	Decision and Date
18/00795/CONDIT	Details required by condition 2 (materials samples), 3 (finished slab levels), 5 (method of no dig construction), 6 (tree protection), 7 (hard and soft landscaping), 12 (existing access), 14 (SUDs) and 15 (pergolas and privacy screens) of planning permission 17/02830/VAR.	Pending determination.
17/02924/CONDIT	Details required by condition 3 (external materials), 4 (finished slab levels), 6 (method of no dig construction), 8 (hard and soft landscaping), 9 (access, vehicle/cycle parking areas) of planning permission 16/00811.	Approved 20.02.18.
17/02830/VAR	Variation of application 16/00811 to replace approved plans with amended plans.	Approved 2.11.17.
17/02345/CONDIT	Details required by condition 12 (Construction Method Statement) of planning permission 16/00811.	Approved 15.09.17.
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

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections: Core Planning Principles and 7 (requiring good design).

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	Flooding
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
Manages flood risk and waterways	NR1
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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination.

The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP 2 Sustainability and Place Making and SP 3 Character and Design of New Development in this case. The application is not considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on this document 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 Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the proposal is acceptable for consideration as a S73. Application;
- ii The impact of the proposal on the character and appearance of the area;
- iii The impact on the living conditions of occupiers of neighbouring properties;
- iv The acceptability of the parking provision;
- v Flood risk; and
- vi Other material considerations.

Whether the proposal is acceptable for consideration as a S73. Application

- 6.2 Planning permissions are required to be implemented as approved. However, it is recognised that in some cases unforeseen circumstances may arise that call for a flexible approach to be taken. Section 73 of the Town and Country Planning Act (TCPA) 1990 provides some flexibility to enable 'minor material amendments' to be made to extant planning permissions by, for example, making changes to the plans originally approved under an existing permission. These S.73 applications are often referred to as variation applications, hence the suffix VAR to this application number. National Planning Policy Guidance on this type of application advises "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged."
- 6.3 The original planning permission for the development under construction on site (allowed on appeal) and to which this application, relates was 16/00811/FULL. This was varied by way of a S73 application reference 17/02830/VAR, (as per the report set out in Appendix C), and resulted in a new planning permission that included changes to the carports. Notably, however, while the Planning Inspector referenced (and approved) a plan (that was revealed by 17/02830 to be in relation to the carports) this was not submitted to the Council either originally with the application or at the appeal. A copy of this original plan does not exist with the Council under application 16/00811 nor is it available on the Planning Inspectorate's website under the appeal for this application.
- 6.4 Perhaps confusingly given application 17/02830, the applicant applied to discharge some of the planning conditions in relation to the original permission 16/00811, under application reference 17/02924. This conditions application included details of the hard and soft landscaping to be approved. The original plan submitted with the application showed the substantial hedge and trees along the southern and western boundaries to be retained and protected during

construction. However, a further landscaping plan was submitted showing this vegetation to be removed and replaced with a 100 – 125cm *Prunus lustinica*. Although the Tree Officer's advice was not given in relation to the revised scheme, previous advice on the original application was that there was no guarantee that the hedges and trees along the southern and western boundaries could be retained due to insufficient space remaining to construct the flats.

- 6.5 This current application is now seeking to vary the earlier variation application. As planning permissions 16/00811 and 17/02830 represent a 'fallback' position for the applicant, i.e. the development that has been approved to date and that can be implemented, they are material to the consideration of the current application. The justifications for the previous approvals, particularly the appeal, also remain relevant to the consideration of the current variation application. Under 'Reasons' in the decision letter, the Planning Inspector advises "The western, southern and eastern boundaries of the site are enclosed by mature landscaping and consequently there is very little visual exposure of the site from Sheepphouse Road or neighbouring gardens". The Inspector adds that although there is no dispute that there would be a significant uplift in density at odds with the character of the immediate area, "the development with its single central doorway would appear in most views as a detached residence similar, albeit larger, to the existing dwelling as opposed to a block of flats." Paragraph 10 of the Inspector's decision advises that "the height and maturity of the landscaping along Sheepphouse Lane would provide effective year round screening. Given its orientation to Widbrook Road and the potential for existing frontage landscaping to be supplemented as part of a comprehensive landscaping scheme, I do not consider the parking area would be particularly prominent in the street scene and would only be readily seen in views through the access."
- 6.6 The scale and design of the proposed carport is significantly different from that originally approved under application 16/00811 and varied by application 17/02830. In addition, having regard to the Planning Inspector's reasoning (a copy of the appeal decision is in Appendix D), based in part on the retention of mature landscaping to the site's boundaries, the context in which the appeal was allowed has materially changed, albeit lawfully. As such, the proposal is not considered to be a minor material amendment and not considered acceptable as a S.73 application.
- 6.7 It should be noted that while the proposal is not considered acceptable as a S.73 application, it remains that the applicant could submit a full application under S.70 of the TCPA.

The impact of the proposal on the character and appearance of the area

- 6.8 The application site is located within an area identified in the RBWM Townscape Assessment (2010) as a 'Leafy Residential Suburb'. These areas are described as being "low density residential suburbs comprising large detached houses in spacious irregular well treed plots, typically dating from the early 20th Century to the present day. The type is defined by large properties set well back from the road, behind dense/high ornamental hedges with gravel drives and gates. These suburbs are neat, manicured and managed, with a private character". The Townscape Assessment (TA) advises that the Leafy Residential Suburbs seem to be relatively stable in terms of change, but are under threat by development intensification, including subdivision of plots and extensions to dwellings or subdivision of properties into flats, and modern development with open or 'urbanised' frontages such as parapet walls, open gardens frontages and extensive hardstanding, which detract from the 'leafy' character.
- 6.9 As outlined earlier in this report, the Planning Inspector's reasons for allowing the development were based on the original application's proposal to retain the mature boundary landscaping and the appearance of the main building as a single residence rather than a block of flats.
- 6.10 Notwithstanding that the trees were not protected by a preservation order or from being in a Conservation Area, the applicant showed the boundary trees to be retained under applications 16/00811 and 17/02830, and on the landscaping plan originally submitted under conditions application 17/02924. However, and as originally advised by the Council's Tree Officer under application 16/00811, it became apparent that the boundary trees were unlikely to be retained given the proximity of the flats to them and they were removed. This mature landscaping referred to in the Inspector's decision was a key feature of the site that made an important contribution to

the leafy character of the area. As a result, it is no longer the case that “there is very little visual exposure of the site”, (according to the Planning Inspector). Instead views of the application site will be far more open allowing the development to be easily read against the wider and contrasting character of the area.

- 6.11 This application is concerned with the impact of the proposed amended carport. In comparison to the previously approved carports, the new structure would be 1m longer, 1.3 metres deeper and 1 metre higher with a 2 metre high centrally positioned dovecote. On the face of it, this does not appear materially different. However when regard is had to the total scale of the structure, (which would be 34.9m wide, 6.8m deep and 5m high, plus dovecote), its position 0.5m from the east side boundary, (compared to 1.5m previously approved), together with the more open nature of the site, lack of space for meaningful landscaping, the scale of the block of flats and amount of hardstanding, the result is one of a clearly overdeveloped site, in a prominent location at the junction of Widbrook Road and Sheephouse Road. The carport, which would not have been previously apparent from outside of the site, will extend 3.2m above the boundary fencing with at least half of its length visible from the east and north-west. The addition of a 2m high dovecote on top, and in the centre, of the carport roof would further highlight the scale of the building. Not only is this size of outbuilding out of character with the area, it would draw attention to the fact that the development is not a single residence (as justified by the Planning Inspector) but in fact a block of flats; A single residence does not normally require a carport or garage of this size and scale, or if it does it is set within a much more spacious plot.
- 6.12 Essentially, the proposed larger carport structure by reason of its siting, scale and design, would not respond to local character or add to the overall quality of the area, but would appear incongruous in the street scene and result in a cramped, overdevelopment of the site, detracting from the distinctive spacious and leafy character of the area. As such the proposal is contrary to policies DG1, H10 and H11 of the Local Plan, SP 2 and SP 3 of the submission version of the Borough Local Plan and paragraphs 58 and 64 of the NPPF.

The impact on the living conditions of occupiers of neighbouring properties

- 6.13 The closest residential property to the proposed carport would be ‘Riversdale’ which lies immediately to the east approximately 1.8m away. Given its close proximity, height and length, the carport would be clearly visible from three sides of the neighbouring property. However, as the main front and rear aspects of this property would remain largely open, and having regard to the ridge height of the carport at 5m, the development would not appear unduly overbearing. The position of the neighbouring property to the east and the height of the carport means that the proposal would also not result in unacceptable loss of sunlight or daylight to ‘Riversdale’. No loss of privacy will arise as a result of the proposal.
- 6.14 Overall, it is not considered that the proposed carport would harm the living conditions of the neighbours.

Parking provision

- 6.15 The Highway Authority has provided the following advice: Condition 9 (Cycle Parking) Drawing number 1311.PLN.G02 shows a cycle store will be provided which will accommodate 12 cycle spaces. This complies with the Local Authorities current standard. The applicant should provide a wider entrance to the cycle store to enable easier access to and from the store.
- 6.16 Condition 10 (Refuse and Recycling) Drawing number 1311.PLN.G02 shows a large refuse store will be provided to the front of the site which will be provided with a double door. This is accepted.
- 6.17 Condition 16 (approved plans): From scaling drawing number 1311.PLN.G02 each car port measures internally 3.0m x 6.0m. This is accepted. 22 car parking spaces are still provided as agreed under 17/02830.
- 6.18 The Highway Authority offers no objection to conditions 9 (Cycle Parking), 10 (Refuse and Recycling) and 16 (Approved Plans).

Flood risk

- 6.19 The increase in the depth of the proposed carport, bin and cycle store by 1.3m would increase the footprint of the building by 45sq.m. However, given the site's location on a 'dry island' the proposal is not considered to compromise flood capacity. The Lead Local Flood Authority has advised under this application that the proposal is unlikely to have an impact on the surface water drainage strategy and therefore has no objection to the proposal.

Other Material Considerations

- 6.20 Advice from the Tree Officer is awaited and will be reported by way of a Panel Update.
- 6.21 The proposal is liable to the Council's Community Infrastructure Levy (CIL) chargeable at £100 per square metre. Any amount confirmed under applications 16/00811 and 17/02830 will be adjusted as necessary.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

26 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12th April 2018.

4 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	There is no evidence that any carports have been previously approved.	6.3
2.	The large roofscape will increase surface water on the site.	6.19
3.	Carports will make turning within the site more difficult and combined with the security gates will lead to cars being parked on Widbrook Road, leaving insufficient width for two cars to pass causing potentially dangerous traffic conflicts at the junction with Sheephouse Road.	6.15 – 6.18
4.	The addition of carports will intensify the visual massing of building on the site and add to uncharacteristic intensity of building on this site contrasting unacceptably with the surrounding area.	6.11
5.	Instead of a green hedge along the boundary with the neighbour there will be a tall, continuous wall and pitched roof of 30m long intruding into the otherwise open front garden areas along Widbrook Road. Much was made in the appeal submission that the open areas to the front of properties would be retained – the proposal ignores this important design approach.	6.11 – 6.12
6.	The continuous submission of various applications for this site makes it very difficult for local residents to understand what is being implemented.	6.2 – 6.5
7.	What is now proposed is significantly more dramatic in its adverse impact on site and local character than the original approval that it is not acceptable as a S.73 application.	6.6
8.	There should be no carports on this site as they will restrict the amount of space available for parking	6.15 – 6.18
9.	The parking provision is insufficient and will lead to on-street parking on Widbrook Road, which is a dangerous to pedestrians and drivers.	6.15 – 6.18
10.	The limited space within the carport will lead to people parking elsewhere, such as on Widbrook Road.	6.16 – 6.18

11.	The turret on the roof should be removed.	6.11
12.	These are garages without doors. Doors will be added later and these garages will not be used for parking leading to problems with parking on Widbrook Road.	6.15 – 6.18

Consultee responses

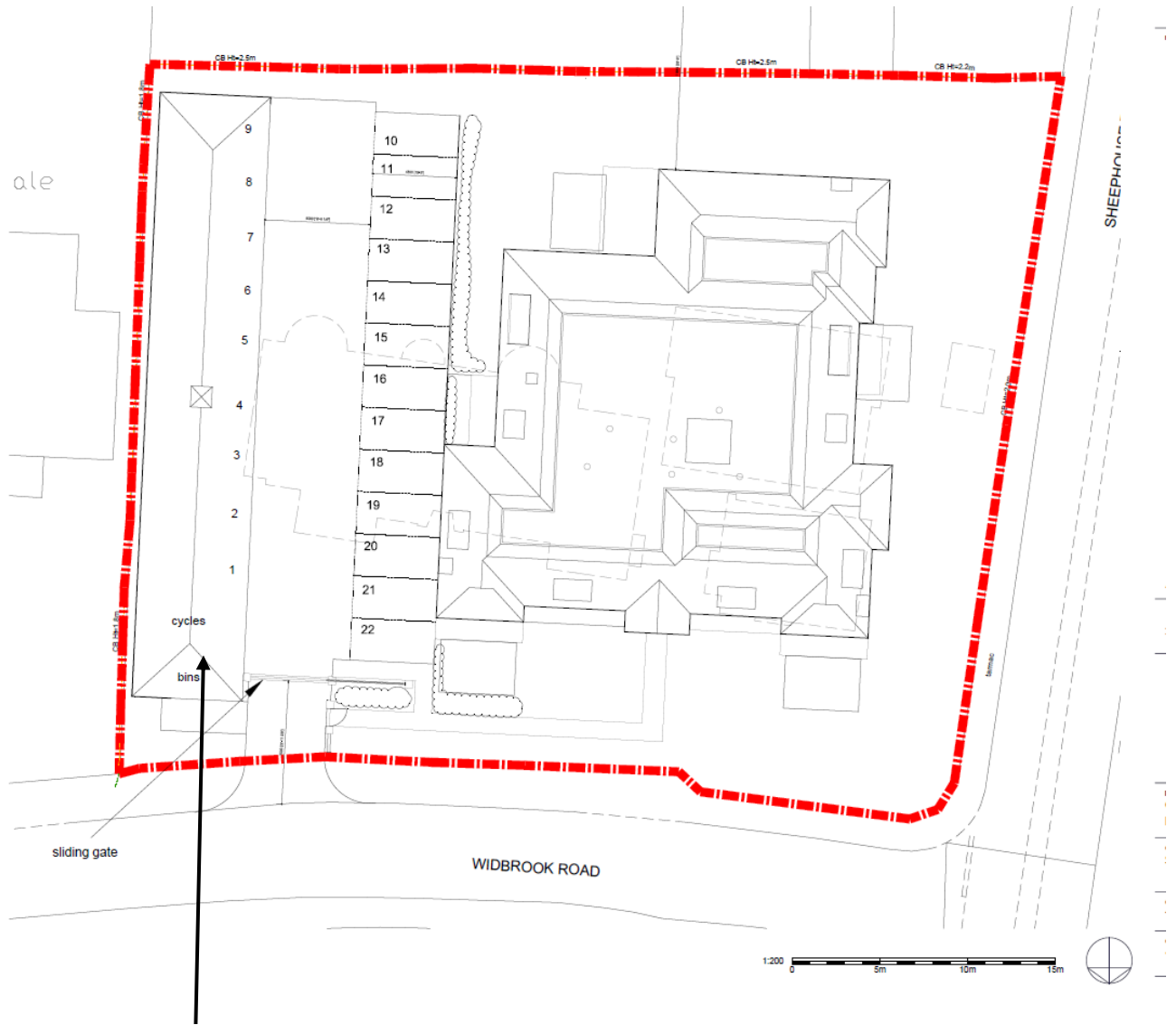
Consultee	Comment	Where in the report this is considered
Highway Authority	No objection.	6.15 – 6.18
Lead Local Flood Authority	No objection.	6.19
Tree Officer	Advice awaited – to be reported in Panel Update.	

8. APPENDICES TO THIS REPORT

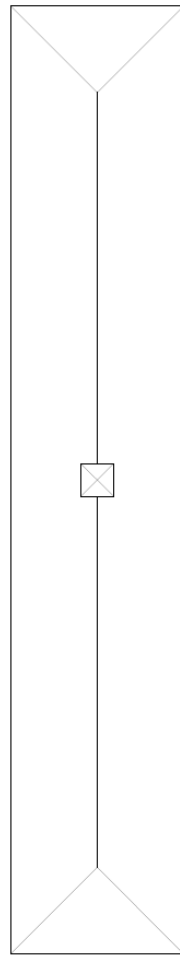
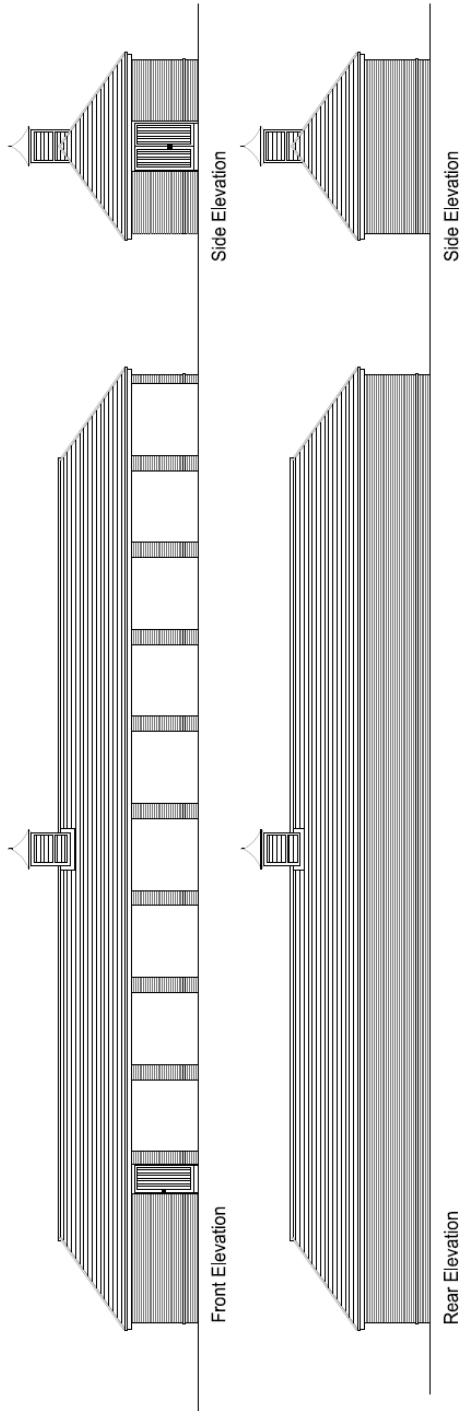
- Appendix A - Site location plan and proposed site layout
- Appendix B – Proposed plan and elevation drawings
- Appendix C – Copy of Panel report for 17/02830
- Appendix D – Copy of appeal decision

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

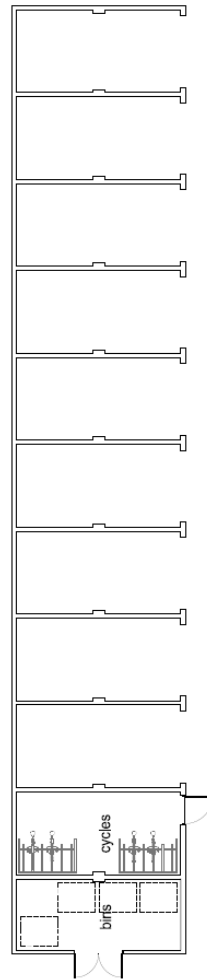
- 1 Having regard to the appeal decision for application 16/00811/FULL, subsequently varied by application 17/02830/VAR, which was based in part on the retention of mature landscaping to the site's boundaries, the Local Planning Authority considers the context in which the appeal was allowed has materially changed. In addition, the scale and design of the proposed carport is significantly different from that originally approved under application 16/00811 and varied by application 17/02830. As such, the proposal is not a minor material amendment and not acceptable to be considered and determined as a S.73 application.
- 2 The proposed carport structure, by reason of its siting, exposed appearance, scale and design, would not respond to local character or add to the overall quality of the area, but would appear incongruous in the street scene and result in a cramped, overdevelopment of the site, detracting from the distinctive spacious and leafy character of the area. As such the proposal is contrary to adopted policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including alterations, adopted 2003), policies SP 2 and SP 3 of the submission version of the Borough Local Plan and paragraphs 58 and 64 of the National Planning Policy Framework.



Proposed carport, bin and cycle store



Roof Plan



Plan

SHANLY HOMES	17.01.2018	1:100(1:200)
Greenleaf, Widdbrook Road	17.01.2018	1:100(1:200)
Planning, Bins and Cycles		

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.
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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	Approved – 28.04.1982

1

	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.	
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
- 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
- Alteration of window style of full height windows
- Hanging tiles and brickwork instead of render to projecting element at southern end

South (rear) Elevation

- Addition of screen panel to balcony instead of continuation of the wall

East (Rear) Elevation

- Removal of render at southern end
- Widening of full height windows

General

- Addition of a gate to vehicular access (to comply with condition 10)
- Alteration to car parking layout and increase in hardstanding adjacent to the bin store
- 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.modemgov.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:

- Section 73 Amendment
- Flood Risk
- Design and Appearance
- Trees
- Highway Safety and Parking
- 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.

4

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- 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 complies 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

- Appendix A – Site location plan and site layout
- Appendix B – Approved plans under 16/00811/FULL
- 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

7

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.

8

Appeal Decision

Site visit made on 5 June 2017

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2017

Appeal Ref: APP/T0355/W/16/3166141
Green Trees, Widbrook Road, Maidenhead SL6 8HS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kingsway Homes (Berkshire) Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00811, dated 10 March 2016, was refused by notice dated 9 September 2016.
 - The development proposed is the erection of a new building comprising 10no two bedroom flats and 2no one bedroom flats with associated vehicular access, car parking, refuse and cycle storage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new building comprising 10no two bedroom flats and 2no one bedroom flats with associated vehicular access, car parking, refuse and cycle storage at Green Trees, Widbrook Road, Maidenhead SL6 8HS in accordance with the terms of the application, Ref 16/00811, dated 10 March 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Amended/additional plans including computer generated images of the development were submitted to the Council on 25 August 2016. However, it is apparent from the Decision Notice that these were not considered by the Council. The amended plans have been submitted as part of the appellant's appeal submission. Although the appellant company has not explicitly stated that the amended drawings supersede those considered by the Council, I am satisfied based on comments in the Grounds of Appeal that this is the intention. Having regard to the principles set out in the Wheatcroft judgement¹, I am content that the amended drawings do not materially affect the substance of the proposal. In any event, local residents as well as the Council have had the opportunity to submit comments on the amended plans at the appeal stage. In these circumstances, no injustice would be caused if I were to consider the amended/additional plans.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

¹ *Bernard Wheatcroft Ltd v SSE (JPL 1982)*.

Reasons

4. The appeal site comprises a substantial detached residence located at the corner of Widbrook and Sheephouse Roads to the north of Maidenhead town centre. The western, southern and eastern boundaries of the site are enclosed by mature landscaping and consequently there is very little visual exposure of the site from Sheephouse Road or neighbouring gardens. The northern site boundary fronting Widbrook Road is more open and allows for an appreciation of the existing dwelling.
5. The appeal scheme involves the demolition of the existing dwelling and outbuildings and the erection of a 3-storey building containing 12 flats the majority of which would be 2 bedrooms. Car parking, refuge and cycle stores would be provided along the eastern site boundary from a relocated access point from Widbrook Road. Outdoor amenity space would be located to the front, rear and side (west) of the building. It is apparent from the Council's submissions that the principle issue is the scale of the building and its subsequent effect on the Widbrook Road street scene.
6. Policy DG1 of "*The Royal Borough of Windsor and Maidenhead Local Plan 2003*" (the LP) is a wide ranging design policy that sets out the relevant guidelines by which development proposals will be assessed. Amongst other things it states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. In a similar vein, LP Policy H10 seeks high quality design that creates a diverse and attractive residential environment. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
7. In this case there can be no dispute that there would be a significant uplift in density. This in itself would be at odds with the character of the immediate area which comprises detached family dwellings occupying spacious rectangular plots. However, the development with its single central doorway would appear in most views as a detached residence similar, albeit larger, to the existing dwelling as opposed to a block of flats. Accordingly I am not persuaded that the density of the development *per se* is a reason to dismiss the development out of hand. In any event, the Council concede that a higher density would assist in meeting identified housing needs in the area.
8. The question then arises as to whether the density and the appearance of the building itself would cause unacceptable harm to the character of the area which is residential in nature with considerable variety in terms of the height and style of buildings. Whereas larger dwellings and plots tend to prevail along Widbrook Road, to the south is a row of dormer bungalows. Thus there is not a characteristically uniform grain of development in the vicinity. I have noted the Council's criticisms of the building's appearance. However to my mind the building has been carefully designed to incorporate elements of the existing dwelling such as projecting gables, stepped elevations and prominent chimney stacks. Whilst I did not observe any dormer windows to the existing house, it was evident that such features are commonplace in the locality. Although balconies are perhaps more unusual, the appellant has drawn my attention to a

prominent flatted development a short distance to the south² where such features have been accepted by the Council.

9. There can be little doubt that the building would be significantly larger than its neighbours but that is also the case now. The appeal site is spacious and even with the additional footprint proposed there would be suitable and sufficient areas of private circulation and amenity space about the building. The computer generated images submitted by the appellant demonstrate that the use of contrasting materials, recessive elements, balconies and symmetrical fenestration patterns would all help provide articulation particularly to the facade and help to break up the mass of the building. The images also show that in those public views from Widbrook Road the bulk and general appearance of the building would not differ significantly from the existing building.
10. Although the north-west corner of the building would rise to 3 storeys there is not a strong uniformity in the height of buildings locally. The height and maturity of the landscaping along Sheephouse Lane would provide effective all year round screening. Given its orientation to Widbrook Road and the potential for the existing frontage landscaping to be supplemented as part of a comprehensive landscaping scheme, I do not consider the parking area would be particularly prominent in the street scene and would only be readily seen in views through the access.
11. Overall, there would be some change to the character and appearance of the area, however, the area is not subject to any special designation and a certain degree of change or diversity is inevitable as reflected in the wording of Policy H10. In this case, I find that the degree of change would not be at a level to bring the proposal into conflict with the development plan. I therefore conclude that the development would not cause unacceptable harm to the character and appearance of the area. It would thus accord with Policies DG1, H10 and H11 of the LP.

Other Matters

12. I have noted concerns about the effect of the development on the living conditions of neighbouring occupiers. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I can understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council.
13. Whilst the Council initially had concerns about the flooding implications of the proposal. These were addressed by a Flood Risk Assessment and not carried forward as a reason for refusal.

Conditions

14. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*". In some instances I have amended the conditions provided by the Council in the interests of brevity.
15. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed conditions relating to external facing materials,

² 51 Lower Cookham Road LPA Ref: 07/02579/FULL

landscaping and finished floor levels to ensure the satisfactory appearance of the development. Conditions pertaining to the provision of surface and foul water drainage systems as well as a Flood Evacuation Plan are necessary to ensure satisfactory drainage of the site and in the interests of flood prevention.

16. Conditions relating to protective fencing and the method of no-dig construction are necessary to ensure the long term retention of trees on the site. A condition requiring the access and parking areas to be made available prior to first occupation is necessary to ensure the development does not result in on-street parking around the Widbrook/Sheephouse Road junction. To prevent vehicles stopping on the carriageway I have imposed a condition relating to the set back of any entrance gates. A condition relating to the stopping up of the existing access and subsequent reinstatement of the verge is necessary both in the interests of highway safety and visual amenity. To protect the living conditions of local residents I have imposed conditions relating to a Construction Method Statement and the privacy screens.
17. There is a wide verge fronting the site and therefore a condition relating to visibility splays is unnecessary. The bin store is shown on the layout plan and therefore captured by the plans condition. A separate condition relating to hard surfacing is unnecessary as these matters can be dealt with by my condition 9 or 14.

Conclusion

18. In reaching my decision I appreciate the strength of opposition to the proposal from the local community and have taken account of the wide range of specific concerns that have been raised. However, I find that the proposed development would not have an unacceptable effect on the character and appearance of the area and there are no other factors which would justify withholding planning permission.
19. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 June 2018

Item: 3

Application No.:	18/01286/FULL
Location:	Holy Trinity CE Primary School School Lane Cookham Maidenhead SL6 9QJ
Proposal:	Timber cladding to the existing water tower structure and to three sides of the modular building.
Applicant:	Mr Ansell
Agent:	Not Applicable
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward
If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

1. SUMMARY

- 1.1 The timber cladding to the modular unit and water tower would improve the appearance of the buildings, and would preserve and enhance the character of the Cookham High Street Conservation Area.

<p>It is recommended the Panel delegate authority to the Head of Planning to grant planning permission with the conditions listed in Section 9 of this report, following the end of the consultation period on 8 June 2018, provided no representations are received which would necessitate a different decision.</p>

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a primary school located on the edge of the Cookham High Street Conservation Area. The main school buildings and water tower are brick built, while the modular unit to the rear is made of pre-fabricated "Stenni" render panels.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to clad the water tower structure, and three sides of the modular unit with timber cladding. It will be contemporary vertical boarding in Cedar or similarly environmentally friendly timber.
- 4.2 No relevant planning history

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 17, 56-58, 64.

Royal Borough Local Plan

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

Within settlement area	Community Facility
DG1	CF2

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

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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2 and SP3 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:

More information on this document 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:

- whether the proposed timber cladding would be in keeping with the character of the area; and
- whether the proposal would preserve or enhance the Cookham High Street Conservation Area.

Character

- 6.2 The RBWM Townscape Assessment June 2010 does not give specific guidance on the school or its modular building. However, it is considered that the proposed timber cladding to a modern modular building, which currently has a pinkish cladding, and to the water tower, would be an improvement to the current appearance of these buildings. It should be noted also that they are only really visible from within the school site, and are hardly visible from School Lane.
- 6.3 The Cookham Village Design Statement states that the buildings of Holy Trinity Primary School ‘present an enthusiastic modern extension around an imposing mid-Victorian and highly decorative structure’. The parts to be clad are not part of the original Victorian structure. Guidance G7.1 states that any proposals for development in Cookham Village should have regard to the General Guidance of Section 6 and all other relevant Guidance Points in the Village Design Statement. It also states that the Council should have regard to the impact of the proposal on the specific locality with reference to any description of that particular locality in the Village Design Statement, including any special constraints noted. Guidance G6.3 states that materials should complement those most commonly used throughout Cookham, i.e. red brick, clay tiles, exposed timbers, white washes or rendering and natural surfaces. Guidance G6.5 states that new development should adhere as far as possible to Cookham’s built-colour palette of weathered red, beige, white, brown, grey and black. In this case, the use of timber would comply with Guidance G6.3 and G6.5, and it is noted that the modular building currently does not comply with this guidance.
- 6.4 The proposal is considered to comply with Local Plan policies DG1 concerning good design and CF2 concerning improvements to community facilities.

Impact on the Cookham High Street Conservation Area

- 6.5 The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The school is on the edge of the Cookham High Street Conservation Area. This Conservation Area shows a variety in architectural styles from the Norman period to the present day. School Lane in particular shows examples of some timber clad properties and so the proposal to clad the water tower structure and the modular building to the rear of the school with timber would be considered acceptable. It is a reversible process and the cladding would improve the appearance of the modular building which is presently of “Stenni” pre-fabricated render panels. Furthermore, the panelling is on the later addition to the non-designated heritage asset and will therefore not cause harm to the original architecture of Holy Trinity School. The modular building is a modern addition to the school, and the water tower is not part of the original Victorian Building, and they are both hardly visible from the public realm. It is considered that the introduction of timber cladding to the modern modular building and the water tower would be an improvement to the appearance of the buildings which would enhance the character of the Cookham High Street Conservation Area.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 10.5.2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 17.5.2016

No comments were received.

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comment	-

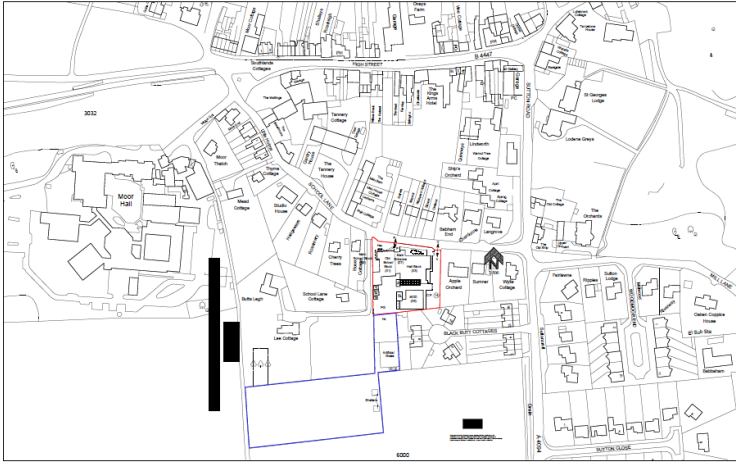
Conservation Officer	No objection	6.5
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8. APPENDICES TO THIS REPORT

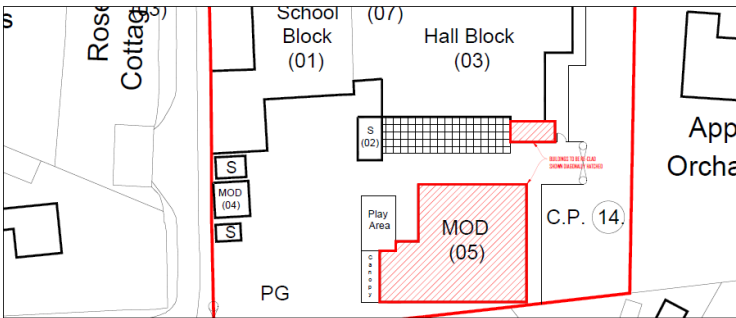
- Appendix A - site location plan and site layout
- Appendix B – plan drawings
- Appendix C – elevation drawings

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 A sample and details of the proposed timber panelling shall be provided and prepared on site and approved by the Local Planning Authority in writing prior to the commencement of related work. The work shall be undertaken in accordance with the approved details.
Reason: To preserve or enhance the character of the Conservation Area. Relevant Policies - Local Plan CA2.
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

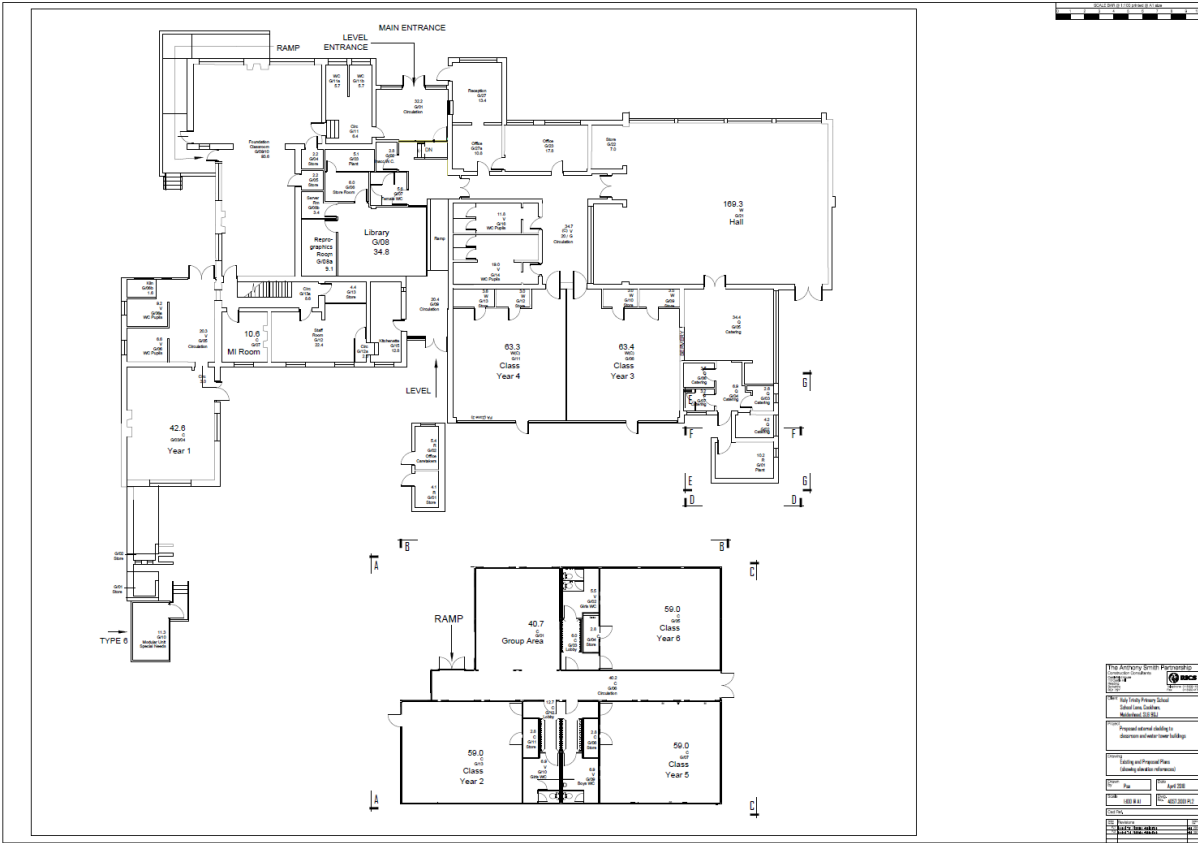


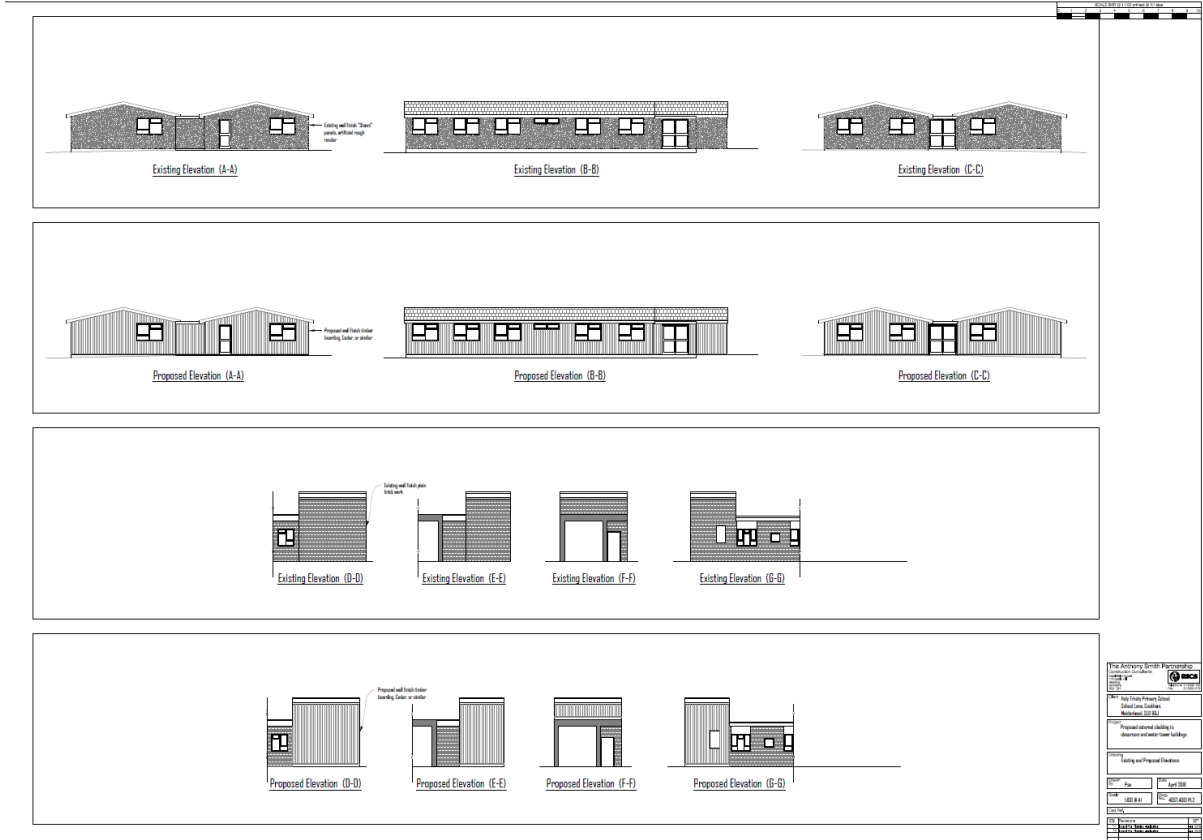
Site and Location Plan (1:1250)



Site Plan (1:200)

100% Authority Search 100% Planning 100%	
100% Full Title, Primary School 100% Planning Conditions 100%	
100% Planning and Building 100%	
100%	
Location and Site Plan Date: 10/10/18 100%	
100%	
100%	
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