

NOTICE
OF
MEETING

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**MAIDENHEAD AREA DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 29TH MAY, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DONNA STIMSON (CHAIRMAN), LEO WALTERS (VICE-CHAIRMAN), MANDY BRAR, JOHN BALDWIN, GURPREET BHANGRA, PHIL HASELER, GEOFF HILL, ANDREW JOHNSON, JOSHUA REYNOLDS, CHRIS TARGOWSKI AND HELEN TAYLOR

SUBSTITUTE MEMBERS

COUNCILLORS CATHERINE DEL CAMPO, DAVID CANNON, STUART CARROLL, CLIVE BASKERVILLE, MAUREEN HUNT, SIMON BOND, ROSS MCWILLIAMS AND GURCH SINGH

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

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 or contact the Panel Administrator **Shilpa Manek** 01628 796310

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning'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 at http://www.rbwm.gov.uk/pam/search.jsp.</p>	5 - 14

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

Maidenhead Panel

Application No.:	18/02551/FULL
Location:	Thai Spoon 3 Nicholsons Lane Maidenhead SL6 1HR
Proposal:	Part change of use of ground floor from A3 (restaurant) to C3 (residential), part demolition of existing conservatory, construction of second floor side and rear extension, and raising of roof at rear, to accommodate for the addition of 3 flats
Applicant:	Mr Majeed
Agent:	Mr Tim Isaac
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 The applicant has submitted additional information. This is summarised below.

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

2. ADDITIONAL INFORMATION

- 2.1 The applicant has submitted additional information in support of the application. This is summarised below.

- An e-mail from the applicant to Housing Solutions highlighting the intention of the new development to be added to the social housing stock.
Officer response: No correspondence from Housing Solutions to the applicant has been provided. However, in order for the flats to be affordable, a legal agreement would need to be entered into. Notwithstanding this, the provision of 3 affordable flats is not considered to be a public benefit that would outweigh the less than substantial harm that would be caused to the Heritage Assets.
- Photographs of the previous development (the other apartments) to show the quality of the work that was done.
Officer response: This does not justify a development that would cause less than substantial harm to Heritage Assets
- Photographs of the existing glass conservatory to show it is incongruent with the Listed staircase. Also, the conservatory is leaking and in disrepair.
Officer response: The glass structure was granted permission in 2001. Notwithstanding whether the applicant considers this conservatory to be in keeping with the Listed Building, this does not justify granting permission for a scheme that would cause less than substantial harm.
- A photograph of bike racks opposite the Thai Spoon that can be used by residents.
Officer response: Noted, but these bike racks are available for public use, and cannot be

allocated to future occupiers of the flats. However, the application is not recommended for refusal on lack of cycle storage.

- A feasibility report written by a specialist Conservation Architect, which has informed the current plans.

Officer response: The report describes the significance of the Listed Building, and the history to the site. It also refers to alterations and plans which are not subject to this application. This report does not overcome the harm identified to Heritage Assets.

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	19/00362/FULL
Location:	Land South of Holyport Allotments Gays Lane Maidenhead
Proposal:	Change of use from agricultural to (D1) education with associated parking and boundary treatment.
Applicant:	Mrs Egarr
Agent:	Mr Mark Borthwick
Parish/Ward:	Bray Parish/Bray Ward

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

- 1.1 Further correspondence has been received from a resident in Gays Lane on the 21st May 2019. The issue is summarised and addressed below.
- 1.2 In addition the agent has provided some comments in response to points raised by the Highways Authority, the tree officer and neighbour comments. The issues are summarised and addressed below.

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

2. ADDITIONAL INFORMATION

2.1 Comments from resident

No intention of funding a traffic passing place if required

2.2 Officer response:

The agent has confirmed that any passing bays would be funded and provided by Stroud Farm.

2.3 Comments from agent

Highways

Gays lane is accessed from two points off Langworthy Lane with passing available at the junction. The lane narrows to 3.6m and it is 50m to the first passing opportunity and then a further 35m to the second. The next passing bay is 84m along the tarmacked section of road and is made from compacted grass verge. This passing place could be made permanent if required and there is opportunity to construct further permanent passing places along the tarmacked section of road spaced 40m apart if deemed necessary. This will be maintained by Stroud Farm as part of the

road they already maintain.

No service vehicles will be required to visit the site in connection with the operation of the site and no vehicles will be parked along Gays Lane.

The applicant is happy to be flexible on the start times to suit Planning and Highways.

Trees

The tree officer comments on the removal of deadwood. Deadwood provides important natural habitat for many animals and this should be retained.

Happy to agree a tree protection condition to prevent vehicles encroaching onto the tree root area in the drop-off area. Additional access can be provided if required without affecting the tree roots.

Neighbour comment

It is understood that the tarmacked section of the lane is funded and maintained by Stroud Farm and they have confirmed that they will construct passing points if required. No contribution will be sought from any other user or neighbour for the additional passing places.

2.4 Officer response:

Highways

The lane provides limited opportunities to facilitate two-way simultaneous vehicular flow. The Highway Authority has indicated that to allow traffic to flow freely and prevent congestion along the lane the passing bays would need to be installed every 40m and be intervisible. No details have been provided that illustrate such provision or confirmation that such provision would be in the control of the applicants. Furthermore, such works would have the propensity to further impact on the rural character of the locality.

The Panel report already acknowledges that no service vehicles will be required to serve the development. The report also acknowledges that it would be difficult to control and enforce a condition for the staggered drop off and collection times for the children.

Trees

The concerns raised by the tree officer relate to the works which would be required to the woodland in order to maintain the site in a safe condition to enable the children to access it. It is considered that valuable trees and woodland would need to be cleared.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

Application No.:	19/00677/FULL
Location:	BP Queens Head Filling Station Windsor Road Water Oakley Windsor SL4 5UJ
Proposal:	Demolition of the existing site structures and removal of existing underground tanks and redevelopment of the site to include a 4 pump petrol filling station with associated retail store and associated facilities, extended parking provision and electric vehicle charging points.
Applicant:	Mr Trevellyan
Agent:	Tim Farley
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 Further correspondence was received from the agent on 28 May 2019, which is summarised and addressed below.

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

2. ADDITIONAL INFORMATION

- 2.1 Further correspondence has been received from the agent:

Agent Correspondence	Officer's Responses
The grass section of the site forms part of the curtilage of the PFS as it contains essential drainage infrastructure and landscaped amenity space for the PFS and therefore 'reasonably necessary and useful'.	Provided that the meaning of 'curtilage' is correctly taken within its statutory context, the question of determining the extent of the curtilage is a question of fact and degree. There is no change to the conclusions reached in paragraphs 9.8 – 9.9 of the main report for the reasons set out in the same paragraph.
The grassed area has not blended into the landscape, as the grassed area does not resemble either arable or pastoral farmland which form the surrounds.	The relevant section of the main report (paragraph 9.7) does not assert that the grassed area has blended into the landscape, and the issue is not whether the grassed area has blended into the surrounding landscape but whether the remains of the permanent structure of fixed surface structure have blended into the

	<p>landscape.</p> <p>There is no change to the conclusions reached in paragraph 9.7 of the main report for the reasons set out in the same paragraph.</p>
<p>Challenge Fencing Ltd v Secretary for Housing, Communities and Local Government [2019] – from this judgement held that the use of the land is only one of a number of consideration when considering what defines a curtilage. It must also include physical layout and ownership. In terms of use, this increase past and present. On this basis the grassed area comprises of curtilage of the site and falls within the exceptions to inappropriate development in the NPPF.</p>	<p>The physical layout, ownership and use were considered in paragraph 9.8 of the main report.</p> <p>In terms of past history of the site, paragraph 18 of Challenge Fencing Ltd v Secretary for Housing, Communities and Local Government states the Judgement makes clear that although this will involve the past history of the site the relevant date on which to determine the extent of the curtilage is the date of the application.</p> <p>There is no change to the conclusions reached in paragraph 9.8 of the main report for the reasons set out in the same paragraph.</p>
<p>Not all of the curtilage will be development with part being used for landscaping.</p>	<p>The NPPF makes clear it should not be assumed that the whole of the curtilage should be developed, and if it is concluded that the grassed area forms part of the curtilage of the site for the development to be appropriate under exception g) of paragraph 145 of the NPPF, it should have no greater impact on openness of the Green Belt. This issue is assessed in paragraphs 9.9 – 9.10 of the main report</p> <p>There is no change to the conclusions reason for the reasons set out in the same paragraphs.</p>
<p>Should it not be agreed that the development is appropriate development in the Green Belt, it is contended that there are very special circumstances.</p>	<p>The agent has provided a list benefits. With the exception of reducing pollution from ageing infrastructure, the listed benefits were considered in paragraph 9.28 of the main report with a balancing exercise as required.</p> <p>In relation to reducing pollution from ageing infrastructure, the Phase 1 Environmental Desk Study Report (Preliminary Risk Assessment) indicates that following the discovery of leaks from three of the tanks in 2006, the site was remediated to a suitable standard, there has been no further significant leaks or spillages, and the site is likely to remain classified as suitable for on-going use as a PFS.</p> <p>No further information on any contamination levels at the site has been presented to support the case that there is pollution from the existing infrastructure, nor that the proposed scheme is the only option to resolve the issue of any pollutants. As such, this is given no weight for the proposed development.</p>
<p>No objections and substantial support from</p>	<p>In accordance with Section 70(2) of the Town</p>

public.	<p>and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.</p> <p>Public views relating to relevant planning matters are a material consideration and reported and considered in section 8 of the main report.</p>
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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	19/00815/FULL
Location:	Braywick Court School Hibbert Road Maidenhead SL6 1UU
Proposal:	Erection of a substation with associated works to include a retaining wall and fence, new balustrade, alterations to the existing ramp, replacement gates for emergency vehicular access and a new pedestrian access from Hibbert Road.
Applicant:	Bellevue Place Education Trust
Agent:	Miss Natalie Lopez
Parish/Ward:	Maidenhead Unparished/Oldfield 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 In response to a concern from the Highways Officer, a Maintenance Access Statement has been submitted, and this states that a banksman would stand in the road to ensure highway safety when any maintenance van is manoeuvring in and out of the parking space, and that access would only be required approximately two or three times a year. In the light of this, the Highways Officer has withdrawn his initial objection.

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

2. ADDITIONAL INFORMATION

- 2.1 A Maintenance Access Statement has been submitted to address the concerns of the Highways Officer. It states that access would only be required approximately two or three times a year. It also states that a banksman would be employed to stand in the road and assist while any van manoeuvres in and out of the site, and that he would ensure that there would be no danger to traffic as a result of the manoeuvring.

Comments from Consultees

- 2.3 Highways Officer:

Comment	Officer response	Change to recommendation?
As a second member of staff will be on hand to assist with the manoeuvring of a van on to the access, I'm happy to withdraw our initial objection.	Noted	No

