

NOTICE
OF
MEETING



MAIDENHEAD DEVELOPMENT CONTROL PANEL

will meet on

MONDAY, 21ST DECEMBER, 2015

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT CONTROL PANEL

COUNCILLOR RICHARD KELLAWAY (CHAIRMAN)
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, GERRY CLARK, DAVID COPPINGER, SIMON DUDLEY, MRS MAUREEN HUNT, PHILIP LOVE, DEREK SHARP, MS CLAIRE STRETTON AND LEO WALTERS.

SUBSTITUTE MEMBERS

COUNCILLORS STUART CARROLL, PAUL BRIMACOMBE, DAVID BURBAGE, CARWYN COX, MOHAMMED ILYAS, ASGHAR MAJEED, MARION MILLS, MJ SAUNDERS, HARI SHARMA AND ADAM SMITH

Karen Shepherd
Democratic Services Manager
Issued: Friday, 11 December 2015

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

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

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the part I minutes of the last meeting.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning and Development's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm		9 - 58
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		59 - 62

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Public Document Pack Agenda Item 3

MAIDENHEAD DEVELOPMENT CONTROL PANEL

25.11.15

To listen to audio recordings of this meeting, go to:
http://www.rbwm.gov.uk/web/meetings_audio_recordings_august2015.htm

PRESENT: Councillors Richard Kellaway (Chairman), Derek Wilson (Vice-Chairman), Clive Bullock, Gerry Clark, David Coppinger, Simon Dudley, Maureen Hunt, Philip Love, Derek Sharp, Claire Stretton and Leo Walters.

Officers: Neil Allen (Legal Officer), Tony Carr (Traffic & Road Safety Manager), Victoria Gibson (Development Management Team Manager), Jenifer Jackson (Borough Planning Manager) and Shilpa Manek

33/15 APOLOGIES FOR ABSENCE

No apologies for absence were received from Councillors.

34/15 DECLARATIONS OF INTEREST

Councillor Clark declared a personal interest regarding Item 2 as one of the applicants was known to him. Councillor Clark stated that he would withdraw and take no part in the discussion.

Councillor Coppinger declared a personal interest regarding item 6 as he knew Mr Emmett who was a citizen in his ward.

Councillor Dudley declared a personal interest regarding items 3, 4 and 6 as he is a member of the Bray Parish Council and had participated in the discussion but is attending this meeting with an open mind.

Councillor Stretton declared a pecuniary interest regarding item 2 as her partner is an independent process server who is contracted on occasion by Colemans Solicitors. Councillor Stretton stated that she would withdraw and take no part in the discussion.

Councillor Walters declared a personal interest regarding items 3, 4 and 6 as he is a member of the Bray Parish Council and had taken no part in the discussions.

Councillor Wilson declared a personal interest regarding items 3, 4 and 6 as he is a member of the Bray Parish Council and had participated in the discussion but is attending this meeting with an open mind.

35/15 MINUTES

RESOLVED: That the Part I minutes of the meeting of the Maidenhead Development Control Panel held on 28 October 2015 be approved after the two amendments in the declarations of interest made by Councillors Clark and Stretton.

36/15 PLANNING APPLICATIONS (DECISION)

The Panel considered the Director of Development and Regeneration's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: *Updates were received in relation to planning applications marked with an asterisk.

<p>15/01809/REM* Site of Shoppenhangers Manor At Holiday Inn Manor Lane Maidenhead</p>	<p>Approval of reserved matters (appearance, landscaping, layout and scale) for the construction of up to 52 dwellings with access, open space and associated works.</p> <p>The PANEL VOTED that the application be APPROVED.</p> <p>(Ten Councillors voted in favour of the motion to approve the application (Councillors Bullock, Clark, Coppinger, Mrs Hunt, Kellaway, Love, Sharp, Ms Stretton, Walters and Wilson). One councillor voted against the motion to approve the application (Councillor Dudley).</p> <p>(Speakers: The Panel was addressed by David Hutchinson, on behalf of the Applicant).</p>
<p>15/02596/FULL* Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA</p>	<p>Extension of existing building by altering existing second floor and adding a third and fourth floor, change of use from offices to 10 x 2 bed and 1 x 1 bed flats with external alterations to building.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED.</p> <p>(Speakers: The Panel was addressed by Michael Stone, Managing Partner of Colemans Solicitors).</p>
<p>15/02645/FULL* Unit 1 Coningsby Farm Coningsby Lane Fifield Maidenhead</p>	<p>Proposed change of use and conversion of existing agricultural building to dwelling house.</p> <p>The PANEL VOTED that the application be APPROVED subject to the conditions as listed below:</p> <p>1. Additional condition regarding lighting.</p> <p>(Speakers: The Panel was addressed by Alister Turtle, objector).</p>
<p>15/02648/FULL Harford Manor Forest Green Road Holyport Maidenhead SL6 2NN</p>	<p>Extension to dwelling with construction of poolhouse and gym and construction of gated access to site following demolition of existing public house.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED.</p> <p>(Speakers: The Panel was addressed by Will Collins, on behalf of the Applicant).</p>
<p>15/02838/FULL 46 Hemsdale Maidenhead SL6 6SL</p>	<p>Construction of new outbuilding, with two roof lights.</p> <p>The PANEL VOTED that the application be APPROVED.</p> <p>(Ten Councillors voted in favour of the motion to</p>

	<p>approve the application (Councillors Bullock, Clark, Coppinger, Dudley, Mrs Hunt, Kellaway, Love, Ms Stretton, Walters and Wilson). One councillor voted against the motion to approve the application (Councillor Sharp).</p> <p>(Speakers: The Panel was addressed by Susan Mudge, objector).</p>
<p>15/03149/FULL Land At Foxley Court Farm Ascot Road Holyport Maidenhead</p>	<p>Construction of new 4-bed detached dwelling with ancillary garage facilities with associated works, following demolition of existing industrial building and car park.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED.</p> <p>(Speakers: The Panel was addressed by Mr John Andrews).</p>

37/15 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

Councillor Wilson advised Members that they should attend appeal meeting and be ready to speak at them.

Councillor Hunt informed Members that she had been approached by a Parish Councillor that they were receiving no communication from the Planning department. She read out an email from the Parish Councillor which she then passed to the Borough Planning Manager.

The meeting, which began at 7.00 pm, ended at 8.24 pm

Chairman.....

Date.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

21st December 2015

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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.	15/02275/FULL	Recommendation	DLA	Page No.	11
Location:	3 - 6 Bridge Avenue Maidenhead						
Proposal:	Redevelopment to form 38 retirement apartments and 1 guest suite including communal areas, parking and landscaping following demolition of existing buildings.						
Applicant:	McCarthy And Stone Retirement Lifestyles Ltd	Member Call-in:	N/A	Expiry Date:	16 November 2015		

Item No.	2	Application No.	15/03155/FULL	Recommendation	REF	Page No.	29
Location:	52 Birdwood Road And Land To Rear of 50 Birdwood Road Maidenhead						
Proposal:	Construction of three detached dwellings following demolition of existing dwelling at No 52 with associated external works						
Applicant:	Quest End Ltd	Member Call-in:	Cllr Derek Wilson	Expiry Date:	23 December 2015		

Item No.	3	Application No.	15/03652/FULL	Recommendation	REF	Page No.	45
Location:	40 Bisham Village Marlow Road Bisham Marlow SL7 1RR						
Proposal:	Replacement detached 2 storey garage with office space on first floor following demolition of existing garage and shed						
Applicant:	Dr Swietochowski	Member Call-in:	Cllr Richard Kellaway	Expiry Date:	1 January 2016		

Appeal Decision Report Page No 59

Planning Appeals Received Page No 61

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 December 2015

Item: 1

Application No.:	15/02275/FULL
Location:	3 - 6 Bridge Avenue Maidenhead
Proposal:	Redevelopment to form 38 retirement apartments and 1 guest suite including communal areas, parking and landscaping following demolition of existing buildings.
Applicant:	McCarthy And Stone Retirement Lifestyles Ltd
Agent:	Mr Ziyad Thomas - The Planning Bureau Ltd
Parish/Ward:	Oldfield 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 The principle of residential development within the town centre is supported. The proposal would make a positive contribution to meeting housing requirements without being materially detrimental to highway safety or the living conditions of nearby residents. The appearance of the proposal would not be unduly harmful to the character of Bridge Avenue or the wider locality. The proposal is considered acceptable in terms of flood risk from rivers but further information has been requested relating to surface water flooding in order to secure the correct drainage mitigation measures.

It is recommended the Panel authorises the Director of Development and Regeneration:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure in Section 7 of this report and Affordable Housing in section 6, the conditions listed in Section 10 of this report and appropriate technical information relating to sustainable drainage along with any necessary conditions.
2	To refuse planning permission if an undertaking to secure the infrastructure in Section 7 of this report has not been satisfactorily completed by for the reason that the proposed development would not be accompanied by associated infrastructure improvements and affordable housing, and that in the absence of appropriate sustainable drainage there could be an increase in surface water flooding.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager 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 This 0.15 Ha site on the east side of Bridge Avenue is currently occupied by four self-contained office buildings originally constructed as private houses in the early 1930s and variously extended and converted to office use between 1978 and 1990.
- 3.2 The site is bordered to the north by Bridge House, a 2-storey office building, to the south by Athena Court, a five storey apartment building (which is currently under construction) and to the east by the gardens and parking areas of detached and semi-detached houses within Forlease Road. The west side of Bridge Avenue is characterised by modern, purpose-built office buildings.

3.3 Bridge Avenue is classified as an adopted local highway subject to a 30mph speed restriction, operating as a one-way street in a South to North direction. There are footways on both sides.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/02951/OUT	Outline application (with appearance and landscaping reserved) for the construction of 56 sheltered apartments and ancillary accommodation on ground and five upper storeys with revised access from Bridge Avenue following the demolition of four existing building	Approved - 16.06.2014
13/02004 /OUT	Outline application (with appearance and landscaping reserved) for the construction of 57 sheltered apartments and ancillary accommodation on ground and five upper storeys with revised access from Bridge Avenue following the demolition of four existing building	Refused - 07.10.2013
13/00942 /OUT	Outline application (with appearance and landscaping reserved) for the construction of a four storey building comprising approximately 2,454 sq metres B1 (office) with revised access from Bridge Avenue, following demolition of existing 4 buildings.	Approved - 03.07.2013
12/01569 /OUT	Outline application for a six storey 116 bedroom hotel following demolition of existing buildings. Renewal of planning permission 09/00707/OUT	Approved - 05.09.2012
10/00382/OUT	Outline application for the construction of a four storey building comprising approximately 2,660 Sq metres B1 (office) with revised access from Bridge Avenue (Option B) renewal of planning permission 07/00258/OUT	Approved - 28.05.2010
09/00707 /OUT	Outline application for a six storey 116 bedroom hotel following demolition of existing buildings	Approved - 06.07.2009
07/00257/OUT	Outline applications for the construction of a four storey building comprising approximately 2,660 sqm B1 (office) with revised access from Bridge Avenue (Options A & B)	Approved - 01.05.2007
07/00258 /OUT		Approved - 01.05.2007
04/41748	Demolition of existing buildings and construction of 27 x 2 bed and 12 x 1 bed retirement apartments and ancillary accommodation on 4 floors.	Refused - 17.06.2004 Appeal Dismissed - 15.06.2005
04/01054	Demolition of existing buildings and construction of 25 x 2 bed and 13 x 1 bed retirement apartments and ancillary accommodation on 4 floors.	Refused - 07.12.2004 Appeal Dismissed - 15.06.2005
03/41153	Demolition of existing buildings and construction of 14 x 1 bed and 24 x 2 bed retirement apartments and ancillary accommodation on 4 floors.	Refused - 05.02.2004

4.1 The proposal is for the demolition of the existing buildings on site and erection of a 6-storey building comprising 38 self-contained retirement apartments together associated communal facilities, amenity space, parking, vehicular access and landscaping to the front and rear.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, paragraph 17, 48-50, 56-57, 61, 63-65, 93, 96-98, 100-104

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Highways/Parking issues
Local Plan	DG1, H3, H6, H10, H11, R3, IMP1	F1	T5, T7, P4
Maidenhead Area Action Plan	MTC1, 2, 4, 12, 14, 15, IMP2	MTC4	MTC4, MTC14, MTC15

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

- Planning Obligations and Developer Contributions
- Interpretation of Policy R2 to R6 - Public Open Space provision
- Interpretation of Policy F1 – Area Liable to Flood
- Local Plan Policy H3 - Affordable Housing
- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i. Principle of Development
- ii. Flood Risk
- iii. Impact on character and appearance of the area
- iv. Residential Amenity
- v. Access, Highway Safety and Parking
- vi. Affordable Housing
- vii. Other matters

Principle of Development

- 6.2 The proposal would result in the loss of offices, but given that the site does not lie within a designated Employment Area there is no objection in this respect. Given the self-contained nature of the apartments, the limited amount of communal facilities, and lack of assisted living / provision of care the retirement apartments are considered to fall under Use Class C3 (dwellinghouse). Local Plan Policy H6 and AAP policy MTC12 is supportive of additional residential accommodation in town centres. The proposal is therefore considered to form a valuable contribution towards meeting the Borough's housing needs. Subject to meeting the other planning issue criteria set out in the following paragraphs, the principle of residential development on this town centre site is acceptable.

Flood Risk

- 6.3 The site lies within Flood Zone 3 (High Risk). The NPPF and NPPG advises that residential development is classified as a "More Vulnerable" form of development and so in order for it to be considered acceptable in terms of flood risk it needs to pass the 'sequential' and the 'exceptions tests.' Local Plan policy F1 also advises that new residential development will not be permitted unless it can be demonstrated that the proposal would not:
- 1) impede the flow of flood water,
 - 2) reduce the capacity of the flood plain to store water or
 - 3) increase the number of people or properties at risk from flooding.
- 6.4 The Environment Agency (EA) provides guidance in undertaking the sequential test in "Flood Risk Standing Advice for Local Planning Authorities" (2011). The methodology of the submitted sequential test is in accordance with the guidance and therefore acceptable. The applicant has assessed all the relevant sites in the town centre area and evidence has been submitted which demonstrates why each site is unsuitable either because of flood risk, capacity, or availability. On this basis it is considered that the application has passed the sequential test.
- 6.5 The Exceptions test is set out in the NPPG. In order for it to be passed it needs to be demonstrated:
- 1) that the development provides wider sustainability benefits to the community that outweigh flood risk; and
 - 2) through a Flood Risk Assessment (FRA) that the development would be safe, not increase flood risk elsewhere and where possible reduce flood risk overall.
- 6.6 The applicant has submitted a FRA which states that the ground floor level of the proposed development is set at 24.18m AOD which is a minimum of 300mm above the modelled 1 in 100 (1%) annual probability plus climate change (23.88AOD). It is also important to ensure residents can evacuate the site safely in a 1 in 100 (1%) annual probability plus climate change. Comparison of the modelled 1 in 100 (1.0%) annual probability plus climate change flood level and the site topographic survey indicates that the maximum anticipated depth of flooding is 680mm on the site and 380mm on the pavement adjacent to the site. These depths are greater than the 250mm threshold for 'very low' hazard that allows people to traverse safely in accordance with DEFRA's "FD2320 Flood Risks to People". However, existing pavement levels along the eastern side of Bridge Avenue rise in a northerly direction to above the permissible safe flood depth beyond no.1 Bridge Avenue. This represents a distance of approximately 30m. On the basis of this limited distance, together with the town centre location of the site where emergency services and facilities such as temporary accommodation are more readily available, it is considered that with a flood evacuation plan the proposal is acceptable in terms of flood risk to residents. A flood evacuation plan can be secured by condition 17.
- 6.7 In terms of not increasing flood risk elsewhere, where any new build development is constructed within the fluvial floodplain it takes up an area used for potential flood storage. The existing solid footprint on the site equates to 360m². The proposed solid footprint including external steps and ramps equates to approximately 602.5m². Flood compensation will therefore be required to mitigate this loss. The EA requires that this analysis is considered up to the 1 in 100 (1.0%) plus climate change annual probability flood level. As the site is located within the 1 in 100 (1.0%) annual probability plus climate change floodplain, it is not possible to undertake ground lowering to compensate for the increase in building footprint and so an underfloor void is proposed to allow

floodwaters to flow beneath the building. While Policy F1 of the Local Plan does not support the use of voids, it is considered that for the retirement apartments where there will be a management company responsible for maintenance it is acceptable in this instance. Through a Flood Storage Management Scheme Plan, the applicant's management company will be responsible for maintaining the void area under the building in perpetuity. This includes regular inspections and removal of rubbish over the grilles. The Flood Storage Management Scheme Plan (condition 18) would also provide a framework for site management to ensure that flood water can flow onto and off the site although as the site is at the edge of the floodplain and in a developed area it is considered that there is no real issue of conveyance (flood flow) across the site.

- 6.8 Lastly consideration has to be given to the wider sustainable benefits to the community which would outweigh the flood risk. The development provides the opportunity to aesthetically improve a brownfield site within the town centre which is in line with the regeneration aims of the AAP, which is a benefit to the local residents. In addition, more people in the town centre will help further enhance its vitality and viability through people using its services and facilities.
- 6.9 Comments from the EA are still pending. Their representation will be reported in an update. However, should the Environment Agency object on flooding grounds should the Council be minded to approve the application, it will be necessary for the applicant to overcome the objection.

Character and Appearance of the Area

- 6.10 The existing buildings are not of any special architectural merit and do not make a significant contribution to the townscape, so there are no objections to their loss. The NPPF makes clear that standards of design should be high so that new developments contribute positively to an area and makes places better for people. This is reiterated in Local Plan policy H10 and H11 together with Policy MTC4 of the Maidenhead AAP.
- 6.11 The proposed building respects the established front, side and rear building lines of Bridge Avenue and therefore the siting of the building is considered acceptable. In terms of scale, height and mass there are projecting elements but the main building would measure approximately 18m in height, 35m in width and 16.5m in depth. The previously approved building under 13/02951/OUT measured approximately 18m in height, 38.5m in width and 18.5m in depth. As such, the proposal would be visually comparable and from the submitted streetscene (drawing ref: AP228 P02 Rev A) would not appear overly dominant when seen in context with Athena Court, the block of residential flats to the south of the site. The set back of the building and limited parking to the front would allow for landscaping to the front including trees, which would soften the interface between the proposed development and Bridge Avenue, and continue the tree lined avenue. This can be secured by condition 14.
- 6.12 In terms of architectural design, the buildings in the vicinity have a variety of styles reflecting the gradual evolution of the area including modern development at Chapel Arches, the cinema site, Mallards Reach, Lyondell House and Athena Court. As such, the contemporary style of the proposed development is not considered to be inappropriate. The main elevation incorporates differing set-backs and heights, and together with the proposed materials which include buff-colour facing brick, ashlar-cut and off-white render, pressed aluminium capping, is considered to create visual interest.
- 6.13 In summary, the proposed building is considered to be sited appropriately and to offer a real opportunity, is of high design quality, and would therefore visually enhancing the character and appearance of this very much changing part of Maidenhead town centre in accordance with the development plan policies of the area.

Residential Amenity

- 6.14 Core principle 4 of the NPPF states that local planning authorities should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 6.15 The proposed building would sit higher than the existing buildings on site, but in relation to the Forlease Road properties which are located to the rear it would meet the Building Research Establishment's daylight test where the proposed building would not intrude through a 25 degree line taken from the mid-point of ground floor windows. As such, there would be no unreasonable loss of daylight to these houses. With regard to sunlight, as the building is to the west of the Forlease Road houses it would not have any effect on the garden area until after 4 p.m. and in mid-summer the sun would still be able to shine over the building on to the parts of the gardens closest to the houses till around 6 p.m. Furthermore, given the distances between residential properties and the proposed building (over 32 metres from the main 6-storey part of the building), the 2m high screen proposed along the east side of the first floor terrace which would screen views (condition 5), or any primary windows in the north and south elevations of the main part of the building, it is not considered that there would be any loss of privacy from direct overlooking as would justify refusal of planning permission. There is also the opportunity to plant some trees along the eastern boundary of the site, which will help soften the development's impact on the properties to the rear. The applicant has proposed pleached hornbeam to ensure that the tree canopies sit above the parking zone, which is secured by condition 14.
- 6.16 In view of the nature of the proposal, it is most unlikely that the development for retirement apartments would generate undue noise and activity likely to create a material disturbance to neighbouring amenity.
- 6.17 It is noted that car parking is proposed to the rear of the site, adjacent to the rear gardens of houses on Forlease Road. As such, it is recommended that lighting along the access road and car parking area is controlled by condition 6 in the interest of neighbouring amenity.

Access, Highway Safety and Parking

- 6.18 Local Plan policy T5 states that all development proposals shall be expected to comply with the Council's adopted highway design standards. Currently the Highway Authority requires developments of 5 or more dwellings to have an access width of 4.8m and from the plans provided the proposed access measures approximately 4.25m wide. Given the potential level of activity that 25 parking spaces will generate and as it is assumed that the access will operate as a shared surface for mobility scooters and vehicles due to the mobility scooter access to the parking area, in the interest of highway safety the Highway Authority expects this standard to be met. As there is space available for this increased width to be provided without comprising the amount of parking or landscaping, subject to a condition to secure this (condition 25), there are no objections in this respect.
- 6.19 On previous planning applications the Highway Authority has requested a left visibility splay of 2.4 x 70m (due to the one-way operation there is no requirement for a right vehicular visibility splay). Additionally as the footway is heavily pedestrianised, pedestrian visibility splays are required of 2.0 x 2.0m in both directions. The provision and maintenance of these splays can be covered by condition.
- 6.20 Local Plan policy P4 states that all development proposals will be required to provide parking in accordance with the Council's adopted standards. The current parking standards require 20 x 1 bedroom units to provide 0.5 spaces per unit while the 18 x 2 bedroom units need to provide 1.0 space per unit, therefore there is a total requirement of 28 spaces. No dedicated visitor parking is proposed. The applicant is proposing 29 parking spaces one of which is a disabled parking space. Spaces will need to be allocated as far as practical and the disabled parking should be as accessible as possible and so one of the frontage bays should be designated as such. Concerns were raised by a local resident over the lack of turning space to the front of the development, resulting in harm to highway safety, but the local highway authority has raised no objections subject to front boundary being no higher than 0.6m to maintain visibility. This can be secured by condition 9 and 10.

- 6.21 Local Plan policy T7 seeks to ensure that new development makes appropriate provisions for cyclists. To comply with the current standards cycle parking is required at the level of one space per unit. Taking a pragmatic approach, a figure of 10% which equates to 4 cycle stands has been accepted by the local highway authority. The applicant has stated there are to be 5 cycle spaces. These spaces can be secured by condition 11.
- 6.22 Given the siting of the refuse bins at the rear of the building which is accessed along the shared surface access road a refuse collection statement will be required (condition 12).

Affordable Housing

- 6.23 Local Plan policy H3 states that the Council will seek a proportion of the total capacity of suitable residential developments to be in the form of Affordable Housing. Suitable sites includes schemes proposing 15 or more net additional dwellings, taking into account the proximity of local services and facilities and access to public transport. In accordance, given the scheme comprises of 38 units and located within the town centre, the site is considered suitable and the starting point in any assessment is the provision of at least 30% of units on site as affordable housing. The economics of the affordable housing provision, including site and market conditions, is a material consideration, and the applicant considers that affordable housing would render the development unviable. A viability assessment has been requested, which the Council will assess.

Other Material Considerations

- 6.24 The Council has an adopted 'Sustainable Design and Construction' Supplementary Planning Document which seeks to improve the sustainability performance of buildings and spaces through their construction and subsequent use and is a material consideration in the assessment. The SPD makes clear that applications submitted without any evidence of how issues of sustainability have been considered and appropriate actions taken risk being refused. The submitted Design and Access Statement outlines that how sustainable design measures have been considered and incorporated into the development to meet Code for Sustainable Homes Level 3, and compliance can be secured by condition.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The CIL Regulations came into effect from 6th April 2015 and imposes a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project. It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:
- 1) necessary to make the development acceptable in planning terms;
 - 2) directly related to the development; and
 - 3) fairly and reasonably related in scale and kind to the development.
- 7.2 In this case the development for sheltered housing is considered to place additional pressure on local services and infrastructure. Consultation with Leisure and Highways is currently being undertaken on potential local service and infrastructure that could be required to mitigate the impact arising from the development. This will be covered in the update to Panel. The applicant has indicated that developer contributions are acceptable in principle.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

25 occupiers were notified directly of the application. The application was advertised in the Maidenhead & Windsor Advertiser on 27.08.2015. The planning officer posted a statutory notice advertising the application at the site on 15.09.2015.

1 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. Development will complete the 'Avenue'	Para. 6.11 – 6.13

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

Comment	Where in the report this is considered
1. No turning area for the parking spaces to the front of the development, resulting in harm to highway safety	Para. 6.20

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Objection - The outline surface water drainage strategy indicates that it is proposed to discharge surface water runoff from the parking areas, the access road and all other hard standings via the use of porous paving and from all roofs via a piped system to soakaways. However, no detailed plans, or calculations have been submitted demonstrating that the proposed development will comply with the non-statutory technical standards for sustainable drainage (dated March 2015).	The outstanding information has been requested from the applicant. An update will be provided to panel.
Local Highway Authority	No objections subject to conditions 7, 8, 9, 10, 11 and 13	Noted
Environmental Protection	No objection subject to conditions - The applicant has submitted a noise and air quality assessment. This conclusion is considered acceptable and assessments concluded that the future occupiers will not be exposed to pollutants concentrations above the air quality objective and that the site is suitable for residential development in terms of noise.	Noted. However, given that the proposals are acceptable conditions relating to noise are not necessary.
Thames Water	Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water request a 'Grampian Style' condition to secure a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker	Noted

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed elevations
- Appendix C – Proposed floor plans

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 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 No development 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.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, H10, AAP MTC4
- 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.
Reason: In the interest of the visual amenities of the area. Relevant Policies - Local Plan DG1, H10, AAP MTC4
- 4 The main roof area of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Core Principle 4 of the National Planning Policy Framework
- 5 No development shall commence until details of the 2 metre high balcony screen(s) at first floor terrace area as shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The screen(s) shall be erected prior to the first occupation of the apartments. Thereafter the balcony screen(s) shall be retained in accordance with approved details unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Core Principle 4 of the National Planning Policy Framework
- 6 No development shall commence until details of the lighting along the access road and the car parking area (including specification of the lights, LUX levels and operational times) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be retained as operational.
Reason: In the interests of residential amenity and the safety and security of the site. Relevant Policy - Local Plan H10, Core Principle 4 of the National Planning Policy Framework
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, AAP MTC14
- 8 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking and turning facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, AAP MTC14

- 9 No part of the development shall be commenced until a visibility splay to the left (south) of 2.4 metres by 70m have been provided at the vehicular access. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within this splay shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5, AAP MTC14

- 10 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5, AAP MTC14

- 11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles associated with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, AAP MTC14

- 12 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall be occupied until the refuse bin storage area has been provided in accordance with details to be approved as part of the reserved matters. This collection facility shall thereafter be kept available for the storage of refuse bins at all times.

Reason: In the interests of road safety and vehicle movement. Relevant Policies - Local Plan T5; AAP MTC4, MTC14

- 13 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority providing details of the operational management of the refuse storage and collection arrangement. The development shall be carried out in accordance with the approved details and any continuing arrangements shall be adhered to throughout the life of the development.

Reason: In the interests of road safety and vehicle movement. Relevant Policies - Local Plan T5; AAP MTC14

- 14 No development shall take place until full details of both hard and soft landscape works, including the pleached hornbeam on the east boundary, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained 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 prior written consent to any variation.

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

- 15 Notwithstanding condition 14, prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented

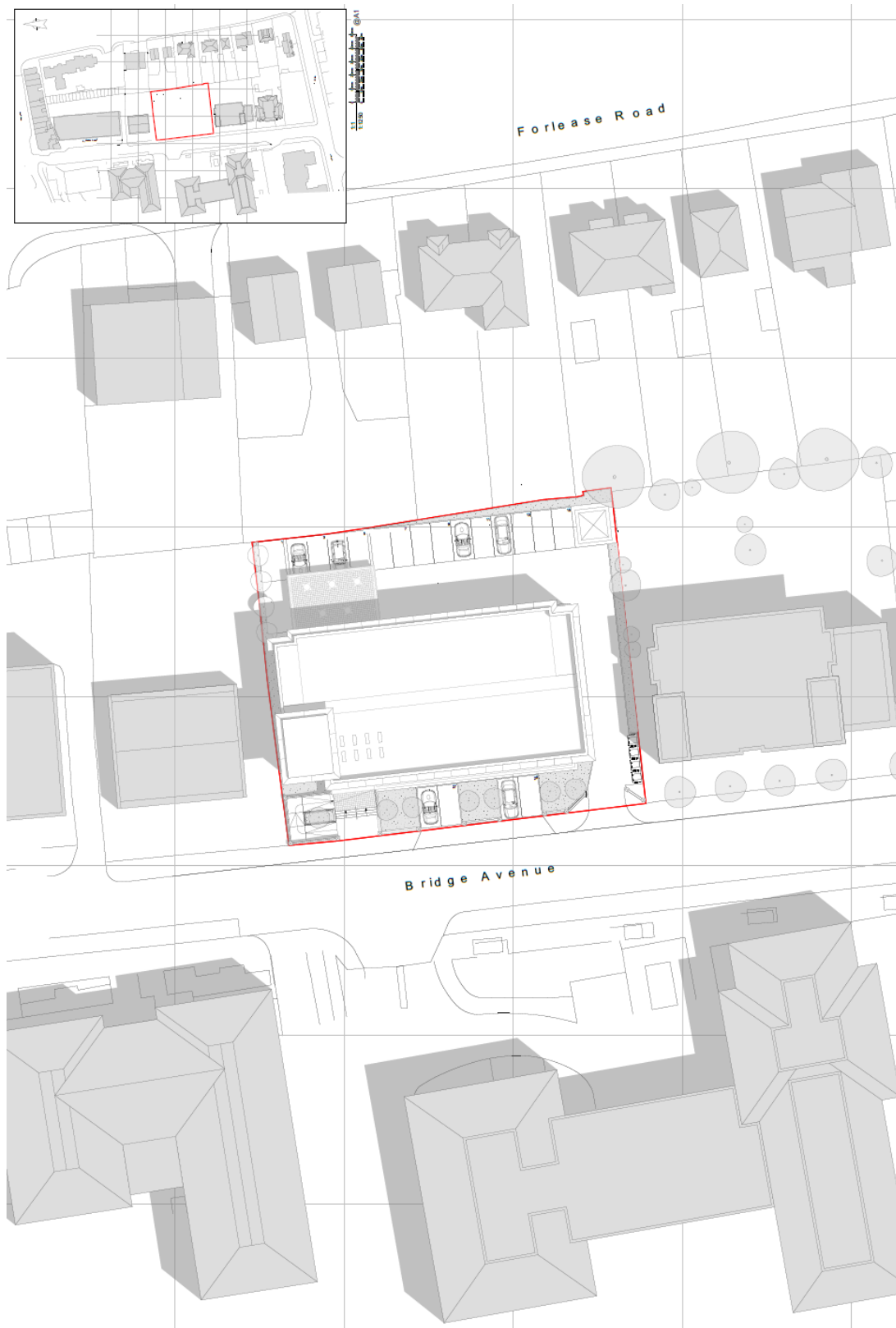
as approved following planting of the landscaping.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1, AAP MTC4

- 16 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area and in the interests of flooding. Relevant Policy - Local Plan DG1, F1; AAP MTC4
- 17 The development hereby permitted shall not be occupied until such time as a flood evacuation management plan has been submitted to, and approved in writing by, the local planning authority. This flood evacuation management plan shall include:
1. The access and egress route.
 2. The flood warning services that will be signed up to.
 3. The management responsibilities and duties at times of flooding.
 4. The trigger point for evacuation if flooding were to occur.
 5. The management of the flats during a flood event.
- The flood evacuation plan and its requirements shall be fully implemented and subsequently maintained for the lifetime of the development.
Reason: To ensure that additional people within the floodplain are not affected by the risks and hazards of flooding. Relevant Policies - Local Plan F1, AAP MTC4
- 18 No development shall commence until details of the flood voids have been submitted to and approved in writing by the Local Planning Authority. The flood voids shall meet the following minimal requirements:
1. The finished floor levels of the final building shall be set at least 300mm above the 1 in 100 year flood level (including an allowance for climate change) of 23.88m AOD.
 2. There shall be a 1 metre opening to the flood voids for every 5 metres of wall length on all sides.
 3. The flood voids openings shall extend from ground level to the underside of the floor slab.
 4. The voids and openings shall be maintained in accordance with the approved details contained in a Flood Storage Management Plan for the lifetime of the development and kept open and free from obstructions. The Flood Storage Management Scheme Plan would also provide a framework for site management to ensure that flood water can flow onto and off the site.
- Reason: To ensure that the mitigation measures proposed in the flood risk assessment are carried through to the final development proposals to ensure that the risk of flooding is not increased both on and off site in accordance with the National Planning Policy Framework. Relevant policies - Local Plan F1, AAP MTC4
- 19 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
Reason: To reduce risk of sewage flooding by ensuring that sufficient capacity is made available to cope with the proposed development and to avoid adverse environmental impact upon the community. Relevant Policies - Local Plan NAP3, NAP4
- 20 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
Reason: To prevent damage to underground sewerage utility infrastructure.

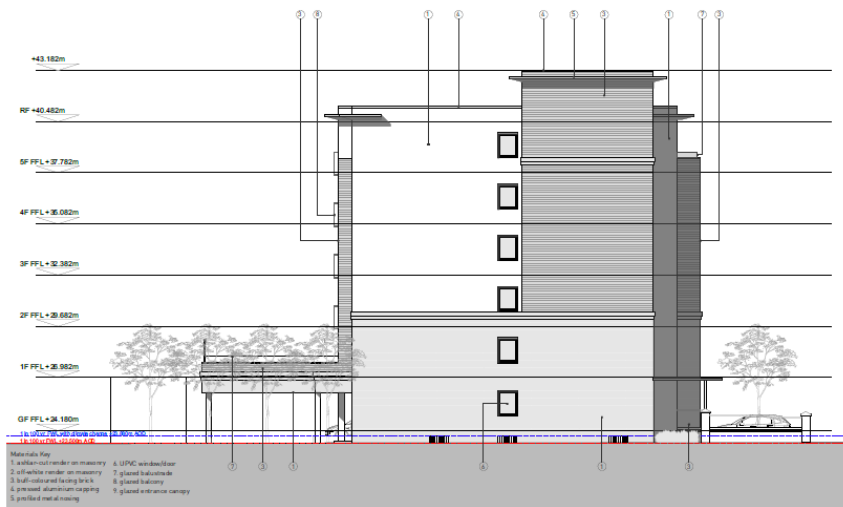
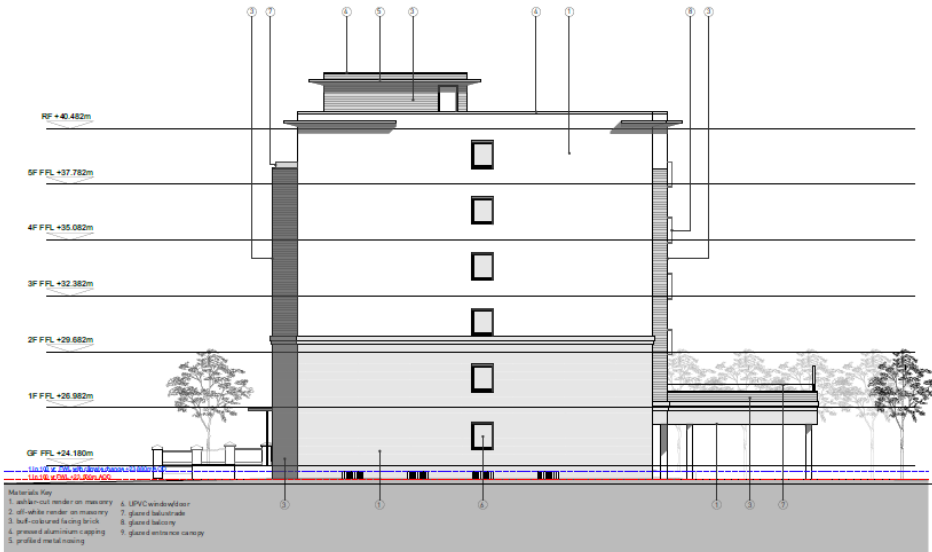
- 21 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. Relevant Policies - AAP MTC4
- 22 Notwithstanding condition 21 and unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until full details of the proposed green roof, have been submitted to and approved in writing by the local planning authority and the details hereby approved shall be implemented prior to occupation of the proposed building and shall be permanently maintained as such thereafter unless otherwise agreed in writing by the local planning authority.
Reason: To ensure a form of development that encourages wildlife and biodiversity, and maintains and contributes positively to the character and appearance of the area. Relevant Policies - Local Plan DG1, N6, N1; AAP MTC4.
- 23 The existing accesses to the site shall be stopped up and abandoned immediately after the new access has been brought into use. The footway and verge shall be reinstated in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority before the development is first occupied.
Reason: In the interests of road safety and highway maintenance. Relevant Policies - Local Plan T5; AAP MTC4.
- 24 Notwithstanding the provisions of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 or those of the Schedule to the Town and Country Planning (Use Classes) Order 1987 the property shall be used as sheltered housing and for no other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting either of those aforementioned orders with or without modification).
Reason: Occupation as other forms of residential accommodation would likely have a greater impact in terms of off-site services and infrastructure; the proposal has been approved on the basis of the lesser impact attributable to a sheltered housing development. Relevant Policies DG1, IMP1, R3, T6; AAP MTC4, MTC14.
- 25 No other part of the development shall commence until the access has 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.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 26 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.

Appendix A

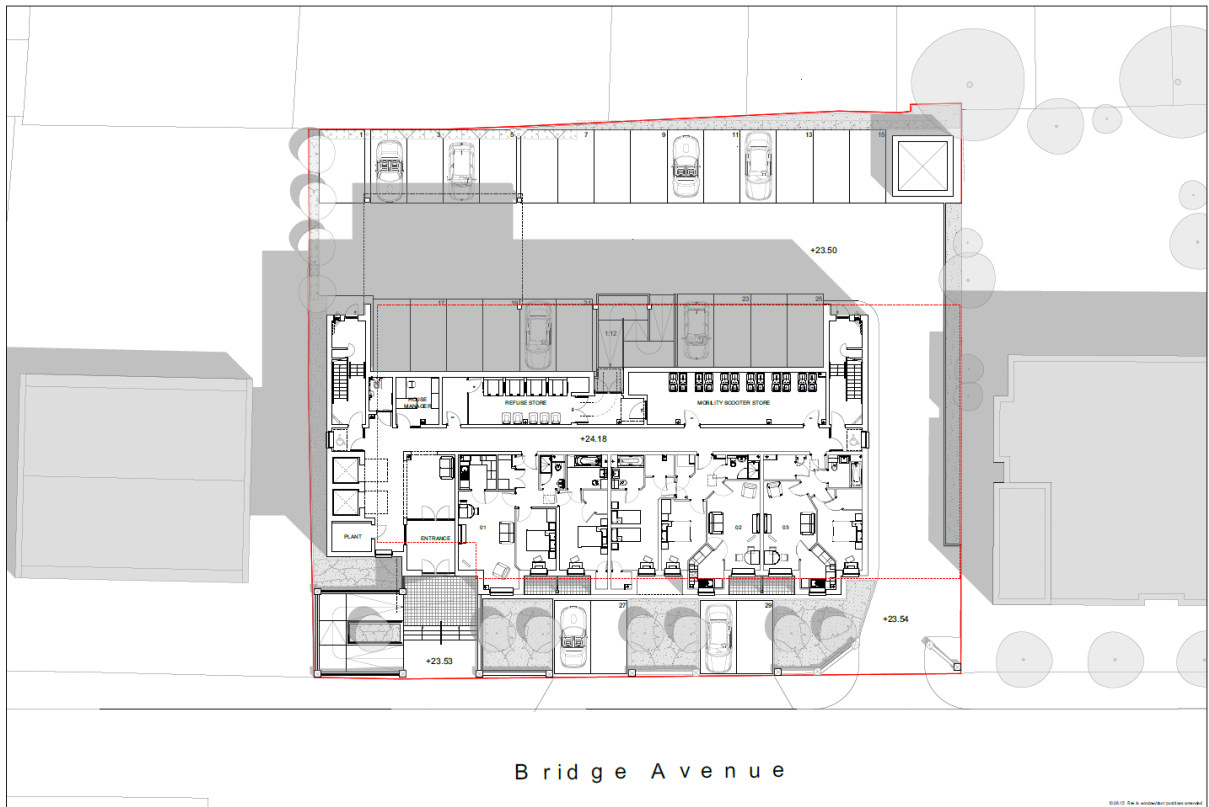


Appendix B





Appendix C

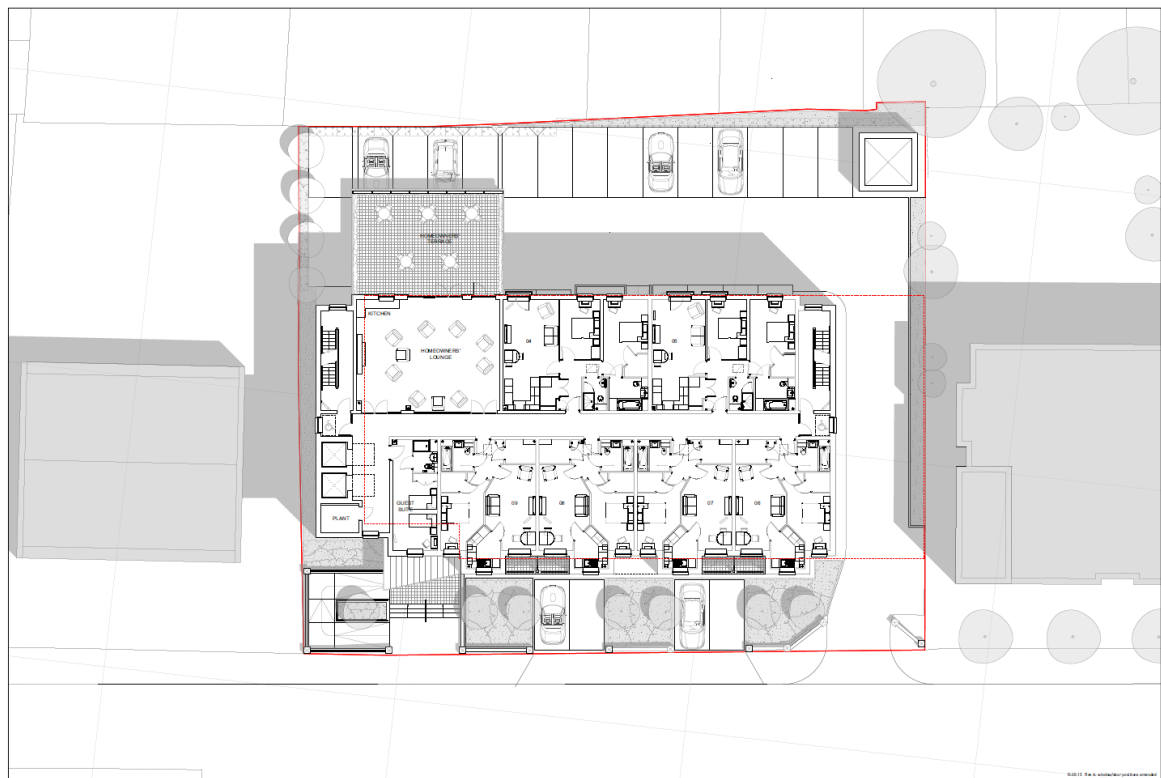


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 ARCHITECTS

PLANNING
 3-6 BRIDGE AVENUE, MAIDENHEAD



AP228 P03 Rev A
 Proposed Ground Floor Plan
 02.07.2015

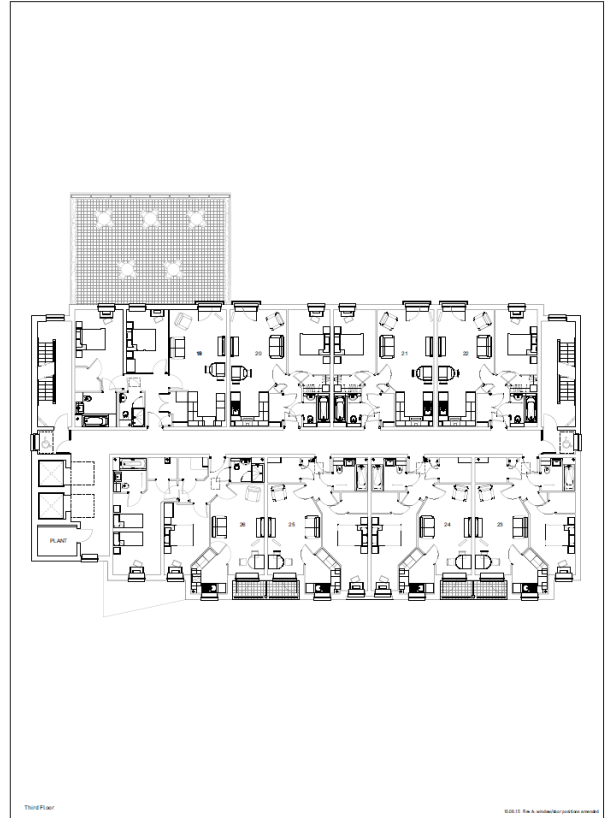
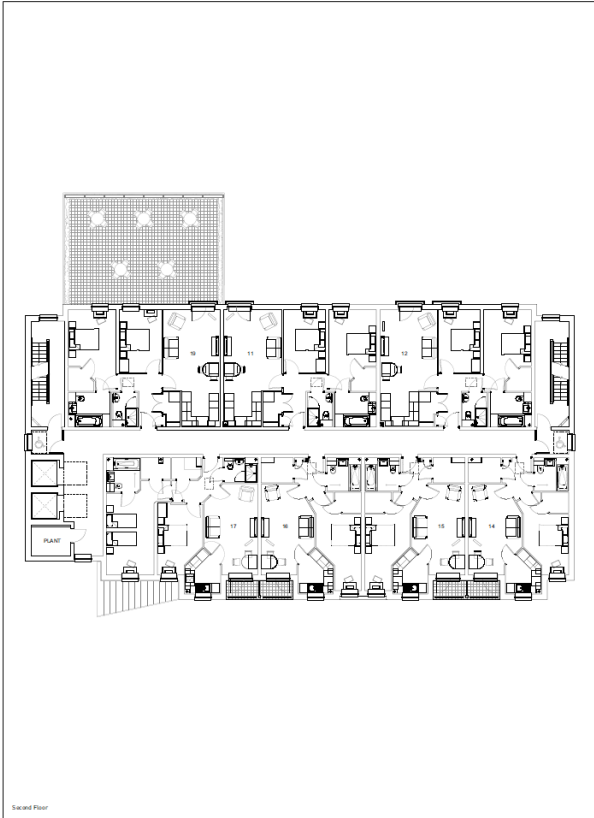


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 ARCHITECTS

PLANNING
 3-6 BRIDGE AVENUE, MAIDENHEAD



AP228 P04 Rev A
 Proposed First Floor Plan
 02.07.2015

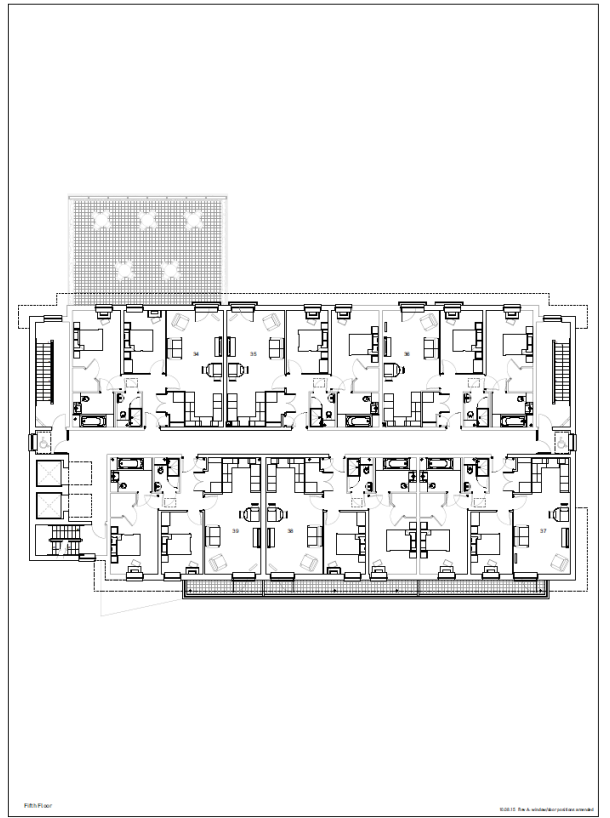
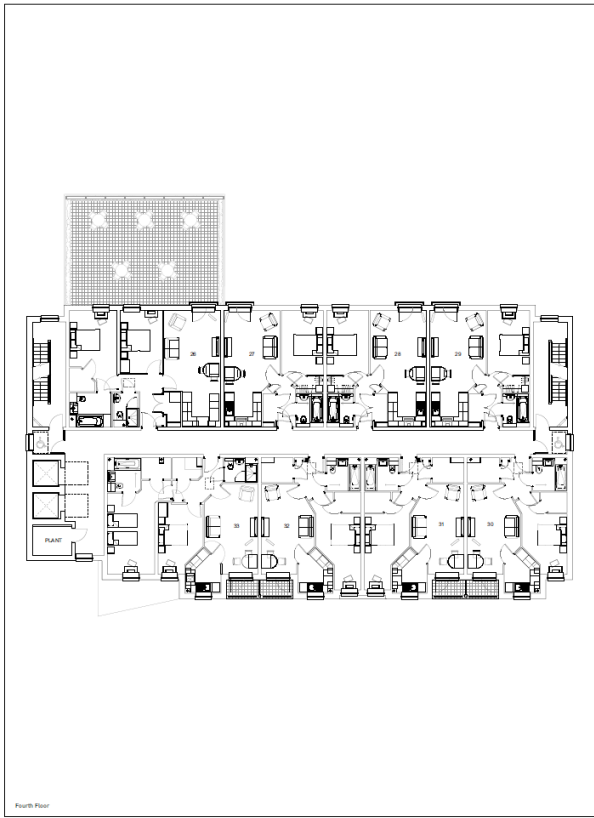


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PLANNING
3-6 BRIDGE AVENUE, MAIDENHEAD



AP228 P05 Rev A
Proposed Second & Third Floor Plans
02.07.2015



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ARCHITECTS PLANNING ENGINEERING INTERIORS

PLANNING
3-6 BRIDGE AVENUE, MAIDENHEAD



AP228 P06 Rev A
Proposed Fourth & Fifth Floor Plans
02.07.2015

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 December 2015

Item: 2

Application No.:	15/03155/FULL
Location:	52 Birdwood Road And Land To Rear of 50 Birdwood Road Maidenhead
Proposal:	Construction of three detached dwellings following demolition of existing dwelling at No 52 with associated external works
Applicant:	Quest End Ltd
Agent:	Mr Allen Watson - Buttery And Watson
Parish/Ward:	Pinkneys Green 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 planning permission to redevelop an existing residential site from one dwelling to two, and to develop part of the rear gardens of the existing house and neighbours' to provide a chalet bungalow. The application follows refusal of a similar scheme on the grounds that the development would have appeared cramped in the street scene, with little scope at the front of each site for meaningful landscaping, which would have harmed the character and appearance of the area. It was also refused on the grounds of overlooking from the first floor rear of Plot 1 and non-compliance with the Council's parking standards.
- 1.2 The loss of privacy from the proposed dwelling has now been satisfactorily addressed so there is no longer an objection to the proposal on this ground. However, only minor changes have been made in respect to addressing the concerns in relation to the development's cramped appearance and lack of space for on site parking and landscaping to the front of the plots and as such an objection to the proposal on these grounds remains.

It is recommended the Panel refuses planning permission for the following reasons (as identified in Section 10 of this report):

1.	The proposed houses on Plots 2 and 3 facing Birdwood Road, by reason of their size and scale together with their siting and close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area.
2	The proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped on the site to the detriment of the character and visual amenity of the area. Furthermore, the proposal would involve the majority of the space to the front of the dwelling being used for parking, leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area.
3	The proposed development fails to make adequate on-site provision for car parking in accordance with the Council's adopted Parking Strategy 2004 and would be likely to lead to additional on street parking in the area to the detriment of the free flow of traffic and conditions of highway safety. The proposal is therefore contrary to saved policies P4 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor D Wilson, for the reason that there is local interest in this application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 52 Birdwood Road comprises a detached house and double garage that are situated on a corner plot at the junction of Birdwood Road and Farm Road. The site sits in a hollow below Birdwood Road and Farm Road, with the garden banking up to the north and to the north east (at the rear), adjacent to No.35 Farm Road. The site comprises all of the land associated with No.52 Birdwood Road and part of the rear garden of No. 50 Birdwood Road. There is a mature hedge enclosing the site along its north boundary, adjacent to Farm Road.
- 3.2 The site is located in a residential area of Maidenhead, where there are a variety of types of dwellings. Birdwood Road is characterised by detached houses of varying styles with generous sized rear gardens. The building line of properties along Birdwood Road is generally staggered and most properties sit back from the road behind low brick walls enclosing space for parking and landscaping. The grass verges and tree lined nature of the road contribute to its attractive appearance.
- 3.3 The south side of Farm Road, within the vicinity of the site, is a mixture of semi-detached and detached houses, with No.35 being a bungalow. On the opposite side of Farm Road are semi-detached bungalows. Some properties have been developed as a result of sites formed from rear gardens – numbers 33a and 35 Farm Road appear to have been formed from the rear gardens of numbers 48, 50 and 52 Birdwood Road. The character of the area is essentially one of an established residential area which feels spacious and is enhanced by areas of planting, such as the grass verges, front gardens and hedges, and triangles of land at the road junctions.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
15/00314/FULL	Erection of two detached dwellings and one detached chalet bungalow following demolition of the existing dwelling at 52 Birdwood Road	Refused 26.05.15

- 4.1 The proposal is to demolish the existing detached dwelling and garage and construct two, four bedroom detached houses fronting Birdwood Road, together with a three bedroom, chalet bungalow to the rear of 52, facing Farm Road.
- 4.2 Plot 1 is the proposed chalet bungalow which would sit approximately 6m back from Farm Road. The dwelling would be approximately 10.5m wide, 9 metres deep and 6.8m high. It would be positioned 1m off each of the side boundaries. Parking for 2 cars is shown immediately to the front of the proposed dwelling.
- 4.3 Plots 2 and 3 are the proposed houses facing Birdwood Road. Each of them is approximately 9m wide, 13m deep and 8.5m high. Each house would have accommodation over three floors under a fully hipped roof with a rear dormer window. The houses would have a traditional appearance and are each shown to have three parking spaces. Access to Plot 2 would require a new crossover to be created.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Paragraphs 17, 53, 58, 64 and Annex 2 in respect to the definition of previously developed land.

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues
Local Plan	DG1, H10, H11.	T5, P4

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the character and appearance of the area;
- ii The impact on the living conditions of neighbours;
- iii Parking provision and highway safety.

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

6.2 The application site is within an established residential area and, while there are a variety of types and sizes of dwellings in the area in general, Birdwood Road and Farm Road have quite distinctive characters. Birdwood Road is characterised by detached houses that sit back from the highway. Houses on the north-east side running from north-west to south-east are generally also set behind each other. Although the properties tend to fill the width of their plots, the set back from the road and staggered building lines allows for a more open appearance and provides space for soft landscaping (as well as parking) that contributes to the established appearance of the road. Birdwood Road is also lined with grass verges and trees which add to its attractive appearance.

6.3 The proposal involves building on the gardens of numbers 50 and 52 Birdwood Road. Annex 2 of the NPPF advises that private residential gardens are not included in the definition of previously developed land and therefore no weight is given to the fact that two of the dwellings would be built on garden areas. Indeed paragraph 53 of the NPPF advises local planning authorities to consider the case for specifically resisting inappropriate development of residential gardens where, for example, development would cause harm to the local area.

6.4 Both houses on Plots 2 and 3 would be sited forward of No.50 Birdwood Road and would sit taller than the neighbouring property. The space at the front of the houses facing Birdwood Road would be almost entirely for off-street parking. The site would be opened up along the frontage with the creation of a new crossover to Plot 2 and the development would be sited much closer to Farm Road than the existing house, with the size of the gap halved from 9m to 4.5m at its closest point adjacent to the footpath. The rear and sides, as well as the frontages, of the properties would be clearly visible from Farm Road, including through the new access of Plot 1.

- 6.5 It is considered that the proposed houses facing Birdwood Road, by reason of their size and scale together with their siting in line and in close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking, leaving little space for any meaningful planting to soften the appearance of the development. For these reasons, the proposal would harm the character and appearance of the area and be contrary to adopted Local Plan policies DG1, H10 and H11 and the NPPF.
- 6.6 In terms of Farm Road, the area within the vicinity of Plot 1 (to the north-east) features a row of predominantly houses with the exception of the bungalow at 35 currently at the end of the row next to Plot 1. Properties are set back from the road behind walls or fences, and various shrub planting. The proposed chalet bungalow would sit forward of the neighbouring bungalow and houses, being approximately 6m back from the edge of the highway. It would also have a noticeably higher ridge height than the neighbouring bungalow and fill the majority of the width of the plot. Because of its siting and parking requirements, there is very limited space for landscaping at the front and in order to achieve the required pedestrian visibility splays the majority of the hedgerow in front of Plot 1 will be lost. Overall, it is considered that the proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped to the detriment of the character and visual amenity of the area. The proposed dwelling on Plot 1 is therefore considered to be contrary to policies DG1, H10 and H11 and the NPPF.

The impact on the living conditions of neighbours

- 6.7 The proposed dwelling on Plot 1 facing Farm Road would be adjacent to No.35 Farm Road. Although the proposed dwelling would be positioned forward of the neighbouring bungalow this will not result in loss of light or appear overbearing. The proposed dwelling would also not project beyond the rear of No. 35 so no harm will arise here from loss of light or by appearing overbearing. No windows are proposed on the side facing No.35 and therefore there will not be any loss of privacy to this property. Previously proposed dormer windows inserted on the first floor rear elevation have been removed and replaced with roof lights, so that there would be no direct loss of privacy of the rear of properties along Birdwood Road, including 48 and 50.
- 6.8 The first floor rear elevation of the house proposed on Plot 3 would not project beyond the rear of No.50 Birdwood Road and therefore there will be no loss of daylight to or overbearing impact on this neighbouring property. A condition restricting first floor side windows on Plot 3 would prevent any potential loss of privacy.
- 6.9 The living conditions of the future occupiers of the new dwellings would be sufficient. Overall, the proposal would comply with core planning principle 4 of the NPPF.

Parking provision and highway safety

- 6.10 The Highway Authority has advised that there is adequate space to achieve visibility splays and cycle parking and the proximity of the junction of Farm Road and Birdwood Road is satisfactory. Had the recommendation been to approve the application the details of these aspects would be secured by planning conditions.
- 6.11 Each house will have four bedrooms, so there is a requirement for three car parking spaces. Notwithstanding comments received from the Highway Authority, it is not considered that three parking spaces for both plots could be achieved satisfactorily. The position of the means of enclosure and the extent of the crossovers will mean that from a practical point of view manoeuvring three cars into and out of each of the driveways will be impossible. As future residents would struggle to park their cars on the driveways, the very strong likelihood would mean that they would park their cars on the road affecting highway safety and convenience. Insufficient on-site parking for this development would be unacceptable contrary to Local Plan policies DG1 and P4.

Other Material Considerations

- 6.12 The Tree Officer has been consulted on the application and any comments received will be reported to Panel in an update report.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The CIL Regulations came into affect from 6th April 2015 and imposes a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project. It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:
- 1) necessary to make the development acceptable in planning terms;
 - 2) directly related to the development; and
 - 3) fairly and reasonably related in scale and kind to the development.
- 7.2 Furthermore, national planning policy advice contained within the NPPG makes it very clear that site specific contributions should only be sought where this can be justified with reference to underpinning evidence on infrastructure planning. In this case, given the limited impact a development of this scale and that there are no projects that would meet the above tests, financial contributions are not required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 22nd October 2015.

2 letters supporting the application have been received, summarised as:

Comment	Where in the report this is considered
1. The proposal would be beneficial to the area.	6.4 and 6.5
2. The development will enhance the area.	6.4 and 6.5
3. We do not anticipate that there will be any problems with parking.	6.11

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

Comment	Where in the report this is considered
1. The upstairs windows of the property along Farm Road would invade the privacy of No.48 Birdwood Road.	6.7
2. The removal of a healthy mature tree on Birdwood Road for the benefit of the developer should not be agreed especially when the Council's Tree Department refuses to take action to remove or contain the tree outside 48 Birdwood Road which is too big for the road and the roots from which are causing damage to the pavement and presenting a safety hazard to pedestrians.	6.12
3. At school time the additional 6 cars that this development would create will make a local traffic problem even worse.	6.11
4. The properties that are being proposed for this site are not in keeping with those already in the area.	6.4 and 6.5
5. The two houses proposed on Birdwood Road would be a massive overdevelopment of the site.	6.4

6.	The new crossovers will put pedestrians in conflict with more vehicles.	6.10.
7.	Vehicles will need to reverse out into Birdwood Road and this will be a major highway hazard for drivers turning into Birdwood Road from Farm Road.	6.11
8.	The site is close to Newlands School with cars frequently parked along Farm Road and Birdwood Road. The proposed development would add to the problem of congestion in the area and lead to more incidences of residents being blocked in.	6.11

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	Comments as per paragraph 6.9	6.9

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection.	No objections raised. Recommends informatives in relation to dust control, smoke control and hours of working to be attached to permission granted.	Noted.

9. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
•	Appendix B – Proposed site layout plan
•	Appendix C – Proposed elevations – Plot 1
•	Appendix D – Proposed elevations – Plot 2
•	Appendix E – Proposed elevations – Plot 3
•	Appendix F – Existing street elevations
•	Appendix G – Proposed street elevations

This recommendation is made following careful consideration of all the issues raised through the application process. 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 not been successfully resolved.

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

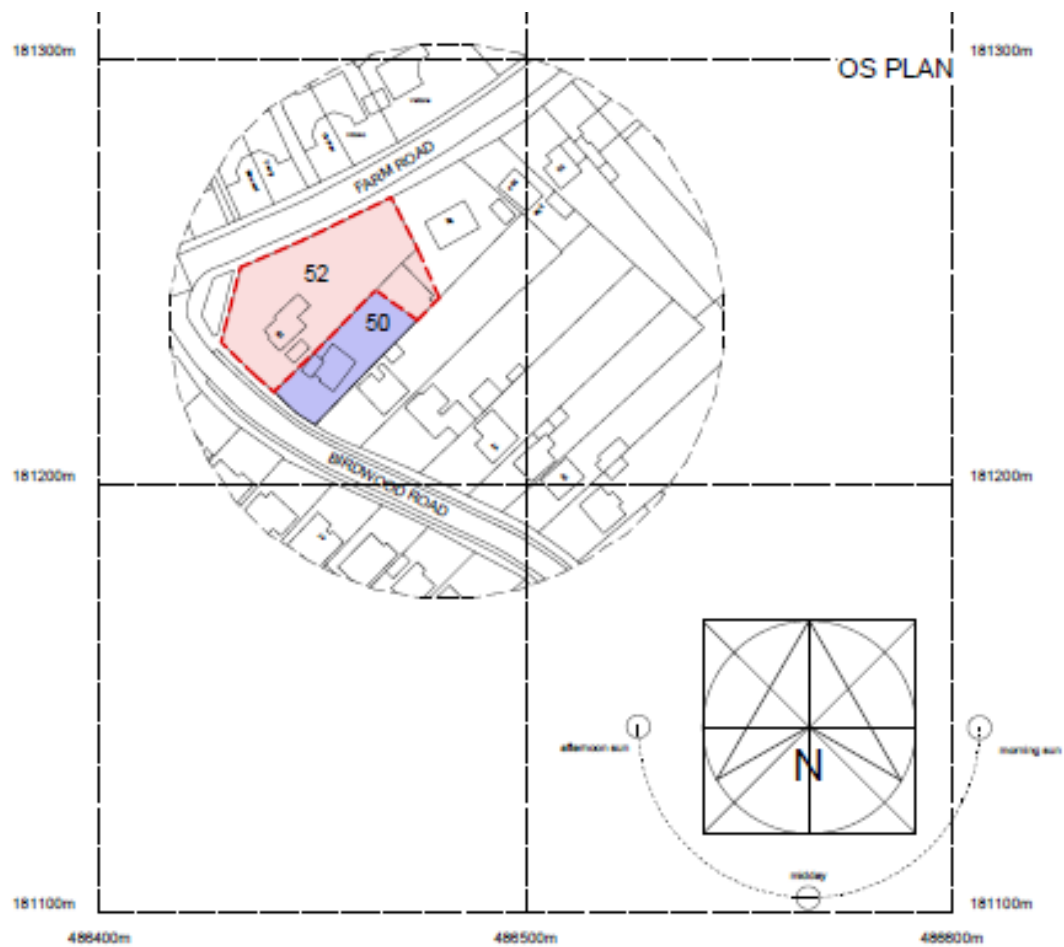
- 1 The proposed houses on Plots 2 and 3 facing Birdwood Road, by reason of their size and scale together with their siting and close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area and be contrary to saved policies DG1, H10 and H11 of

the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and core planning principle bullet points 4 and 5, and paragraphs 53, 56, 58, 60, 61 and 64 of the National Planning Policy Framework.

- 2 The proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped on the site to the detriment of the character and visual amenity of the area. Furthermore, the proposal would involve the majority of the space to the front of the dwelling being used for parking, leaving little space for any meaningful structural landscaping. The proposal is therefore contrary to saved policies DG1 and H10 and H11 of the Local Plan and core planning principle bullet points 4 and 5, and paragraphs 53, 56, 58, 60, 61 and 64 of the National Planning Policy Framework.
- 3 The proposed development fails to make adequate on-site provision for car parking in accordance with the Council's adopted Parking Strategy 2004 and would be likely to lead to additional on street parking in the area to the detriment of the free flow of traffic and conditions of highway safety. The proposal is therefore contrary to saved policies P4 and DG1of the Local Plan.

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Appendix A – Location plan



Appendix C – Plot 1 elevations



Appendix D – Plot 2 elevations

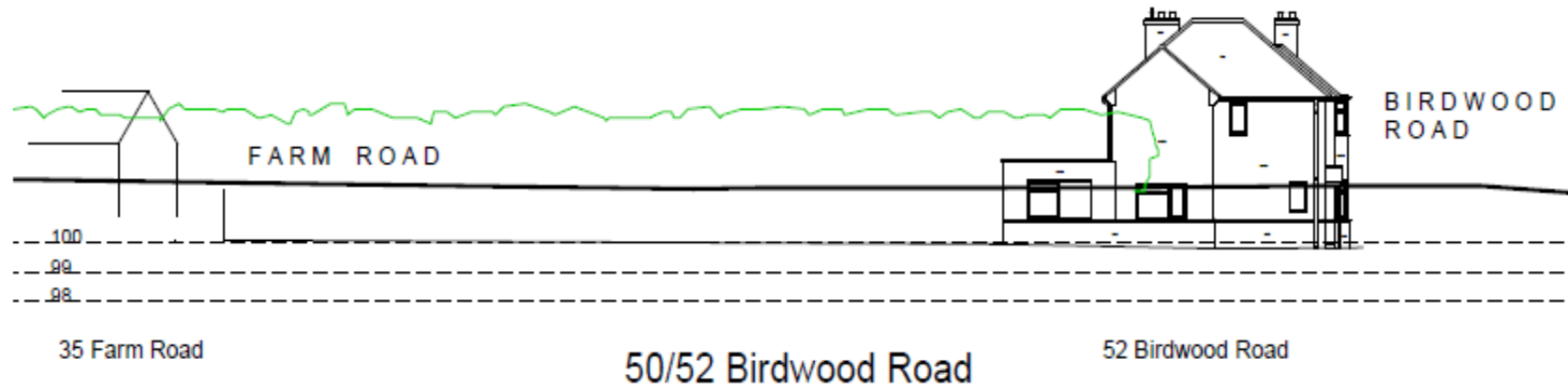
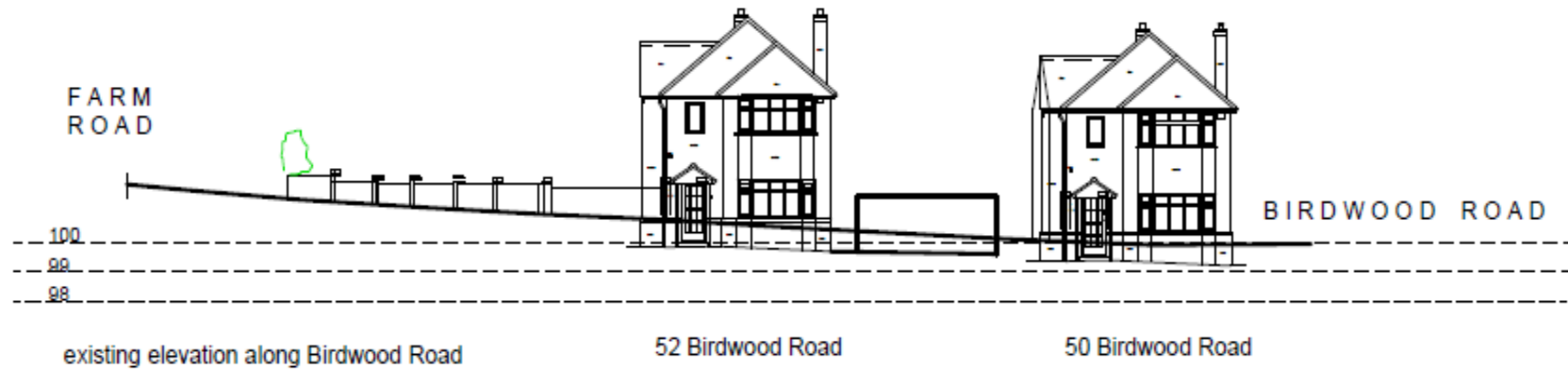


Appendix E – Plot 3 elevations

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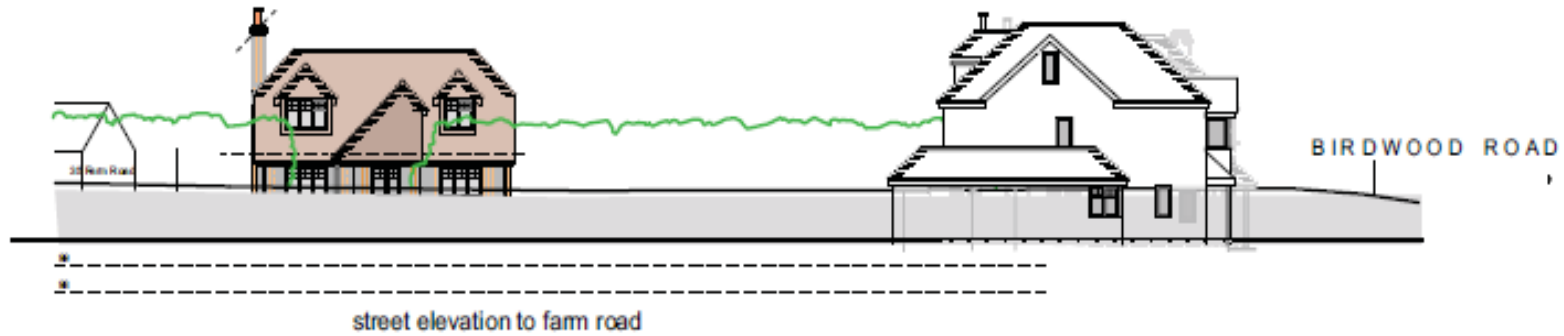
Appendix F – Existing street elevations



Appendix G – Proposed street elevations

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43



street elevations

proposed redevelopment of

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 December 2015

Item: 3

Application No.:	15/03652/FULL
Location:	40 Bisham Village Marlow Road Bisham Marlow SL7 1RR
Proposal:	Replacement detached 2 storey garage with office space on first floor following demolition of existing garage and shed
Applicant:	Dr Swietochowski
Agent:	Mr Jonathan Stackhouse - Julius Bahn Ltd
Parish/Ward:	Bisham Parish

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 proposal is for a two storey outbuilding which will be materially larger than the buildings it will replace; it therefore represents inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. Furthermore the proposed siting and size of the building would result in a loss of openness. No very special circumstances have been demonstrated and none are apparent which would clearly outweigh the harm caused to the Green Belt by inappropriateness or the physical reduction in openness that would occur. Accordingly the outbuilding is contrary to Policies GB1 and GB2 of the Local Plan and paragraphs 87, 88 and 89 of the National Planning Policy Framework (NPPF) March 2012.
- 1.2 In August 2015, a two storey outbuilding was dismissed at appeal on the grounds of inappropriate development in the Green Belt because it would be materially larger than the buildings it would replace; the only difference between the two developments is that the current proposal is 0.3m lower in height, with a resultant smaller useable floor area at first floor level. The Inspector's appeal decision is a material consideration that has been afforded significant weight in arriving at the recommendation.

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 inappropriate development in the Green Belt and would result in loss of openness. |
|-----------|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway, only if the recommendation is to refuse the application, to give the MDC Panel the opportunity to review this application on its merits.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is an end terrace house in a group of three, situated in the countryside in the village of Bisham. It lies in the Bisham Conservation Area and the Green Belt. The actual site of the development is part of the front garden; there is an existing wooden garage with a floor area of 14 sqm and a height of 2.5 m and a wooden shed with a floor area of 5.4 sqm and a height of 2.2 m, the two totalling 19.4 sqm. The house is accessed via a lane which leads to the adjacent farm. The front of the site opens onto open fields, while to the side are farm buildings.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

15/00257 Replacement detached 2 storey garage with office space on first floor following demolition of existing garage and shed.

Refused 19.3.2015
Appeal dismissed.

- 4.1 The proposal seeks to replace the garage and shed with a two storey outbuilding consisting of a garage and garage/garden room on the ground floor and a home office on the first floor. The ground floor area would be 39 sqm, the total floor area, including those parts of the floor area which are at or above head height, would be 57 sqm, and the height would be 5.2 m. The building would be wooden with a tiled roof, and would have a bi-fold window facing West and three rooflights facing East, garage doors and a first floor window facing North, and an outdoor staircase on the South elevation. The difference from the previous proposal which was dismissed at appeal is that it would be 0.3m lower in height, the rooflights would be on the opposite elevation, and the total floor area would be reduced from 61 sqm to 57 sqm because of the reduced useable floor area on the first floor due to the lowered roof.

	Height m	Length m	Width m	Floor Area sqm
Existing buildings	2.5 & 2.2	5 & 3	2.7 & 1.9	19.4
Appeal	5.5	6.6	6.1	61
Current Proposal	5.2	6.6	6.1	57

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	Conservation Area	Sufficient Parking Available
	✓		✓	✓
Local Plan	DG1	GB1, GB2	CA2	P4

Other Local Strategies or Publications

- 5.2 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment
 - RBWM Parking Strategy
- More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm
- Bisham Village Conservation Area appraisal – view at
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the openness of the Green Belt by reason of its inappropriateness and any other harm caused by the proposal;
- impact on the amenities of neighbouring properties;

- iii car parking; and
- iv impact on the conservation area and the character of the area.

Green Belt

- 6.2 In accordance with the NPPF, the replacement of a building is considered appropriate development in the Green Belt provided the replacement is in the same use and is not materially larger than the one it replaces. In this case the proposed development involves the demolition and replacement of two existing buildings. The total floor space of the existing buildings is approximately 19 sqm, whilst the floorspace of the proposed building is 57 sqm which represents an increase of 200% in floor space terms. The height of the proposed two storey building would be 5.2 m. Given this increased floorspace and height, this would be significantly bulkier and be of a much larger scale, which would be materially larger than that which it replaces. It would be only 0.3m lower than the previous scheme which was dismissed at appeal.
- 6.3 The Inspector for the previous appeal stated at paragraphs 8 and 9 (see Appendix E for the full Decision Letter) the following: *“Whether a replacement building would be materially larger involves a consideration of relative sizes and other matters such as siting or visibility are not relevant. In this regard I consider that the floor areas and heights....provide a useful indication. The fairly modestly sized wooden garage and shed to be replaced....the new building would be more than twice as high. Furthermore, the floorspace would be more than three times larger and the footprint about double those areas of the existing buildings taken together. It is clear from these statistics, as well as consideration of the submitted drawings and the existing buildings at my site visit, that the new building would be substantially bigger and, therefore, materially larger than those to be replaced taken together. The proposal would therefore constitute inappropriate development in the Green Belt. Under the terms of the Framework inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.”*
- 6.4 The proposed replacement outbuilding in this revised proposal would be substantially larger than the buildings it would replace, and therefore is considered inappropriate development in the Green Belt. Inappropriate development is harmful to the Green Belt and can only be approved in very special circumstances (VSC). Furthermore VSC will not exist unless the potential harm to the Green Belt by reason of the development’s inappropriateness, or any other harm, is clearly outweighed by other considerations. In this case no VSC have been demonstrated and none are apparent. Therefore, the proposed replacement garage is inappropriate development and is contrary to Paragraphs 87, 88 and 89 of the NPPF.
- 6.5 In assessing the impact on the Green Belt, it is also necessary to consider the impact on the openness of the Green Belt. Local Plan Policy GB2 identifies that permission will not be granted for new development or the redevelopment, change of use, or replacement of existing buildings within the Green Belt if it will have a greater impact on the openness of the Green Belt. The proposal would result in a building of considerably larger footprint, height, scale and bulk which would have a significant impact on the openness of the Green Belt, and the proposal is therefore contrary to Policy GB2 of the Local Plan and the NPPF.
- 6.6 The Inspector for the previous appeal stated at paragraph 11 the following: *“The openness of the Green Belt results from an absence of built development. The noticeably greater height and footprint of the new structure by comparison with the buildings to be replaced would result in significant additional built volume. In consequence, the openness of the Green Belt would be significantly reduced, regardless of matters such as the presence of other nearby buildings, the materials used, or the prominence of the building in the locality. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, the harm in this respect should be afforded a significant degree of weight.”*
- 6.7 The negligible reduction in height from the previous proposal which was refused and dismissed on appeal, a reduction in height of 0.3m, and a minimal decrease in useable floor area of 4 sqm due to the lowering of the ridge height, is not sufficient to address the in principle harm to the Green Belt and harm to openness of the Green Belt. The new building would be more than twice

as high as the existing buildings, and the floorspace would be three times larger and the footprint double those areas of the two buildings taken together. The Inspector on the previous appeal found that this was inappropriate development in the Green Belt and under the terms of the NPPF inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.

Neighbouring amenity

- 6.8 The 3 rooflights previously proposed for the West elevation are now shown on the East elevation, and would no longer face the neighbouring annex and courtyard. It is considered there would no longer be an issue of loss of privacy, and the proposal would no longer be contrary to one of the core planning principles of the NPPF which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Car parking

- 6.9 The proposal would provide sufficient on-site car parking and as such there is no concern in respect to this aspect. The proposal accords with the Council's Parking Strategy 2004, and with Policies DG1 and P4 of the Local Plan.

Impact on the Bisham Village Conservation Area and the character of the area

- 6.10 The site is in the Bisham Village Conservation Area. The two storey dwellings in the terrace of three properties, including no. 40, are relatively tall and imposing. There are also nearby farm buildings and domestic outbuildings, some of which are reasonably substantial. The new building would have relatively low eaves with the upper floor mostly in the roof. In addition the part hips would further limit its bulk. The Inspector found on the previous appeal that the new building would not appear unduly tall or bulky in its context. He went on to observe that the new building would be next to the side of a modern farm building. As a result it would not significantly limit views of the noticeably longer elevation visible from the access road into Town Farm. He found that in any event, this and the other farm buildings nearby reflect the rural character of the surroundings and are not, in his view, unsightly. The simple existing wooden sheds at no. 40, especially given their fairly modest scale, are not visually detrimental either. Although of an acceptable appearance in itself, the new building would not represent a visual benefit. As a result of these factors he found that the character and appearance of the Conservation Area would be preserved but not enhanced. This is considered to be the case with the current application. The proposal is therefore considered to accord with Policy CA2 of the Local Plan, and the Council has paid 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.

Other Material Considerations

- 6.11 The Inspector in the previous appeal noted that it was claimed that the existing garage is too small to accommodate a modern car. However he noted that no detailed evidence has been provided to demonstrate this and there is off road parking within the curtilage to the front of the garage. It is explained that the building would be used for various ancillary domestic purposes such as parking cars, storing tools and bicycles, keeping plants, as an office and to carry out hobbies such as painting. The Inspector went on to say that there is nothing to show that this would remedy any significant deficiency in the accommodation that might, for example, prejudice continued residential use. He concluded that such matters cannot therefore be afforded other than fairly modest weight. This is the case with the current application.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 19.11.2015.

The planning officer posted a site notice advertising the application at the site on 12.11.2015.

Two emails were received objecting to the application, summarised as:

Comment	Where in the report this is considered
This oversized new building has only been reduced by 300mm, and has previously been rejected at appeal and should be again.	6.2-6.7.
The trivial reduction in height and volume will not improve the impact on the Green Belt.	6.2-6.7
The 3 roof lights were not an element which impacted on the previous appeal decision.	6.8
The Parish Council, though initially supporting the previous proposal, subsequently revised their comments in favour of the owners of no. 41.	This is not a relevant material consideration in the determination of the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	To be reported in the update.	N/A

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Existing plans and elevations
- Appendix D – Proposed plans and elevations
- Appendix E – Inspector’s Decision Letter for

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 NPPF.

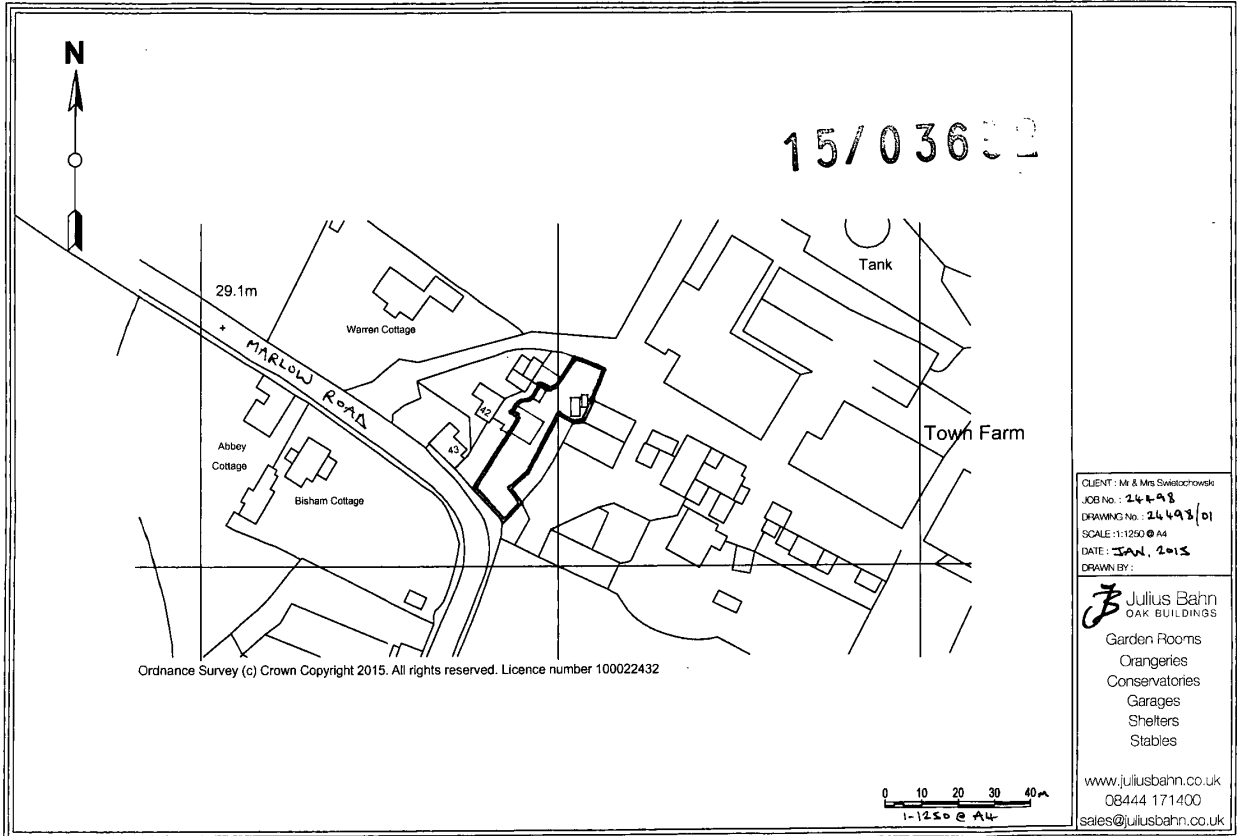
In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

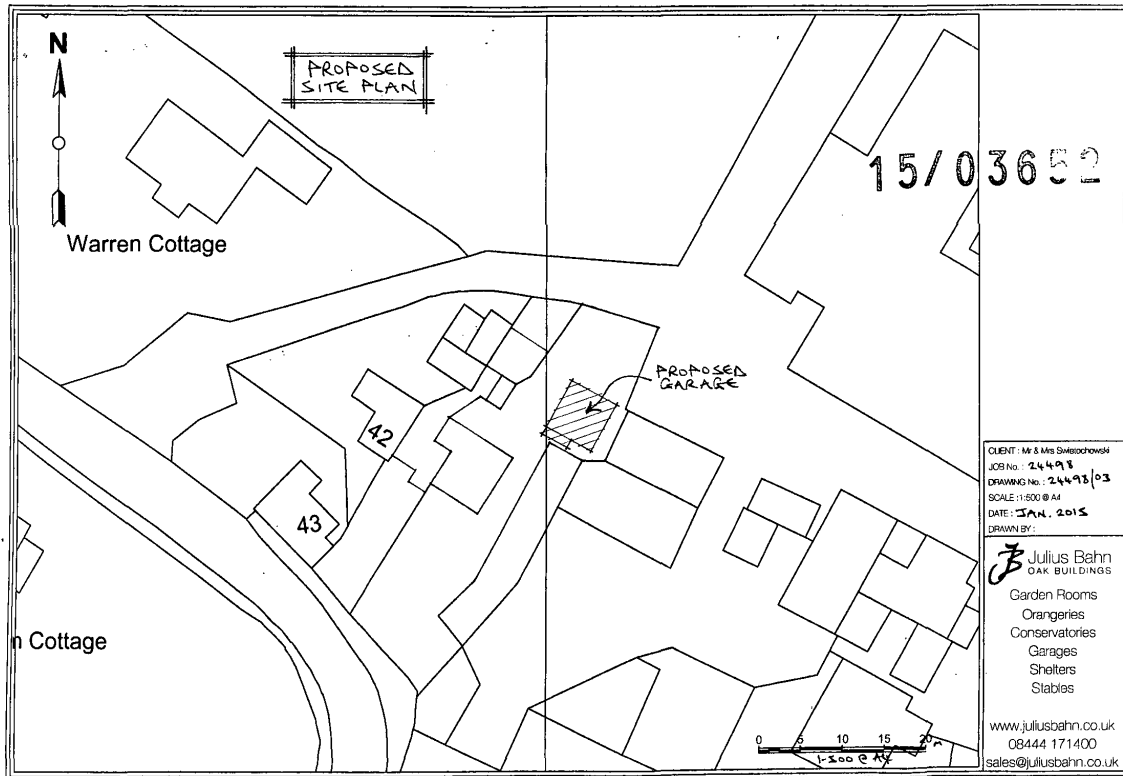
- 1 The outbuilding will be materially larger than the buildings it will replace, and therefore represents inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Furthermore the proposed siting and size of the garage would result in a loss of openness. No very special circumstances have been demonstrated which clearly outweigh the harm caused to the Green Belt by inappropriateness or the physical reduction in openness that would occur. Accordingly the outbuilding is contrary to Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and paragraphs 87, 88 and 89 of the National Planning Policy Framework (NPPF) March 2012.

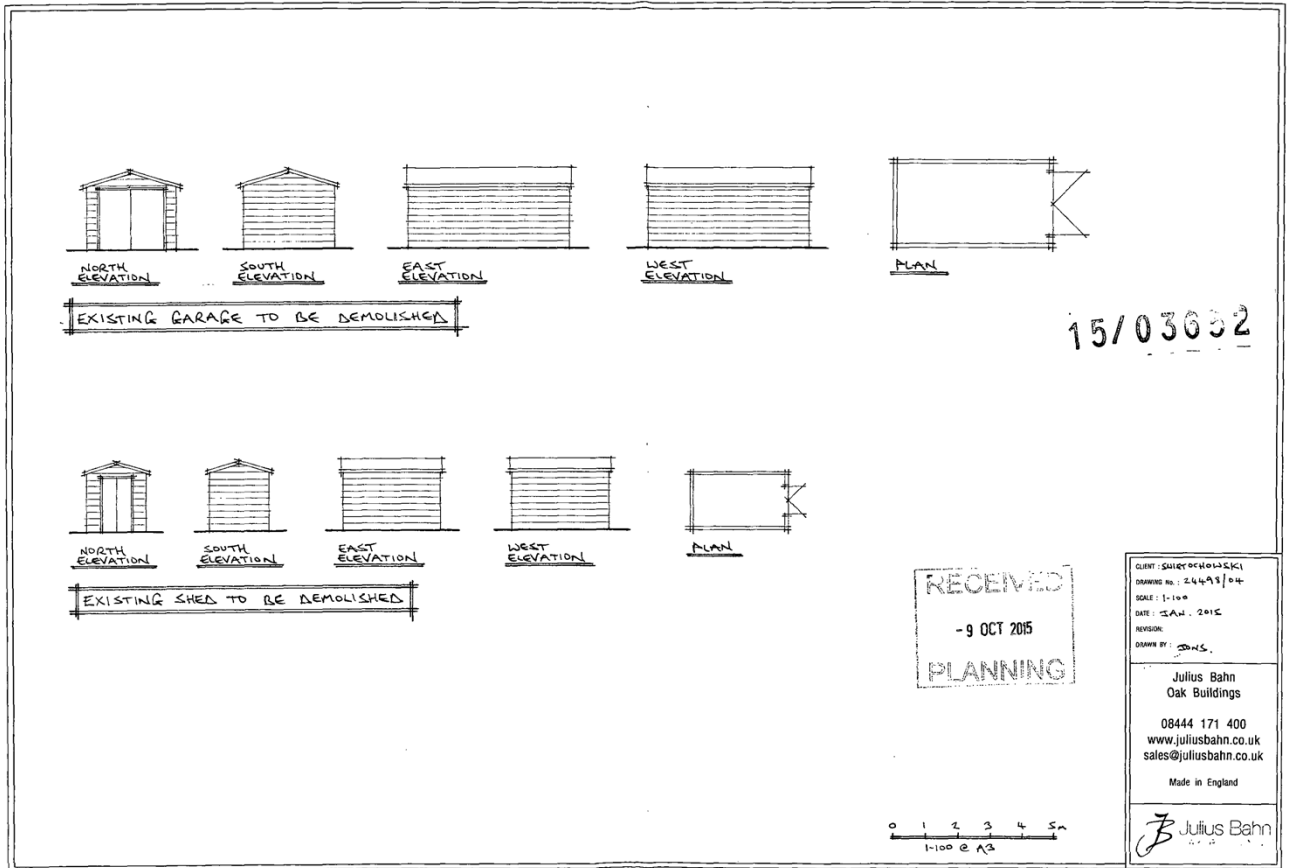
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Appendix A



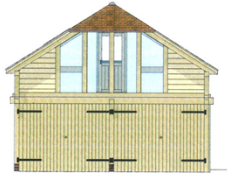
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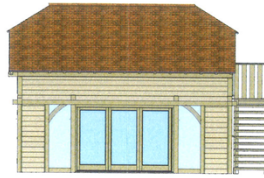


Appendix D

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North Elevation



West Elevation



South Elevation

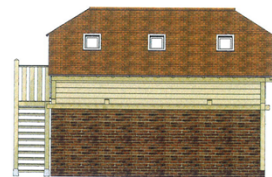
RECEIVED
- 9 OCT 2015
PLANNING



Plan



First Floor Plan



East Elevation

15/03652

Proposed

REG. No. 24493/06



Oak Framed Garage/Studio 6.60 x 6.14m

Dr & Mrs Swietochowski
Scale - 1:100 Date: 06/10/15

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Appeal Decision

Site visit made on 8 June 2015

by **Michael Evans BA MA MPhil DipTP MRTPI**

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

Decision date: 13 July 2015

Appeal Ref: APP/T0355/D/15/3011984

40 Bisham Village, Marlow Road, Bisham SL7 1RR

- 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 Dr John Swietochowski against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/00257 was refused by notice dated 19 March 2015.
 - The development proposed is the demolition of an existing garage and shed buildings and replacement with an oak framed detached garage with home office space above.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The appeal concerns a residential property that is located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would not be inappropriate. The extension or alteration of a building is also not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
4. Policy GB2 of the Royal Borough of Windsor and Maidenhead Local Plan, among other things, seeks to prevent the replacement of existing buildings in the Green Belt if the new development would have a greater impact on the openness of the Green Belt.

5. The Appellant suggests that based on case law concerning Sevenoaks District Council and dating from 1997 that the proposed outbuilding should be treated as an extension for the purpose of applying Green Belt policy. A generalised reference is also made to appeal decisions where outbuildings have been treated as extensions, as well as to Council's adopting a similar approach.
6. Nevertheless, in this instance it seems to me that the fact that existing buildings would be removed to accommodate it, means that the development clearly falls into the category of a replacement building. Furthermore, there would, in my view, also be a significant gap between it and the host dwelling.
7. In any event, I have not been provided with the necessary information regarding the extent of the original dwelling and any subsequent enlargement of it that would enable me to assess the proposal against the relevant test for extensions in the Framework anyway. I shall therefore consider the proposal as a replacement building.
8. Whether a replacement building would be materially larger involves a consideration of relative sizes and other matters such as its siting or visibility are not relevant. In this regard I consider that the floor areas and heights provided by the Council, which have not been disputed, provide a useful indication. The fairly modestly sized wooden garage and shed to be replaced have respective floor areas of 14sq m and 5.4sq m, with heights of 2.5m and 2.2m. The new pitched roof, partly hipped building with an upper floor would, on the other hand, have a height of 5.5m, with a floor area of about 61sq m and footprint of 39sq m.
9. As a result the new building would be more than twice as high. Furthermore, the floorspace would be more than three times larger and the footprint about double those areas of the existing buildings taken together. It is clear from these statistics, as well as consideration of the submitted drawings and the existing buildings at my site visit, that the new building would be substantially bigger and, therefore, materially larger than those to be replaced taken together.
10. The proposal would therefore constitute inappropriate development in the Green Belt. Under the terms of the Framework inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.

Openness of Green Belt

11. The openness of the Green Belt results from an absence of built development. The noticeably greater height and footprint of the new structure by comparison with the buildings to be replaced would result in significant additional built volume. In consequence, the openness of the Green Belt would be significantly reduced, regardless of matters such as the presence of other nearby buildings, the materials used, or the prominence of the building in the locality. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, the harm in this respect should be afforded a significant degree of weight.

Other considerations

12. The appeal site is located in the Bisham Village Conservation Area. The two storey dwellings in the terrace of three properties, including no. 40, are

relatively tall and imposing. There are also nearby farm buildings and domestic outbuildings, some of which are reasonably substantial. The new building would have relatively low eaves with the upper floor mostly in the roof. In addition the part hips would further limit its bulk. In consequence, I am not persuaded that the new building would appear unduly tall or bulky in its context.

13. The new building would be next to the side of a modern farm building. As a result it would not significantly limit views of the noticeably longer elevation visible from the access road into Town Farm. In any event, this and other farm buildings nearby reflect the rural character of the surroundings and are not, in my view, unsightly. The simple existing wooden sheds at no. 40, especially given their fairly modest scale, are not visually detrimental either. Although of an acceptable appearance in itself, the new building would not represent a visual benefit. As a result of these factors the character and appearance of the Conservation Area would be preserved but not enhanced.
14. There would be three rooflights in the side of the new building that would face towards the courtyard and annex at the attached dwelling, no. 41. However, these windows would be particularly small and at a relatively high level. These factors would significantly limit any overlooking so that there would be no undue loss of privacy at the neighbouring property. Given the distance from the boundary, the height and bulk of the new building would be insufficient to result in any undue reduction in outlook or overbearing effect at no. 41.
15. The proposal would therefore be acceptable in relation to the effect on the living conditions of the occupiers of the adjacent dwelling and on the Conservation Area. However, these merely neutral effects do not weigh positively in favour of the proposal.
16. It is claimed that the existing garage is too small to accommodate a modern car. However, no detailed evidence has been provided to demonstrate this and there is off road parking within the curtilage to the front of the garage. It is explained that the building would be used for various ancillary domestic purposes such as parking cars, storing tools and bicycles, keeping plants, as an office and to carry out hobbies such as painting.
17. However, there is nothing to show that this would remedy any significant deficiency in the accommodation that might, for example, prejudice continued residential use. Such matters cannot therefore be afforded other than fairly modest weight.
18. I note the absence of any objection from the Parish Council. Nevertheless, this is not, in itself, a planning benefit that might weigh in favour of the proposal.

Conclusion

19. As a result of the above matters it is concluded that the harmful effects in respect of the Green Belt, to which substantial weight is attached, are not clearly outweighed by other considerations. There can, in consequence, be no very special circumstances and the proposal would conflict with the Framework policies in relation to the Green Belt.
20. There would also be conflict with development plan policy GB2. Even if I accepted the Appellant's view that this policy is inconsistent with the Framework, the scheme would still be contrary to Government policy anyway.

21. It is therefore determined that the appeal fails. In reaching this decision I have taken account of the views of local residents.

M Evans

INSPECTOR

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



MAIDENHEAD DEVELOPMENT CONTROL PANEL

Appeal Decision Report

13 November 2015 - 9 December 2015

Appeal Ref.: 15/00054/REF **Planning Ref.:** 15/00477/FULL **Plns Ref.:** APP/T0355/W/1
5/3128922

Appellant: Mr And Mrs Goyal **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates
Highway House Lower Froyle Hants GU34 4NB GU34 4NB

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Construction of 9 x 2 bed and 2 x1 bed flats with basement parking with access off Greenfield's, following demolition of 2 x dwellings.

Location: **25 - 27 Braywick Road Maidenhead**

Appeal Decision: Allowed **Decision Date:** 24 November 2015

Main Issue: The Council refused the application on the grounds that the scale of the buildings would appear out of character with the suburban area. The Inspector acknowledged that the Council emphasised the "suburban" character but he stated that there is a diversity of features which contribute to the character and appearance of the area. The Inspector pointed out that at the front of the site is a busy dual carriageway which he considered was rather harsh and urban in its appearance with part of it elevated on the western side. The Inspector further stated that the houses on the appeal site sit below the level of the adjoining Braywick Road and that there is no consistent spacing, size or style to the houses on this side of the road. The Inspector also referred to the nearby four storey buildings at Greenfields and the amount of trees in the locality. The part of the development where no. 25 Braywick Road stands, the Inspector considered that this part would occupy a similar position and height to the existing building and would achieve a satisfactory transition between the houses to the north and the main part of the proposals on the site of no. 27 Braywick Road. It was considered that the rear part of the building on the site of no. 25 would have a slight jarring element and would not integrate well as a result of the vehicular entrance and the single storey element but there were limited views to this area. In terms of the building on no. 27, the Inspector considered that the building would have much greater bulk and much greater depth than the existing house and that its large scale would be emphasised by the size of the openings and balconies and furthermore that its palette of materials would make it stand out further. The Inspector noted the crown roof design but considered that the bulk of the roof would be broken up and that there were strong visual elements. Overall the Inspector considered that the building would sit comfortably on the plot and be compatible with the varied scale and character of the surroundings. It was also considered that the proposals would not harm the visual qualities or openness of the adjoining Green Belt and the overall loss of trees would not be harmful.

Appeal Ref.: 15/00055/REF **Planning Ref.:** 15/00872/CLA **Plns** APP/T0355/W/1
SMB **Ref.:** 5/3129030

Appellant: Mr R Ellis **c/o Agent:** Mr Tom McArdle Pike Smith And Kemp Ltd The Granary
Hyde Farm Marlow Road Maidenhead Berkshire SL6 6PQ

Decision Type: Delegated **Officer** Prior Approval
Recommendation: Required and
Refused

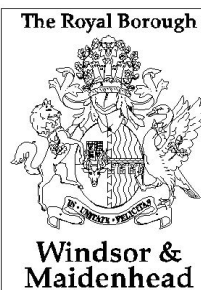
Description: (Class MB) Change of use from agricultural building to dwelling house

Location: **St Lawrence Nurseries Sill Bridge Lane Waltham St Lawrence Reading**

Appeal Withdrawn **Decision Date:** 26 November 2015
Decision:

Planning Appeals Received

13 November 2015 - 9 December 2015



MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at www.planningportal.gov.uk/pcs. Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Parish/Ward: Bray Parish
Appeal Ref.: 15/00089/REF **Planning Ref.:** 15/02484/FULL **PIns Ref.:** APP/T0355/W/1 5/3137638
Date Received: 19 November 2015 **Comments Due:** 24 December 2015
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use of land from agricultural to residential use.
Location: **Green Acres Fifield Road Fifield Maidenhead SL6 2NX**
Appellant: Mr Ryan Reider **c/o Agent:** Mr Alistair Lloyd Abracad Architects The Atrium Broad Lane Bracknell RG12 9BX

Parish/Ward: White Waltham Parish
Appeal Ref.: 15/00090/REF **Planning Ref.:** 15/01659/FULL **PIns Ref.:** APP/T0355/W/1 5/3132937
Date Received: 27 November 2015 **Comments Due:** 1 January 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Erection of 2 x 3 bed semi detached and 2 x 4 bed detached dwellings.
Location: **4 - 7 Woodlands Park Road Maidenhead**
Appellant: Mr Christopher Robinson- Elite Homes Ltd **c/o Agent:** Mr Ian Sowerby Bell Cornwell LLP Oakview House Station Road Hook Hampshire RG27 9TP

Parish/Ward:
Appeal Ref.: 15/00093/REF **Planning Ref.:** 15/01432/FULL **PIns Ref.:** APP/T0355/D/1 5/3139758
Date Received: 8 December 2015 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: 3 storey side extension and second storey front extension following hip to gable roof extension and enlargement of existing roof with the addition of 1 front dormer and 2 rear dormers to facilitate loft conversion. Addition of roof lantern to existing single storey rear extension and amendments to fenestration
Location: **29 Ray Mill Road West Maidenhead SL6 8SA**
Appellant: Mr Peter Hersom 29 Ray Mill Road West Maidenhead SL6 8SA

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