

NOTICE
OF
MEETING



MAIDENHEAD DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 8TH JUNE, 2016

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT CONTROL PANEL

COUNCILLOR DAVID BURBAGE (CHAIRMAN)
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, GERRY CLARK, DAVID COPPINGER,
MAUREEN HUNT, RICHARD KELLAWAY, PHILIP LOVE, DEREK SHARP,
ADAM SMITH, CLAIRE STRETTON AND LEO WALTERS

SUBSTITUTE MEMBERS

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

Karen Shepherd
Democratic Services Manager
Issued: Tuesday, 31 May 2016

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

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

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.

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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 meeting of 11 May 2016.		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 - 118
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		119 - 124

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.

Agenda Item 3

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11.05.16

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, Maureen Hunt, Philip Love, Marion Mills, Derek Sharp, Claire Stretton and Leo Walters.

Officers: Tony Carr (Traffic & Road Safety Manager), Victoria Gibson (Development Management Team Manager), Jenifer Jackson (Borough Planning Manager), Antonia Liu, Shilpa Manek and Matthew Tucker (Solicitor - Shared Legal Solutions)

Also Present: Councillor Simon Werner

63/15 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Simon Dudley. Councillor Marion Mills substituted.

64/15 DECLARATIONS OF INTEREST

The Chairman declared that all Members had a declaration of Interest for item 1 as they all knew the owner of the Elva Lodge Hotel as he a fellow councillor.

Councillor Wilson declared an interest for item 2 as he is a Bray Parish Council Member and this item was on the Bray Parish Council Agenda but had been deferred to Monday 16 May 2016. Councillor Wilson was attending the meeting with an open mind.

Councillor Walters declared an interest as he is a member of the Bray Parish Council and has taken no part in the discussions for item 2.

65/15 MINUTES

RESOLVED: That the Part I minutes of the meeting of the Maidenhead Development Control Panel held on 13 April 2016 be approved.

66/15 PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning and Development'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. These can be found with the Agenda.

15/03118/FULL* Elva Lodge Hotel Castle Hill Maidenhead SL6 4AD	Erection of new building comprising 12 x two bedroom and 2 x one bedroom flats with associated car parking refuse and cycle storage and landscaping works, following demolition of existing hotel. The PANEL VOTED UNANIMOUSLY that the
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	<p>application be DEFERRED and DELEGATED as per the officers panel update report. The Application was approved subject to the conditions in the Borough Planning Manager's report.</p> <p>Officers to liaise with the Lead Local Flood Authority to resolve drainage issues.</p> <p>(Speakers: The Panel was addressed by David Howells, Applicants Agent)</p>
<p>16/00325/OUT* Oakland And Donne Mede Harvest Hill Road Maidenhead</p>	<p>Outline application (access, layout and scale) with some matters reserved for the construction of three detached and two semi-detached dwellings following the demolition of two existing dwellings (Oakland and Donne Mede).</p> <p>The PANEL VOTED UNANIMOUSLY that the application be DEFERRED FOR A PANEL SITE VISIT. The Application was approved subject to the conditions in the Borough Planning Manager's report.</p> <p>(Speakers: The Panel was addressed by Jennifer Leverett and Mr Kendall, objectors and Paul Dickinson, applicant).</p>
<p>16/00568/FULL Vansett Nursing Home 27-29 Norfolk Road Maidenhead SL6 7AU</p>	<p>Amendments to fenestration, alterations and conversion of care home (C2) to flats (C3) comprising of 7 x 1 bedroom and 1 x studio flat with parking, cycle and refuse storage.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED. The Application was approved subject to the conditions in the Borough Planning Manager's report.</p> <p>Officers to amend condition 4 to allow for a revised parking layout to allow additional space to manoeuvre out of the space closest to the cycle store. (will need to move cycle store slightly further to the south).</p>
<p>16/00785/FULL 47 Allenby Road Maidenhead SL6 5BE</p>	<p>Change of use of existing detached ancillary playroom to a self-contained separate one bedroom dwelling with retention of detached garage, existing garden and off street parking.</p> <p>THE PANEL VOTED to REFUSE THE APPLICATION against the Borough Planning Manager's recommendations for the reasons as listed below:</p> <ul style="list-style-type: none"> • that the proposal would fail to make adequate provision of amenity space for the two dwellings and would be significantly harmful to the character and appearance of the area

	<p>as it does not conform to that character. The proposal would be contrary to Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003) and paragraph 17 of the NPPF.</p> <p>Six Councillors voted in favour of the motion to refuse the application (Councillors Bullock, Coppinger, Mills, Sharp, Stretton and Walters) and five councillors voted against the motion to refuse the application (Councillors Clark, Hunt, Kellaway, Love and Wilson).</p> <p>(Speakers: The Panel was addressed by Julie White and Councillor Simon Werner, objectors).</p>
<p>16/00853/VAR International Graphics Sourcing Unit 3 The Quadrant Howarth Road Maidenhead SL6 1AP</p>	<p>Change of use to tyre supplier and fitting service (B2) as approved under planning permission 05/00090 without complying with condition 2 (hours of operation) to remove all time constraints on the proposed use.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED. The Application was approved subject to the conditions in the Borough Planning Manager's report.</p>

67/15 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 8.10 pm

Chairman.....

Date.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

8th June 2016

INDEX

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

Item No.	1	Application No.	15/03284/OUT	Recommendation	REF	Page No.	11
Location:	Land Rear of 105 To 119 Whyteladyes Lane Cookham Maidenhead						
Proposal:	Outline application with all matters reserved for the erection of 7 affordable houses						
Applicant:	Mr Copas	Member Call-in:	Not Applicable	Expiry Date:	26 November 2015		
<hr/>							
Item No.	2	Application No.	16/00325/OUT	Recommendation	PERM	Page No.	27
Location:	Oakland And Donne Mede Harvest Hill Road Maidenhead						
Proposal:	Outline application (access, layout and scale) with some matters reserved for the construction of three detached and two semi-detached dwellings following the demolition of two existing dwellings (Oakland and Donne Mede)						
Applicant:	Amberleigh Homes	Member Call-in:	Not Applicable	Expiry Date:	28 March 2016		
<hr/>							
Item No.	3	Application No.	16/00552/FULL	Recommendation	PERM	Page No.	41
Location:	Land Adjacent 24 South Road Maidenhead						
Proposal:	Erection of 4 x 1bed apartments with improvements to road layout and disabled access.						
Applicant:	Mr Collett	Member Call-in:	Not Applicable	Expiry Date:	17 June 2016		
<hr/>							
Item No.	4	Application No.	16/00560/FULL	Recommendation	REF	Page No.	53
Location:	Diwa 2 Norfolk Road Maidenhead SL6 7EE						
Proposal:	Construction of 10 dwellings 3 x 1 bed units and 7 x 2 bed units, with associated parking and amenity provision following demolition of property including outbuilding.						
Applicant:	Mr And Mrs Dhendsa	Member Call-in:	9 Cllr Love	Expiry Date:	24 May 2016		

Item No.	5	Application No.	16/00765/FULL	Recommendation	PERM	Page No.	65
Location:	Queensgate House 14 - 18 Cookham Road Maidenhead						
Proposal:	Change of use from B1 (Offices) to C3 (Residential), addition of mansard roof to provide 3 x 1 bed and 3 x 2 bed flats						
Applicant:	Wycrest Ltd	Member Call-in:	Not Applicable	Expiry Date:	15 June 2016		

Item No.	6	Application No.	16/00885/FULL	Recommendation	PERM	Page No.	77
Location:	April Cottage Poundfield Lane Cookham Maidenhead SL6 9RY						
Proposal:	Raising of roof with addition of 3 No. front dormers and 2 No. rear dormers, garage conversion to habitable accommodation, single storey rear extension and alterations to front elevation to reposition garage. Amendment to planning permission 15/03699.						
Applicant:	Mr Owen	Member Call-in:	Cllr Richard Kellaway	Expiry Date:	15 June 2016		

Item No.	7	Application No.	16/00909/FULL	Recommendation	REF	Page No.	87
Location:	Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA						
Proposal:	Alterations to second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2-bed, 1 x 1-bed and 1 x 3-bed flats with external alterations. (Part retrospective)						
Applicant:	Mr Stone, Mr Cutler & Colemans Solicitors LLP	Member Call-in:	Not Applicable	Expiry Date:	21 June 2016		

Item No.	8	Application No.	16/00972/FULL	Recommendation	PERM	Page No.	99
Location:	Holyport College Ascot Road Holyport Maidenhead SL6 3LE						
Proposal:	Single storey extension to dining hall and single storey extension to sports hall						
Applicant:	Mr Bell	Member Call-in:	Not applicable	Expiry Date:	30 May 2016		

Item No.	9	Application No.	16/01289/CPD	Recommendation	REF	Page No.	111
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead						
Proposal:	Certificate of lawfulness to determine whether a moveable poultry shed is lawful.						
Applicant:	Mr Driver	Member Call-in:	Not applicable	Expiry Date:	20 June 2016		

Planning Appeals Received **Page No. 119**

Appeal Decision Report **Page No. 121**

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 1

Application No.:	15/03284/OUT
Location:	Land Rear of 105 To 119 Whyteladyes Lane Cookham Maidenhead
Proposal:	Outline application with all matters reserved for the erection of 7 affordable houses
Applicant:	Mr Copas
Agent:	Mr Jake Collinge - JCPC Ltd
Parish/Ward:	Cookham Parish
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The planning application is for outline consent with all matters reserved for the development of 7 affordable houses to land to the rear of 105-119 Whyteladyes Lane, Cookham.
- 1.2 Significant weight is given in favour of the proposal due to the need for housing and affordable housing; however the proposal for 7 affordable houses would cause substantial harm due to its inappropriateness in the Green Belt, the harm caused to openness and to the purposes of including land in the Green Belt. It is not considered that the case of very special circumstances has been demonstrated to outweigh the harm to the Green Belt and any other harm to justify inappropriate development in the Green Belt.
- 1.3 The Ecology Officer comments are still pending and will be reported in an update.

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

- | | |
|----|--|
| 1. | The proposed development represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and very special circumstances have not been demonstrated to justify inappropriate development in the Green Belt. |
| 2. | The proposal would extend the built-up area of Cookham Rise into an important Green Belt gap separating Cookham Dean and Cookham Rise, and the introduction of built development in this location would result in actual loss of openness across the site contrary to the main purposes of the Green Belt. |
| 3. | In the absence of an undertaking to secure the infrastructure in Section 7 of this report that the proposed development would not be accompanied by associated infrastructure improvements. |

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is part of an elongated grass field/meadow on the west side of Cookham Rise. The western boundary is marked by a 2.4 metre hawthorn hedge. The adjoining field is farmed for arable crops. The eastern boundary with the houses on Whyteladyes Lane is marked for the most part by a similar hedge 1.8 metre to 2.2 metre high. The site is accessed via a gated entrance between 199 and 121 Whyteladyes Lane.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/00834/OUT	Outline application with all matters reserved for the construction of 23 affordable housing units.	Refused - 26.06.2013. Appeal Dismissed - 19.02.2014.

- 4.1 The application is for an outline application with all matters reserved for the construction of 7 affordable houses.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 6, 7, 9 and 14

Royal Borough Local Plan

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

	Green Belt
Local Plan	GB1, GB2, GB4 and H4

The Council's planning policies in the Local Plan can be viewed at:
http://www.rbwm.gov.uk/web/pp_adopted_local_plan.htm.

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:
- i Whether proposed development is inappropriate development within Green Belt and the effect of the proposed development on the purposes of the Green Belt, its openness, its visual amenity and the appearance of the surrounding countryside;
 - ii Other material considerations;
 - iii Planning Balance and the Case of Very Special Circumstances;

Green Belt

Appropriate Development

- 6.2 The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to keep land permanently open. Paragraph 89 of the NPPF indicates that with some exceptions the construction of new buildings is inappropriate development in Green Belt. This includes limited affordable housing for local community needs under policies set out in the Local Plan. Local Plan policy GB1 adopts a broadly similar approach to national policy and sets out the general types of appropriate development in the Green Belt. Policy GB1 only allows for residential development in accordance with policies GB3 to GB5. In this case GB3 is the most relevant and it sets out the limited circumstance when new residential dwellings will be acceptable. This includes affordable housing in rural areas and refers to policy H4. Policy H4 and its supporting text sets out the Council's rural exception policy and states that '*as an exception to normal restraint policies, the Council may be prepared to allow small scale housing schemes within the Recognised Settlements of the Borough in order to promote housing for those whose incomes are insufficient to enable them to acquire accommodation on the open market*'. While comprising of affordable housing for local community needs the site itself is outside of the recognised settlement; it is therefore considered that H4 is not applicable in this case and the proposal is inappropriate development. While it is immediately adjacent to the settlement of Cookham Rise, H4 clearly states that the Council will need to be satisfied that '*the development is not adjacent to an urban settlement but is within the boundary of a recognised settlement*'. The Council is not satisfied in

this instance. By reason of inappropriateness and in accordance with paragraph 88 of the NPPF the weight against the proposed development is substantial.

Purpose, Openness and Character of Green Belt

- 6.3 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Greenbelt are their openness and their permanence. Paragraph 80 goes on to list 5 purposes of the Green Belt. In accordance, Local Plan policy GB2 states that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt or purposes of including land in the Green Belt. As inappropriate development in the Green Belt, the proposal is by definition harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. In this location the Green Belt serves to separate the villages of Cookham Rise and Cookham Dean which are settlements excluded from the Green Belt. Should the development be permitted there would still be a significant area of Green Belt between the two villages, however the well-defined edge of the development formed by the housing on Whyteladyes would be breached. The applicant has argued that the existing hedgerow and shape of the appeal site would lend itself to a natural continuation and defensible edge to the settlement. However, the development would still constitute an intrusion/encroachment into the countryside by extending the built-up area of Cookham Rise into the existing gap, contrary to GB2. Furthermore, paragraph 82-86 of the NPPF states that permission for development such as this should only be granted following a review of Green Belt boundaries through the Local Plan preparation or review process. It is therefore considered that the encroachment into the countryside would be substantially harmful to the Green Belt.
- 6.4 In 2013, RBWM carried out an Edge of Settlement (EoS) Analysis. This was undertaken as part of the review of the Borough Local Plan and was published for consultation in January 2014 alongside the RBWM Borough Local Plan Preferred Options Consultation document (BLP Preferred Options document). Land identified as '1B Area west of Whyteladyes Lane, Cookham Rise' which includes the application site formed part of that EoS Analysis, but it is considered that little weight can be attached to the study in the consideration of this application given that this was subject to consultation 2 years ago with an updated study yet to be completed.
- 6.5 In the submitted Design and Access Statement the applicant has argued that as the proposal now involves a reduction in the number of units and the size of the site from the previously refused scheme, therefore the impact on openness has been reduced accordingly. In the Design and Access Statement the impact of the proposal in this respect has been described as 'limited harm'. The reduction in the amount of development also allows for extensive mitigating soft landscaping. However, it is considered that the introduction of built development in this location, which currently comprises an undeveloped grassed field that contributes significantly to the openness of the area and provides views out of the countryside to the north and west, would result in actual loss of openness across the site. The loss of openness is considered to result in substantial harm to the Green Belt. The appeal inspector for 13/00834/OUT also considered that the development would be visible from ground, which gradually rises towards the west, including a number of public footpaths. Whilst the layout and appearance are reserved matters at this stage, the dwellings would inevitably be seen against the backdrop of the housing fronting onto Whyteladyes Lane and their back gardens. The introduction of built development in this location would therefore cause a moderate degree of harm to the open character and visual amenities of the Green Belt conflict with GB2.
- 6.6 Therefore, in accordance with paragraph 88 of the NPPF the encroachment into the countryside and loss of openness should be given substantial weight, while the harm to visual amenity would be given moderate weight against the proposal.

Other Material Considerations

- 6.7 There is local concern over harm to local ecology including slow worms as a result of the development. A preliminary reptile appraisal and precautionary method statement, dated 12 September 2013, has been submitted with the application. Comments from the Council's Ecology Officer are still pending and will be reported in an update.

- 6.8 As this is an outline application with all matters reserved, issues such as highway safety and parking and neighbouring amenity would have to be addressed in detail in a full or reserved matters application. However, in terms of highway safety and parking the principle of 7 units is acceptable, subject to compliance with the current best practices in relation to the access, visibility splays, parking and turning areas, refuse and cycle storage. In terms of neighbouring amenity from the indicative layout there would be a back-to-side distance of approximately 20m from 105 Whyteladyes Lane to proposed house no.1, which is the closest house to the shared boundary with 99-119 Whyteladyes Lane. There is an approximate 34m back-to-back distance between the rear elevations of proposed houses no. 4-7 and existing houses at 99-119 Whyteladyes Lane. Subject to scale, mass and bulk, and location of windows, this is likely to be an acceptable relationship to mitigate visual intrusion, loss of light and privacy.

Planning Balance and the Case of Very special Circumstances

- 6.9 As stated in National Planning Policy and in the Borough Local Plan, planning permission can only be granted for inappropriate development if there is a case of very special circumstances that clearly overcomes the harm to the Green Belt and any other harm. It has been concluded that the development constitutes an inappropriate form of development in respect of Green Belt which is by definition harmful to the Green Belt. There would also be harm caused by the physical reduction in openness across the site. For these reasons, substantial weight is given against the proposal.
- 6.10 The applicant has put forward a case of 'VSC' stating that the proposal would contribute towards housing and affordable housing need within the Borough.
- 6.11 Paragraph 14 of the NPPF set out that there will be a presumption in favour of Sustainable Development, while paragraph 49 states that applications for new homes should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. However, paragraph 14 of the NPPF states that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework which indicate development should be restricted. Footnote 9 of the NPPF identifies policies relating to sites designated as Green Belt as an example where development should be restricted. When assessed against specific Green Belt policies of the NPPF the harm as a result of the proposal is considered to be substantial for the reasons outlined in paragraph 6.2, 6.3 and 6.5 of this report. Therefore while the net gain in housing would be a clear and a significant benefit of the scheme, and further weight is given to the lack of alternative sites being identified, the unmet demand for housing is not considered to outweigh the substantial harm to the Green Belt in line with the NPPF and Local Plan policies GB1, GB2 and GB3. This is in line with the Ministerial Statement of 1 July 2013 that makes clear that unmet demand for housing is unlikely to outweigh the harm to the Green Belt and any other harm so as to constitute the very special circumstances justifying inappropriate development.
- 6.12 The proposal is entirely for affordable housing and the applicant has applied a sequential test for sites within the Cookhams with the potential to deliver affordable housing based on the Council's Strategic Housing Land Availability Assessment (SHLAA; 2011 and 2014). The results of the sequential test maintain that affordable housing to meet the needs of the area cannot be achieved on non-Green Belt sites. However, while significant weight is given to the need for affordable housing, as shown in the Council's Housing Need Study (2005), the need is Borough wide and does not necessarily have to be provided within the Cookhams. As such, the sequential test is afforded little weight. In relation to need within the Cookhams the appeal Inspector for 13/00834/OUT concluded that the Cookham Parish Council Affordable Housing Survey (2011) failed to fully quantify need. No further evidence has been put forward by the applicant.
- 6.13 It is not considered that a significant and compelling case for Sustainable Development or VSC has been made by the applicant. The NPPF also requires a balancing exercise of benefits

against harm. The significant benefits of the scheme by reason of additional housing, while outweighing the moderate harm to visual amenity, is not considered to outweigh the substantial harm to the Green Belt in respect of its inappropriateness, openness and purpose.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came into force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. Planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms if directly related to the development and if fairly related to the scale and kind of the development. In this case, it is considered that planning obligations of £71,492 would be sought towards Education. The monies would go towards the expansion of existing science labs at Furze Platt Senior School. In the absence of a completed S106 legal agreement it is recommended that application is refused as it would not be accompanied by associated infrastructure improvements.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 neighbours were directly notified and a site notice was posted on site. 303 letters objecting to the proposal were received, which are summarised below:

Comment	Officer Response
Inappropriate development within Green Belt, resulting in erosion contrary to its purpose, loss of gap between Cookham Dean and Cookham Rise, and loss of openness.	Para. 6.2 – 6.6.
Alternative sites available, including brownfield. Would set a precedent for future development within Green Belt.	Para. 6.11, 6.12.
No demand for affordable housing in Cookham, proposed housing mix and type does not meet local need.	Para. 6.12.
Impact on local infrastructure including local roads, schools, medical centre.	Para. 7.1.
Harm to neighbouring amenity through noise and disturbance, loss of privacy, light pollution.	Para. 6.8.
Inadequate access resulting in harm to highway safety.	Para. 6.8.
Inadequate parking leading to increase on off road parking pressure.	Para. 6.8.
Harm to ecology including slow worms and birds.	Para. 6.7.
Out of character in terms of density, pattern of development and streetscene.	Para. 6.8.
Inadequate existing sewer system, increase in flooding to neighbouring houses.	Para. 6.8.

Other Consultees

Comment	Officer Response
PARISH COUNCIL COMMENTS Objects to the proposal on the grounds of inappropriate development within the Green Belt with no very special circumstances to justify harm. There is no viable demand for affordable housing in Cookham. Harm to local ecology. Harm to local infrastructure in particular sewage, gas and medical centre. Harm to highway safety.	Para. 6.2 – 6.6, 6.7, 6.12, 7.1.
BERKSHIRE ARCHAEOLOGY No objections subject to condition.	Noted.
COOKHAM SOCIETY	Para. 6.2 – 6.6, 6.7, 6.12,

Objects to the proposal on the grounds of inappropriate development within the Green Belt with no very special circumstances to justify harm. There is no viable demand for affordable housing in Cookham. Harm to local ecology. Harm to local infrastructure in particular sewage, gas and medical centre. Inadequate access resulting in harm to highway safety.	7.1.
HIGHWAYS It is noted this application is an Outline application with all matters reserved. Therefore specific highway issues have not been assessed. However purely from a highway perspective the principle of some form of development in this location is acceptable, any development will be expected to comply with the current best practice requirements.	Noted.
ENVIRONMENTAL PROTECTION No objection subject to informatives.	Noted.
PLANNING POLICY The proposed development is inappropriate development in the Green Belt (Policy GB1) and it is not considered that a case for VSC has been made relating to housing demand, provision of affordable housing, lack of alternative sites, or limited harm.	Para. 6.2 – 6.6, 6.9 - 6.13.

9. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Indicative Layout
- Appendix C – Appeal decision for 13/00834

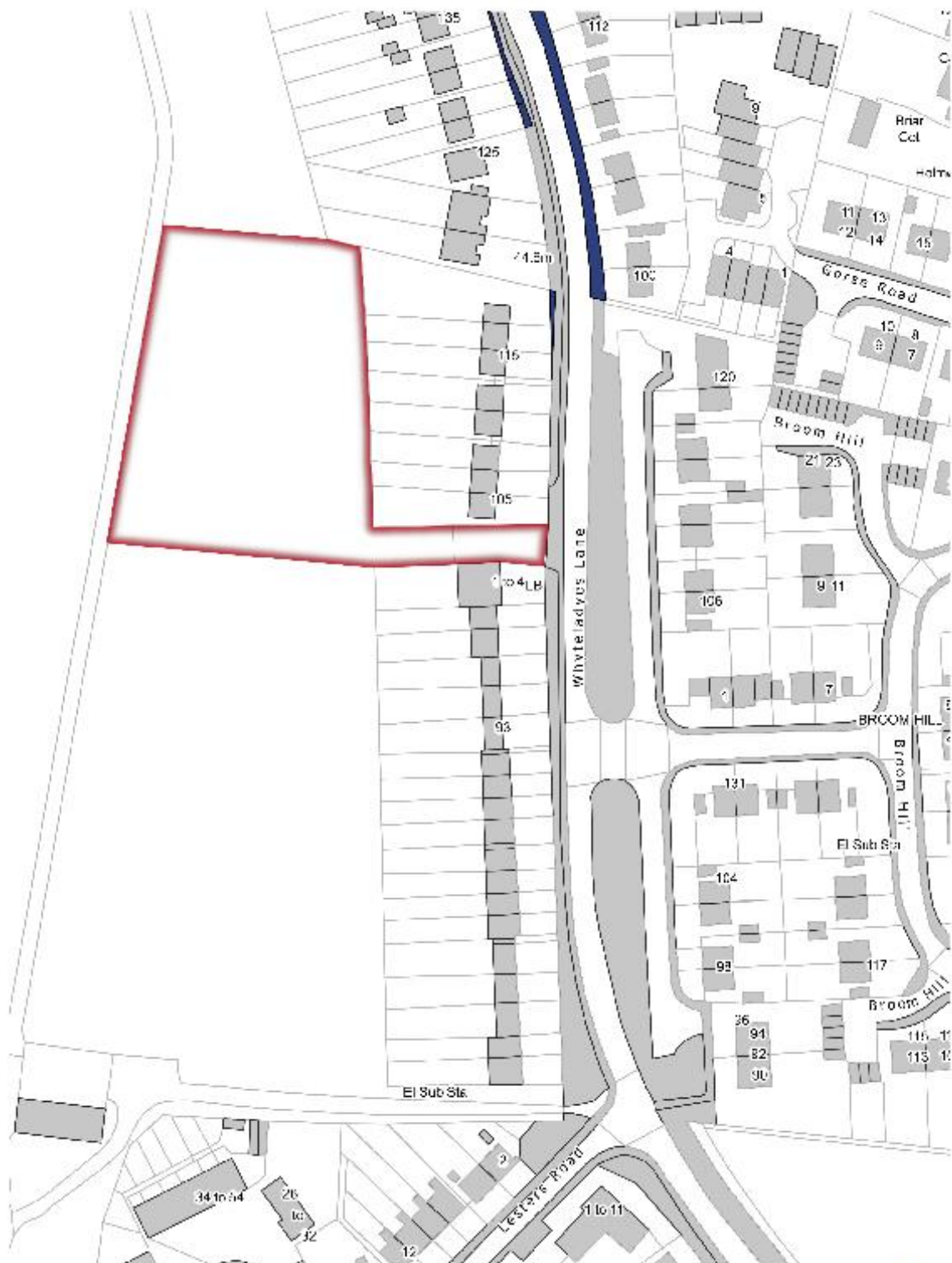
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have not been successfully resolved.

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and saved Policies GB1, GB3 and H4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
2. The proposal would extend the built-up area of Cookham Rise into an important Green Belt gap separating Cookham Dean and Cookham Rise, representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt, and the physical presence would also result in actual loss of openness across the site, contrary to Paragraph 79 and 80 of the National Planning Policy Framework (2012) and saved Policy GB1, GB3 and GB2 (a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003).
3. In the absence of a completed S106 legal agreement the development fails to make provision for necessary education improvements directly related to the development. The proposal therefore fails to comply with saved Policy IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).

APPENDIX A



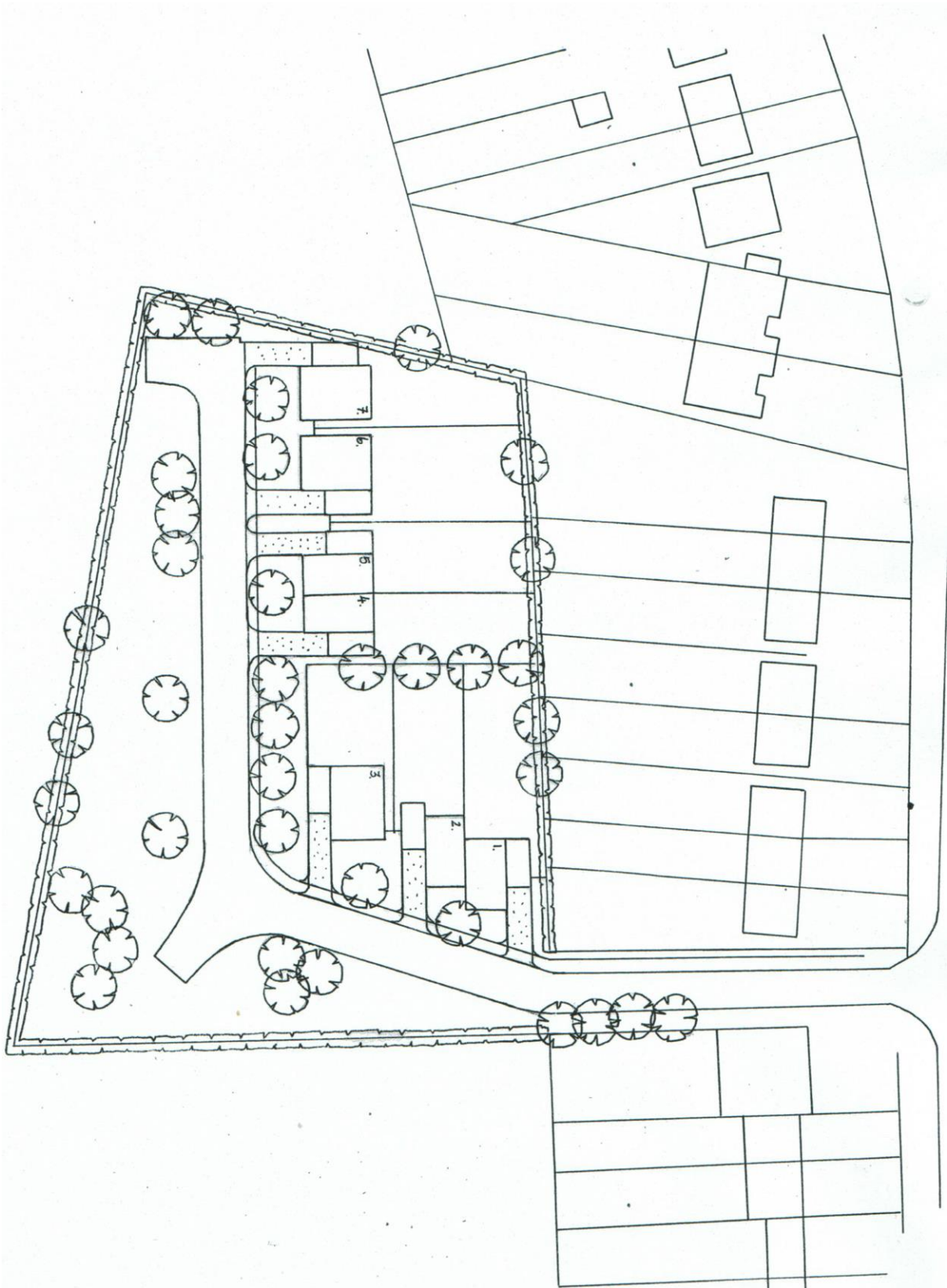
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APPENDIX B



Appeal Decision

Hearing held on 21 January 2014

Site visit made on 21 January 2014

by Elaine Benson BA (Hons) Dip TP MRTPI

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

Decision date: 19 February 2014

Appeal Ref: APP/T0355/A/13/2206932

Land rear of 99-119 Whyteladyes Lane, Cookham, Berkshire SL6 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J A Copas and Mr R W Copas against the decision of the Royal Borough of Windsor and Maidenhead Council.
 - The application Ref 13/00834, dated 23 March 2013, was refused by notice dated 26 June 2013.
 - The development proposed is erection of 23 affordable housing units, together with access, parking and landscaping.
-

Preliminary Matters

1. The application was made in outline with all matters reserved. Drawings were submitted for illustrative purposes only.
2. Prior to the hearing it became apparent that not all persons with a long-term interest in the appeal site had been notified of the proposed development and served with a site ownership certificate. This relates to a part of the site over which the appellants have access rights. With the agreement of the Council the appellants served the appropriate certificate and all necessary procedures were completed before the hearing. I agree with both main parties that no one would be prejudiced by proceeding with the appeal on this basis. Furthermore, evidence was provided which demonstrated that the relevant party had in any event been made aware of the proposals. In response to a query raised at the hearing it was confirmed that it was not necessary to serve notices on the leaseholders of the flats adjacent to the indicative site entrance.
3. The appellants submitted a Preliminary Reptile Appraisal and Precautionary Method Statement to the Council in advance of the hearing. The Appraisal concludes that there is a negligible risk of any reptile impacts arising from the proposed development, even without the proposed mitigation in place. Nonetheless, a mitigation methodology is proposed in the event that slow worms are found to inhabit the appeal site. The Council confirmed that the Appraisal and the implementation of its recommendations would overcome the concerns expressed in Refusal Reason 3, if controlled by condition. There is therefore no requirement to address this matter further.
4. A completed Unilateral Undertaking under Section 106 of the above Act was submitted following the hearing. This is addressed further below.

Decision

5. The appeal is dismissed.

Main Issues

6. The appeal site lies in the Green Belt. There is no dispute between the parties that the proposed development should be regarded as inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Green Belt policies in the Royal Borough of Windsor and Maidenhead Local Plan (LP). I agree with that position.
7. The main issues therefore are the effect of the proposed development on the purposes of the Green Belt, its openness, its visual amenities and the appearance of the surrounding countryside. The final issue is 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

8. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It continues that the construction of new buildings in the Green Belt should be regarded as inappropriate. A number of exceptions are identified, including the provision of limited affordable housing for local community needs where it accords with development plan policies specifically addressing the situation. However the appellants confirmed at the hearing that their case is not made on this basis. The appeal proposal therefore does not comply with any of the exceptions identified in the Framework or in saved LP Policies GB1 and GB3 which are consistent with it. It therefore constitutes inappropriate development in the Green Belt.

Openness and the reasons for including land within the Green Belt

9. The appeal site is located on the western edge of Cookham Rise. It comprises part of an open grassed field forming part of the appellants' extensive landholding, Lower Mount Farm. A number of open fields lie to the north, west and south of the appeal site. The illustrative plans show the access to the site as the existing access off Whyteladyes Lane. The proposed development would involve building on open land and therefore by definition would result in a loss of Green Belt openness.
10. The purposes of Green Belt policy include checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. In this location the Green Belt serves to separate the villages of Cookham Rise and Cookham Dean (2 of the 3 settlements known as the Cookhams) which are settlements excluded from the Green Belt. If the proposal were to be allowed, there would still be a substantial area of Green Belt farmland between the 2 villages. However, the existing well-defined edge of development formed by the housing on Whyteladyes Lane would be significantly breached. This would be to a greater extent than the incursion resulting from the much smaller scale development at the nearby Arthur Close which is discussed further below.
11. Notwithstanding that the width of the remaining gap would be similar to the gaps in a number of other locations identified by the appellants, they are

longstanding and do not justify the proposed development. I conclude that development of the appeal site would constitute an intrusion or encroachment into the countryside by extending the built-up area of Cookham Rise into the existing gap. This would conflict with LP Policy GB2, criterion A).

12. The Framework states that substantial weight should be attached to any harm to the Green Belt. In this appeal the harm by reason of inappropriateness, the loss of openness and encroachment into the countryside attract substantial weight against the proposed development. The conflict with development plan policies GB1, GB3 and GB2 add further weight against the proposal.

Visual amenities/Character and appearance of the Green Belt

13. To the west the field is separated by a mature hedgerow from the wider Lower Mount Farm. This hedge and the shape of the appeal site could in principle provide a new and coherent edge to the settlement. However, the development would be visible from ground which gradually rises towards the west, including from a number of public footpaths. Whilst the layout and appearance of the development are reserved matters at this stage, the dwellings would inevitably be seen against the backdrop of the housing fronting on to Whyteladyes Lane and their back gardens. I conclude that the introduction of built development in this location would cause a moderate degree of harm to the open character and visual amenities of the Green Belt, in conflict with LP Policy GB2 criterion B).
14. Local residents are concerned that local views which were the subject of paintings by Sir Stanley Spencer should be preserved. Their importance is noted in the Draft Cookham Village Design Statement. Whilst there is no doubt about the attractiveness of the surrounding countryside, it has already changed since the date of the paintings, particularly following the construction of the dwellings on Whyteladyes Lane. Nonetheless, as design and layout matters are reserved for later consideration, the visual impact of the proposed development on the identified views cannot now be properly assessed.

Other Considerations

Housing need

15. The proposal is entirely for affordable housing. Its provision would go some way towards meeting the need for significant levels of affordable housing across the borough identified in the Council's Housing Need Study (2005) and Housing Strategy 2008-2011. In rural areas the need amounted to 185 dwellings per annum. Although the 2005 Study is not area specific, the appellants concluded that a high proportion of this particular need is within the Bisham and Cookham Parish as it is one of the Borough's largest rural settlements in population terms. The more recent Cookham Housing Need Report (commissioned by Cookham Parish Council) identifies a need for 23 affordable homes in the locality. However this report appears to reflect the aspirations of a few people; is based upon a low return of the postal survey and the identified need is not fully qualified.
16. The housing need assessments are Borough wide and the evidence indicates that affordable housing does not necessarily have to be provided in Cookham. The Council's rural exceptions Policy H4 (which I agree with the main parties is not relevant to this appeal proposal as Cookham Rise is not identified in the LP

as a Recognised Settlement) is intended to address rural housing needs, setting out the criteria under which affordable housing would be permitted. Whilst a wider need for affordable housing is accepted by the Council and I consider this need is satisfactorily demonstrated in this appeal, the evidence of the number of dwellings required in Cookham is not convincing. This can therefore be given limited weight.

17. Local residents suggested that there is no requirement for the proposed affordable dwellings, drawing attention to local needs affordable housing that is already provided by Housing Solutions Ltd, a registered social landlord (RSL), some of which remained vacant for some time. In addition, the RSL has recently sold Payton House, a care home which is to be redeveloped for market housing. However, there is no empirical evidence to suggest that the periods of vacancy referred to or the sale of Payton House were due to lack of demand for affordable dwellings in the locality. Accordingly, I have given this factor little weight.
18. The appellants state that the appeal site is available, that affordable housing is deliverable and that the development would meet an identified need. Although the number of units required are, in my view, uncertain, I conclude that the general need for affordable housing attracts significant weight in support of the appeal proposal.

Site availability

19. In accordance with LP Policy H3 affordable housing is likely to come forward on sites that are greater than 0.5 acres or which result in a net increase of 15 or more units. Smaller schemes could also be developed by a RSL. Against this policy background the appellants assessed sites with the potential to deliver affordable housing in the Cookhams by following a sequential approach.
20. Their assessments were based on the Council's Strategic Housing Land Availability Assessment (SHLAA). Its most recent update in 2011 identifies only 2 potential housing sites in Cookham where planning permission has been sought. The first is land adjacent to Hedsordene, Lower Road where the principle of residential development for 2 units is acceptable. As its size is below the relevant thresholds, it is unlikely that affordable housing would be delivered here. The second site is Payton House, Gorse Road referred to above. Planning permission has been granted for its redevelopment to provide 16 open market dwellings, with no requirement for affordable housing. It is also acknowledged that very high land values in the locality constrain the provision of affordable housing.
21. The only other unconstrained Cookhams site identified in the SHLAA is the Cookham Gas Holder site. It is identified as being capable of delivering up to 40 units and would therefore meet the affordable housing threshold. However, it has been identified as a potential housing site for over a decade. Despite a development brief being adopted in 2003 it remains partly operational and significant capital costs would be required to make the site suitable for housing. Whilst there is no evidence to suggest that it would come forward in the short term, nor are there reasons to doubt that it can reasonably be considered as a potential housing site. However this site is not deliverable in accordance with the terms of the Framework. As the SHLAA notes, its potential is to be clarified.

22. The SHLAA identifies a further 8 potentially deliverable small sites. They too are likely to be below the affordable housing threshold. In addition, 3 are within Flood Zones 2 and 3 and for this reason are considered unlikely to be sequentially preferable in accordance with the Framework.
23. On the basis of these assessments, the appellants consider that the need for affordable housing would not be met on sites in the Cookhams which lie outside the Green Belt; that affordable housing can only be delivered through development in the Green Belt and that there are no alternative available sites. As the villages are bordered by the Green Belt the appellants conclude that almost any site would be subject to the same or similar constraints as the appeal site. Their evidence regarding potential housing sites in the identified Green Belt areas, conservation areas and on flood plains and their comparative assessments of the development potential of those sites are persuasive. Furthermore, the Council's representative indicated at the hearing that he would not necessarily disagree with the appellants' conclusions about the identified alternative sites.
24. Cookham Parish Council wrote to the appellants in July 2011 enquiring whether they had land available for affordable housing. The emerging Local Plan also identifies the appeal site and the remainder of the field as a potential area for future housing development. The case made for development of the appeal site in the Edge of Settlement Analysis (the Analysis) is consistent with the appellants' case. They consider that this evidence indicates that the only available option which would meet the affordable housing need in full is the release of land in the Green Belt and in particular the appeal site.
25. However, the Analysis and the 'preferred options' proposals are subject to change as part of the consultation process. They are at an early stage in the development plan processes and can therefore be given little weight in this decision. The Council does not dispute the conclusions reached about the supply of affordable housing land, and there are no justifiable reasons to disagree.
26. The lack of availability of alternative sites and the fact that such sites will, in all probability, need to be provided in the Green Belt provide significant weight in favour of the appeal.

Other Matters

27. I have considered the background of the nearby Arthur Close development which the appellants refer to. In 2006 planning permission was granted on appeal¹ for the construction of 4 flats and 4 houses although the site is located within the Green Belt. The Inspector concluded that the need for affordable housing in Cookham Rise was sufficient to outweigh the harm by reason of inappropriateness.
28. In reaching this conclusion he stated that the proposals met the tests set out in the superseded Planning Policy Guidance Note 3: Housing (PPG3) in respect of the provision of affordable housing for a small rural community for which there was an identified need. Specifically, he notes in paragraph 23 of that decision that "it is clear from the advice in PPG3 that the fact that the land is Green Belt does not exclude it from being suitable as a rural exception site". These

¹ APP/T0355/A/05/1187660

factors, along with the site's status as previously developed land amounted to the very special circumstances he identified. This decision significantly predates the publication of the Framework and the national planning policy context which applied at that time is materially different to that which applies today. Accordingly, limited weight can be given to this example.

29. A completed Unilateral Undertaking (the Undertaking) was submitted following the close of the hearing. It provides for affordable housing to be secured in perpetuity and for contributions towards infrastructure requirements to be made. Sufficient evidence was provided with the appeal to justify these payments, including the requirements of the Council's Adopted LP Policies and its Supplementary Planning Document 'Planning Obligations and Developer Contributions' and the Council identified where the monies sought would be spent. The requirements of Regulation 122 of the Community Infrastructure Levy and of Paragraph 204 of the Framework are satisfied as the obligation is necessary to make the development acceptable in planning terms; it is directly related to the development; and, is fairly and reasonably related in scale and kind to the development. The Undertaking's infrastructure provisions address the Council's 4th Reason for Refusal and had the appeal been allowed, the Undertaking would have been necessary in order to allow the development to proceed.
30. The concerns of local residents about the effect of additional housing on local infrastructure would be addressed by these provisions. Conditions could have been attached to address other concerns had the scheme been otherwise acceptable, including those requiring consultation with statutory undertakers. Access is available to the appeal site from the road and the site is well related to local services and facilities. In this regard the scheme would be sustainably located. However, this is not a matter which weighs in favour of the proposal it merely adds no further harm against. I have considered all other matters raised, including the passage of a gas main across the site which could have been addressed at reserved matters stage.

Conclusion

31. I have concluded that the development would cause substantial harm due to its inappropriateness, the harm caused to openness and to one of the purposes of including land in the Green Belt. The conflict with development plan policies adds further weight against the development. Further moderate harm against the proposal would be caused by its impact on the character of the area and the visual amenities of the Green Belt.
32. On the other hand significant weight is given in favour of the proposal due to the need for affordable housing. Some further weight is given to the lack of available alternative sites and the fact that other sites are also likely to be in the Green Belt.
33. However, the Government have made it clear in their Ministerial Statement of 1st July 2013 that unmet demand for housing is unlikely to outweigh the harm to the Green Belt and other harm so as to constitute the very special circumstances justifying inappropriate development in the Green Belt.
34. Having balanced all the material considerations in this case, it is my judgement that the considerations in favour of the development are insufficient to amount to the very special circumstances necessary to clearly outweigh the substantial

harm caused by inappropriate development in the Green Belt and the other harms I have identified. Very special circumstances to justify the development have not been demonstrated and the appeal should therefore be dismissed.

Elaine Benson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr J Collinge	Planning consultant
Mr G Copas	Appellant
Mr J Copas	Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Carey	Principal Planning Officer, Royal Borough of Windsor and Maidenhead Council
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INTERESTED PERSONS:

Mr T Denniford FRICS	Chairman, The Cookham Society
Councillor Mrs F Hewer	Cookham Parish Councillor
Mrs J Rotbart	Local resident
Mrs J Keene	Local resident
Mrs N Hayes	Local resident
Mr L Roberts	Local resident
Mr R Scarfe	Local resident and Member of The Cookham Society

DOCUMENTS

- 1 a) Borough Local Plan: Preferred Options Consultation (Jan 2014) & b) Extract - Chapter 7 Housing
- 2 Draft Section 106 Agreement.
- 3 a) Edge of Settlement Analysis & b) Extract – Cookham Rise – Area west of Whyteladyes Lane
- 4 Letter from National Grid to The Cookham Society
- 5 Design Statement Annex B Relevant Stanley Spencer Paintings
- 6 Completed S106 Agreement submitted after the Hearing

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 2

Application No.:	16/00325/OUT
Location:	Oakland And Donne Mede Harvest Hill Road Maidenhead
Proposal:	Outline application (access, layout and scale) with some matters reserved for the construction of three detached and two semi-detached dwellings following the demolition of two existing dwellings (Oakland and Donne Mede)
Applicant:	Amberleigh Homes
Agent:	Mr Paul Dickinson
Parish/Ward:	Bray Parish
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 This item was deferred at the last Development Control Panel meeting to allow a members site visit to take place. The previous report is as detailed below with the previous panel update report included for completeness.
- 1.2 Outline permission is sought for the construction of 5 dwellings. The three tier form of development is out of keeping with the wider character of the area, while the increase in density and scale would increase urbanisation at this edge, but the resultant harm to local character and openness is not considered to outweigh the clear benefit of the gain in housing. The height and form of the houses have also been designed to minimise bulk and mass at this interface and there is sufficient space for appropriate landscaping to soften the appearance of the built form to improve the transition from the green openness of the Green Belt and the suburban character of the settlement.
- 1.3 The impact on neighbouring amenity is considered to be acceptable. The visual intrusion is not considered to significantly and demonstratively outweigh the benefit of the gain in housing and there would be no unreasonable loss of overlooking or loss of light.
- 1.4 The widening of the access to allow for a width of 4.8 for the first 10m in order to allow two cars to pass safely would result in an incursion into the Root Protection Area of the TPO Oak at this entrance as the incursion is minor (approximately 1-2%) and this is considered acceptable. Acceptable visibility can be achieved at the access in the interest of highway safety.
- 1.5 A general phase 1 ecology assessment has been carried out. Comments from the Council's Ecologist are still pending, therefore a. Any comments received shall be reported in an update

It is recommended the Panel authorises the Borough Planning Manager:

- | | |
|----|--|
| 1. | To grant planning permission subject to an up-to-date ecological appraisal with details and approval of suitable mitigation strategy where appropriate; and with the conditions listed in Section 10 of the main report. |
| 2. | To refuse planning permission if an acceptable up-to-date ecological appraisal has not been received by 08.08.2016, as it has not been demonstrated that the development would not harm protected species. |

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 as it is for more than 2 dwellings; such

decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This site lies on the southern side of Harvest Hill Road and the edge of the settlement boundary and Green Belt boundary is sited to the west and south of the site. The site is rectangular in shape and is currently occupied by 2 bungalows sited in a tandem. To the east of the site lies a cul-de-sac of bungalows on Orchard Close, with the surrounding larger context of development consisting of detached houses. To the west of the site lies Grove House. The land gradually rises upwards from the north-east to south-west with Oaklands and Donne Mede sited approximately 0.5m to 1.5m higher than Orchard Close. To the rear of the site lies the Green Belt and open countryside.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/03669/OUT	Outline application (with appearance, landscaping and scale reserved) for the construction of 2 detached dwellings and car ports following the demolition of Donne Mede.	Approved – 19.05.2014

- 4.1 The application seeks outline planning permission for the demolition of the existing houses at Oakland and Donne Mede and the construction of 3 x 4-bed detached houses and 2 semi-detached houses, forming 1 x 3-bed house and 1 x 4-bed house. The application is outline with the matters of access, layout and scale put forward for determination with appearance and landscaping all reserved for future consideration.
- 4.2 During the course of this application, revised plans were submitted to address highway and character concerns which included widening the mouth of the entrance and relocation of planting along the south-west boundary.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Sections 6 and 7

Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways/Parking issues
Local Plan	DG1, H10, H11	N6	T5, T7, P4

- 5.3 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 Principle of Development;
- ii Impact on neighbouring amenity;
- iii Highway and parking issues;
- iv Other material considerations;

Principle of Development

6.2 The surrounding character of the area generally comprises detached bungalows and houses fronting onto the road, set in medium to large plots and set back from the road with front gardens. The site also abuts the Green Belt. Given this context, effort must be made to assimilate the development successfully with its verdant surroundings and to ensure that the interface with the open land in the Green Belt and the development would be acceptable.

6.3 In this case the three tier layout and small sized plots are uncharacteristic of the area although it is considered that the resultant harm is mitigated by the contained site which could tolerate the difference in character. The access road running along the southwest boundary is as existing. Two storey houses are not considered to be out of keeping with the wider locality. The house on plot 1 would be set back approximately 22m from the site frontage with Harvest Hill and so the development is not considered to significantly impact on the streetscene. The proposed houses on plot 4 and 5 would extend further back into the site than the neighbouring bungalows, but this break in the building line is not read from Harvest Hill. This rearward siting of plot 4 and 5 would introduce built form closer to the edge of settlement than the existing development, while the increase in density would increase urbanisation at this edge, but the harm to the openness of the adjacent Green Belt is not considered to outweigh the benefit of the gain in housing (para. 6.17). The height of the houses has also been limited to approximately 7 to 7.5m, taking into account the changes in ground levels, to minimise bulk and mass at this interface. Details of all finished slab levels in relation to ground level (against OD Newlyn) can be secured by condition 3. It is also considered there is sufficient space for appropriate landscaping to soften the appearance of the built form to improve the transition from the green openness of the Green Belt and the suburban character of the settlement.

Impact on Neighbouring Amenity

6.4 The development's impact on Grove House is not considered to be unduly harmful in terms of loss of light or visual overbearing given the scale of the houses and separation distance. In terms of privacy the garden at Grove House is significantly screened by a row of trees, which are protected by TPO. The main impact will be on the three properties to the north-east that abut the site at no. 6, 7 and 8 Orchard Close.

Impact from Plot 4 and Parking Area

6.5 Plot 4 of the proposed scheme would be sited so that the front elevation would be at an approximate 50 degree angle from the rear elevation of no. 6 Orchard Close at a distance of approximately 14m. This degree of separation and oblique relationship is such that the proposed house on plot 4 would not unacceptably compromise levels light or outlook for this dwelling. Given the westward rise in ground level, which means the houses would be sited higher than those on Orchard Close and the siting and height of the houses the proposed house on plot 4 would have some visual presence when viewed from the garden. However, the visual intrusion is not considered to significantly and demonstratively outweigh the benefit of the gain in housing (para. 6.17). No windows have been proposed on the north-east elevation and so there would be no direct overlooking into their main garden. Condition 5 would ensure no first floor windows are inserted in the future. There would be new views from the front elevation of the proposed house on plot 4, but these would be at a distance, oblique and the closest first floor window would serve

a non-habitable room (a bathroom). Obscured and non-openable glazing with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level for this window can be secured by condition 6. Proposed parking and a turning area would abut the shared boundary, but the main garden area for 6 Orchard Close is located to the north-west and so the proposal is not considered to unreasonably harm the amenity of the occupants through noise and disturbance.

Impact from Plot 3

- 6.6 In relation to plot 3, the house would be sited at an angle of approximately 70 degrees and offset by approximately 11m with no 6. Orchard Close and aligned approximately 90 degrees with no. 7 Orchard Close and offset by approximately 21m. This spatial relationship, together with the scale and form of the proposed house is not considered to result in an unacceptable impact on levels of light or outlook for these neighbouring dwellings. No windows have been proposed on the north-east elevation and so there will be no direct overlooking, and this can be controlled by condition 5. Front and rear windows of the house on plot 3 would introduce new views into the garden at 6 and 7 Orchard Close, but these would be at a distance and oblique. A condition requiring obscure and fixed glazing can be secured by condition 6.

Impact from Plot 1

- 6.7 There would be a back -to-back separation distance of over 22m between 8 Orchard Close and the proposed house on plot 1, which is considered sufficient to mitigate any unreasonable loss of light, visual intrusion or privacy to habitable rooms as a result of the proposal. In terms of impact on amenity space, the offset from the shared boundary together with the proposed form, incorporating a stepped elevation, hipped roof and height, is considered to sufficiently mitigate any unreasonable visual intrusion. Two first floor windows are proposed on the north-east elevation but these would serve non-habitable rooms (bathrooms). Obscured and non-openable glazed where necessary can be secured by condition 6.

Noise and Disturbance

- 6.8 Concerns have been raised over noise and disturbance from the increase in traffic to and from the site. Given the scale of the development, the proposal is likely to generate between 22 – 33 additional vehicle movements per day. Given this increase it is not considered to generate significant noise and disturbances as a result. Overall, the proposal is considered to be acceptable in terms of neighbouring amenity, in accordance with the NPPF and Local Plan policy H11.

Highway and Parking Issues

- 6.9 Harvest Hill Road is a Classified Un-numbered (C8754) adopted highway. Harvest Hill Road in the vicinity of the site has a carriageway width of 6.4m with a 1.5m verge nearside (the existing footway on the southern side of the road terminating at Orchard Close to the east). On the opposite side of Harvest Hill Road there is a steep bank wide grass verge providing access up to a 1.5m wide footway via a series of steps.

Access

- 6.10 Concerns have been raised by local residents over highway safety, in particular from an increase in vehicles entering and exiting the site from Harvest Hill Road. The development is likely to generate between 22 – 33 additional vehicle movements per day. However, the revised site plan demonstrates that satisfactory visibility splays of 2.4m by 95m to the west and 2.4m by 120m to the east can be achieved for this section of Harvest Hill Road. This can be secured by condition 11.
- 6.11 The existing access arrangement is currently substandard to allow for the two-way flow of vehicles and therefore, is unsuitable to accommodate the additional traffic that would be generated by the development. A revised site plan, ref: 2230-PL-101 Rev D, shows an increase in access width to 4.8 for the first 10m, which allows 2 cars to pass safely. This is considered to be acceptable. The impact on TPO trees is assessed in paragraph 6.18.

Footway

- 6.12 Concerns were raised over the lack of provision for pedestrians on the south side of the road. However, there are steps opposite the access which provide access to connected footway on the north side of Harvest Hill. As such, the benefit of providing an additional footpath on the south side of the road is considered to be limited. The provision of funds for the Council (as local highway authority) to undertake any such future works is also not considered to fairly relate to the scale of development and would therefore not accord with CIL tests.
- 6.13 In respect of the streetscene, the provision of a footpath would result in the loss of the existing hedge that fronts onto Harvest Hill, which is considered to positively contribute to character of Harvest Hill. The harm to the streetscene as a result of the footpath from the additional hardstanding and loss of greenery is considered to outweigh the limited benefits in respect of highway safety given the existing footpath to the north of the road.

Parking

- 6.14 In relation to parking the proposed development comprising 1 x 3 bed and 4 x 4 bed dwellings with a total of 14 car parking spaces would fully comply with the Council's current parking standards, and can be secured by condition 10. 1.2m high railings for plots 1 and 2, which were originally proposed and which would have impeded visibility have been subsequently removed from the proposal. Each dwelling would also have sufficient cycle parking/storage space, which can be secured by condition 12.

Refuse and Servicing

- 6.15 A bin collection point can be provided within 22m of Harvest Hill Road and can be secured by condition 13. The proposed development would also generate demand for other service vehicles such as home deliveries (internet shopping has increased demand for such deliveries) and drawing no 2230-PL-109 shows that a turning circle in respect of on-site turning for home delivery vehicles can be achieved.
- 6.16 For these reasons the proposal is considered to be acceptable in respect of highways and parking, in accordance with Local Plan policies T5, T7 and P4.

Other Material Considerations

Housing Supply

- 6.17 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the adverse impact of the scheme would not significantly and demonstrably outweigh the benefits of the development.

Trees

- 6.18 A TPO covers the south-western boundary of the site and an English Oak and Common Yew at the entrance of the site at the northern section of the site. Alterations are proposed to widen the first 10m of the access to a width of 4.8m to allow two cars to pass. The incursion of the existing access into the root protection area of the trees is approximately 30%. While British Standards advises 20% as an acceptable incursion the existing situation is a material consideration. The increase in incursion would be approximately 1-2% as a result of the access widening which, on balance, is considered marginal and therefore acceptable in this instance. There are no alterations to the access road which runs along the south-west boundary of the site and therefore the trees on the south-southwest boundary will not be affected.

Ecology

- 6.19 A general phase 1 ecology assessment has been carried out. Comments from the Council's Ecologist are still pending. Any comments received shall be reported in an update.

Archaeology

- 6.20 The site falls within an area of high archaeological potential. The footprints of the proposed new dwellings appear to lie on undisturbed ground, but subject to condition 14 relating to a programme of archaeological work in order to mitigate the impacts of the development there are no objections.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. Planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms if directly related to the development and if fairly related to the scale and kind of the development. In this case, there are no relevant projects made necessary by the development.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

9 occupiers were notified directly of the application and the planning officer posted a statutory notice advertising the application at the site on 15 February 2016.

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

Comment	Where in the report this is considered
1. The drop in ground level from the site to Orchard Close is 1-2m. The proposed ridge heights would therefore be visually intrusive and overbearing to Orchard Close.	Para. 6.5.
2. Increase in noise and disturbance on living conditions of neighbours from increase in traffic to the site. The parking area located adjacent to the boundary with 6 Orchard Close would increase noise, light pollution and disturbance to this property.	Para. 6.5.
3. Safety issues arising from the increased vehicles and pedestrian access into Harvest Hill Road which is already a busy road and where there is a history of traffic accidents / near misses.	Para. 6.10-6.14.
4. Siting of proposed house would result in loss of privacy.	Para. 6.5-6.7.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to a condition to secure and implement a programme of archaeological work in order to mitigate the impacts of development.	Para. 6.7 and condition 14.
Environmental Protection	No objections or conditions.	Noted and agreed.

Local Highway Authority	<p>A number of revised drawings were submitted, in order to address the highway concerns, which were raised. The latest plans demonstrate available visibility splays of 2.4m by 95m to the west and 2.4m by 120m to the east, an acceptable turning circle and widened vehicle access which is acceptable from the highway aspect.</p> <p>With regard to any footway extension to Orchard Road, it is accepted that the applicant does not have sufficient land under its control to physically provide a continuous footway at this time. As a way forward it has been suggested that the applicant makes funding provision available (through a separate legal agreement or CIL) for the Council (as local highway authority) to undertake any such future works at a later date.</p>	Para. 6.10-6.14 and conditions 8-13.
Ecology Officer	<p>The submitted Phase 1 habitat survey was undertaken in 2013 by the applicant's ecologist and a re-inspection survey for bats of the buildings and trees has not been provided. It is recommended that an up-to-date ecological appraisal is undertaken prior to the determination of this application to ensure compliance under Regulation 53 (9) (b) of the Conservation of Habitats and Species Regulations 2010 with regards to protected species and in line with National policy and standing advice.</p> <p>The vegetation (hedges, shrubs and trees) and out buildings on site were recorded as having the potential to support breeding birds. Building demolition and tree, shrub and hedgerow removal should be undertaken outside the breeding bird season (which spans from March to August inclusive) or else undertaking vegetation clearance immediately subsequent to checks by a qualified ecologist. It is recommended that this secured by a suitably worded condition.</p> <p>The ecology report submitted as part of this application makes recommendations for biodiversity enhancements including installation of bird and bat boxes within the new development. It is recommended that this secured by a suitably worded condition.</p>	<p>Noted, condition 20 in Section 10.</p> <p>Noted, condition 21 in Section 10.</p>
Parish Council	Recommended for approval with the consideration that Highways be asked to look at the safe entering and exiting of the estate with a potential reduction of the speed limit on Harvest Hill Road to 30mph.	Para. 6.10-6.14 and conditions 8 and 11.

9. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed Layout
- Appendix C – Street Scenes

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. An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 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 Policy DG1, H10, H11
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 Policy Local Plan DG1.
4. Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
5. No further window(s) shall be inserted at first floor level in the north-east and south-west elevation(s) of the houses hereby approved without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
6. The first floor window(s) in the north-east elevation(s), in the north-west facing elevations(s) within 7 metres of the boundary with Orchard Close, and in the south-east facing elevation(s) of the house on plot 3 within 7 metres of the boundary with Orchard Close shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14 and DG1.
7. No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
8. No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing 2230-PL-101 Rev.D. 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.
9. 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.

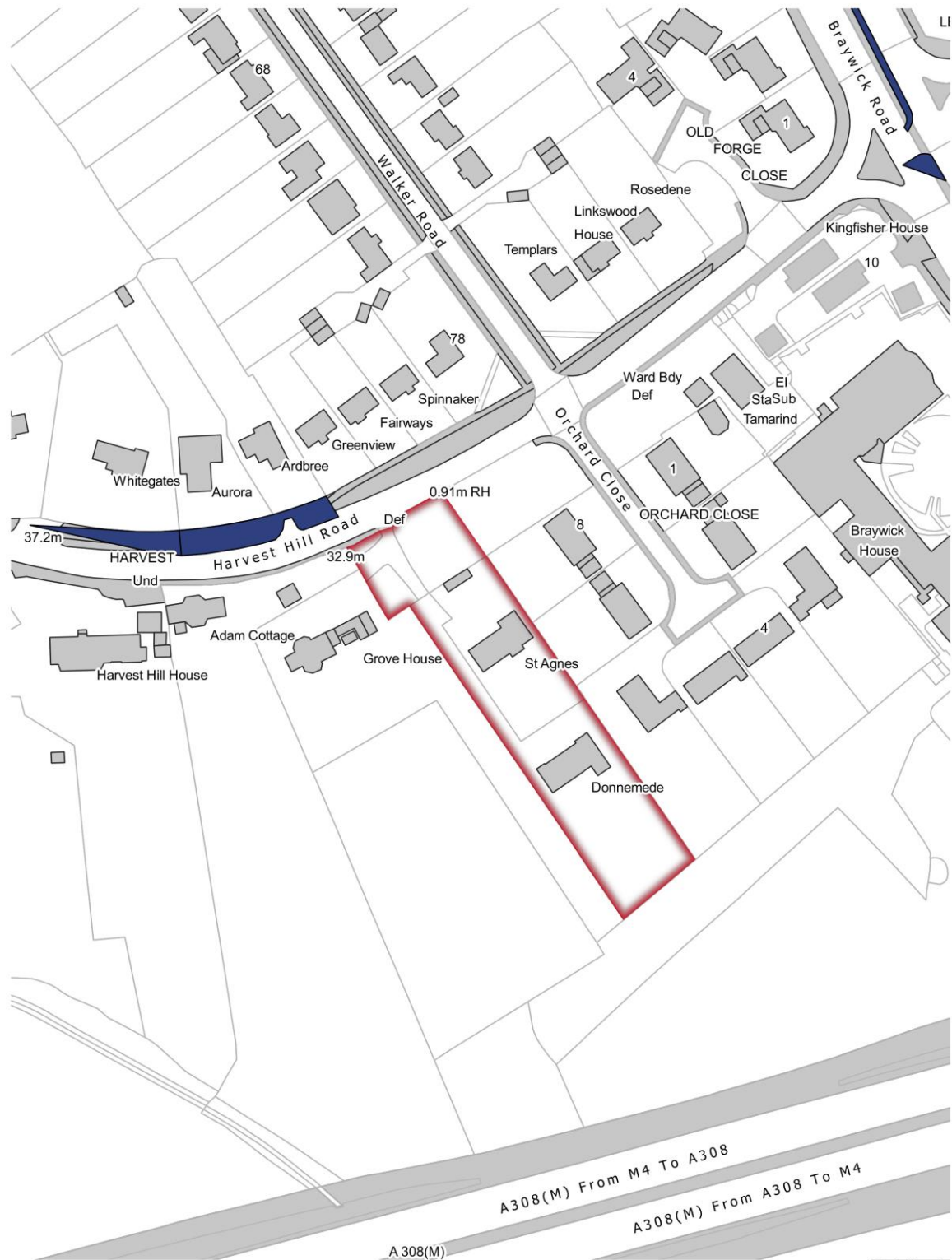
10. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing 2230-PL-109. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking 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.
11. No part of the development shall be commenced until visibility splays (shown to each tangent point) have been provided at 2.4m x 95m to the west by 2.4m x 120m to the east. 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 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 highway safety. Relevant Policies - Local Plan T5.
12. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
13. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
14. Prior to the submission of reserved matters or any detailed planning applications, the applicant, or their agents or successors in title, will secure and implement a programme of archaeological work (which may comprise one or more phases of work), in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.
Reason: The site lies within an area of archaeological potential, specifically within an area where significant prehistoric remains are known and recorded. The Condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains in accordance with national and local planning policy.
15. No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained 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.
16. 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 plan shall cover any areas of existing landscaping, including woodlands, and all areas of

proposed landscaping other than private domestic gardens.

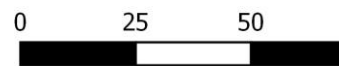
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

17. 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. Relevant Policy - Local Plan DG1.
18. Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
19. The reserved matters shall consist of 4 x 4-bed and 1 x 3-bed house.
Reason: To ensure that adequate on site parking is provided and the required amount of developer contributions is sought. Relevant Policy - Local Plan DG1, H10, P4 and IMP1.
20. No building demolition, or tree, shrub and hedgerow removal should be undertaken inside the breeding bird season (March to August inclusive) or such works to be undertaken immediately following inspection by a qualified ecologist.
Reason: Reason: To provide for the protection of wildlife at the site. National policy: NPPF 118.
21. No development shall commence until full details of biodiversity enhancements have been submitted to and approved in writing by the council. Biodiversity enhancements shall include but not be limited to details of nest boxes and bat boxes, schedule of native species planting and provision of log piles. The biodiversity enhancements shall be implemented as approved and retained thereafter.
Reason: Reason: To accord with paragraph 109 of the NPPF.
22. 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



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Scale @ A4 1:1,250



1

Appendix C



Harvest Hill Road
 Section AA (Front) 1:100
 TPO Oak
 Existing wall and opening retained
 Low level railings
 Plot 1 Front elevation
 Garport Plot 1
 Proposed garden wall
 Low level railings
 Plot 2 Front elevation



Proposed garden wall
 Plot 2 Front elevation
 Shared carport
 Decorative tree guards
 Plot 5 Side elevation



Existing trees
 Plot 4
 Plot 5
 Existing wall
 Existing trees



Plot 2 (side)
 Plot 3 (front)

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 3

Application No.:	16/00552/FULL
Location:	Land Adjacent 24 South Road Maidenhead
Proposal:	Erection of 4 x 1bed apartments with improvements to road layout and disabled access.
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Boyn Hill 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 applicant seeks planning permission to construct a two-storey building comprising of 4 x 1 bedroom flats on land adjacent to 24 South Road, Maidenhead.
- 1.2 The provision of the site for housing would boost the Borough's supply of housing and would be a clear benefit in this respect. The siting, scale, design and detailing will ensure that the proposal assimilates well into its surroundings, and a landscaping scheme would soften the external appearance of the new building.
- 1.3 The proposal would result in the loss of an existing footpath linking South Road to Grenfell Place (A308). There is no substantive objective to this loss as there is an alternative route to the north, linking South road to Frascati Way (A308) and the loss of the footpath would be offset by proposed alterations to the South Road/Frascati Way footpath which would improve disabled access to the town centre, and the enlargement of the turning head which would improve ease for turning for larger vehicles. There is no objection to a car free development in this accessible and sustainable location subject to the applicants entering into a legal agreement to remove the right to be eligible for car parking permits. The preclusion for future occupiers to secure parking permits is required given the pressure for parking in the locality and so that it can encourage alternative travel to the car.
- 1.4 The building has been carefully sited to ensure that it would not significantly affect the living conditions of existing occupiers of neighbouring properties.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure adopted highway works under S278 of the Highways Act and parking permit restrictions in Section 6 and with the conditions listed in Section 9 of this report.
2.	To refuse planning permission if an undertaking to secure adopted highway works under S278 of the Highways Act and parking permit restrictions in Section 6 of this report has not been satisfactorily completed by 1 July 2016 for the reason that the proposed development would not be detrimental to highway infrastructure and would add to parking pressures in the area.

2. REASON FOR PANEL DETERMINATION

- The application is for 4 x 1-bed flats. 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 The site lies within Maidenhead Town Centre and comprises of curtilage land to the side of 24 South Road and highway land (albeit in the ownership of 24 South Road). South Road is a residential street in the form of a cul-de-sac with a mix of detached, semi-detached and flatted properties however to the immediate neighbours to the west of the site comprise of semi-detached houses of similar scale and design. To the south is 31 Grenfell Place; while to the east is the A308 which runs at a right angle to South Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history for the site.

4.2 The proposal is for an erection of a two storey building comprising of 4 x 1-bed apartments on land to the east of 24 South Road.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 2, 6 and 7.

Royal Borough Local Plan

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

	Within settlement area	Highway / Parking Issues
Local Plan	DG1, H6, H8, H9 H10, H11, N6	T5, T8, P4
Maidenhead Area Action Plan (MAAP)	MTC4, MTC12	MTC14, MTC15

5.3 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 Principle of Development;
- ii Highway Safety and Parking;
- iii Design and Appearance;
- iv Neighbouring Amenity;
- v Other Material Considerations;

Principle of Development

- 6.2 The site lies within Maidenhead Town Centre where residential development is supported in accordance with Local Plan policy H6 and MAAP policy MTC12. It is considered that high densities can be supported in Town Centres and intensification in these locations would protect the Green Belt. Paragraph 23 of the NPPF also recognises that residential development can play an important role in ensuring the vitality of centres. Therefore, the principle of residential development is acceptable provided that there is no conflict in terms of highway safety, parking, design and appearance, neighbouring amenity and other relevant material planning considerations.

Highway Safety and Parking

- 6.3 South Road is classified as an adopted highway in the form of a cul-de-sac. The proposal site is located on the south side of the existing turning head and includes a section of the adopted highway with an existing footpath linking South Road to Grenfell Place (A308). The Highway Assets Engineer has agreed in principle to the stopping up of this section of adopted highway as there is an alternative route to the north, linking South road to Frascati Way (A308). The loss of the footpath would also be offset by proposed alterations to the South Road/Frascati Way footpath which would improve disabled access to the town centre, and the enlargement of the turning head which would improve ease for the turning of larger vehicles. These benefits are considered to outweigh the loss of the footpath from South Road to Grenfell Place. The applicant would need to enter into an agreement with the Council under S278 of the Highways Act, which can be secured by a S106 legal agreement.
- 6.4 There is to be no curtilage parking and therefore there would be no access and visibility issues. Due to controlled parking within the area (residential parking permits and time controlled parking) and high level of public transport accessibility the loss of on-site parking for no. 24 South Road and lack of on-site parking provision for the flats is considered acceptable in this instance, subject to no parking permits being issued, which can be secured by a S106 legal agreement. This is to ensure no increase in on-street parking pressure as a result of the development, to the detriment of highway safety and impact on existing local amenity. To comply with current cycle parking standards the proposal would need to provide 1 cycle parking space per unit. Cycle parking is shown to the rear of the property, and further details can be secured by condition 8. The proposed bin storage is located adjacent to the cycle storage area, which is in excess of the current maximum bin carry distance for operatives. A bin collection area for collection days can be secured by condition 9.
- 6.5 Overall, the proposal is considered to comply with Local Plan policies T4, T8 and P4, and policies MTC14 and MTC15 of the MAAP.

Design and Appearance

- 6.6 The proposed plot is rectangle in shape and measures approximately 31m in depth and 9m in width. The proposed building comprises of a simple rectangle form, which measures approximately 7.8m in width and 14.4m in depth with a hipped roof measuring approximately 5.3m and 8.4m in height at the eaves and ridge. While the proposal is a detached building at the end of the row of semis (14-24 South Road) the proposed plot is comparable with the size and shape of the existing single plots and the proposed building reflects the height, architectural lines, detailing and materials of 14-24 South Road. Set approximately 2.6m back from the public highway it would also align with the established building line on the south side of South Road. Overall it is considered that the proposal is considered to be sufficiently harmonious within this streetscene.
- 6.7 Due to location at the end of the cul-de-sac the proposed building would also be visible from Frascati Way and Grenfell Place, but the east elevation features a doorway and windows and so avoids presenting a blank elevation to the A308. Furthermore, due to the separation distance from no. 31 Grenfell Place, which results in a visual break, it is not considered to be particularly incompatible with the terrace to which no. 31 belongs. The proposal involves the change of use form highway land to residential with the loss of a strip of land along the A308 which currently comprises of some green scrub and an immature lime tree, but there is no objection in principle to the change of use and it is considered that appropriate landscaping could soften the

appearance of built development along the A308. A landscaping scheme and its management can be secured by condition 3 and 4.

- 6.8 On this basis, the proposed development meets the aims and objectives of Local Plan policies DG1, H10 and H11, and policy MTC4 of the MAAP.

Neighbouring Amenity

- 6.9 The proposed house would not extend significantly further forward or rearwards to no. 24 South Road. There are flank windows on the east elevation of 24 South Road, which the proposal would extend across, but these are secondary windows. As such, the proposal is considered unlikely to result in any unreasonable loss of light or visual intrusion to no. 24. The windows on the rear elevation would have indirect, oblique views into the rear garden at 24 South Road but these views are not considered to materially add or differ from views from existing neighbouring properties. A first floor flank window has been proposed, but would serve a non-habitable room (landing/hallway), and would be obscure and fixed glazing, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level can be secured by condition 5. There is an approximate 17m separation distance from the rear of the proposed house to the side of the existing house at 31 Grenfell Place which is considered to be sufficient to mitigate any undue overlooking, visual intrusion or loss of light to this neighbouring house. It is therefore considered that the proposal complies with Core principle 4 of the NPPF and Local Plan policies H11.

Other Material Considerations

Housing Land Supply

- 6.10 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.11 The proposal involves the loss of an immature lime tree located alongside the existing footpath that currently runs through the site, however the contribution of the tree to local amenity is considered to be low and not considered to outweigh the socio-economic benefits of additional dwellings as a result of the development.
- 6.12 An ecological survey was submitted with the application which demonstrates that there is no evidence of badgers or their setts, negligible roosting opportunities for bats with, and unsuitable habitat for species of herpetofauna. As such, it is considered that there would be no significant harm to local ecology as a result of the proposal.
- 6.13 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. Planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms if directly related to the development and if fairly related to the scale and kind of the development. In this case, it is considered that planning obligations would not be sought.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site on 23 February 2016.

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

Comment		Where in the report this is considered
1.	Inadequate parking provision, exacerbating existing on-street parking pressures.	Para. 6.4.
2.	Loss of pedestrian footway and part of the turning circle, which are required.	Para. 6.3.
3.	Cramped form of development.	Para. 6.6.
4.	Loss of a tree.	Para. 6.11.
5.	Poor foul water / sewage infrastructure.	Noted, but not a planning matter.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Inadequate parking provision, exacerbating existing on-street parking pressures.	Para. 6.4.
Local Highway Authority	No highway objections to the proposals subject to the inclusion of various conditions relating to the submission and approval of a Construction Management Plan, submission and approval of details of cycle storage and bin storage; informatives relating to damage to highway land, recovery of expenses due to extraordinary traffic, and legal agreement under S278 of the Highways Act; and s106 to remove parking permits.	Para. 6.3 – 6.5, condition 7, 8 and 9, and informative 1.
Environmental Protection	No objection subject to informatives relating to prior consent for construction noise, and dust and smoke control.	Informative 2.

8. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed Layout
- Appendix C – Proposed Floor Plans
- Appendix D – Proposed Elevations

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.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. 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 Policy - Local Plan DG1
3. No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained 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.
4. 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 plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.
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.
5. The first floor window(s) in the west elevation(s) of the building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
6. No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
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.
8. 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 in association 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, DG1
9. No part of the development shall be occupied until a refuse bin storage area and recycling 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 be kept available for use in association with the development at all times. Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

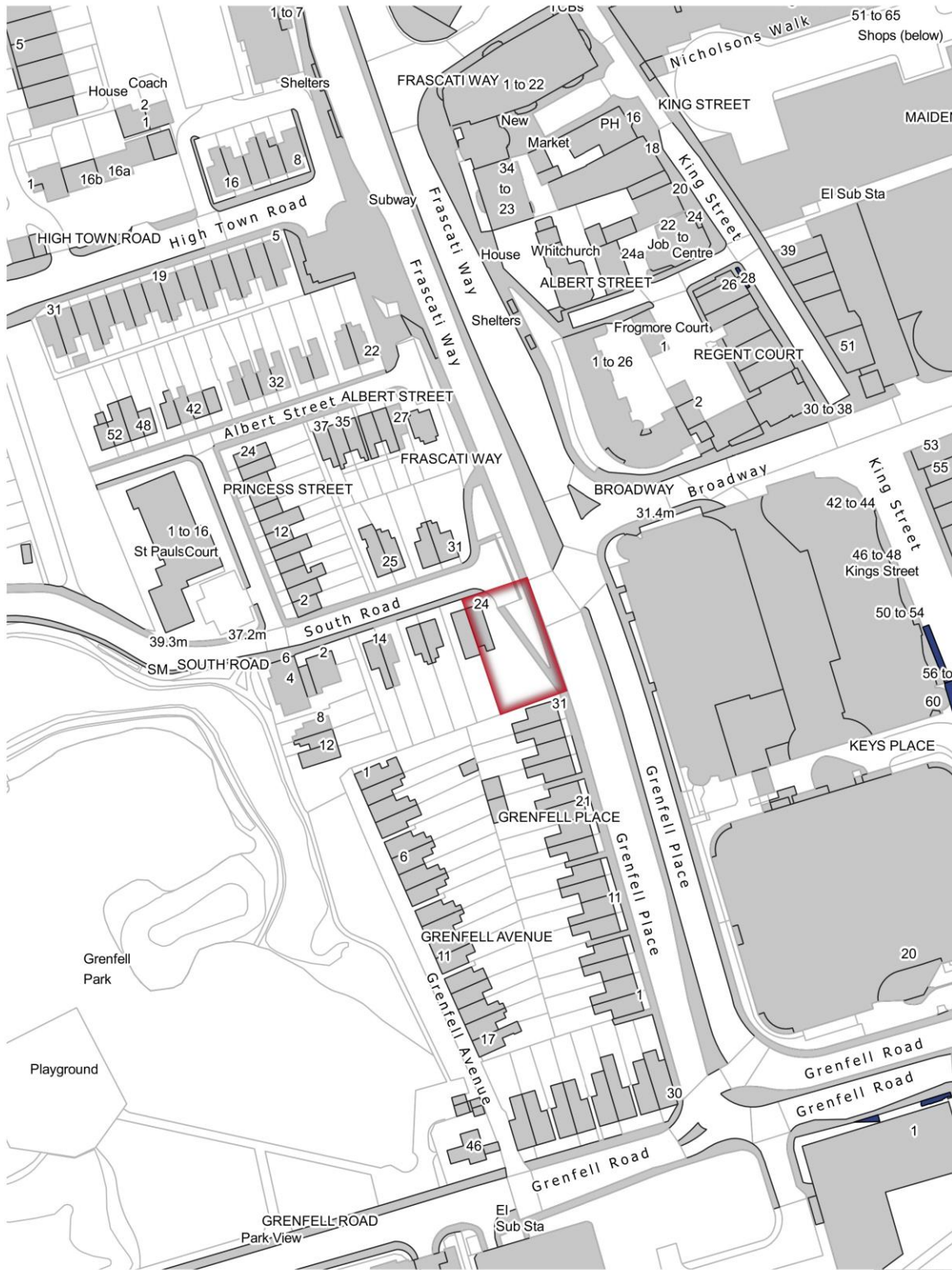
10. No development shall commence until details of the existing ground levels (against OD Newlyn) measured at regular intervals across the site have been submitted to the Local Planning Authority. No changes shall be made to the existing levels of the site.
Reason: In the interest of the visual amenities of the area. Relevant Policies Local Plan DG1, N1
11. 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.

Informatives

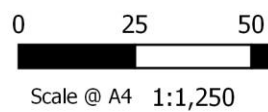
1. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in
The owners and all successors in title shall not be eligible for residents parking permits.
2. The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00, Saturday 08.00-13.00 No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

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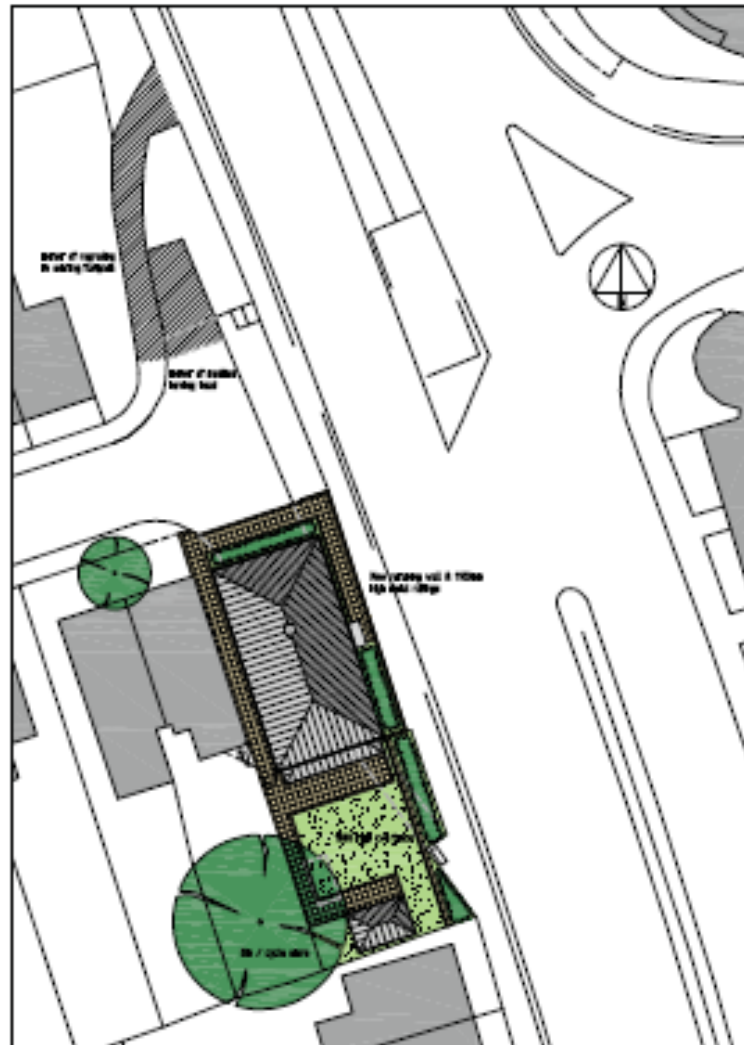
APPENDIX A



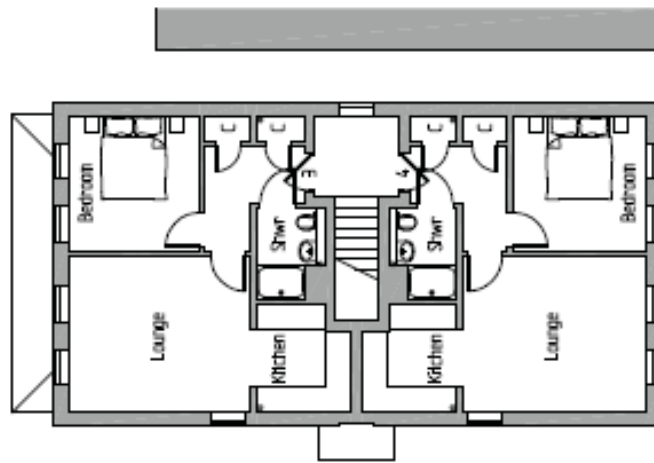
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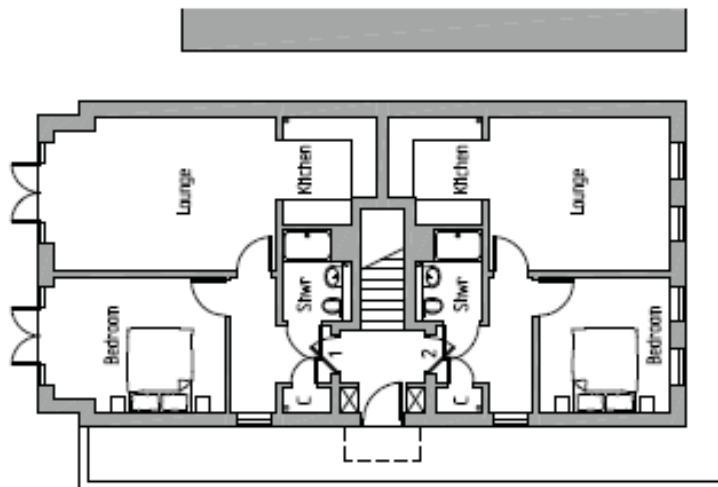
APPENDIX B



APPENDIX C

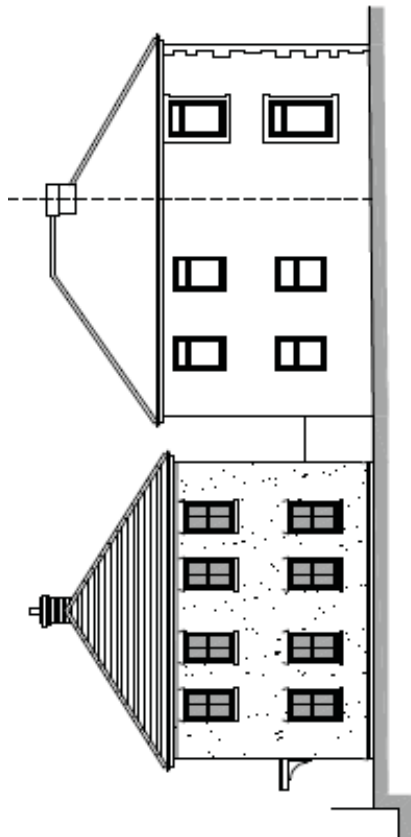


First Floor Plan

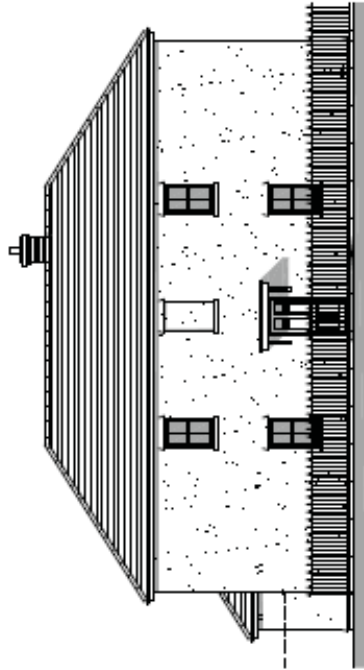


Ground Floor Plan

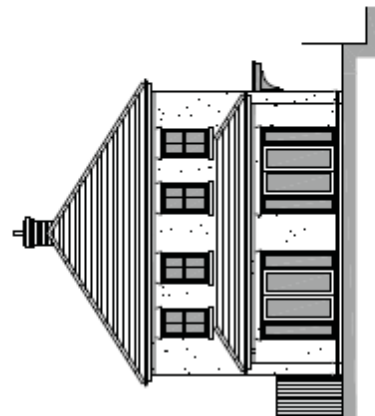
APPENDIX D



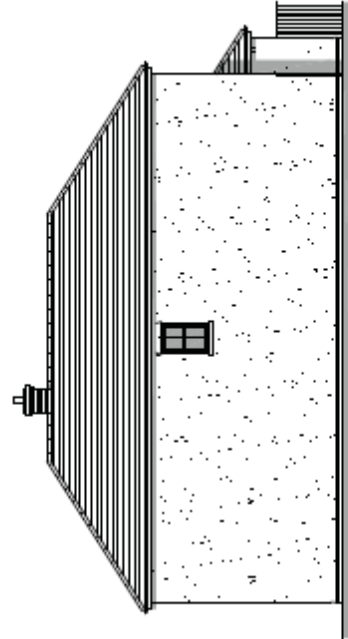
Front (NW) Elevation



Side (NE) Elevation



Rear (SE) Elevation



Side (SW) Elevation

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 4

Application No.:	16/00560/FULL
Location:	Diwa 2 Norfolk Road Maidenhead SL6 7EE
Proposal:	Construction of 10 dwellings 3 x 1 bed units and 7 x 2 bed units, with associated parking and amenity provision following demolition of property including outbuilding.
Applicant:	Mr And Mrs Dhendsa
Agent:	Mr Duncan Mathewson - Mathewson Waters Architects
Parish/Ward:	Belmont 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 This application is a resubmission of a previous proposal for 10 dwellings that was refused under delegated powers and is currently at appeal. This revised scheme includes only minor changes and it is not considered that these sufficiently address the previous reason for refusal.
- 1.2 In addition, the Local Lead Flood Authority has recommended that planning permission be refused due to insufficient detail with the application to satisfactorily determine that the proposed development will not exacerbate flood risk over its lifetime accounting for the effects of climate change.

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

- | | |
|----|--|
| 1. | The proposal, by reason of its siting, scale and design, would represent a cramped overdevelopment of the site causing harm to the character and amenity of the surrounding established residential area contrary to saved policies DG1, H10 and H11 of the Local Plan and paragraphs 56 and 64 of the NPPF. |
| 2. | It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not exacerbate flood risk over its lifetime accounting for the effects of climate change. According the proposal is contrary to paragraph 103 of the NPPF. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Love, irrespective of the recommendation for the reason of transparency, this application should be openly discussed.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located at the junction of Cookham Road and Norfolk Road and is currently occupied by a two storey restaurant and ancillary buildings. The existing development on site abuts the edge of the footpath along the north-east boundary and part of the southern boundary. A car park is located to the rear of the buildings with access taken from Norfolk Road.
- 3.2 The application site is located on a key gateway into Maidenhead in a predominantly residential area. A three-storey block of flats lies to the north of the site; to the east (on the opposite side of Cookham Road) is a layby with a wedge of green space between it and the ends of rows of maisonettes. To the south of the site is the Kidwells Park flats development (Parkland), with a block of four-storey flats sited closest to the application site. Along Norfolk Road, to the rear (west) is a row of three storey Victorian houses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
15/01966/FULL	Construction of 10 dwellings (3 x 1 bed units and 7 x 2 bed units) following demolition of property including outbuilding.	Refused 08.10.15. Currently at appeal.

4.1 The application seeks planning permission to construct a three to four storey building to provide 10 flats, comprising 3 one bedroom units and 7 two bedroom units, together with 10 parking spaces and a refuse recycling and cycle storage area. The proposed building would be approximately 25.4m wide facing Cookham Road, and approximately 18.5m facing Norfolk Road, and have a maximum height of approximately 12.5m. The building has a contemporary appearance, with large windows and a mixed palette of materials proposed.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, paragraph 56 and 64.

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

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

- 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 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 occupiers of neighbouring properties;
- iii Parking provision and highway considerations;

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

6.2 Policy DG1 of the Local Plan seeks to achieve high standards of design which provide a high quality, varied and stimulating townscape and environment. In assessing new development proposals under Policy DG1, the Council will have regard to the compatibility of new buildings

with the established street facade, with attention to the scale, height and building lines of adjacent properties, with special attention being paid towards the roofscape of buildings. In addition, Policy DG1 requires materials which are sympathetic to the traditional building materials of the area to be used in the new development. New buildings should not cause harm to the character of the surrounding area by appearing cramped or by resulting in the loss of important features that contribute to that character.

- 6.3 In addition, Policy H10 of the Local Plan states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible enhance the existing environment. Policy H11 of the Local Plan states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 6.4 The immediate surroundings to the site are characterised by a mix of residential properties. However, in all cases the dwellings are set back from the edge of the highway, typically behind a wall or low fence and an area of soft landscaping. These spaces and greenery help soften the appearance of the development and contribute to the character of the area. In the case of the proposed development, the building would be close to the edge of the footway, (approximately 2.5m in the case of Cookham Road and 1.2m with Norfolk Road), and well beyond the building lines of the neighbouring properties. There would be very little space between the front of the building and the highway for any planting, such that, when having regard to the fact the building would also almost entirely fill the frontage of the site along Cookham Road, would result in a cramped development that would detract from the character of the area.
- 6.5 In addition, while there are three storey properties neighbouring the site, the proposed development would appear overly dominant in the street scene, as a result of its siting, (on a prominent corner plot and across the majority of the site's frontage), its scale, (rising to a height above the neighbouring properties) and design (expanse of flat roof, bulky, vertical features including the stairwell and large windows). When taken together, including the parking, cycle and refuse areas, the proposal amounts to overdevelopment of the site that would harm the visual amenities of the area.
- 6.6 This is a resubmission following refusal of a very similar application. However, it is not considered that the changes made to this scheme (essentially a further minor set back of the development from the back of the footpaths on Cookham Road and Norfolk Road, together with some minor reduction in the amount of glazing, including on the lift column) sufficiently address the previous reason for refusal. For the reasons set out above, the proposal is contrary to Policies DG1, H10 and H11 of the Local Plan and paragraphs 56 and 64 of the NPPF.

The impact on the living conditions of occupiers of neighbouring properties

- 6.7 The closest neighbours to the site are located at 4 Norfolk Road and 1 to 6 Spens. In terms of the impact on No.4 Norfolk Road, the closest part of the proposed building would be the corner of the north-west facing balconies, which would be approximately 9m from the side of the house. Given the separation distances and orientation of the buildings, it is not considered that the proposal would harm the amenities of the neighbours at No.4 Norfolk Road in terms of loss of light, loss of privacy or by appearing overbearing.
- 6.8 The proposed building will sit approximately 2m behind the rear of 1 to 6 Spens on the north-west boundary and, as such, will not appear overbearing when viewed from these neither flats, nor result in any loss of light to these properties. Balconies are proposed at first and second floor level on the north-west elevation facing the rear of Spens, but as there would be a separation distance of at least 13m it is not considered that there would be any direct loss of privacy to the neighbouring flats.
- 6.9 Overall, it is not considered that the proposal would harm the living conditions of any neighbours.

Parking provision and highway considerations

- 6.10 Norfolk Road is an unclassified, un-numbered residential road which links the B4447 Cookham Road to the A308 Craufurd Rise. 2 Norfolk Road is located on the corner with the B4447 Cookham Road. Outside of the site, Norfolk Road has a 7.8m wide carriageway together with a 2.2m wide footway. With regards to the visibility splays the existing vehicle access can achieve splays of 2.4m x 33m to the left to the junction with the Cookham Road and restricted visibility splays of 2.4m x 17m to the right due to vehicles being allowed to park along the side of the road.
- 6.11 The plans provided show a new vehicular access will be relocated approximately 4.4m further towards the junction with the Cookham Road. The new vehicular access will be approximately 17.3m from the junction with the Cookham Road and will have a radius of 5.9m. This is acceptable to the Highway Authority. With regards to the visibility splays the new vehicular access will need to retain visibility splays of 2.4m x 29m to the left by 2.4m x 22m to the right.
- 6.12 2 Norfolk Road is close to Maidenhead town centre and is within walking distance to Maidenhead train station which has links to London and Reading. Therefore as the site is within a sustainable area, 1 car parking space is acceptable for each unit. Drawing no, 1429-16 shows 10 car parking spaces will be provided for the site (1 per dwelling). All of the car parking spaces comply with our current standards except for parking space 1 which is only 2.4m wide. To comply with our current requirements the bay should be 2.7m wide as it is bounded by a solid surface. This can be covered by a condition. 6.0m manoeuvrability will be provided in front of each car parking bay to allow for a vehicle to enter and exit the site in a forward gear. This is acceptable to the Highway Authority.
- 6.13 Drawing no, 1429-16 shows an outbuilding which will contain a cycle store as well as a refuse store however no detailed layout is provided. Providing 10 units will require 1 x 1100L refuse bin, 1 x 1100L mixed bin, 1 x 660L mixed bin and 2 x 140L food bins. 5 cycle stands will need to be provided to allow for 10 cycle spaces. Each stand should have a 1.0m separation gap and there should be a minimum length of 2.0m.
- 6.14 A development consisting of 3 x 1 bedroom units and 7 x 2 bedroom units has the potential to generate as a whole 34 to 68 vehicle movements per day.
- 6.15 The Highways Authority raises no objection to the proposal subject to conditions.

Other Material Considerations

Housing Land Supply

- 6.16 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.17 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Community Infrastructure Levy (CIL) Regulations 2010 which came into force on 5 April 2015 introduced a tool for local authorities in England and Wales to apply a charge on new

development. As CIL intends to deliver infrastructure needed to support the development of an area rather than making individual planning applications acceptable in planning terms, some site specific impact mitigation may still be necessary in order for a development to be granted planning permission. To secure S106 planning obligations the NPPG states that the local planning authority should be confident of specific consequences of a particular development and in the specific impact mitigation.

7.2 In this case, it is considered that the impact of the proposal on local infrastructure would be limited due to its location and scale. Therefore it is not considered appropriate to seek the previous S106 contributions under this application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

40 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 3rd March 2016.

The planning officer posted a statutory notice advertising the application at the site on 31st March 2016.

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

Comment	Where in the report this is considered
1. The design is not in keeping with the character of the houses in Norfolk Road, directly opposite and next to. These are Victorian properties and the modern design of the flats will be an eyesore. This will not make a positive contribution to the area. This would seriously diminish the appeal of the area.	6.2 – 6.6.
2. There is a dire parking problem in this area. Many people who work in the town centre park in the road and leave their cars there all day. This will be exacerbated by the building of 10 flats, adding to congestion and making the area more dangerous. The safety of children would be compromised.	6.10 – 6.15.
3. The new development will increase the demand on the water supply which will have a negative effect on all household in the surrounding area.	Comment noted.
4. Loss of light to neighbouring kitchen window. Loss of privacy to kitchen and lounge.	6.7.
5. Possible overlooking of the Spens if use of the roof is allowed.	6.8.
6. Will increase pressure on local services for GPs and dentists.	Comment noted.
7. Maidenhead Civic Society – We believe this is a minor improvement, in that the building line/frontage on Cookham Road and Norfolk Road has been taken back by 1.5m. Nevertheless, this application represents overdevelopment of a confined corner site – made even more restricted by moving back the frontages. There is insufficient landscaping or amenity space, and there remains inadequate parking provision for the potential number of residents. The bulk and mass of the proposed block is too large for the site. Although there are higher newly constructed blocks further south on Cookham Road, those flats are on much wider and deeper sites. The site is more suitable for six apartments on two floors. This would not overshadow the Spens properties to the north. A pitched roof would be more traditional in design and sympathetic with the architectural style of	6.2 – 6.15.

the Norfolk Road terrace to the west.	
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions.	6.10 – 6.15

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	Recommends refusal as there is insufficient detail to satisfactorily determine that the proposed development will not exacerbate flood risk over its lifetime accounting for the effects of climate change.	Noted and included in the reasons for refusal.
Environmental Protection	Recommends informatives regarding dust and smoke controls plus permitted hours of construction working to be added to any approval.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Block plan
- Appendix C – Street elevation to Cookham Road
- Appendix D – Elevations
- Appendix E – Ground & first floor plan
- Appendix F – Wider street plan

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.

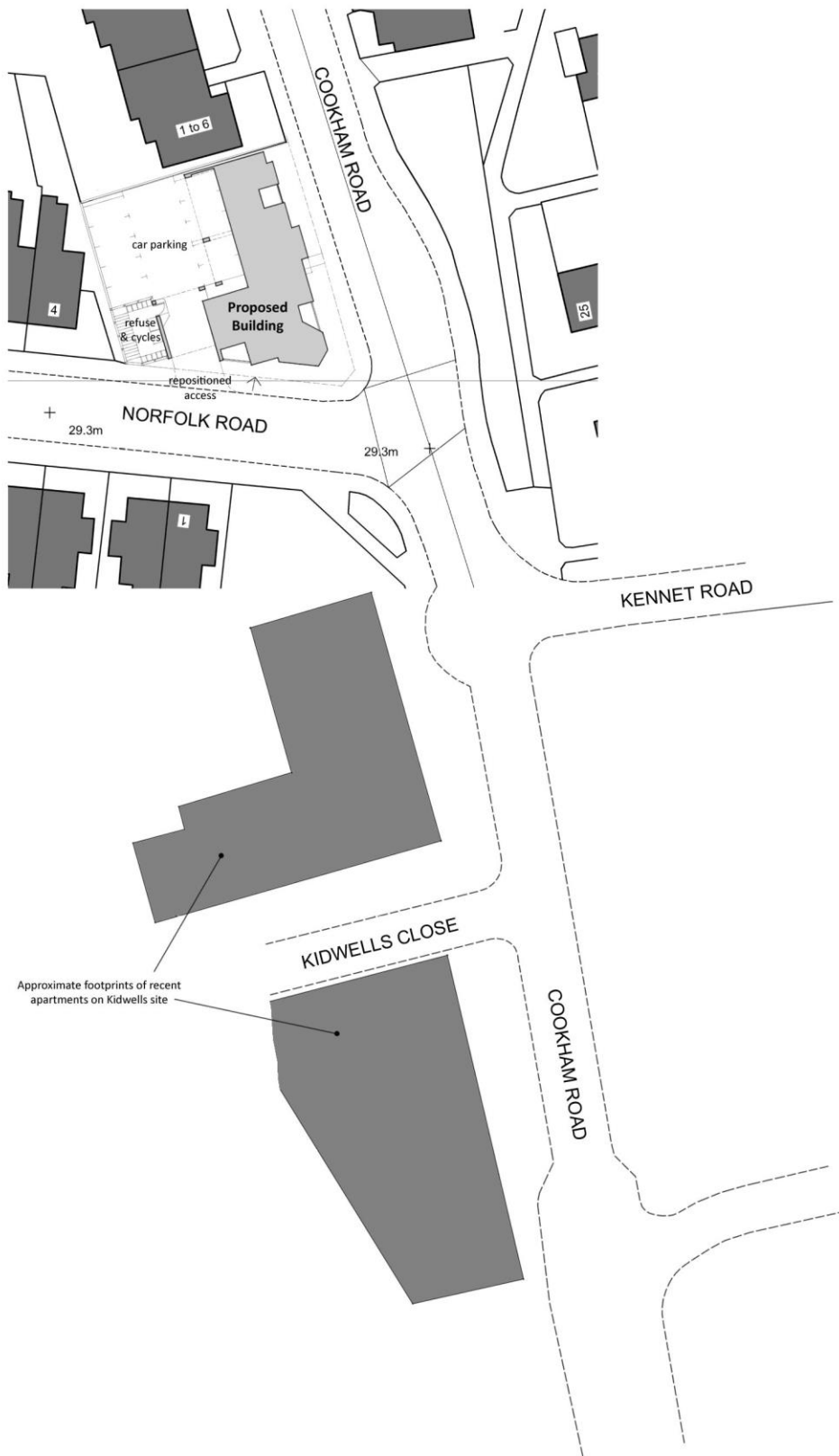
In this case the issues have not been successfully resolved.

10. REASONS RECOMMENDED FOR REFUSAL

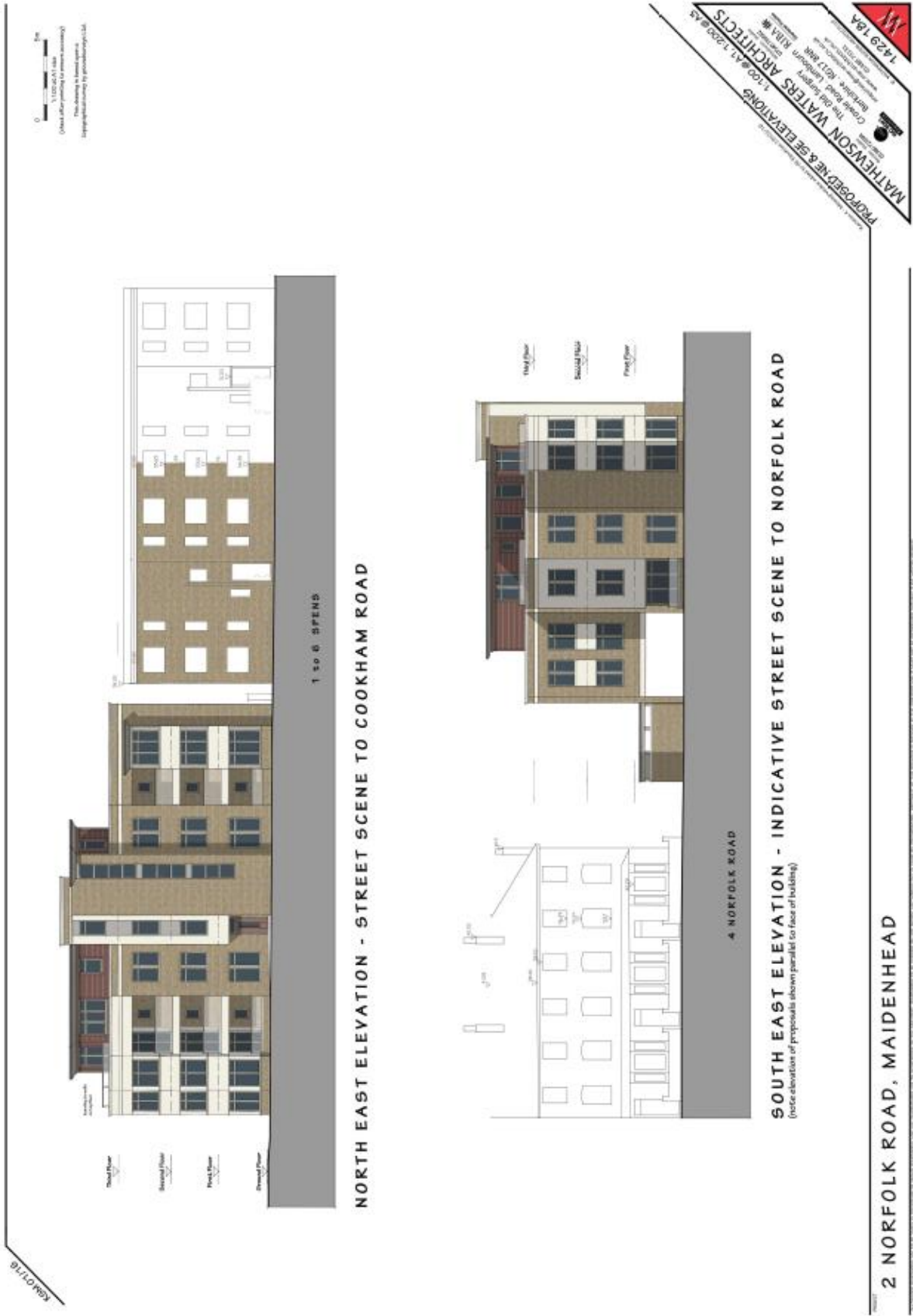
1. The proposal, by reason of its siting, scale and design, would represent a cramped overdevelopment of the site causing harm to the character and amenity of the surrounding established residential area contrary to saved policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraphs 56 and 64 of the National Planning Policy Framework, March 2012.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not exacerbate flood risk over its lifetime accounting for the effects of climate change. According the proposal is contrary to paragraph 103 of the NPPF.



SITE LOCATION PLAN

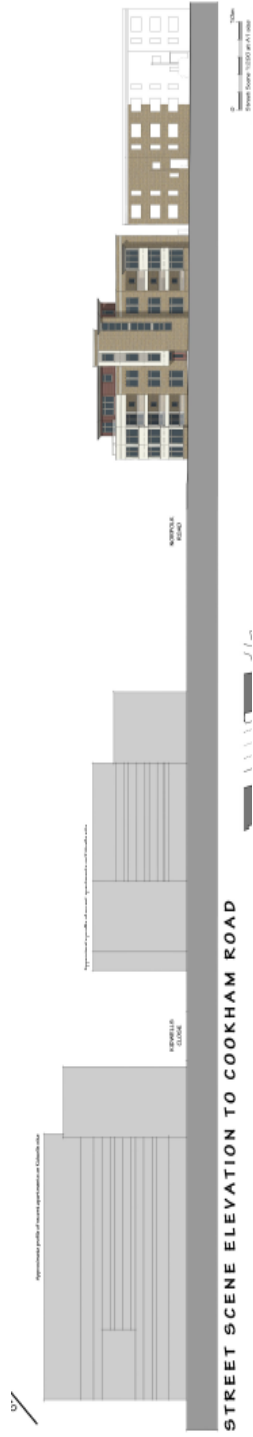


PROPOSED BLOCK PLAN









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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 5

Application No.:	16/00765/FULL
Location:	Queensgate House 14 - 18 Cookham Road Maidenhead
Proposal:	Change of use from B1 (Offices) to C3 (Residential), addition of mansard roof to provide 3 x 1 bed and 3 x 2 bed flats
Applicant:	Wycrest Ltd
Agent:	Miss Natasha Gandhi
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 loss of approximately 122 square metres of office floor space is not considered to unduly reduce the quantity and quality of office space with the Borough. Furthermore, the provision of additional residential units is considered to meet a key objective of Maidenhead Area Action Plan policy MTC12 and Local Plan policy H6, which encourages the provision of additional residential accommodation within towns, and would outweigh any harm as a result of the loss of office floor space.
- 1.2 The scheme has been amended and the proposed mansard roof is considered sufficiently proportionate and harmonious with the host, so as not to detract from its original character and street scene. It is considered that the site is capable of accommodating the additional dwellings, and the proposal would not be out of keeping with the higher density levels within the locality.
- 1.3 The access arrangements and visibility are considered acceptance in terms of highway safety and 25 car parking spaces are required and provided for the proposed and existing development.
- 1.4 It is unlikely that the proposal would result in an unreasonable level of noise and disturbance, loss of privacy, or be visually overbearing which is significantly over and above the existing situation to warrant refusal.

It is recommended the Panel grants planning permission subject to the conditions listed in Section 10 of this report.
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2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the 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 The site is located within Maidenhead settlement and comprises of a Georgian style terraced building on Cookham Road, which is 3 storeys in height plus semi-basement. There are currently 8 flats in no. 14 and no. 16 Queensgate House, while no. 18 is occupied by 8 office suites. To the rear are 23 existing car parking spaces and amenity space.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
08/02712/FULL	Change of use of garden floor to complimentary	Approved – 23.12.2008

	medical services.	
06/01198/FULL	Four storey rear extension to rear of no. 18 to form additional B1, mansard roof across no. 14-18 comprising of B1 and 2 x 1-bed flats and 2 x 2-bed flats.	Refused – 07.07.2006. Appeal Dismissed – 06.02.2007.
05/02542/FULL	Change of use of basement, ground, first and second floor from B1 to 4 x 2-bed flats.	Approved – 27.03.2006.
05/00978/COU	Change of use and conversion from offices B1 to 6 x 1-bed flats and 2 x 2-bed flats with associated parking.	Approved – 10.06.2005.

- 4.1 The proposal is for a change of use from B1 (offices) to C3 (residential) and a new mansard roof to provide 3 x 1-bed and 3 x 2-bed flats. The proposal retains the basement office in no. 18 Queensgate House and converts the remaining offices into 3 x 1-bed flats. The new mansard roof would provide additional 3 x 2-bed flats.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 6 and 7

Royal Borough Local Plan

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

	Within settlement area	Listed Building	Highways/Parking issues
Local Plan	DG1, H6, H8, H10, H11	LB2	T5, T7, P4
Maidenhead Area Action Plan (MAAP)	MTC 4, MTC10, MTC12		

Other Local Strategies or Publications

- 5.3 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:

- Principle of Development;
- Character and Appearance;
- Highway Safety and Parking;
- Impact on Neighbours;
- Other Material Considerations;

Principle of Development

- 6.2 MAAP policy MTC10 recognises that offices are an important town centre use and states that development proposals that result in the net reduction in office space will only be acceptable where this loss would not unduly reduce the quantity and quality of office floorspace or would be

outweighed by other Area Action Plan objectives through the proposed development. This proposal would result the loss of 6 office suites, measuring approximately 122 square metres of office floorspace in total. This quantity is considered to be minimal and would not unduly reduce the quantity and quality of office space with the Borough. Furthermore, the additional residential units would meet the a key objective of MAAP policy MTC12 and Local Plan policy H6, which encourages the provision of additional residential accommodation within towns, and would outweigh any harm as a result of the loss of office floor space. Subject to compliance with the relevant policies and other material considerations there are no objections in principle.

Character and Appearance

- 6.3 A mansard roof was previously refused under 06/01198/FULL as it was considered to be out of character with the existing building and detrimental to its appearance and that of the area in general. Mansard roofs are not uncommon on Georgian style buildings and there are no objections in principle to the mansard. The scheme has been amended so that the roof is set back from the front facade of the property behind the parapet by 0.7m and the angle of the mansard roof is shallower by approximately 10 degrees thereby reducing bulk and mass. The proposed dormers have been reduced in size and lowered, thereby reducing their visual prominence. The party wall upstands on the north and south elevation have also been reduced in scale and the shape altered so that they follow the line of the mansard roof. A band coursing has been added to the bottom of the party wall upstands, continuing the existing band around the building, which breaks up and adds visual interest of what would otherwise be a blank brick wall and visually integrates the roof extension with the existing building. Overall, the mansard roof is considered to be sufficiently proportionate and harmonious with the host, so as not to detract from its original character. Acceptable materials can be secured by condition 2.
- 6.4 It is noted that the existing building has a uniformity with the immediate neighbour to the north at Queensgate Lodge. Local concerns have been raised over the erosion of this uniformity with the addition of a new roof at the application site. However, it is considered that difference does not necessarily equates to harm and given that the site is detached and for the reasons set out in paragraph 6.3 the proposal is not considered unduly harmful to the character of Queensgate Lodge or the streetscene.
- 6.5 Concerns have also been raised on over-development of the site, but at 140 dwellings per hectare the proposed density would be at the same as Queensgate Lodge and at a lower density than the housing development directly opposite the site at Kidwells Close, which is approximately 400 dwellings per hectare. It is considered that the site is capable of accommodating the additional dwellings, and the proposal would not be out of keeping with the higher density levels within the locality.
- 6.6 The proposal is therefore considered to comply with Local Plan policy DG1 and H10, and MAAP policy MTC4.

Highway Safety and Parking

- 6.7 The proposed development is likely to lead to a reduction in daily vehicle movements in comparison to existing office use and so there are no significant concerns over impact on local highway infrastructure.
- 6.8 There are no changes proposed to the existing access, which can achieve visibility splays in excess of our current requirement being 2.4m x 43m to the left and right.
- 6.9 The existing car park to the rear of the site consists of approximately 23 car parking spaces. As set out in the Council's current Adopted Parking Strategy the proposed and existing development would require 25 spaces overall. The site is deemed to be within a sustainable location being within a short walk to Maidenhead town centre which has many transport links such as a frequent bus services and Maidenhead train station which has links to Reading and London. Therefore in this case the maximum parking standard for an area of good accessibility has been applied. A parking layout has been submitted which demonstrates 25 spaces can be accommodated within the existing car parking area, and this can be secured by condition 5.

- 6.10 The proposed cycle store is sufficient in size to accommodate a minimum of 6 cycle spaces, which is acceptable and can be secured by condition 3. The existing refuse store which currently serves the site is to be extended to accommodate the additional flats, which is also acceptable and can be secured by condition 4.

Impact on Neighbours

- 6.11 Concerns have been raised over noise and disturbance as a result of the proposal both from the construction period and from the residential use in particular for users of the health clinic. Informative 1 which relates to dust, smoke and hours of construction are recommended. Given the types of activities associated with residential use in comparison with offices, and as offices are more likely to operate similar hours to the health clinic while the activity from a residential use is more likely to be concentrated in the evening and weekends, it is unlikely that the proposal would result in an unreasonable level of noise and disturbance which is significantly over and above the existing situation to warrant refusal.
- 6.12 In terms of privacy, the proposed dormer windows would introduce new views but these are not considered to materially add or differ from existing views. Concerns have been raised over loss of privacy for users of the health clinic with an increase in foot traffic utilising the path that runs adjacent to the north elevation of the building leading to the carpark at the rear. There are two windows serving the health clinic on the north elevation serving the clinic, which the path passes. However, the path to the car park is already in existence and while there may be an intensification of use with additional dwellings it is not considered that the resultant footfall would result in material increase to the existing situation to warrant refusal.
- 6.13 Due to the set back of the mansard roof from the rear elevation by approximately 1m at the base, with a pitch sloping away, it is not considered that the proposed roof extension would result in an unreasonable overbearing effect to users of amenity space to the rear.
- 6.14 The concern that the proposal would result in harm to the local economy due to potential loss of business from clients of the health clinic utilising other local services is given limited weight as this is not evidenced and the contribution to the local economy is likely to be minimal.

Other Material Considerations

Housing Mix

- 6.15 There are no objections to the provision of one and two bedroom units. Local Plan policy H8 states that the Council will particularly favour proposal which include dwellings for small households and the location is considered to be sustainable and appropriate for this housing mix.

Standard of Accommodation for Future Occupiers

- 6.16 Internal rooms are considered to be sufficient in size to function for the use they are intended, and habitable rooms benefit from natural light and ventilation. There is limited space provided around the building that could be used for amenity space for the occupiers of the flats, however the flats are located within an urban locality in close proximity to open space and the town centre and no objections are raised to this.

Housing Land Supply

- 6.17 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.18 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. Planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms if directly related to the development and if fairly related to the scale and kind of the development. 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, it is considered that planning obligations are not required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

42 occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site on 17 March 2016.

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

Comment	Where in the report this is considered
1. Noise and disturbance, in particular from dust from construction and smell from additional households cooking/washing/smoking etc. to users of the health clinic and local residents.	Para. 6.11.
2. Loss of parking and increase in parking pressure for health clinic and existing residents.	Para. 6.9.
3. Loss of privacy for users of health clinic as unknown people from different backgrounds will move into the residential accommodation, and increase in footfall for path leading to car park which passes windows to the health clinic.	Who will occupy the residential accommodation is not a material planning consideration. Para. 6.12.
4. Loss of business for the clinic would result in harm to retail footfall as clients of the clinic shop/eat etc. in Maidenhead, harming the local economy.	Para. 6.14.
5. Conflict with terms of lease with health clinic.	Not a material planning issue.
6. Over development / intensification of the site.	Para. 6.5.
7. The new roof would appear over-dominant and visually overbearing to gardens and car park to the rear.	Para. 6.13.
8. Harm to streetscene with increase height and change to elevations, eroding uniformity with Queensgate Lodge.	Para. 6.3 – 6.4.
9. Disputes that the site is located within Maidenhead Town Centre, close to services and public transport, and therefore sustainable development.	The site lies within the designated Maidenhead

		Town Centre as shown in the MAAP.
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection to the proposal.	Noted.
Local Highway Authority	<p>The existing vehicle access can achieve visibility splays in excess of our current requirement being 2.4m x 43m to the left and right.</p> <p>The site as a whole will need to provide 25 car parking spaces (as set out by the Local Authorities current standards). Drawing no, 2283_PL105 shows 24 car parking spaces will be provided and from scaling the drawing all of the car parking spaces scale to our current standards. If parking space 9 is slightly moved south one more additional space can be provided at 2.7m x 4.8m. The applicant will be required to amend drawing no, 2283_PL105, showing the site can achieve 25 car parking spaces before the plan can be approved by condition.</p> <p>With referring to drawing number 2283_PL107 the proposed cycle store is a sufficient size to accommodate a minimum of 6 cycle spaces. This is accepted.</p> <p>The existing refuse store which currently serves the site is to be extended to accommodate the additional 3 flats. This is accepted.</p> <p>The proposed development is likely to lead to a reduction in daily vehicle movements although an increased level of activity is likely to occur during evenings and at weekends.</p>	Para. 6.7 – 6.10.

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 Policy DG1

3. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
4. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
5. No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
6. 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.
7. 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.

Informatives

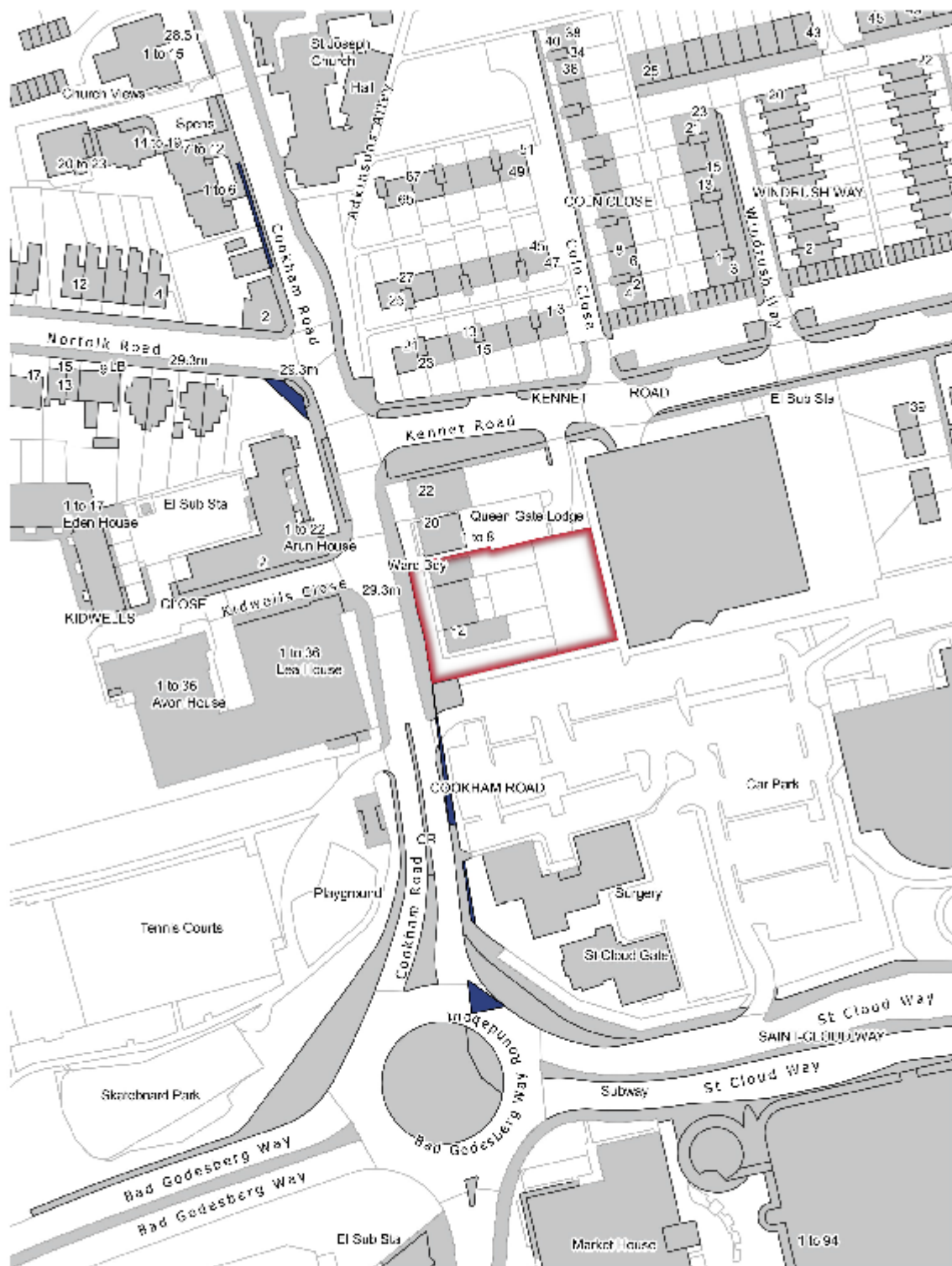
1. Dust: The applicant and contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
Smoke: The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the

contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

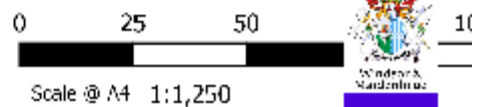
Hours: The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank or Public Holidays

2. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
5. No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

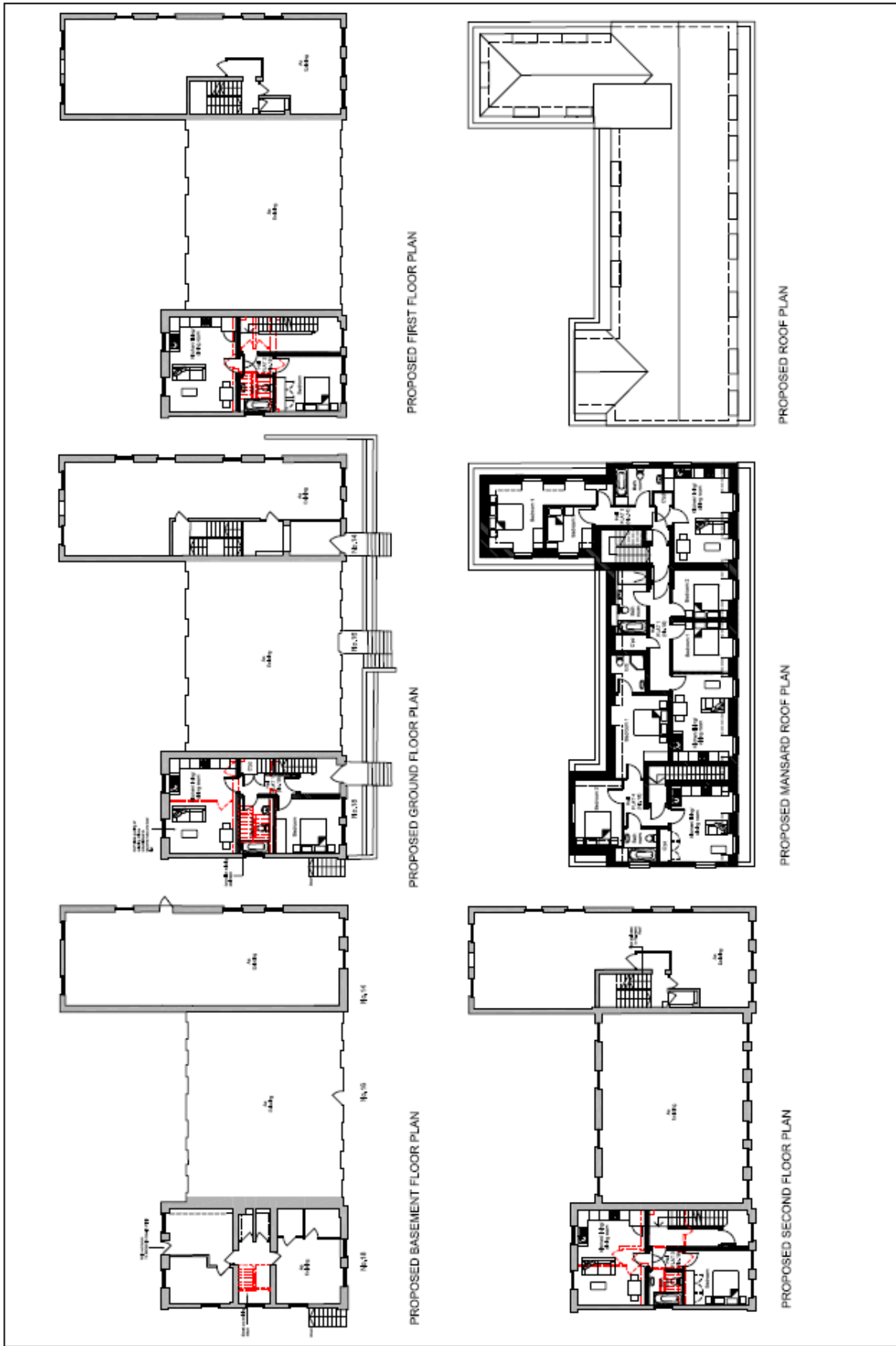
APPENDIX A



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APPENDIX C



<p>TP ARCHITECTS 500 PLYMOUTH LANE WILMINGTON, DE 19801 TEL: 302.238.1111 FAX: 302.238.1112</p>		<p>Project: Quantigata House Consultant: TP Architects No. Proposed Floor Plans Date: 2008.01.13</p>
<p>Disclaimer: The drawings are the property of TP Architects. It is to be used only for the project and site shown. No part of these drawings may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of TP Architects. The drawings are not to be used for any other project or site without the prior written permission of TP Architects. The drawings are not to be used for any other project or site without the prior written permission of TP Architects.</p>		
<p>Scale: 1/8" = 1'-0"</p>		
<p>Notes:</p>		
<p>1. All dimensions are in feet and inches.</p>		
<p>2. All dimensions are to the centerline unless otherwise noted.</p>		
<p>3. All dimensions are to the centerline unless otherwise noted.</p>		
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 6

Application No.:	16/00885/FULL
Location:	April Cottage Poundfield Lane Cookham Maidenhead SL6 9RY
Proposal:	Raising of roof with addition of 3 No. front dormers and 2 No. rear dormers, garage conversion to habitable accommodation, single storey rear extension and alterations to front elevation to reposition garage. Amendment to planning permission 15/03699.
Applicant:	Mr Owen
Agent:	Mr Stuart Keen
Parish/Ward:	Cookham Parish
If you have a question about this report, please contact: Alison Cox on 01628 796440 or at alison.cox@rbwm.gov.uk	

1. SUMMARY

- 1.1 Amended plans have been received which show the increase in the overall height of the chalet bungalow reduced from 7.4m to 6.9m which now equates to an increase in height of 1.3m. An increase of 1m has been previously approved under application 15/03699. Three front and two rear dormers are also proposed and are as previously approved under application 15/03699. An additional single-storey rear extension is now proposed which measures approximately 4.5m by 8.9m. Taking into account the increase in height and the single storey rear extension and the previously built single storey rear extension the proposals cumulatively would not result in a disproportionate increase to the original dwelling. The proposal would therefore be appropriate development in the Green Belt so to comply with Policies GB1, GB2 and GB4 of the Local Plan and paragraph 89 of the National Planning Policy Framework (NPPF).
- 1.2 The alterations to the roof would not cause the loss of any of the spacious and verdant features within Poundfield Lane, or significantly harm views of the countryside between buildings or the interpretation of the paintings of Sir Stanley Spencer. The alterations to the existing bungalow would be of an appropriate scale to the host building and other properties within the lane. The proposals would preserve the important features of the Cookham High Street Conservation Area, so accords with Policy CA2 of the Local Plan and paragraph 131 of the NPPF and Guidance Note 4.5 of the Cookham Village Design Statement.
- 1.3 The proposal would not cause any significant harm to the neighbouring occupier to the South given the siting and scale of the extension. The proposal is considered to comply with Policy H14 of the Local Plan, the NPPF and Guidance Note 6.9a of the Cookham Village Design Statement.
- 1.4 The development would maintain parking provision for at least three off-street parking spaces which meets the maximum provision required in the adopted Parking Standards. The proposal is considered to comply with Policy P4 of the Local Plan.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway, if the recommendation is to approve, because of the high degree of public interest and the position of Poundfield within the Cookham settlement.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 April Cottage is one of a pair of dwellings constructed in the late 1980s. The applications site is a single storey bungalow whereas the neighbouring property (Stable Cottage) is a chalet-style bungalow.
- 3.2 Poundfield Lane slopes downwards in a southerly direction with the application site being on land approximately 0.5m higher than Stable Cottage. Stable Cottage's ridge is at approximately 8m with April Cottage's being around 5.7m.
- 3.3 Poundfield Lane contains a mix of dwellings and the area has a rural feel being surrounded by fields and because of the un-made nature of Poundfield Lane.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

417731	Two new dwellings.	Approved December 1985
417922	Single-storey rear extension.	Approved January 1986
15/03699	Raising of roof with addition of 3 no. front dormers and 2 no. rear dormers.	Approved January 2016

- 4.1 The application proposes a number of elements comprising: roof alterations to the main ridge (by increasing the ridge from 5.6m to 6.9m (this is 0.3m/30cm higher than the approved scheme 15/03699), along with three front dormers and two rear dormers (of the same scale and siting as 15/03699) and a newly proposed single storey rear extension. The existing garage would be converted to a play room/study and an alternative integral garage would be created at the front of the property by converting the existing dining room and a downstairs bathroom. The property would have four bedrooms and a further two additional rooms (a study and a play-room).

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, paragraph 17 (Core planning principles), Section 7 (Requiring good design), Section 9 (Protecting Green Belt land) and section 12 (Conserving and enhancing the historic environment).

Royal Borough Local Plan

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

	Green Belt	Conservation Area
	✓	✓
Local Plan	GB1, GB2, GB4	CA2

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

- Cookham Village Design Statement (CVDS)

More information on this document can be found at:

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

Other Local Strategies or Publications

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

•	RBWM Parking Strategy – view using link at paragraph 5.3.
•	Cookham High Street Conservation Area appraisal – view using link http://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration/666/conservation_areas_and_listed_buildings/3

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i 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 Green belt by reason of its inappropriateness and any other harm caused by the proposal; and
- ii whether the proposal preserves or enhances Cookham High Street Conservation Area;
- iii the character and appearance of the original dwelling and the street scene; and
- iv the living conditions of the neighbouring properties; and
- v the adequacy of parking on the site and the impact on highway safety in the area; and the Green Belt;

6.2 Policies GB1 and GB4 allows the extension of dwellings as long as they do not result in a disproportionate addition over and above the size of the original dwelling. The supporting text to Policy GB4 sets out criteria on how to judge a development in order to assess whether it would constitute a disproportionate addition. As Policy GB4 explains, a disproportionate addition could occur through one large extension or through the cumulative impact of a series of small ones.

6.3 The size of the original house is around 233sqm. The increased ridge height of 1.3m (300mm higher than previously approved) generates very little additional floorspace over and above that of the approved application - around 73sqm versus 82.4sqm now proposed. The previous extensions, the new extensions and floorspace to be removed would amount to 154sqm. There would be a 66% increase in floorspace over the original size of the house.

6.4 The proposed development would not therefore appear disproportionate when compared to the original dwelling consisting of a fairly limited extension and the resulting cumulative size would not amount to a disproportionate addition in the Green Belt.

6.5 Policy GB2 states that permission will not be granted for new development if it would have a greater impact on the openness of the Green Belt. The proposals would not cause any significant harm to openness of the Green Belt as set out above and this family house would not result in any material increase in scale that would harm the countryside. Guidance Note 4.4 of the CVDS states that "The countryside of Cookham parish is highly valued and must be protected from development which detracts from its attractive appearance generally and in accordance with its status as Green Belt." The development overall, for the reason of being considered appropriate development in the Green Belt is considered to comply with this guidance. Guidance Note 4.5 of the CVDS states that "The role of Poundfield in providing a green wedge separating The Pound from the Station Hill area and Cookham Rise, together with its provision of a setting to the historic environment and the related Stanley Spencer paintings, should be recognised. Proposals should not compromise this role." The additions proposed would have very little *if* any effect on this green wedge.

Cookham High Street Conservation Area

6.6 Policy CA2 requires that development should preserve or enhance the character of the individual conservation area. The Cookham High Street Conservation Statement references Poundfield Lane and the immediate vicinity of the applications site as "This leads up to Englefield House and associated buildings which are set within a large garden and adjacent to agricultural land" and "The large open expanse of the Moor allows views in the reverse direction to these higher points with the buildings surrounding the Moor in the foreground" and "Throughout the conservation area there are glimpse views between buildings and vegetation to the surrounding countryside and views of garden spaces and buildings in garden settings." In addition parts of Poundfield

have been painted by Sir Stanley Spence (see paragraph 6.7 below). The alterations to the roof and the single-storey rear extension would not cause the loss of any of the spacious and verdant features within Poundfield Lane, or significantly harm views of the countryside between buildings. The alterations to the existing bungalow would be of an appropriate scale to the host building and other properties within the lane. In arriving at this recommendation special attention has been paid 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.

- 6.7 The CVDS, in Guidance Note 4.5, references Sir Stanley Spencer paintings. Of relevance are those including a series of scenes at Englefield and a panoramic view stretching towards The Pound. The paintings considerably pre-date the construction of April Cottage and Stable Cottages. The proposals will not harm the interpretation of the paintings by this famous artist.

The Character and Appearance of the Original Dwelling and the Street Scene

- 6.8 Policies DG1 and H14 of the Local Plan provide detailed design criteria to ensure that proposals respect the character and appearance of the host building and the wider area.
- 6.9 The overall scale of the development proposed is entirely appropriate to that of the host dwelling. The design of the new roof [still] replicates the existing. Neither the front or rear roofslopes would be overly-cluttered by the new dormer windows and the rear extension would marry up to/with the existing rear extension. The external appearance would entirely accord with the existing dwelling (and the appearance of the adjacent Stable Cottage). Although the resulting development would increase the height of the property by around 1.3m it would be of the same height and similar scale to the adjacent property. The resulting property would be defined as a chalet-bungalow which would sympathetically respect the original building and still in keeping with the scale of other dwellings in the locale. Relocating the garage doors to face the driveway would not harm the streetscene.

The Living Conditions of the Neighbouring Properties

- 6.10 Policy H14 (2) of the Local Plan states that “extensions should not cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities”.
- 6.11 None of the enlargements or alterations would result in a loss of light or overshadowing. The development is sited entirely to the north of the neighbouring property of Stable Cottage so would not have any impact on light levels. The single-storey rear extension has a flat roof with a height in the region of 2.8m but is sited around 1.7m away from the boundary. In terms of privacy, although rear-facing windows are proposed such windows are commonplace in properties and would not result in any significant loss of privacy. However, a condition is recommended to withdraw the ability to insert windows in the south elevation of the ‘Master Bedroom’ extension because such windows could cause an unacceptable level of overlooking (see Condition 4). The front dormers are around 40m away from Harvest Cottage (opposite the application site) and a greater degree of overlooking occurs from Poundfield Lane where the public have a right of way. The increase in the height of the main ridge of the roof would not result in an increase in the overall mass of the bungalow in front of or to the rear of Stable Cottage so would not harm the outlook of this neighbour. The increase in the height of the roof of the exiting single storey rear extension will be beyond the rear of the neighbouring property; however it will be of a sufficient distance not to harm the outlook of the neighbour.

The Adequacy of Parking on the Site and the Impact on Highway Safety

- 6.12 Policies DG1, H14 and P4 all require that extensions/development should not impair highway safety or lead to an inadequate car parking provision within the curtilage of the property. The 2004 adopted Parking Strategy details properties with four or more -bedrooms should have three off-street parking spaces. The application proposes relocating the existing integral garage to directly opposite the driveway entrance; the internal depth of these two spaces falls short of the adopted parking standards by 0.3m; notwithstanding this, it has already been established that there is space on the existing driveway for three cars.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

Ten occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 31st March 2016.

The planning officer posted a statutory notice advertising the application at the site on 1st April 2016.

Six letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	In keeping with the surrounding area.	Paragraph 6.9.
2.	In keeping with the Conservation Area.	Paragraph 6.6 to 6.7.
3.	Views from The Moor.	Paragraph 6.6.
4.	Scale and design of the proposals.	Paragraphs 6.3 to 6.5.
5.	Parking.	Paragraph 6.12.
6.	Appropriate scale.	Paragraphs 6.3 to 6.5 and 6.9.

A statement which was prepared by the applicant in response to all the neighbour objections was received on 20th April 2016 and appeared in the public domain on the same day.

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

Comment		Where in the report this is considered
1.	Bulk/mass in the Green Belt.	Paragraphs 6.3 to 6.5.
2.	Affect on the Conservation Area.	Paragraphs 6.6 to 6.7.
3.	Contrary to Cookham Village Design Statement.	Paragraphs 6.5, 6.7, 6.11.
4.	Neighbour consultation.	The objection raised is regarding the consultation by the applicant which took place with the neighbours prior to the application being submitted. Any communications which have taken place outside of the formal neighbour consultation by the Local Planning Authority are not a material consideration in the determination of a planning application.
5.	Increased traffic (business, building materials/builders, employees).	Paragraph 6.12 Whether the applicant runs a business from home is not relevant material consideration in the determination of the application.
6.	Overdevelopment in terms of the number of bedrooms proposed, size of the plot and need.	Paragraph 6.9. Also, the personal needs or requirements of an applicant are not a material consideration in the

		determination of an application.
7.	Loss of privacy.	Paragraphs 6.10 to 6.11.
8.	Development by stealth.	Comments noted.
9.	Disagree with the previous decision.	Comment noted.
10.	Plans are not dimensioned.	Comment noted.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Objection based on: 1. Build and massing of the development in the context of the plot. 2. Impact of changes to the property in its setting re Green Belt, Conservation Area and VDS.	Paragraphs 6.3 to 6.5. Paragraphs 6.3 to 6.7.

8. APPENDICES TO THIS REPORT

- Appendix A – Proposed Site Location Plan, Floorplans, Elevations and Parking Layout

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

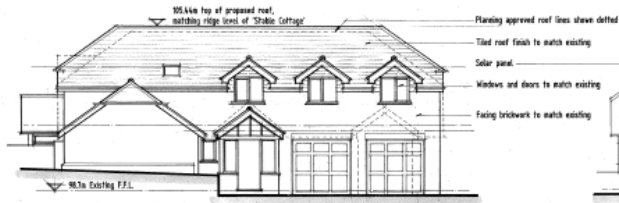
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

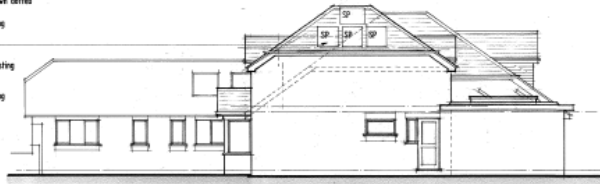
- The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- The materials to be used on the external surfaces of the development shall match those of the existing building unless first otherwise agreed 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.
- Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- No window(s) shall be inserted at first floor level (including the roof slope) in the South elevation to the 'Master Bedroom' part of the extension as shown on the approved plans without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 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.

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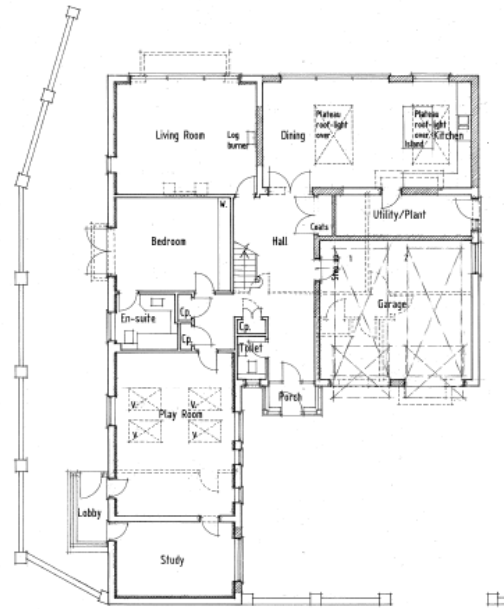
West Elevation Scale 1:100



South Elevation



East Elevation



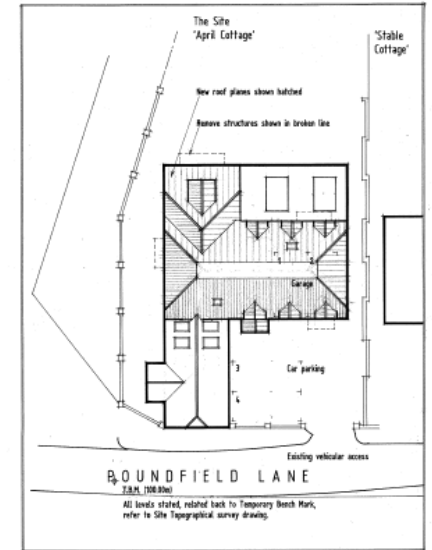
Ground Floor Plan Scale 1:100



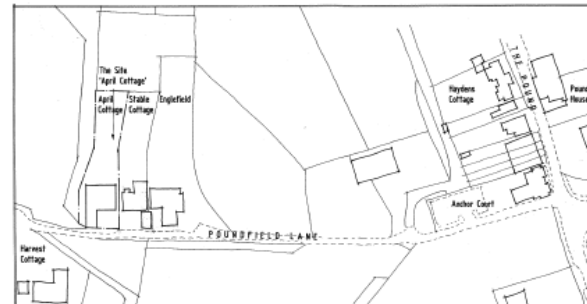
First Floor Plan



North Elevation



Site Plan Scale 1:200



Location Plan Scale 1:1250

REV B Proposed roof level lowered to suit L.L. consent. May 2016
REV A General alter client alterations. Apr 2016

PROPOSED ALTERATIONS TO
'APRIL COTTAGE' POUNDFIELD LANE
COOKHAM BERKS. SL6 9RY
Scale as shown Feb 2016 Drg. 03B
For: Mr. & Mrs. J. OWEN
Plans and Elevations

SD design
Unit 3 Woodlands Business Park
Woodlands Park Avenue Maidenhead Berks SL65UA
Mobile 0778594050
Email owen@sd-design.co.uk



Site location



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 7

Application No.:	16/00909/FULL
Location:	Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA
Proposal:	Alterations to second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2-bed, 1 x 1-bed and 1 x 3-bed flats with external alterations. (Part retrospective)
Applicant:	Mr Stone, Mr Cutler & Colemans Solicitors LLP
Agent:	Mr M Carter - Carter Planning Ltd
Parish/Ward:	Belmont Ward
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

1. SUMMARY

- 1.1 The increase in height of 1.5 metres is unacceptable in terms of its impact on the street scene. The proposed design has vertical emphasis making it too prominent in the context of the adjacent buildings. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The design is of poor quality and therefore not in compliance with the NPPF.

It is recommended the Panel refuses planning permission for the following summarised reason (the full reasons are identified in Section 9 of this report):

- | | |
|----|--|
| 1. | The increase in height is unacceptable and would have an adverse impact on the street scene. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is a three storey office building located on the east side of Marlow Road, some 65m north of the A4 roundabout. The front elevation of the building has a conventional two storey height with the third storey contained within a mansard. There is no vehicular access to the forecourt, which is landscaped, from Marlow Road. The rear part of the site provides 11 parking spaces and is accessed via The Crescent.
- 3.2 To the north of the application site is a 4 storey residential development. To the south is Thames House a substantial 3 and 4 storey office development of a greater size and height than No.21. The east boundary is formed by the Marlow Road and the west runs to the rear of properties to The Crescent including the adjacent former osteopath clinic with a rear car park now in residential use.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
06/01875/FULL	Extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Refused 04.10.2006 Appeal allowed 23.05.2007.
07/02320/FULL	Extension of existing office by rebuilding existing second floor and addition of a third	Refused 24.10.2007 Appeal allowed

	and part fourth floor.	11.08.2008.
10/02260/FULL	Renewal of permission 07/02320 for the extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Approved 03.11.2010.
13/01104/FULL	Extension of the existing office by rebuilding the second floor and adding a third floor and fourth floor, alterations to front and rear entrances to allow for disabled access, rear light well and alterations.	Approved 03.07.2013.
13/03121/NMA	Non-material amendment to planning permission 13/01104 to alter front and rear fenestration and install Juliet balconies.	Approved 15.11.2013.
15/01662/NMA	Non-material amendment to planning permission 13/01104 to increase the width of the new front entrance ramp resulting in the removal of the planter, and addition of a gas meter enclosure.	Approved 29.06.2015.
15/01988/CLASSO	Change of use from offices (B1) to 7 no. residential flats (C3)	Approved 17.08.2015
15/02596/FULL	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.	Approved 30.11.2015.

- 4.1 This application seeks to make alterations to the second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2-bed, 1 x 1-bed and 1 x 3-bed flats with external alterations.
- 4.2 It is proposed to provide one 2 bed roomed flat in the basement, a one bed roomed and a two bed roomed flat at ground floor level and two 2 bed roomed flats each on the 4 floors and a three bed flat on the 5th floor.
- 4.3 There is an extant permission for the extension and conversion of the building to residential under permission 13/01104.

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	Highways /Parking issues
Local Plan	DG1, H10	T5, P4

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

- Planning Obligations and Developer Contributions
- 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

5.3 Other Strategies or publications relevant to the proposal are:

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

NPPF – Paragraph 56 and 64 - Design

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of the change of use and extension;
- ii The impact of the proposal on the character and appearance of the area;
- iii The impact on the living conditions of neighbour;
- iv Parking provision;
- v Sustainable design and construction and Planning for an Ageing Population;

The Principle of the proposal

6.2 The proposed change of use of the building from B1 Office to C3 residential having been confirmed to be lawful under Class O of the GDPO by the recent Prior Approval Application - ref:15/01988/Class O and permission 15/02596/FULL, has established the principle of the change of use of the building to C3 residential. The property also adjoins residential property to the rear and the flats adjoining on the Marlow Road frontage. There are also no policies in the Local Plan to prevent the loss of the commercial use.

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

6.3 The existing streetscape along this part of the Marlow Road is a complete mix; from the octagonal Christian Scientist Church to the large Thames House with corner tower past the application site and onto the new residential development. The existing building at No21 is dwarfed by its neighbours. On the direct opposite side of Marlow Road is the imposing War Graves Commission building. There is no commonality of mass or scale to any of these buildings other than they are all substantially larger than No.21.

6.4 The previous approved schemes all maintained the same building height as approved at appeal and were considered to be acceptable. This proposal is to increase the overall height of the building by a further 1.5 metres. It is proposed to create a further floor to the building resulting in 6 floors plus basement. The increase in height of 1.5 metres is unacceptable in terms of its impact on the street scene. The proposed design has too much vertical emphasise making it too prominent in the context of the adjacent buildings. It is considered that there is too much glazing and the fenestration is at odds with the lower floors. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The design is of poor quality and therefore not in compliance with the NPPF.

6.5 The proposed development by reason of its height and design would result in a development that would be incongruous within this part of Marlow Road. It would not respect the roofscape of the buildings in which context it is viewed and would therefore cause substantial harm to the character of the area and the street scene.

The impact of the proposal on the living conditions of neighbours

- 6.6 The proposed extension and change of use will not adversely impact on any of the surrounding properties given the distances between properties and their siting. In such a location some degree of overshadowing and overlooking is expected. It is not considered that the additional glazed floor will cause sufficient impact on the adjacent residential flats, over that of the extant permission and subsequent permission to warrant refusal.

Parking provision

- 6.7 The site has the benefit of pedestrian access directly to Marlow Road with vehicular access being derived off The Crescent (a residential street and unclassified road) which leads to a parking area to the rear of the property. The previous office use (465sqm) had a minimum of 11 car parking spaces with additional cars doubled parked (in the rear parking area) where demand exceeded supply. As the site is within 800m walking distance of the main Maidenhead railway station, the proposed parking ratio of 1 space per each residential unit (12 no in total) is considered to be sufficient. It should be noted that if a residential parking scheme is introduced along The Crescent in the future, the occupiers of these flats would not necessarily be entitled to any residential parking permits.
- 6.8 Visitor cycle parking and a cycle store (within the building in the basement) for each residential unit is also proposed. The latter has been relocated to the front of the property to allow for an additional car parking space (for the new 3 bed flat) to be provided to the rear.

Sustainable design and construction

- 6.9 All new development is expected to meet the requirements of the Council's SPD on sustainable design and construction to ensure that the new buildings are economical in the use of materials, energy and water. It is considered that these details can be secured by condition.

Other Material Considerations

- 6.10 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.

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 bearing in mind the history of the site where no contributions have been previously asked for given the Inspector's decision, the approval of 7 flats under Class O and the limited impact a development of this scale would have means that there are no projects which meet the above tests. Financial contributions are therefore not required.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

31 neighbouring properties were notified.

1 letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered

1.	The addition of a 3 rd and 4 th floor was seen to be over powering. The addition of a 5 th floor is ridiculous and top heavy in relation to neighbouring properties.	6.3-6.5.
2.	The building and roof line is extremely high and disproportionate in relation to neighbouring buildings.	6.3-6.5.
3.	Spur House will be adversely affected by reduced sunlight.	6.6.
4.	Privacy issues from Balconies and windows.	6.6.
5.	Insufficient parking. The Crescent is already full to capacity.	6.7-6.8.
6.	Access and safety issues during construction.	There would be a construction management plan if permission were to be granted.

Consultee's responses

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection.	Noted.
Highway Officer	No objection.	

8. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Proposed elevations
- Appendix C – Proposed floor plan
- Appendix D – Elevations allowed at appeal
- Appendix E – Elevations of approval 15/02596

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.

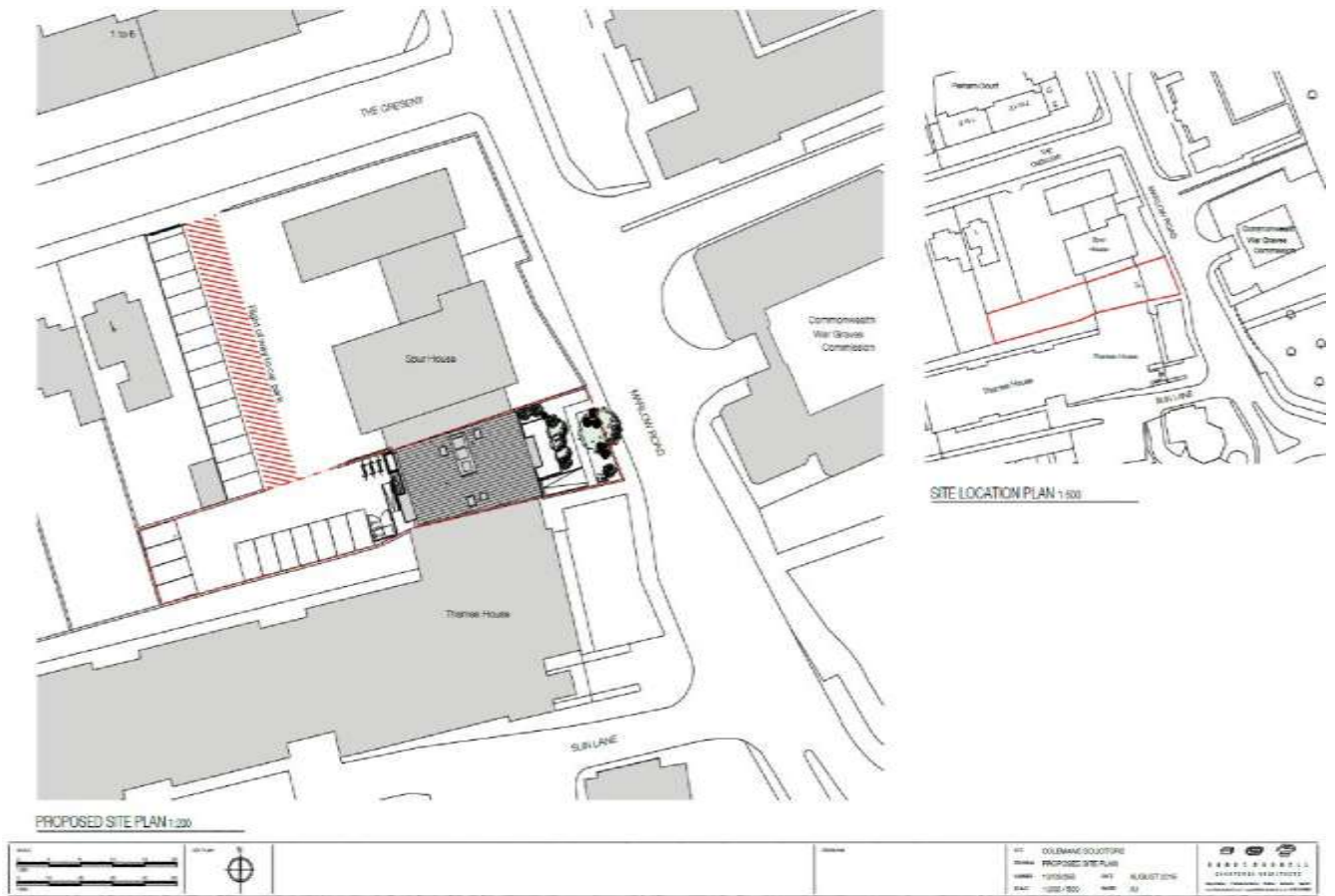
In this case the issues have been unsuccessfully resolved.

9. REASON RECOMMENDED FOR REFUSAL

1. The height and appearance of the proposed building would dominate and cause harm to the street scene. The proposal is contrary to Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted June 2003) and paragraphs 56 and 64 of the National Planning Policy Framework (NPPF), March 2012.

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APPENDIX A





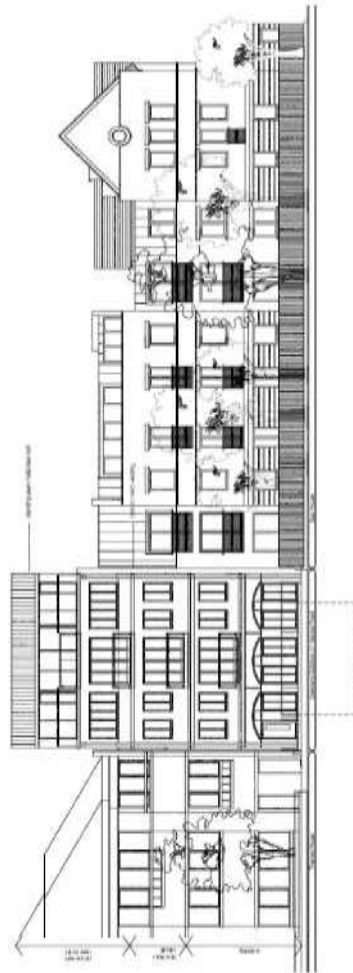
PROPOSED FRONT ELEVATION (east)



PROPOSED REAR ELEVATION (west)

<p>— 300 Franklin Avenue Columbus, OH 43215</p>		
<p>PROJECT: PROPOSED ELEVATIONS NUMBER: 10000771 DATE: MARCH 2016 SCALE: 1/8" = 1'-0"</p>		
<p>ARCHITECT: COLUMBUS SOLUTIONS 300 FRANKLIN AVENUE COLUMBUS, OH 43215 TEL: 614.220.1100 WWW.COLUMBUSOLUTIONS.COM</p>		

Appendix D



PROPOSED FRONT ELEVATION (west)



PROPOSED REAR ELEVATION (west)

			No. 14 COLONIAL COLLEGE PROJECT NO. 14000000 DATE 11/18/18	No. 14 COLONIAL COLLEGE PROJECT NO. 14000000 DATE 11/18/18
			No. 14 COLONIAL COLLEGE PROJECT NO. 14000000 DATE 11/18/18	No. 14 COLONIAL COLLEGE PROJECT NO. 14000000 DATE 11/18/18

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 8

Application No.:	16/00972/FULL
Location:	Holyport College Ascot Road Holyport Maidenhead SL6 3LE
Proposal:	Single storey extension to dining hall and single storey extension to sports hall
Applicant:	Mr Bell
Agent:	Mr Paul Chinery - Piper Whitlock Architecture Limited
Parish/Ward:	Bray Parish
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is inappropriate development within Green Belt, but it is considered that very special circumstances exist to outweigh the harm. By reason of their acceptable scale, height, design and siting the extensions are not considered to be detrimental to the character or appearance of the main school building, neighbouring buildings or surrounding area.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site which is located on the south east side of the Ascot Road on the corner with Forest Green Road. Holyport College is situated on the site of the former Holyport Manor School. The existing School was redeveloped and extended in 2013/2014.
- 3.2 Holyport College opened in September 2014 and is a state funded day and boarding school for pupils ages 11 – 19 years. The College currently has 268 pupils which will rise to 548 when fully operational.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/00287	The redevelopment of the former Holyport Manor School to provide a new secondary school comprising 3 new buildings and the retention, refurbishment and demolition of the existing structures.	Approved 24.05.2013.

- 4.1 The application is to construct a single storey extension to the kitchen and dining hall and a single storey extension to the sports hall.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

5.1 National Planning Policy Framework, paragraph 17 (Core planning principles), Section 7 (Requiring good design), Section 9 (Protecting Green Belt land) and section 72 (Schools).

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

	Within settlement area	Green Belt	Highways/Parking issues
Local Plan	DG1	GB1, GB2	T5, P4

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character 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

5.4 Other Publications – NPPF – Paragraph 59 – design.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i 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 Green Belt by reason of its inappropriateness and any other harm caused by the proposal;
- ii whether the design of the proposed building is acceptable in terms of the impact on the character and appearance of the existing building and surrounding area;
- iii parking; and
- iv the impact on the amenities of nearby residents;

Impact on the Green Belt

6.2 The National Planning Policy Framework (NPPF) states that the construction of new buildings within Green Belt should be regarded as inappropriate. Exceptions to this are buildings for agriculture and forestry use, facilities for outdoor sport / recreation, proportionate extensions or alterations of an existing building, the replacement of a building of similar size, limited infilling of villages and limited affordable housing for community needs, limited infilling or the partial or complete development of previously developed sites which would not have a greater impact on the openness of the Green Belt.

6.3 The site is in the Green Belt and is not a form of development listed in the NPPF that is acceptable in the Green Belt; as such a case for very special circumstances needs to be made. Very special circumstances 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.

6.4 The applicant has put the following forward as a case for VSC;

“National Planning Policy Framework supports the concept of expanding and altering schools and actively encourages local planning authorities to do so. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools; National Planning Policy Framework, paragraph 72.

The expansion was formally approved by the Royal Borough of Windsor and Maidenhead on 28th April 2015. The Education Funding Agency approved the academy trust’s “Business case for a significant change at an existing academy”, entailing an increase to a pupil capacity of 548, on 28th August 2015. (Officer Comment – this is not a material planning consideration in the determination of this application and has not been taken into account in the balancing exercise of whether the case of very special circumstances clearly outweighs the harm to the Green Belt)

There is an increase in the basic need in area of the local authority, as noted in RBWM’s own paper: The deficit of places in year groups 5, 7 and 9 affects all wards and starts in 2015 at -22 rising to -207 by 2020.

Expansion of Secondary Sector Provision.

The consultation paper clearly identifies the need for secondary school places, over the next 5 years. At the time which the Local Authority wrote and considered this paper, Holyport College was not yet open. Proposals developed further and (as noted above) the Local Authority approved an immediate increase to Holyport College’s capacity (which commenced with the new student intake in September 2015), with consideration to be given for further future expansion, as well as considering other local school provision. There is overwhelming demand for places at the College, which is the most oversubscribed within the Local Authority. The change is enabling organic growth towards meeting these needs, enabling effective economy of scale and value for money.

The increased number of pupils necessitates additional space for the pupils to change for sports lessons and co-curricular sports. The development of the College’s curriculum and co-curriculum since opening, the increased number of students when the College reaches capacity and the popularity, success and frequency of sport at the College has necessitated the need for additional purpose-built space for the children to change in a safe, hygienic and appropriate manner.

The increasing pupil admission number also necessitates an extended kitchen and dining facility in order that the catering staff can safely and efficiently provide the necessary catering for the school population. The College is delighted to have close to 100% uptake of school meals, including the provision of free school meals to a number of children and the benefits of bringing the school community together in this way are evident in the behaviour of the students and the ethos of the school. As the College fills to capacity, the extension will be paramount in meeting the needs of the larger school population, ensuring they receive a nutritious meal, are able to congregate as a community and that the catering service can be run efficiently and not impinge upon time spent learning due to the logistical constraints of the current kitchen and dining facility.”

- 6.5 There is also an extant approved planning application (13/00287) which includes the single storey extension to the sports hall on a near identical footprint to the extension in the current application. Changes to the interior layout to better meet the needs of the students have been made hence the submission of this application. Furthermore the extension to the dining hall would be small scale (83 square metres), height of 3.3m and would be sited within the existing envelope of school buildings. The proposed buildings would therefore have only a very limited impact on the actual physical openness of the Green Belt.

6.6 Overall, it is considered that the benefits that the proposal would have towards education would overcome the harm to the Green Belt through inappropriateness and the limited harm to the actual physical reduction in openness as a result of the development and would comprise very special circumstances to allow the development in the Green Belt.

Impact on the appearance of the existing building and the surrounding area

6.7 One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 59 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new buildings in relation to neighbouring buildings and the local area more generally.

6.8 Local Plan Policy DG1 seeks to secure a high quality standard of design. New buildings should have regard to the scale, height, building lines of adjacent properties and special attention should be given to the roofscape of buildings, while materials should be sympathetic to the materials palette of the area.

6.9 The proposed extensions will be of a design to match the host buildings. They will be flat roofed as the existing and of the same height as the existing for the dining hall (3.3 m) and the same height as the existing single storey element to the sports hall (3.5m). The dining hall extension would have a floorspace of 83 square metres and the sports hall extension 93 square metres. The extensions will be built in materials to match the existing.

6.10 The overall scale and footprint is not considered to be overly dominant to the main school buildings, nor disproportionate to the plot size. The form and design of the proposal is simple and would therefore not unduly detract from the character of the main school building or wider locality.

Parking

6.11 The proposed extensions do not require additional parking on the site and the dining hall extension does encroach into one disabled parking space, however a plan has been submitted showing the relocation of the space. The Highway Officer also had concerns that the proposed changing facilities to the sports hall leads to a significant reduction in the size of the turning head. The applicant has demonstrated by way of a swept path analysis that the turning head is still adequate to accommodate coach manoeuvres in this area.

Impact on Neighbouring Amenity

6.12 Given the height and scale of the proposed building and the separation distance from the common boundary with neighbouring property, the proposal is considered acceptable in terms of loss of light and visual intrusion and privacy.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 neighbouring occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site.

No letters were received relating to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Recommended for approval.	Noted.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection subject to plant and noise levels.	Such conditions are on the approved application for the redevelopment.
Highways	No objection.	6.11

8. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – 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.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. 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.

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Appendix A

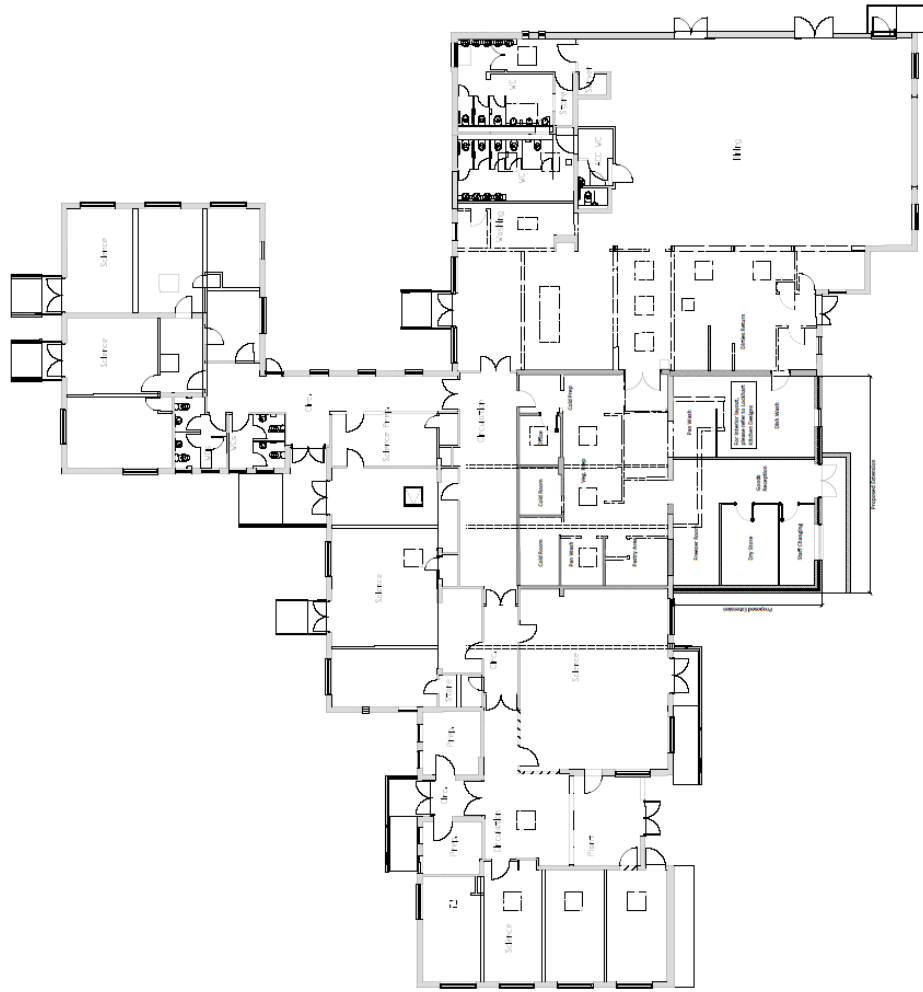


Site location

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Scale @ A4 1:2,108





Proposed Ground Floor Plan

DATE	DESCRIPTION
12/01/2016	ISSUED FOR TENDER
12/01/2016	ISSUED FOR TENDER
12/01/2016	ISSUED FOR TENDER

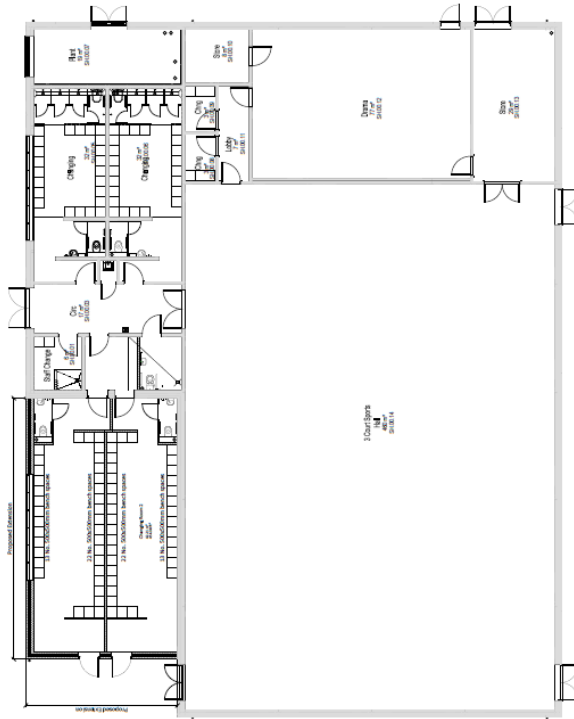
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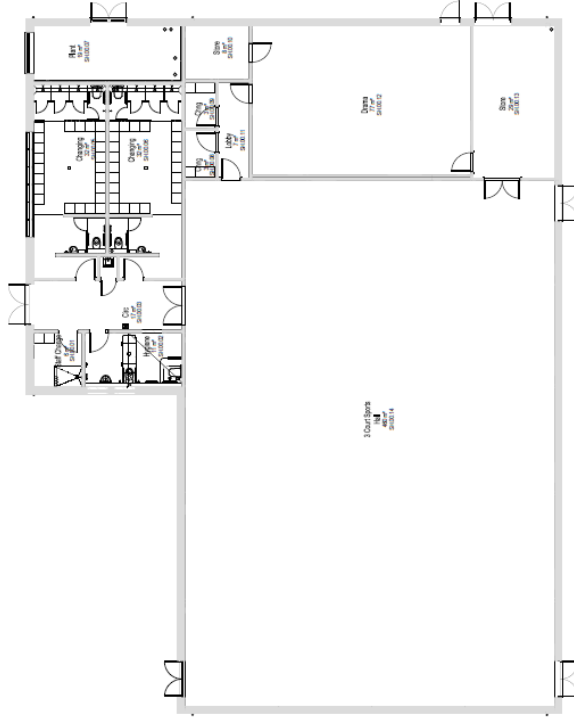
Project Name	Newton Block	Client	Holyport College
Project Location	Maldenhead	Project No.	1100
Project Description	Proposed Ground Floor Plan	Issue	01/2016
Project Manager	Holyport College	Author	PLANNING
Project Reference	PA1 1808 0.007	Scale	1:100
Project Status	PLANNING	Issue Date	01/2016



PIPER WHITLOCK
 100, The Quadrant, Maldenhead, Surrey, GU8 3JF
 Tel: 01832 262000
 Fax: 01832 262001
 Email: info@piperwhitlock.com



Proposed Ground Floor Plan



Existing Ground Floor Plan

DATE	11/11/2016
BY	WJ
CHECKED	WJ
SCALE	AS SHOWN



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PROJECT	Sports Hall Existing/Proposed Floor Plan	CLIENT	Holyport College Maldenhead
DATE	11/11/2016	SCALE	AS SHOWN
PROJECT NO.	PW.16009.D.005	DATE	03/2016
DESIGNER	PLANNING	PROJECT MANAGER	WJ

PIPER WHITLOCK
 100, The Quadrant, Maldenhead, Surrey, GU10 2AA
 Tel: 01430 810000 Fax: 01430 810001 Email: info@piperwhitlock.com

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 9

Application No.:	16/01289/CPD
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead
Proposal:	Certificate of lawfulness to determine whether a moveable poultry shed is lawful.
Applicant:	Mr Driver
Agent:	Mr Anthony Paul Kernon - Kernon Countryside Consultants Ltd
Parish/Ward:	Cookham Parish
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 This is an application for a Certificate of Lawfulness of a Proposed Use or Development relating to a proposed poultry shed on agricultural land. The issue for consideration is whether the poultry shed would be lawful for planning purposes. Lawful development is development which does not require planning permission. Planning permission is not required for works or a use which does not constitute development under section 55 of the Town and Country Planning Act 1990, is otherwise exempt, or benefits from an existing planning permission.
- 1.2 A legal opinion has been sought in this case which forms the basis of this report. As a matter of fact and degree, the erection of the building constitutes development for which express planning permission is required.

It is recommended the Panel refuses the application for a Certificate Of Lawfulness of a Proposed Development for the following summarised reason (the full reason is identified in Section 8 of this report):

- | | |
|----|---|
| 1. | At the time of the application, the proposal would not be lawful for planning purposes. |
|----|---|

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is an open field of approximately 2.4 hectares, located to the east of Lightlands Lane. There is an existing access off Strande Lane and a public right of way runs along its western boundary.
- 3.2 The field is bounded by Lightlands Lane to the east, along which there are a number of individual, detached residential properties. Open land lies to the north and north-west, while Strande View, with some residential properties, lies adjacent to the south-west boundary of the field. Strande Lane lies adjacent to the south boundary. The field sits at lower level than its surroundings and is largely enclosed by established hedgerows and trees.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 One chicken shed is proposed which will measure 32m by 8m. The shed will be constructed of bolted-together sections with a suspended floor mounted on field skids. The structure will be clad in polythene. It would be anchored to the ground and moved to a different part of the field at a frequency of not more than 75 weeks.
- 4.2 The planning history of the site is not relevant to the consideration of this application.

5. STRATEGIES AND POLICIES

- 5.1 National and Local Plan policies and strategies are not relevant to the consideration of this type of application.

6. EXPLANATION OF RECOMMENDATION

- 6.1 Lawful development is development which does not require any further planning permission (as per section 192 of the *Town and Country Planning Act 1990* ("the Act" hereafter). Planning permission is not required for works or a use which does not constitute development under section 55 of the Act, is otherwise exempt, or benefits from an existing planning permission.
- 6.2 Planning Practice Guidance explains the approach the Government intends, and it asks that authorities answer the following question:

"If this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"

- 6.3 The local authority must issue a certificate if they are satisfied (on the balance of probabilities) that the use or operations described in the application would be lawful if instituted or begun on the date of application (as set out in section 192(2) of the 1990 Act).

Assessment

- 6.4 The report submitted with the application correctly identifies that the poultry sheds are subject to the test set out in *Skerrits of Nottingham v Secretary of State for the Environment, Transport and the Regions [2000] 2 P.L.R. 102* (read in conjunction with *Cardiff Rating Authority and Cardiff Assessment Committee v Guest Keen and Baldwin's Iron and Steel Co.Ltd [1949] 1 KB 385*).
- 6.5 Whether poultry shed constitutes a building, and as such could be considered building operations, is subject to a three-stage test drawing from the following factors:
- Size.
 - Degree of permanence.
 - Physical attachment to the land.

The *Skerrits* test has been scrutinised and refined by subsequent cases.

- 6.6 In 2012, the *Skerrits* test was refined by the case of *R. (on the application of Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council [2012] EWHC 2161 (Admin)*. In that case a local authority had been asked to consider whether mobile poultry units were "development". They concluded that the units did not fall within the definition of "development" at section 55 of the 1990 Act, as their mobility meant that they were chattels.
- 6.7 The Court concluded that the authority erred in taking too narrow an approach to the meaning of development in section 55. The Council should have considered whether the unit was an "erection" or a "structure" within the meaning of section 336(1) of the Act, particularly in light of the units' substantial size and weight.

6.8 The Court also commented that section 55(1A) was inclusive but was not intended to be an exhaustive definition of “building operations”, and that in any event the construction and installation of the units was capable of coming within section 55(1A)(d) (defined “as other operations normally undertaken by a person carrying on business as a builder”). In addition, the Court considered that the words “other operations in, on, over or under land” in section 55(1) were sufficiently broad to encompass the construction and installation of the poultry units, even if those works did not fall within section 55(1A).

6.9 In order to qualify as ‘building operations’ for the purposes of the Act, operations must relate to a building. The term ‘building’ in section 336(1) of the 1990 Act has a wide meaning, including any structure or erection. The case law is clear in concluding that the definition of ‘building’ should be interpreted to include structures which would not ordinarily be described as buildings. The starting point in assessing a potential building is the three-part test identified in *Cardiff Rating Authority* and refined in *Skerrits*.

Size

6.10 The size of the units is material. The hen houses in this matter are 32m by 8m wide overall. The units in *Save Woolley Valley* were 20m by 6m wide. As a matter of fact and degree, the structure’s dimensions are significant in the planning context.

Permanence

6.11 In *Barvis Ltd v Secretary of State for the Environment [1971] 22 P&CR 710*, a tower crane was held to be a “structure” or “erection” and therefore considered a “building”, even though it was moveable, and was in practice moved around the site. Mobility does not preclude a structure being considered a building.

6.12 The Court in *Save Woolley Valley* refined the existing test by emphasising that permanence must be construed in terms of significance in the planning context. This is in line with the Judgment in *Hall Hunter v First Secretary of State [2007] 2 P&CR 5*. In that matter polytunnels were intended to remain in one location for a three-month period. The Inspector found this to be sufficient to be of consequence in the planning context. This is because the units remained in the field, and there was no limit on their stay there. The ability to move them around that field did not have any impact on the significance of their continued presence in planning terms. Hence the polytunnels were considered to be permanent. Mr Justice Sullivan sums it up as follows:

“In view of the fact that machines were used to screw the “vast number of ... legs needed” up to one metre into the ground, it is not surprising that the Inspector concluded “the polytunnels have a substantial degree of physical attachment to the ground”. “Permanence’ does not in this context necessarily connote a state of affairs which is to continue forever or indefinitely. It is matter of degree between the temporary and the everlasting” (see per Morritt LJ at page 1036 of Skerrits). The fact that a large and well constructed structure is capable of being, and is, dismantled and removed annually for a short time is not determinative (see per Pill LJ at page 1035 of Skerrits).

If one asks how long must a structure or erection remain in situ for there to have been a sufficient degree of permanence, the answer is: “for a sufficient length of time to be of significance in the planning context” (see per Schiemann LJ at page 1034 of Skerrits). The Inspector’s finding that the polytunnels “would remain in one particular location from between three and seven months in any one year” (paragraph 54) is not challenged. His conclusion that “even the shortest of those periods of time would be a sufficient length of time to be of consequence in the planning context and more so in respect of the longer periods” cannot be said to be unreasonable.”

6.13 Permanence, as can be seen, is a matter of degrees. In this matter the poultry unit may well be moved around the field, but the significance of the unit in planning terms will remain the same or very similar. It is a matter of professional judgment, but it is the view of the Local Planning Authority that the keeping of the units in situ for a 72-75 week period falls clearly within the realm of significant in the planning context. That is roughly a 16-17 month period.

- 6.14 To put this application in perspective, in *Save Woolley Valley* it was intended that the units would be moved every eight weeks. Following Mr Justice Sullivan's Judgment in *Hall Hunter*, three to seven months is clearly significant enough to rely upon in terms of demonstrating significance in the planning context, but in each case it falls to be assessed as a matter of fact and degree. The period applied for in this case greatly exceeds both of those indicative periods, and it is entirely reasonable for the Council to conclude that the structures are, for the purposes of assessing permanence, permanent.
- 6.15 The applicant's supporting Explanation indicates that they have had sight of the *Save Woolley Valley* and *Hall Hunter* decisions. At paragraph 4.5 they assert that 'it would not attain a degree of permanence if it is moved as described every 75 weeks'. This conclusion is directly at odds with the conclusions reached by Mr Justice Sullivan in *Hall Hunter*.

Physical attachment

- 6.16 The structure would only be tethered to the ground temporarily, through the use of tent pegs. This factor weighs in support of the applicant's assertion, but it is not determinative. There is also limited information available in respect of the method of assembly, which is briefly referred to at paragraph 3.6 of the Explanation report. It is not clear whether this is bolted together on site, who would bolt it together, or whether any other works would be needed. It is therefore difficult to assess the specific operations which would form part of the installation process, and more detailed information could better inform this aspect of the assessment.

Overall

- 6.17 The proposed structure is of a size which is significant in planning terms given its dimensions. It would be temporarily affixed to the ground, and capable of movement. However the proposed structure would have a permanent character. The fact that the structure is capable of being moved every 72-75 weeks is not determinative in establishing permanence. The length of time that the structure would remain *in situ* is sufficient to be of consequence in the planning context, and that degree of permanence is a clear indicator that, for the purposes of the 1990 Act, the structure can be described as a building for development control purposes.
- 6.18 Limited information has been supplied about the method of construction. The erection of a new building is not specifically listed in the definitions of 'building operations' at section 55(1A) of the Act, but this list is not exhaustive. The erection of a new building falls within the final clause of the definition as being work normally undertaken by a person carrying on business as a builder. The design and size of the building makes it probable that it would be erected on the site. I consider that the work involved in the erection of the building amounts to a significant building operation, given its size and permanent nature.
- 6.19 As a matter of fact and degree, the erection of the building constitutes development for which express planning permission is required. Planning permission has not been granted for the development, and as such the proposal would amount to a breach of planning control.

7. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

8. RECOMMENDED REASON FOR REFUSAL

1. The proposed structure is of a size which is significant in planning terms given its dimensions. Although it would be temporarily affixed to the ground, and capable of movement, the proposed structure would have a permanent character. The length of time that the structure would remain in situ is sufficient to be of consequence in the planning context, and that degree of permanence is a clear indicator that, for the purposes of the 1990 Act, the structure can be described as a building for development control purposes. Limited information has been supplied about the method of construction. However, the design and size of the building makes it probable that it would be erected on the site and it is considered that the work involved in the erection of the

building amounts to a significant building operation, given its size and permanent nature. As a matter of fact and degree, the erection of the building constitutes development for which express planning permission is required.

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PLAN	1943/06
TITLE	Land Owned
SITE	Land North of Strande Lane, Cookham
CLIENT	Mr Samuel Driver
NUMBER	KCC1943/06 04/16/1k
DATE	April 2016
SCALE	1:2500 at A4
KERNON COUNTRYSIDE CONSULTANTS LTD Greencree Barn, Purton Stoke, Swindon SN6 4LL Tel 01793 771333 Email info@kernon.co.uk	

Appendix 1

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE



Planning Appeals Received

29 April 2016 - 25 May 2016

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 <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the Plns 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:
Appeal Ref.: 16/60046/REF **Planning Ref.:** 16/00310/FULL **Plns Ref.:** APP/T0355/D/16/
3149746
Date Received: 13 May 2016 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Two storey side extension, conversion of loft conversion into habitable accommodation with 2 rear dormers and associated works.
Location: **26 St Lukes Road Maidenhead SL6 7AN**
Appellant: Mr Riaz Azam **c/o Agent:** Mrs Jane Carter Carter Planning Ltd 85 Alma Road Windsor SL4 3EX

Parish/Ward:
Appeal Ref.: 16/60047/REF **Planning Ref.:** 15/01516/FULL **Plns Ref.:** APP/TO355/W/15/
3140786
Date Received: 13 May 2016 **Comments Due:** 17 June 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Four detached houses with attached garages, new private access road following demolition of the existing dwelling
Location: **New Britwell 3 Westmorland Road Maidenhead SL6 4HB**
Appellant: Mr Richard Potyka - RAP Building And Development Ltd **c/o Agent:** Mr Chris Sawden S.T.P.C Maksons House 52 Station Road West Drayton Middlesex UB7 7BT

Parish/Ward: Waltham St Lawrence Parish
Appeal Ref.: 16/60048/REF **Planning Ref.:** 15/03212/FULL **Plns Ref.:** APP/T0355/W/16/
3144712
Date Received: 17 May 2016 **Comments Due:** 21 June 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling following demolition of existing dwelling
Location: **Fernbank The Straight Mile Shurlock Row Reading RG10 0QN**
Appellant: Mr Martin Guthrie **c/o Agent:** Mr Peter Smith PJSA Chartered Surveyors The Old Place Lock Path Dorney Windsor Berkshire SL4 6QQ

Parish/Ward: Bray Parish
Appeal Ref.: 16/60052/REF **Planning Ref.:** 15/04086/FULL **Plns Ref.:** APP/T0355/W/16/
3147823
Date Received: 19 May 2016 **Comments Due:** 23 June 2016
Type: Refusal **Appeal Type:** Written Representation
Description: New rose trellis, following demolition/relocation of small section of existing picket fence.
Location: **Land Adjacent To Rose Cottage Holyport Street Holyport Maidenhead**
Appellant: Mr Neil Burgess **c/o Agent:** Mr John Hunt Pike Smith & Kemp Rural _ Commercial Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

Parish/Ward:
Appeal Ref.: 16/60053/COND **Planning Ref.:** 15/02928/FULL **Plns Ref.:** APP/T0355/W/16/
3148798
Date Received: 24 May 2016 **Comments Due:** 28 June 2016
Type: Appeal against conditions imposed **Appeal Type:** Written Representation
Description: Replacement detached dwelling (Amendments to 15/01252)(Part Retrospective)
Location: **Goplana Altwood Close Maidenhead SL6 4PP**
Appellant: Mr Ajmal Afzal **c/o Agent:** Mr Ehsan UL-HAQ ArchiGrace Limited 50 Two Mile Drive Slough
SL1 5UH

Parish/Ward: Bray Parish
Appeal Ref.: 16/60054/REF **Planning Ref.:** 16/00647/CLAS **Plns Ref.:** APP/T0355/W/16/
SM 3148826
Date Received: 24 May 2016 **Comments Due:** 28 June 2016
Type: Refusal **Appeal Type:** Written Representation
Description: (Class Q) Change of use from agricultural buildings to residential and associated works
Location: **Unit 3A Coningsby Farm Coningsby Lane Fifield Maidenhead**
Appellant: Mr Michael Smyth **c/o Agent:** Ms Shelley Woods Relic Studio Ltd Relic Studio Battlers
Green Farm Common Lane Radlett Hertfordshire WD7 8PH



Appeal Decision Report

29 April 2016 - 25 May 2016

MAIDENHEAD

Appeal Ref.: 16/00009/REF **Planning Ref.:** 15/03745/FULL **Plns Ref.:** APP/T0355/D/16/3143401

Appellant: Mr Mohammed Sulaman **c/o Agent:** Mr R Johnson 59 Lancaster Road Maidenhead SL6 5EY

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

Description: First floor rear extension, single storey front porch, 1 new window on first floor side elevation and 1 No. rear roof light.

Location: **121 Clare Road Maidenhead SL6 4DN**

Appeal Decision: Allowed **Decision Date:** 4 May 2016

Main Issue: This proposal is similar to another one at No. 123 which is also subject to an appeal against a refusal to grant planning permission and was also before the Inspector to determine; the Inspector considered them together. The appellant in this case, in conjunction with the appellant for No. 123, intends to build the extension at the same time as that at No. 123 if permission is granted. In view of this situation, the Inspector concludes that the construction would be carried out as a whole and this proposal would not result in an unacceptable loss of light to, or an overbearing impact on, the rear windows of No. 123.

Appeal Ref.: 16/00010/REF **Planning Ref.:** 15/03741/FULL **Plns Ref.:** APP/T0355/D/16/3143405

Appellant: Mr Shams Sulaman **c/o Agent:** Mr R Johnson 59 Lancaster Road Maidenhead SL6 5EY

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

Description: Single storey front extension and first floor side and rear extension and 1 No. rear roof light.

Location: **123 Clare Road Maidenhead SL6 4DN**

Appeal Decision: Allowed **Decision Date:** 4 May 2016

Main Issue: This proposal is similar to another one at No. 121 which is also subject to an appeal against a refusal to grant planning permission and which is also before the Inspector to determine (the Inspector considered them together). The Inspector concludes that; as the appellant in this case, in conjunction with the appellant for No. 121, intends to build the extension at the same time as that at No. 121 if permission is granted and, in view of this situation, and as the construction would be carried out as a whole, the Inspector considers that this proposal would not result in an unacceptable loss of light to, or an overbearing impact on, the rear windows of No. 121. The Inspector noted during the visit that there is pressure on the on-street parking and saw that in part of Clare Road parking is restricted to holders of residents' permits. Planning permission has recently been granted for the ground floor side and rear extension and this would also block the access to the garage; the appeal proposal would not result in an increase in the number of bedrooms in the house. The Inspector concludes that it would have no greater impact on the parking situation than the approved ground floor extension which would have been subject to the same parking standards referred to in local plan policy P4.

Appeal Ref.: 16/00017/REF **Planning Ref.:** 15/03644/FULL **Plns Ref.:** APP/T0355/D/16/
3143634

Appellant: Mr And Mrs R Williams **c/o Agent:** Mr Patrick Arthurs APD Planning Consultants Bines
Farmhouse Bines Road Partridge Green Horsham RH13 8EQ

Decision Type: Committee **Officer Recommendation:** Refuse

Description: Construction of new garage with first floor games room

Location: **Lorien Brayfield Road Bray Maidenhead SL6 2BN**

Appeal Decision: Dismissed **Decision Date:** 9 May 2016

Main Issue: The floorspace of the house would be more than doubled in area and as such the degree of change would be disproportionate. The proposal would therefore be inappropriate development which is, by definition harmful to the Green Belt. In this regard the development would be in conflict with the Framework and Policy GB4 of the LP which seek to resist disproportionate extensions to dwellings in the Green Belt. It would inevitably have an adverse impact on the openness of the Green Belt. The proposal would therefore be in conflict with the Framework and Policy GB2 of the LP insofar as they seek to protect the openness of the Green Belt. Very special circumstances have not been demonstrated. The development would cause non-substantial harm to the character and appearance of the conservation area, and its trees and spacious character, which is not outweighed by public benefits. The proposal is contrary to Policies CA2, DG1 and N6 of the Local Plan.

Appeal Ref.: 16/00022/REF **Planning Ref.:** 15/01060/FULL **Plns Ref.:** APP/T0355/W/15/3140926
Appellant: Mr B Islam **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Change of use from A3 (restaurant) to C3 (residential).
Location: **Cookham Tandoori High Street Cookham Maidenhead SL6 9SL**
Appeal Decision: Dismissed **Decision Date:** 17 May 2016

Main Issue: The appeal site is on one of the main routes through the village which can become isolated during flood events, being surrounded by land that is part of the functional flood plain and therefore highly vulnerable to flooding. Further to this context the proposal would constitute a change from a 'less vulnerable' to a 'more vulnerable' use as defined in Planning Practice Guidance. The appellant's flood risk assessment identifies that during flood events an escape route would be utilised via the Causeway crossing Cookham Moor to the west of the site. Whilst the maximum depth of flooding along a large majority of the route is predicted to be below 0.25m, this level has the potential to be exceeded, albeit over a relatively short section at the western end. Accordingly that part of the route is regarded as a 'danger for some' as defined in the Environment Agency's flood risk guidance¹ meaning that there would be greater risk to health for more vulnerable groups of people such as children, the elderly and the infirm. The Inspector considered that potential hazards, particularly for more vulnerable groups of people, along the escape route during a flood event might include lack of visibility of unmarked drops and objects and coming into contact with cold and unclean water. These hazards would be made worse if evacuating during hours of darkness when general visibility would be limited. The appellant states that Cookham is protected by flood defences. However the Inspector stated that it cannot be assumed that such defences would continue to be maintained to meet the requirement in the National Planning Policy Framework (the Framework) that a development should be made safe for its lifetime. The appellant had proposed further flood management measures, including a suggestion that the premises could be adapted to enable continued occupation during a flood. However the Inspector agreed with the Council that continued safe refuge could be jeopardised by a lack of amenities, clean water and sanitation therefore placing further pressure on emergency services. Registering to receive early notification of likely flood events may of course be very valuable. However, it would not be possible to enforce early evacuation from the area given that some people may prefer to remain in the security of their homes. The Inspector acknowledged that the evacuation route to the west of the village applies to existing properties. However considered that this does not justify the proposal in terms of placing an increased number of residents at risk. The Inspector concluded therefore that the proposal would not make adequate provision for the protection of residents from flood risk in terms of a safe route for escape during flood events. The proposal would therefore be in conflict with Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (as altered) 2003 and with the Framework. Amongst other things, they seek to resist development that would increase the number of people at risk from flooding and ensure safe access and escape routes for the lifetime of the development and the safe management of any residual risks including by emergency planning.

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