

Public Document Pack

**NOTICE
OF
MEETING**

The Royal Borough



**Windsor &
Maidenhead**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 31ST AUGUST, 2016

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT CONTROL PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd
Democratic Services Manager
Issued: Monday, 22 August 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.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the

RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To agree the minutes of the last meeting.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Borough Planning Manager'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 - 78
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		79 - 86

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

03.08.16

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

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

Officers: Daniel Gigg (Principal Planning Officer) and Shilpa Manek

Also Present:

78/15 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Adam Smith and Leo Walters.

79/15 DECLARATIONS OF INTEREST

Declarations of Interest were received from Members as below:

Councillor Burbage declared a personal interest for item 1 as he is a member of Bray Parish Council but attends the meeting with an open mind.

Councillor Clark declared a personal interest for item 2 as he knew the applicant.

Councillor Coppinger declared a personal interest for item 5 as he is the Chairman of Governors at Holyport Primary School and had employed the applicant, Isobel Cooke as the interim executive for two terms.

Councillor Hunt declared a non personal interest for item 4 as her daughter is soon vacating a property that she is renting close to Somerford Close and item 5 as she is the ward member, however was only aware of the application and attends with an open mind for both items.

Councillor Kellaway declared a personal interest for items 2 as he knew the applicant.

Councillor Wilson declared a personal interest for item 1 as he is a member of Bray Parish Council but attends the meeting with an open mind.

80/15 MINUTES

RESOLVED: That the Part I minutes of the meeting of the Maidenhead Development Control Panel held on 6 July 2016 be approved.

81/15 PLANNING APPLICATIONS (DECISION)

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be varied.

The Panel considered the Borough Planning Manager's report on planning applications and received updates in relation to a number of applications, following the publication of the

agenda.

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

<p>*16/00580/FULL</p> <p>13 The Terrace Bray Maidenhead SL6 2AR</p>	<p>Replacement windows.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED against the officers recommendation. The justification for this was that other properties in the conservation area did not have uniform windows. The proposal accords with Policies DG1 and CA2 of the Local Plan.</p> <p>The motion for approval was put forward by Councillor Burbage and seconded by Councillor Coppinger.</p> <p>(All ten Councillors voted against Officers recommendation to permit the application, Councillors Bullock, Burbage, Clark, Coppinger, Hunt, Kellaway, Love, Sharp, Stretton and Wilson.)</p>
<p>*16/01353/FULL</p> <p>Land at Greythatch Terrys Lane Cookham Maidenhead</p>	<p>Detached dwelling, parking and amenity space following demolition of existing dwelling.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED against the officers recommendation. The justification for this was :</p> <ul style="list-style-type: none">• Appropriate development in the Green Belt as the replacement dwelling would be within the curtilage and would not be materially larger than the building it replaces.• No impact on trees.• No impact on ecology but the presence of any habitats could be dealt with by condition. <p>And in addition:</p> <ul style="list-style-type: none">• Conditions to be delegated to Officers in consultation with the Chair.• Specific mention of: use of S106 Agreement or condition (whichever is the more appropriate) to require the demolition of the existing house and return the land to its former condition and removal of PD rights. <p>The motion for approval was put forward by Councillor Kellaway and seconded by Councillor Clark.</p>

	<p>(Speakers: The Panel was addressed by David Ashwandan, Cookham Society, Councillor Christine Jannetta, Cookham Parish Council and Jake Collinge, Applicant.)</p>
<p>*16/01672/FULL</p> <p>4 Thatchers Drive Maidenhead SL6 3PW</p>	<p>Part single, part two storey side extension with front dormer.</p> <p>The PANEL VOTED that the application be PERMITTED against the officers recommendation. The justification for this was that the proposals would have an acceptable impact on the street scene and the character of the host building. The development complied with Policies DG1 and H14 of the Local Plan.</p> <p>The motion for approval was put forward by Councillor Stretton and seconded by Councillor Love.</p> <p>(Nine Councillors voted against Officers recommendation to permit the application, Councillors Burbage, Clark, Coppinger, Hunt, Kellaway, Love, Sharp, Stretton and Wilson. Councillor Bullock abstained from voting.)</p>
<p>*16/02026/FULL</p> <p><i>3 Somerford Close Maidenhead SL6 8EJ</i></p>	<p>Single storey front and rear extension, part first floor, part two storey rear extension, two storey side extension with amendments to fenestration.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED as per the officer's recommendation.</p> <p>The Officers recommendation was put forward by Councillor Wilson and seconded by Councillor Coppinger.</p> <p>(All ten Councillors voted against Officers recommendation to permit the application, Councillors Bullock, Burbage, Clark, Coppinger, Hunt, Kellaway, Love, Sharp, Stretton and Wilson.)</p> <p>(Speakers: The Panel was addressed by Mary Spinks, Objector).</p>
<p>*16/02047/FULL</p> <p>Knowl Hill CE Primary School Bath Road Knowl Hill Reading RG10 9UX</p>	<p>Construction of detached modular classroom building.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED as per the officer's recommendation and condition 1 be amended to be temporary permission for five years.</p> <p>The Officers recommendation was put forward by</p>

	<p>Councillor Hunt and seconded by Councillor Coppinger.</p> <p>(Speakers: The Panel was addressed by Nichole Bourner, School Headteacher).</p>
--	---

82/15 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

83/15 ENFORCEMENT REPORT - 16/50256 - LAND BETWEEN LIGHTLANDS LANE AND STRANDE VIEW WALK AND STRANDE LANE, COOKHAM.

The Panel noted the Enforcement Report.

The meeting, which began at 7.00 pm, ended at 8.05 pm

Chairman.....

Date.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

31st August 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.	15/04274/VAR	Recommendation	PERM	Page No.	7
Location:	Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonnade High Street Maidenhead						
Proposal:	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m2 of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762 without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed.						
Applicant:	Shanly Homes Limited	Member Call-in:	Not applicable	Expiry Date:	5 April 2016		
<hr/>							
Item No.	2	Application No.	16/00811/FULL	Recommendation	REF	Page No.	25
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS						
Proposal:	Erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings						
Applicant:	Kingsway Homes (Berkshire) Ltd	Member Call-in:	Cllr Derek Wilson	Expiry Date:	21 June 2016		
<hr/>							
Item No.	3	Application No.	16/01063/VAR	Recommendation	REF	Page No.	43
Location:	Nene Overland Stafferton Way Maidenhead SL6 1AY						

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 1

Application No.:	15/04274/VAR
Location:	Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonnade High Street Maidenhead
Proposal:	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m ² of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762 without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed.
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott - Kevin Scott Consultancy Limited
Parish/Ward:	Oldfield Ward

If you have a question about this report, please contact: Daniel Gigg on 01628 796044 or at daniel.gigg@rbwm.gov.uk

1. SUMMARY

- 1.1 Outline planning permission was granted in 2014 for the redevelopment of the land to the north of the High Street in Maidenhead Town Centre. This is referred to as Phase 3 of the Chapel Arches development and is a mixed use scheme with commercial uses on the ground floor and residential development above. The buildings within the scheme would flank the York Stream.
- 1.2 The applicant has submitted an application to vary condition 65 which precludes development commencing on Phase 3 until the York Stream works secured under the Maidenhead Waterways permission (11/02183) have been carried out. The waterways planning permission is now being implemented and the applicant wishes to commence development in advance of the specific waterways works through the Chapel Arches development. The applicant will then carry out the widened York Stream improvements within the Chapel Arches scheme and have agreed to preclude occupation of part of the development until the works to the York Stream have been carried out. The Environment Agency, which previously requested the condition because of concerns about works being undertaken in isolation to the rest of the waterways improvements, now raise no objection given that the Maidenhead Waterways permission is being implemented.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the 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 application site contains a number of commercial premises including shops, beauticians and takeaways within the building known as The Colonnade. To the north of the Colonnade was a leisure centre building which has been demolished. Through the middle of the site are the York Stream and The Green Way.
- 3.2 In terms of the wider area, Phases 1 and 2 of the Chapel Arches development are under construction. The development is due to be completed later this year. The alterations to the York Stream are under construction to the north and south of Phase 3 of the Chapel Arches development.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is set out below:

Ref.	Description	Decision and Date
12/02762	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow Car Park, La Roche and The Colonnade to include 162 apartments, 363sqm of B1 office floorspace, 1045sqm of retail space and 987sqm of restaurant/café space, creation of basement car parking, a new footbridge over the York Stream and replacement of existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway.	Approved. May 2014.
15/03582	Reserved Matters application for landscaping	Approved. July 2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections - National Planning Policy Framework: Core planning principles (paragraph 17); Section 1 – Building a strong, competitive economy; Section 2 – Ensuring the vitality of town centres; Section 4 – Promoting sustainable transport; Section 7 – Requiring good design; Section 8 – Promoting healthy communities; Section 10 – Meeting the challenge of climate change, flooding and coastal change; 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:

	Within settlement area	High risk of flooding	Conservation Area	Listed Building	Protected Trees
Local Plan	DG1, ARCH2, ARCH3, ARCH4, SF1, SF2, SF3, NAP3, NAP4, R3, R4, R14, E1, H3, H6, H7, H8, H9, T5, T7, T8, P4,	F1	CA2	LB2	N6

	IMP1				
Maidenhead Area Action Plan	OA5, MTC1, MTC2, MTC3, MTC4, MTC6, MTC7, MTC8, MTC12, MTC14, MTC15, IMP2	MTC4			

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether it is reasonable to amend the condition relating to the waterways; and,
- ii Other considerations

Whether it is reasonable to amend the condition relating to the waterways

6.2 Condition 65 of the original planning permission precluded commencement of the development until the improvements and alterations to the York Stream (herein ‘the Maidenhead Waterways’) as approved under the permission 11/02183 have been carried out.

6.3 The applicant originally proposed the widening to the York Stream in the 2012 application. However, during consideration of the application the EA raised concerns at the time that if the works were carried out in isolation to the approved waterways scheme then this would have a harmful impact on ecology. As such the applicant amended their plans to show the extent of the York Stream within Phase 3 of the Chapel Arches development to follow the same extent as the approved Maidenhead Waterways scheme.

6.4 The Maidenhead Waterways scheme is now underway with channel works being carried out both to the North and South of Phase 3. The EA have now commented that they no longer raise any concerns because the Maidenhead Waterways scheme is being advanced. Therefore, the EA consider that the widened York Stream within Phase 3 is acceptable. However, condition 65 is recommended to be amended but with a restriction on occupation of the apartments in Block A until the York Stream works are completed. In addition, it should be noted that condition 62 will require details of the banks and bed of the Stream to be submitted before development commences; this is to ensure that this will tie into the Maidenhead Waterways scheme.

Other considerations

6.5 The applicant has completed a Deed of Variation to re-secure the obligations relating to the original S106 Agreement.

6.6 There are no other changes to the proposals and the original planning permission will sit alongside this variation application. It should be noted that the widening of the York Stream would preserve the character and appearance of the Conservation Area and as such for the

purposes of the variation the statutory test under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with. The widened waterway will reduce the width of some of the adjoining public realm areas although not to an unacceptable level. The wider body of water will become more of a focal point of the scheme which is important for the rejuvenation of this part of Maidenhead.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

210 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 2 June 2016

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	As the Maidenhead Waterways works are now underway this is no longer a concern, therefore we agree that this condition need no longer apply. Works should be carried out in sympathy with the works being proposed / carried out by Maidenhead Waterways and condition 65 should be altered to reflect this.	6.4
Lead Local Flood Authority	Request a restriction in respect of occupation of Blocks A or B until the York Stream works are carried out.	6.4
Wycombe District Council	No objection.	Noted
Wokingham Borough Council	No comment.	Noted
Historic England	The Local Planning Authority can determine the application using their specialist conservation team.	Noted

Other Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No comments	Noted
Environmental Protection Officer	No objection subject to conditions	Noted
Fire & Rescue Service	Comment on the requirement to comply with other Regulations.	This is not a relevant material consideration in the determination of the application.
Berkshire	No comment	Noted

8. APPENDICES TO THIS REPORT

- Appendix A – Previously approved layout plan
- Appendix B – Proposed layout plan and cross section

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

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

In this case the issues have been successfully resolved.

9. CONDITIONS IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be carried out in accordance with the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.
- 2 The relevant part of the development shall not commence until details of the landscaping (herein called ‘the reserved matters’) have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in accordance with the details of the Reserved Matters so approved.
Reason: To accord with the provisions of the Town and Country Planning (Development Management Procedure) Order 2010.
- 3 Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason: To accord with the provisions of the Town and Country Planning (Development Management Procedure) Order 2010.
- 4 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 5 The development hereby permitted shall provide not less than 987 sqm (Gross Internal Area) of A3 floorspace.
Reason: To ensure that the mix of uses proposed within the scheme is maintained and that A3 floorspace currently on site is replaced. Relevant Policies - AAP MTC8 and OA5
- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking and re-enacting those Orders with or without modification, the units hereby permitted in Use Classes A3 and the office in Class B1a shall not be used for any other purpose.
Reason: To ensure that the mix of uses proposed within the scheme is maintained and given the requirements of condition 5 and any change from B1a to B8 could have a detrimental impact on amenity and highway safety. Relevant Policies - AAP MTC4, MTC8 and OA5
- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking and re-enacting those Orders with or without modification, the units hereby

permitted in Use Classes A1 shall only be used for the sale of comparison goods.

Reason: To ensure that there will be an appropriate mix of retail floorspace and given that the retail impacts were based on this figure. Relevant Policies - AAP MTC7 and OA5

- 8 No development shall commence until a Construction Environmental Management Plan to control the environmental effects of all demolition and construction activities for that part of the development, and containing all relevant Codes of Construction Practice, has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall include details of the strategy, standards, control measures and monitoring effects of the construction process and shall include:
- i) hours of working and periods of the year
 - ii) access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel measures for construction workers
 - iii) site layout and appearance, including measures to manage the visual impacts during demolition and construction, along with some public viewing points
 - iv) site security arrangements, including hoardings and other means of enclosure
 - v) health and safety
 - vi) piling methods
 - vii) foundation design
 - viii) demolition techniques
 - ix) measures to control dust
 - x) details of access to retained premises within, and adjoining the development site, including the hours during which access will be available
 - xi) details of the means of storage, disposal and removal of spoil waste arising from the excavation or construction works
 - xii) demolition and construction waste arising from the development that will be recovered and reused on the site or on other sites, and a Site Environmental Management Plan
 - xiii) measures to control noise
 - xiv) protection of areas of ecological sensitivity
 - xv) methods for all channel, bankside water margin works
 - xvi) sectional plans showing the interface between the works and the watercourse

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, water quality) and amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2, AAP MTC4, MTC13, MTC1

- 9 No development shall commence until a site investigation is carried out and detailed remediation scheme is prepared to determine the nature and extent of any contamination present to bring that area to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or an subsequent amendment or re-enactment of this Act) in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved details prior to the commencement of development, other than any development required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation carried out must be produced, submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4; AAP MTC4

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately in writing to the

Local Planning Authority. Prior to any further works in the affected area, an investigation and risk assessment, remediation scheme and verification report must be undertaken which will be the subject of the approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4; AAP MTC4

- 11 No development shall take place until a drainage scheme for the site to deal with surface water including disposal and the below ground drainage system based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year storm with an allowance for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Where a sustainable drainage scheme is to be provided, the submitted details shall :i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters and no infiltration into any contaminated land ii) include a timetable for its implementation; and provided a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be carried out in accordance with the approved details and subsequently maintained.

Reason: To reduce the rate of surface water run-off in order to minimise the risk from flooding to accord with Requirement 5 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), to minimise the risk of ground water pollution and because the Environmental Statement refers to the opportunity to reduce gully blockages and provide attenuation storage in the drains below ground. Relevant Policies - Local Plan, NAP4, AAP MTC4.

- 12 No development shall commence until details of the green roofs to be incorporated within the scheme and a programme for their implementation has been submitted to, and approved in writing by, the Local Planning Authority. The green roofs shall be provided in accordance with the approved details and programme and retained as such thereafter.

Reason: In order to enhance biodiversity of the site and to accord with Requirement 6 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (September 2009).

- 13 No development shall commence until details of the measures for the enhancement of biodiversity on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to maintain and enhance the biodiversity of the site and to accord with Requirement 6 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (September 2009).

- 14 If within 12 months from the date of the approval of the last reserved matter the demolition of the buildings has not been undertaken, further bat surveys of the existing buildings in the relevant part of the development shall be carried out and these and any appropriate mitigation measures prior to demolition shall be submitted for the Local Planning Authority's approval in writing. Any mitigation measures that should be identified as part of these surveys shall be implemented and retained in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will not harm the protected species and its habitat, in accordance with the core principle of the National Planning Policy Framework.

- 15 Notwithstanding condition 14, the mitigation measures in respect of bats shall be carried out in accordance with aspect ecology Technical Briefing Note 'Assessment of Potential Ecological Effects on York Stream' (dated May 2013).

Reason: To ensure that the development will not harm the protected species and its habitat, in accordance with the core principle of the National Planning Policy Framework.

- 16 The 'Completion Report' by JKC Ltd in respect of Japanese Knotweed is acceptable under approval 15/02419/CONDIT as it confirms that none of this invasive species is present as set out in the

Reason: To eradicate the invasive species from the site to prevent it spreading during the development in the interests of the character and appearance of the area.

- 17 No demolition shall commence until a scheme of the de-culverting of the High Street culvert and its replacement, the removal of the Colonnade and construction of the new footbridge have been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate: no reduction in hydraulic capacity; the bridge deck being above the flood level of the 1 in 100 plus climate change flood level and that there will be no central pier; a maintenance schedule for the structures. The development shall be carried out in accordance with the approved details.

Reason: To minimise disturbance to ecological interests of the site and in the interests of the free flow of water along the York Stream.

- 18 The flood compensation shall be carried out in accordance with the approved Flood Risk Assessment Report 115141100115.502/A.1 dated May 2013.

Reason: In the interests of providing additional flood plain storage.

- 19 The residential elements of the development shall achieve at least Code for Sustainable Homes rating of Code Level 3 (or any such similar scheme and rating as may supersede CfSH). Within 3 months of the completion of the final dwelling in each relevant part of the development a BRE issued Final Code Certificate confirming that each residential unit built has achieved at least a Code for Sustainable Homes rating of Code Level 3 shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 20 The non-residential elements of the development shall achieve a minimum post construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good' (or any such similar scheme and rating as may supersede BREEAM). Within 3 months of completion of the final commercial unit in each relevant part of the development a BRE issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of at least Very Good shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 21 The development hereby approved shall derive at least 10% of its energy demand from on-site renewable energy and/or low carbon sources. The renewable and/or low carbon energy generation facilities shall be provided in accordance with the approved details that have first been submitted to and approved in writing by the local planning authority and retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy and to comply with Requirement 3 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 22 Notwithstanding the approved plans no development shall take place until details of the size, location, layout, the physical separation of the commercial and household waste and position of openings of the waste/recycling storage and collection facilities including the number and type of compactors has been submitted to and approved in writing by the Local Planning Authority. The

waste capacity should be allocated between each waste stream as set out as a percentage of overall capacity: general refuse (50%); dry mixed recycling (45%); and food waste (5%). The development shall be carried out in accordance with the approved details and retained thereafter as approved.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1, AAP MTC4.

- 23 Prior to first occupation a management strategy for collection of waste/recycling shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details pertaining to the operation of compactors and transfer of waste containers to and retrieval from an agreed collection point for emptying by the management company. The waste/recycling storage facilities shall be provided in accordance with approved details prior to first occupation and collection carried out in accordance with the approved strategy, and retained as such thereafter.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience. Relevant Policies - Local Plan DG1, AAP MTC4.

- 24 Waste compactors shall only be used for the compaction of household waste, the maximum compaction ratio for general waste shall be 2:1 and any compacted waste container presented for collection by the Council shall weigh no more than TBC.

Reason: To ensure effective and safe waste collection services can be provided for the development. Relevant Policies – Local Plan DG1, AAP MTC4

- 25 No development shall commence until details of a system of a site wide Closed Circuit Television (CCTV) strategy for buildings and public realm, including details of measures to ensure that CCTV footage is made available on request to the Police, the Local Planning Authority and the Highway Authority or potential to link into existing CCTV systems, the management, control and maintenance of the system, and of a programme for implementation, has been submitted to, and approved in writing by, the Local Planning Authority. The relevant part of the development shall not be occupied until details of the CCTV coverage for that part of the development have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: In the interests of safety and security. Relevant Policies - AAP MTC4.

- 26 No development shall commence until a schedule of measures to minimise the risk of crime and meet the specific needs of the development has been submitted to and approved in writing by the local planning authority. Any such security measures shall meet the standards of Secured by Design. The development shall be carried out in accordance with the approved details and subsequently retained.

Reason: In the interests of safety and security and to accord with Requirement PAP5 of the Royal Borough of Windsor and Maidenhead Supplementary Planning Document 'Planning for an Ageing Population' (September 2010). Relevant Policies - Local Plan, DG1, AAP MTC4.

- 27 All the apartments shall be constructed to Lifetime Homes standards as defined in the Joseph Rowntree Foundation publication 'Achieving Part M and Lifetime Homes standards' (or such document as amended or replaces the said publication) and 10 per cent of the total number of residential units shall be constructed so that they are easily adapted for residents who are wheelchair users in accordance with the publication 'Wheelchair Housing Design Guide', Habinteg Housing Association 2006 (or such document as amended or replaces the said publication). The apartments shall thereafter be retained as such.

Reason: In the interests of providing a range of accessible housing accommodation that will meet the needs of persons with mobility interests and to accord with the Royal Borough of Windsor and Maidenhead Requirements PAP1 and PAP5 of the Supplementary Planning Document 'Planning for an Ageing Population' (September 2010). Relevant Policy - Local Plan H9, AAP MTC4

- 28 No development shall commence until an external lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in

accordance with the approved scheme and maintained as operational. The scheme shall include the following:

- i) The proposed design level of maintained average horizontal illuminance for the site.
- ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity.
- iii) The proposals to minimise or eliminate glare from the use of the lighting installation.
- iv) The proposed hours of operation of the light.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - AAP MTC4, MTC6, OA1.

- 29 All buildings or premises to be used for purposes within Use Classes A1 and A3 shall open during the following hours: Monday to Thursday 0700 to 2400 Friday to Saturday 0800 to 2400 and Sunday 0900 to 2300

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 30 The rating level of the noise emitted from the plant and equipment shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night dependent upon the operating hours of the proposed plant and equipment) by at least 10dB(A). The noise levels shall be determined 1m from the nearest existing or proposed noise-sensitive premises/residential premises. The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 31 All plant and equipment and machinery, including ventilation plant and ducting, shall be installed and operated so as to prevent the transmission of vibration into any noise sensitive premises either attached to the building where the plant and equipment is installed.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 32 The relevant part of the development shall not be occupied until details, including acoustic specifications, of all fixed plant and equipment associated with air moving equipment, compressors, generators, ventilation and plant or equipment of a like kind installed within any part of the development, has been submitted to and approved by the Local Planning Authority prior to operation.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 33 Before any such equipment is installed within the relevant part of the development within Use Class A3 details of sound amplification including noise limiting devices, and the level they would be set at, and a system for sound insulation and acoustic ventilation shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment, devices, sound insulation system and acoustic ventilation shall be installed and operated in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 34 Before any external area in association with Use Class A3 is brought into use, details of the provision of amplified music within that area, including any music directed thereto from within any associated building or premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The provision of amplified music within such area must thereafter take place only in accordance with the approved details.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 35 Before an external smoking area is brought into use details shall be submitted to, and approved in writing by, the Local Planning Authority. The smoking areas shall be built in accordance with the approved details and retained thereafter.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 36 No development shall commence until details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise, together with details of the methods of providing acoustic ventilation have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. The following internal noise design criteria will apply to all new residential units built as part of this development: Indoor ambient noise levels in residential units unoccupied and unfurnished: 0700 to 2300 hours noise level 40dB LAeq,16 hours; 2300 to 0700 hours noise level 40 dB LAeq,8 hours; 2300 to 0700 hours noise level 40 dB LAm_{ax}
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 37 No development shall commence until details of sound insulation to be provided between the commercial use below and the residential development to demonstrate that the residential units will be designed and built to ensure that the sound reduction between the two uses is capable of achieving an internal noise level within the residential unit of 10dB below the daytime and night time standard specified above, please refer to the table below, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. Indoor ambient noise levels in residential units unoccupied and unfurnished: 0700 to 2300 hours noise level 20dB LAeq,16 hours; 2300 to 0700 hours noise level 20 dB LAeq,8 hours; 2300 to 0700 hours noise level 35 dB LAm_{ax}
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 38 No development shall commence until a noise study to demonstrate that the proposed residential element has been designed so that cumulative noise from commercial sources at outdoor living areas does not exceed the following table has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. Outdoor ambient noise levels: 0700 to 2300 hours noise level 55dB LAeq,16 hours; 2300 to 0700 hours noise level 50 dB LAeq,8 hours; 2300 to 0700 hours noise level 60 dB LAm_{ax}
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 39 The service areas in the relevant part of the development shall not come into use until noise impact assessments to determine the noise impact on noise sensitive receptors using the criteria in conditions 36, 37 and 38 along with any appropriate mitigation measures shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 40 Any vehicle used for commercial purposes, including fork lift trucks, shall only be started up, manoeuvred, operated, loaded or unloaded between 0700 and 1900 hours Mondays to Fridays and between 0900 and 1700 hours on Saturday between the hours of 10.00 and 16.00 on Sundays and public holidays.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 41 The relevant part of the development shall not be occupied until details of ventilation and filtration equipment to be installed in any commercial cooking areas have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed prior to first occupation and retained as approved and shall be maintained in good working order at all

times.

Reason: To protect the amenities of the area. Relevant Policy - Local Plan NAP3, AAP MTC4.

- 42 No development shall commence until details of ventilation equipment to be installed in the underground car parks has been submitted to and approved in writing by the local planning authority. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect users of the car park from a build up of vehicle fumes. Relevant Policies - Local Plan NAP3, AAP MTC4
- 43 The relevant part of the development shall not commence until samples of all materials to be used on the external surfaces of the buildings and surfaces within that part of the development, including the internal surfaces to the car park including its access and servicing bays for the relevant building, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1; Area Action Plan MTC4, MTC6, OA5.
- 44 No development shall take place until samples of the materials to be used on the external surfaces of the development(s), including a sample brick panel (Flemish bond for the building referred to as Block C and the High Street frontage for Block A, and stretcher bond for the rest of the development, the colour of the mortar and type of pointing to be used) and sample ashlar stone panel have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2.
- 45 No development shall take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of shopfronts, windows (including surrounds), doors, down pipes, gutters, vents, soffits, cornices, ridge details to roofs, balustrades, balconies, bands of materials, stone detailing and any other decorative features including where appropriate re-use of materials in the existing Colonnade building have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2.
- 46 All access gates or building doors abutting the highway or the new streets and spaces within the development shall open away from the aforementioned areas when opening or when in the open position.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14
- 47 The relevant part of the development shall not be occupied until the cycle parking arrangements have been provided in accordance with the approved plans. The cycle parking shall be retained as such thereafter.
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, AAP MTC4, MTC14
- 48 No demolition or construction shall commence until the Highway Works Strategy for the provision of works to the local highway network required during construction, and prior to any part of the development being brought into use has been submitted to, and approved in writing by, the Local Planning Authority. In relation to the construction phase, the Highways Works Strategy shall be consistent with the Construction Strategy and Phasing Programme. Following approval of the Highway Works Strategy:
- i) no demolition or construction in relation to the relevant part of the development is to

commence until the works identified by the approved Highway Works Strategy as being required in relation to the demolition within or construction of that part of the development have been completed; and

ii) no part of the development shall be brought into use until the works to the highway identified by the approved Highway Works Strategy as being required before that part of development may be used have been completed.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan DG1, AAP MTC4

49 The relevant part of the development shall not be occupied until a detailed servicing strategy, including hours of operation, has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and the free flow of traffic and in the interests of the living conditions of occupiers of existing buildings and future occupiers of the development. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

50 The parking spaces approved shall be laid out and surfaced for up to 159 car parking spaces and 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, AAP MTC4, OA5.

51 Any part of the development that oversails the public highway shall be a minimum of 2.5 metres above natural ground level at any point for pavements and shall be a minimum of 5.5 metres above natural ground level at any point for roads.

Reason: In the interests of pedestrian and highway safety, and the free

52 Block B shall not commence until the access to Block B and the bridge from Crown Lane into the Hines Meadow Multi-storey car park has been constructed in accordance with details submitted to and approved in writing by the local planning authority. The approved access shall thereafter be retained.

Reason: In the interests of pedestrian and highway safety, the free flow of traffic and to ensure the future use of the York Stream would not be compromised. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

53 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.

Reason: In the interests of pedestrian and highway safety, and the free flow of traffic. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

54 The details set out in the report by Archaeological Solutions 'Written Scheme of Investigation for an Archaeological Evaluation' (dated 26th October 2015) provides an appropriate programme of archaeological work as approved under 15/04219/CONDIT.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH3, ARCH4.

55 No development shall commence until details of all finished slab and floor levels for the buildings and associated flood resilience/resistance measures and the finished level of the streets and spaces 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 and to minimise flood risk to future occupiers of the buildings. Relevant Policies - AAP MTC4.

56 Any trees, shrubs or hedges felled, removed or destroyed or any that die, become seriously diseased within 5 years from completion of the development shall be replaced within the same species in the next planting season unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Relevant Policies - Local Plan DG1, N6

57 No development shall commence until full details of measures to ensure the continued effective operation of all outfalls during both the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority. If any proposed mitigation measure requires the permission of a third party and the applicant is unable to obtain such permission, then an alternative measure will need to be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed as approved prior to the construction of any building on the site and shall be permanently retained and maintained in effective working order thereafter.

Reason: To minimise flood risk. Relevant Policies - Area Action Plan MTC4.

58 No development or other operations on site shall take place until an arboricultural method statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special constructions works within any defined tree protection area on or off-site. The development shall be carried out in accord with the approved statement.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan CA2, GB2, DG1, N6; Area Action Plan MTC3, MTC4.

59 The windows in the following ground floor elevations of the commercial and retail premises: west facing elevation of Block A; north elevation in Block B; and east facing elevation of Block C shall be glazed with clear glass for the fascia to the sales area and there shall be no obstruction associated with the retail unit that restricts views into the premises.

Reason: In the interests of the visual amenities of the area and to give an appropriate relationship of the building to the street. Relevant Policies - Local Plan DG1, AAP MTC4, OA5.

60 No development shall commence until details of the re-located pedestrian access into the St Mary's Church grounds has been submitted to and approved in writing by the local planning authority. The re-located access shall be constructed prior to any demolition taking place to facilitate the erection of Blocks B or C within the application site.

Reason: To ensure continued access is provided for the Church in the interests of its vitality and viability and the wider Conservation Area. Relevant Policies – Local Plan CA2, AAP MTC4

61 No development shall commence until details, including the management/maintenance arrangement to ensure 24 hour access, of the external lift to and from the Green Way has been submitted to and approved in writing by the local planning authority.

Reason: To ensure unrestricted access is provided to the Green Way. Relevant Policies – Local Plan R14, AAP MTC4, MTC14

62 Notwithstanding the approved plans, no development shall commence until details of the banks to the York Stream and the depth of the bed of the Stream have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In the interests of the visual appearance of the area and to ensure that the York Stream within this development can connect to the adjacent parts to the North and South of the site. Relevant Policies - Local Plan CA2, AAP MTC4

63 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, CA2, AAP MTC4.

64 Notwithstanding the submitted plans, no development shall commence until details of the mitigation measures for the wind microclimate as set out in section 7 of the RWDI Report 'Pedestrian Level Wind Microclimate Assessment Desk Study' have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation and retained as such thereafter.

Reason: To ensure that the wind microclimate and the levels of daylight/sunlight would result in an acceptable level of amenity within and around the development. Relevant Policies - AAP MTC4, OA5

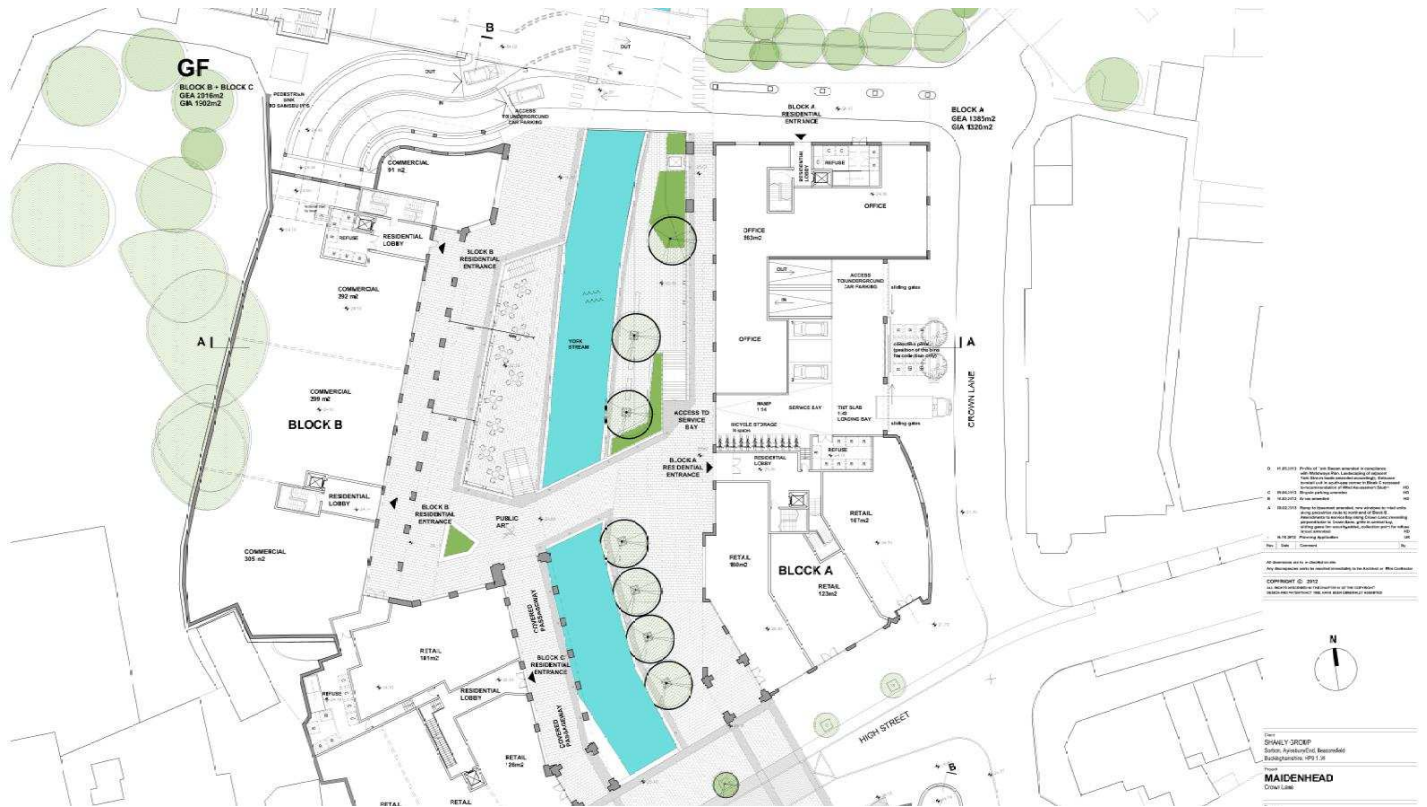
65 No dwelling within Block A (as identified on approved plan 747 - 2000 E) shall be occupied until the works to the York Stream shown on plans 747 - 2000 E and 747 3000 B have been completed..

Reason: In the interests of the ecological value of the York Stream. Relevant Policies - AAP MTC4, OA5

66 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



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 2

Application No.:	16/00811/FULL
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS
Proposal:	Erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings
Applicant:	Kingsway Homes (Berkshire) Ltd
Agent:	Mr David Howells - DMH Planning
Parish/Ward:	Maidenhead Riverside Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site is located within the built up area of Maidenhead wherein the principle of development is acceptable. However, the siting, design, height, scale and bulk of the proposed building would result in the proposal appearing out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings.
- 1.2 The proposal also fails the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users.
- 1.3 The proposal is not considered unduly harmful to neighbouring amenity or existing trees, and would meet Council standards in relation to highway safety and parking.

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 does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).
2.	By reason of its siting, design, height, scale and bulk of the proposed building the proposal would appear out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings. The proposal is therefore contrary with the National Planning Policy Framework and policy DG1, H10, H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003).

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson to review flood issues.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site comprises of a plot measuring approximately 0.19 hectares on the southern side of Widbrook Road at the junction with Sheephouse Road. Located within the plot is a large detached house, fronting onto Widbrook Road with parking to the front. A wall and railings forms the front (north) boundary with Widbrook Road. A substantial hedge forms the side (east) boundary with Sheephouse Road and the rear (south) boundary with no.70 Sheephouse Road. A wooden fence and vegetation forms the western boundary with Riverdale. The surrounding area is residential in character, mainly comprising of large detached houses. The application site is located approximately 600 metres from the River Thames and located on a dry island surrounded by flood zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
413782	The erection of a canopy over the front garden path, triple garage with games room over, extension and alteration to the existing garage building to contain indoor swimming pool and the erection of a 6ft high wall on the Widbrook Road frontage.	Approved – 28.04.1982
08/02894/FULL	Trellis type side structure (retrospective)	Approved – 14.01.2009
12/00239/CPD	Certificate of lawfulness to determine whether the development permitted under 413782 has commenced and is lawful	Approved – 15.03.2012

- 4.1 The proposal is for the erection of 10x2 bed and 2x1 bed flats with associated vehicular access, car parking, refuse and cycling storage following demolition of existing buildings.
- 4.2 The proposed building is two-storey with accommodation within the roofspace, but varies in height with the main height of the crown roof measuring approximately 9.8m. The building would front onto Widbrook Road with a frontage measuring approximately 24m in width, extending rearwards in steps measuring approximately 10m, 21m and 26m. More than half of the flats will benefit from a balcony, while an area of communal amenity space is proposed around the main building. 22 parking spaces are proposed along the eastern boundary. The cycle and refuse stores are sited within the parking area. The existing vehicular access is proposed to be stopped up with a new access created closer to the eastern boundary with Riversdale, Widbrook Road.
- 4.3 Amended plans have been received in order to try and overcome concerns on the design and appearance of the proposal. These plans altered the form and design of the proposed building, including the removal of the corner feature. Neighbours have been consulted on these changes and any further comments received will be reported in the panel update.
- 4.4 It should be noted that the elevations on drawing no. WID/1311_103 A that the 'rear elevation' is the east elevation and the 'side elevation' is the south elevation.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 10 and 11.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Flood Risk
DG1, H10, H11	P4, T5	N6	F1

Supplementary planning documents

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

- Interpretation of Policy F1

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Flood Risk
- iii Design and Appearance
- iv Trees
- v Highway Safety and Parking
- vi Residential Amenity
- vii Other material Considerations

Principle of Development

6.2 There is no objection to the loss of the existing dwelling and redevelopment for housing. Concerns have been raised over the density which would be significantly higher than the low density of the surrounding area, but in the context of the stated aim to boost the supply of housing, a key element of national planning policy as set out in paragraph 47 of the NPPF, the proposed density would be a clear benefit of the scheme and may be acceptable provided that there is no undue harm to the character and amenity of the area. Concerns have also been raised over the type of housing with local residents stating that flats are not required to meet housing need; however the most recent Strategic Housing Market Assessment identified that the highest need is for 2 to 3 bed units, which the proposal would meet.

Flood Risk

6.3 It is accepted that the development cannot be located in an area with a lower probability of flooding as the site is located on a 'dry island', thereby passing the Sequential Test which aims to ensure new development is steered to areas with the lowest probability of flooding.

6.4 However, while the site lies within a 'dry island' the 'dry island' is surrounded by flood zone 3. Paragraph 148 of the Council's Strategic Flood Risk Assessment (SFRA) states that 'dry islands' may be surrounded by flood water for a considerable period of time and to ensure that future development within these areas consider the potential risk and danger to residents the SFRA recommends that all 'dry islands' are categorised as falling within the flood zone that encircles it.

This recommendation should be attributed significant weight as the SFRA lies at the core of NPPF decision-making in relation to flood issues (paragraph 100). Therefore the application is treated as being within Flood Zone 3 for planning purposes. As the site is considered to be in Flood Zone 3 for planning purposes, and the proposal is for residential use (more vulnerable), it should only be permitted if the Exception Test is passed.

- 6.5 For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall. Both elements of the test have to be passed for the development to be permitted.
- 6.6 Since the applicant does not consider the Exception Test needs to be passed it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk nor is it immediately evident what the possible wider sustainability benefits to the community that outweigh flood risk may be arising from the proposed development. In the absence of such evidence the proposal fails the Exception Test in this respect. Furthermore, no flood risk assessment has been submitted to demonstrate that the development will be safe for its lifetime, in particular there is no demonstration that safe access could be provided for the proposed development. Given its location on a 'dry island' the proposal is not considered to unduly compromise flood capacity and there is no direct risk to life or property as a result of water ingress. However, given the size and residential nature of the 'dry island' it would be unable to adequately provide essential supplies and facilities i.e. food, drinking water, shelter and medical treatment throughout the duration of a prolonged flood event. Consequently it would be likely that emergency services would be called upon to move occupiers, especially those less able. With the demolition of an existing house and erection of 12 flats the proposal would increase the number of people at risk from flooding and would result in an unacceptable risk to the health and safety of the occupants during a flood event. The NPPG states that the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe.
- 6.7 The proposal does not pass the Exception Test as it has not been demonstrated that it will lead to wider sustainability benefits to the community that outweighs flood risk. Nor has it been demonstrated that the development would be safe for its lifetime taking account the vulnerability of its users. The proposal would increase the number of people and properties at risk as a safe access and escape route cannot be achieved. The proposal is therefore contrary to paragraph 103 of the NPPF and Local Plan policy F1.

Design and Appearance

- 6.8 The NPPF attaches great importance to the design and states it is proper to promote or reinforce local distinctiveness. Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Widbrook Road is characterised by detached single-family houses with a variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation in front gardens give the area a verdant and leafy appearance. Sheepphouse Road to the immediate south of Widbrook Road comprises of bungalows. To the north of Widbrook Road, Sheepphouse Road comprises of larger single-family dwellings.
- 6.9 While the existing building is not unattractive, it is not considered to be any particularly architectural merit and unworthy of listing. The building also lies outside a conservation area. As such there is no objection to its demolition. The proposed building would be set further forward than the existing building and the adjacent neighbour at Riverdale, and would be larger and taller than the surrounding houses. Although the building has been designed to break up mass and bulk with stepped heights and elevations, it is considered that the proposal would still appear out of scale in the locality which is characterised by a feeling of spaciousness and more modest

scaled buildings. The incongruity is reinforced by its design. The building would contain dwellings on 3 levels with accommodation in the roof space. The amount and placement of fenestration, the front and rear dormers, the crown roofs and the front and rear balconies are considered to result in the appearance of a flatted development rather than a single-family dwelling house which forms the prevailing character of the wider area. This would be compounded by the extensive car parking area to the east of the site.

- 6.10 Located on a corner plot, the proposal is also considered to be visually prominent being visible from both Widbrook Road and Sheepphouse Road, which is considered to exacerbate the visual harm. It is noted that the existing conifers on the western boundary with Sheepphouse Road, which currently provides extensive screening of the existing property from Sheepphouse Road will be reduced in height by 4m to a height of no less than 4m and there are also concerns over the long-term retention of the hedge (see paragraph 6.13 of this report). In relation to Widbrook Road, the proposal would be visible along the main frontage in addition to views from the east, Due to a gap measuring some 18m wide between the east elevation of the proposed building and the side boundary of Riverdale, this opens up views of the 21m rearward projection of the east elevation. The submitted Arboricultural Implications Assessment (AIA) and Method Statement (AMS) indicate that the existing trees on the eastern boundary with Riverdale will be removed; removing a significant amount of what existing screening there is on the eastern boundary of the site. As such it is considered that screening from boundary treatment, which is argued to mitigate the visual impact of the proposal, is uncertain to remain while the building will be more permanent. Paragraphs 5.17 of the Design and Access Statement states that this area would be planted however no details of the proposed new planting have been provided.
- 6.11 It is accepted that the proposed development would be a more efficient use of previously developed land, but for the above reasons would unduly compromise the visual quality of the streetscene and wider area. For these reasons it is considered that the proposal would conflict with the NPPF and Local Plan policies DG1, H10 and H11.

Trees

- 6.12 A new bin store, driveway and car barn are shown to be constructed within the root protection area of the 'A' category Scots Pine (T8), which is of high quality and value located within the neighbouring site at Riverdale. The applicant proposes a "no dig" method for construction and has provided an indicative design. This is considered satisfactory and if recommended for approval could be secured by condition.
- 6.13 The conifer hedge on the western boundary with Sheepphouse Road and southern boundary with no. 70 Sheepphouse Road would be reduced in height by approximately half. While a hardy species it is considered that the proposed reduction to approximately 4m would reduce its visual amenity and compromise its health. It is also noted that the British Research Establishment (BRE) Guide for Hedge Height and Light Loss advises that the hedge on the southern boundary would need to be reduced to a height of between 2-3m to avoid causing significant loss of daylight and sunlight to units 3 and 8 in the new development. It is therefore likely that the hedge may be reduced in height even further in the interest of residential amenity. The conifer hedges on the southern and western boundaries extend into the garden of Green Trees by up to 5m and there are concerns that given the limited space between the hedge and proposed building there would be additional pressure to reduce the width in addition to the height to accommodate construction and improve amenity space. This would further reduce its visual amenity and health. While the loss of the hedge would not warrant refusal in itself it is considered that the longevity of the hedge along the western and southern boundary cannot be guaranteed as part of the proposed development and therefore cannot be taken as a mitigating factor in relation to visual amenity or neighbouring amenity.

Highway Safety and Parking

- 6.14 Local Plan policy T5 requires all development proposals to comply with the Council's adopted highway design standards. Widbrook Road is subject to a 30mph speed limit which requires visibility splays of 2.4m x 43m to the left and right, which is considered to be achievable from the proposed access. If recommended for approval a plan should be submitted illustrating the required visibility splays at the proposed vehicular access, and retention of such splays. Due to

the increase in vehicular activity a visibility splay survey was also carried out by the Local Highway Authority on the junction with Sheephouse Road and A4094 (Lower Cookham Road). The junction with Sheephouse Road can provide splays of 2.4m x 38m to the right (first line of approach) by 2.4m x 43m to the left. The junction with the A4094 can provide visibility splays of 2.4m x 95m to the left by 2.4m x 74m to the right with some slight obstruction from the row of trees on entry. These splays are acceptable in relation to highway safety and it should be noted that within the last 10 years there have been no reported injury accidents at either junction with Sheephouse Road and A4094.

- 6.15 A new set of gates are proposed, which should be set back a distance of 7.0m from the edge of the carriageway or 5.0m from the back edge of the verge to allow for a vehicle to safely stop off the highway before these gates are opened and closed. It is recommended for approval this can be secured by condition.
- 6.16 Local Plan policy P4 requires parking provision to accord with Council adopted parking standards. Concerns have been raised by local residents over insufficient parking provision. Drawing number WID/1311 101 illustrates 22 proposed car parking spaces which complies with the requirement for 2 designated car parking spaces for each 2-bed unit and 1 designated car parking space for each 1-bed unit. 3 parking spaces along the western side of the parking area do not meet adopted standards in terms of dimensions and would need to be increased in width as they are bounded by hedging, but it is considered that there is sufficient space for the required increase and if recommended for approval an acceptable parking layout can be secured by condition. No visitor parking spaces have been provided, but the provision of dedicated visitor parking is not normally required for residential developments such as this. The turning and manoeuvrability has been provided in front of each car parking space which will allow a vehicle to enter and exit the site in forward gear. As such, the proposal is not considered to warrant refusal on parking grounds.
- 6.17 It is estimated the development as a whole has the potential to generate 44 to 88 vehicle movements per day. While this is an increase, the resultant traffic is not considered to be unduly detrimental to the local highway infrastructure, traffic flow or highway safety.

Residential Amenity

- 6.18 Core Principle 4 requires new development to secure good amenity for all, Local Plan policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area. The road separates the site from properties to the north of Widbrook Road and to the west of Sheephouse Road, with a separation distance of over 35m and 25m between the buildings respectively. At this distance the proposal is not considered to result in any undue visual intrusion, loss of light or privacy to these properties. It is considered that the most affected properties would be Riverdale to the east and no. 70 Sheephouse Road to the south.
- 6.19 The proposal would be sited approximately 18m from the side boundary with Riverdale, the adjacent property to the east. This separation distance is considered to be sufficient to mitigate any unreasonable visual intrusion, loss of light and loss of privacy to this neighbouring property. It is noted that an area of parking is proposed along the shared boundary, but the resultant vehicle movements is not considered to result in a materially harmful level of noise and disturbance to justify refusal.
- 6.20 First floor windows are proposed on the south elevation at a distance of approximately 5-6m, which would be closer to the shared boundary with no.70 Sheephouse Road than the existing house which is sited approximately 15-19m away. However, these windows face the side elevation/roof slope no. 70 Sheephouse rather than private amenity space and so it is not considered that there would be a significant loss of perceived or actual privacy in this respect. A first floor balcony is also proposed on the east elevation, close to the shared boundary with no. 70 Sheephouse Road. However, it is accepted that a privacy screen would screen any oblique views into this neighbouring site and if recommended for approval, this could be secured by condition. Given the stepped elevation, which reduces mass and bulk along the boundary with no. 70 Sheephouse Road the proposal is not considered to result in undue visual intrusion or loss of light to this neighbouring house.

- 6.21 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered to result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenity.
- 6.22 All future residents will have good sized accommodation and will receive adequate levels of light to, and an acceptable outlook from, habitable rooms. It is considered that amenity space is somewhat limited in size, but given its proximity to Widbrook Common and 7 of the flats would have access to private balconies, this is considered acceptable.

Other Material Considerations

Housing Land Supply

- 6.23 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. 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 and neighbourhood plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

Sustainable Drainage

- 6.24 A surface water strategy has been submitted which indicates that surface water drainage would be effective subject to infiltration tests that confirm similar results to the surrounding area. Details and implementation of an acceptable scheme as well as maintenance can be conditioned.

7. Community Infrastructure Levy (CIL)

- 7.1 From the 1st September 2016 RBWM will be implementing CIL. As this decision will be issued on or after the 1st September 2016 and proposes a new residential development, it would be liable for a CIL contribution should the application be approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 30 March 2016.

32 letters including 1 letter on behalf of 5 properties and Maidenhead Civic Society were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. A 3-storey flatted development is out of keeping with two-storey houses which characterised the locality.	Para. 6.2, 6.9
2. The siting closer to the road, excessive scale, form and massing, and increase density results in a visually intrusive and cramped development which is and out-of-keeping with the area	Para. 6.2, 6.9
3. Loss of existing house which is of architectural merit which should be retained	Para. 6.9
4. Increase in flooding with increase in footprint, hardstanding and pressure on local drain capacity	Para. 6.6, 6.24

3.	Loss and/or harm to the existing trees/hedge within the site and/or along the boundary	Para. 6.12, 6.13
4.	Insufficient parking leading to on-street parking to the detriment of traffic flow and highway safety	Para. 6.16
5	Insufficient visibility from access and increase in traffic as a result of the proposal, which would be harmful to highway safety	Para. 6.14, 6.17
6	Loss of privacy to neighbouring sites, in particular from first floor windows and balconies. Trees and fencing do not provide permanent screening	Para. 6.19, 6.20
7	Noise and disturbance from increase in density / intensity of use	Para. 6.19, 6.21
8	Communal amenity space is of poor quality given its lack of privacy and overshadowing from hedge/trees and buildings	Para. 6.22
9	Does not contribute to the type of housing the Borough needs i.e. family houses	Para. 6.2

Other Consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	The submitted surface water strategy is considered acceptable subject to clarification on who will be undertaking the maintenance of the surface water drainage features.	Para. 6.24
Environmental Protection	No objection subject to informatives relating to dust control, smoke control and hours of construction.	Noted and agreed.
Local Highway Authority	No objection subject to conditions on provision of an acceptable parking layout, provision of cycle store, visibility splays, setback of any gates and construction management plan.	Para. 6.14 - 6.17
Trees	<p>Comments are provided on the Arboriculture Implications Assessment (AIA) and Method Statement (AMS) dated 28/04/2016, ref: SH20371aia-ams and the Tree Protection Plan (TPP) SH20371-03 dated April 2016.</p> <p>No dig method to construct the bin stores, driveway and car barn within the root protection area of T8 at Riverdale is appropriate and could be secured by condition.</p> <p>Reduction in height of the G2 and G4 to less than 4m is likely to have a significant detrimental impact on the health and appearance of these conifer hedges. The conifer hedges also extend into the garden of Green Trees by up to 5m. Due to the extensive proposed works, possible pressure for future works and impact on amenity it may be necessary for these hedges to be removed or significantly cut back. The retention may not be possible and cannot be guaranteed as part of the proposed development.</p> <p>Information provided suggest that existing trees on the eastern boundary G5 will be removed with new planting proposed. No details of new planting have been</p>	Para. 6.12 – 6.13

	<p>provided. If new trees and hedges are proposed then the planting area would need to be extended to enable the maintenance of any planting and prevent damage being caused to adjacent structures.</p> <p>If approved, recommends conditions on details and implementation of tree protection, tree retention and replacement and landscaping scheme.</p>	
--	---	--

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

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

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

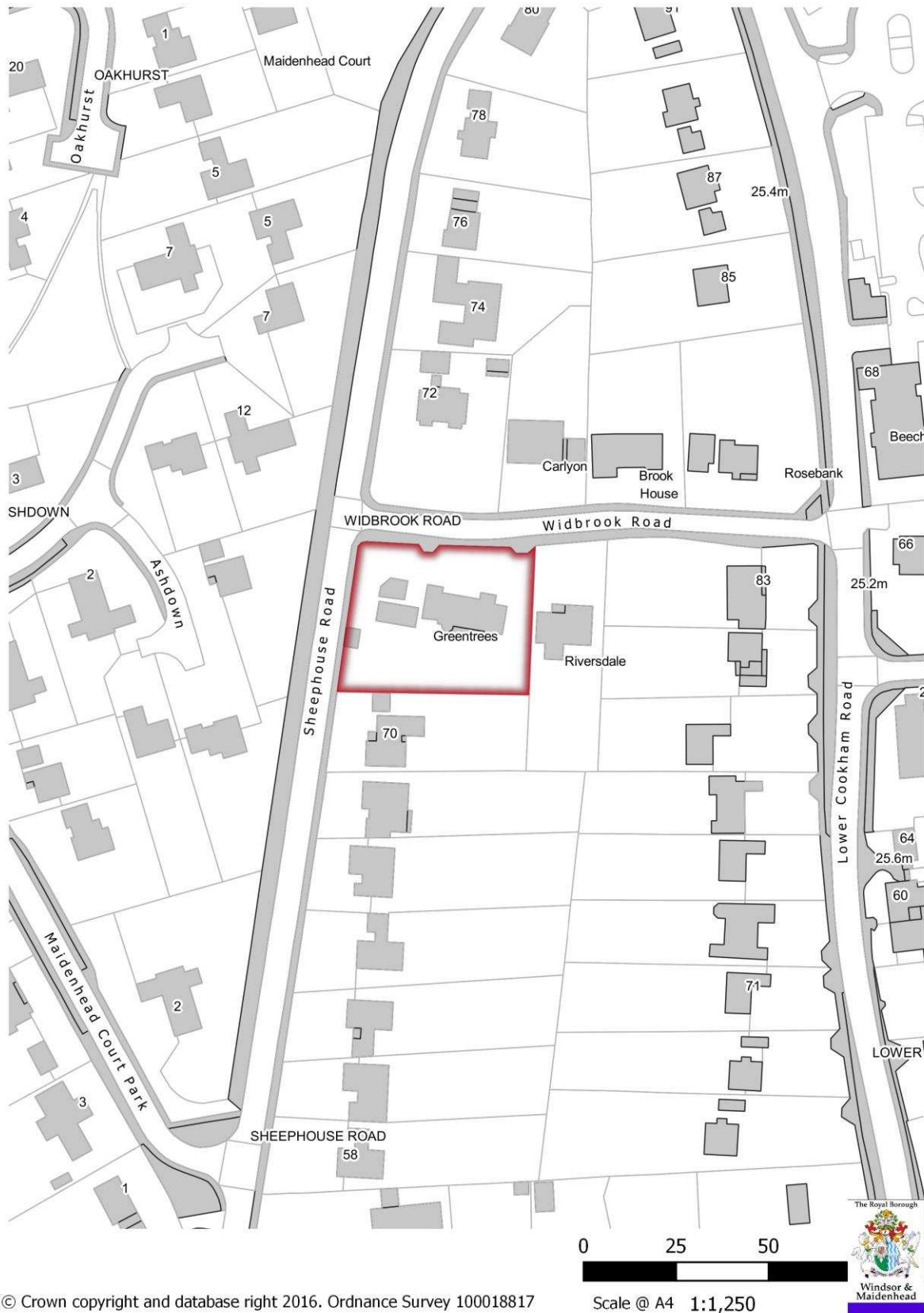
In this case the issues have been not been successfully resolved.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).

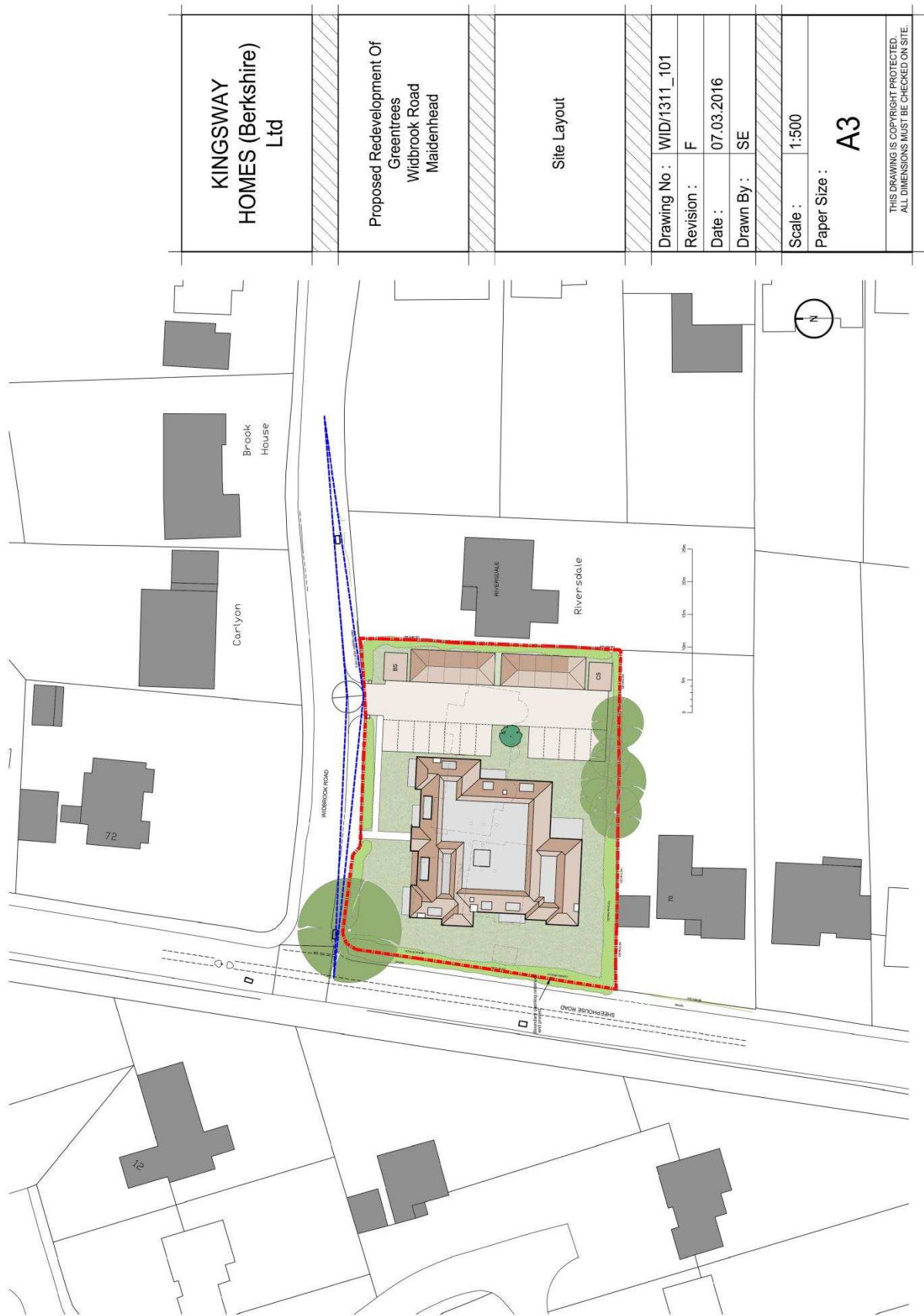
- 2 By reason of its siting, design, height, scale and bulk of the proposed building the proposal would appear out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings. The proposal is therefore contrary with the National Planning Policy Framework and policy DG1, H10, H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003).

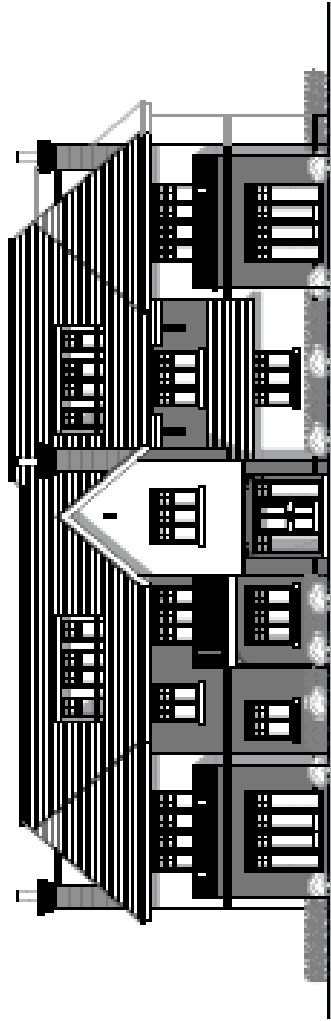
APPENDIX A – 16/00811/FULL



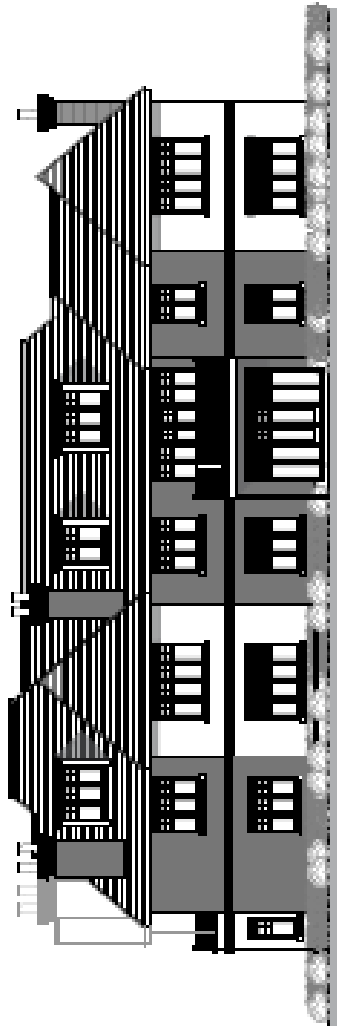
© Crown copyright and database right 2016. Ordnance Survey 100018817

Scale @ A4 1:1,250





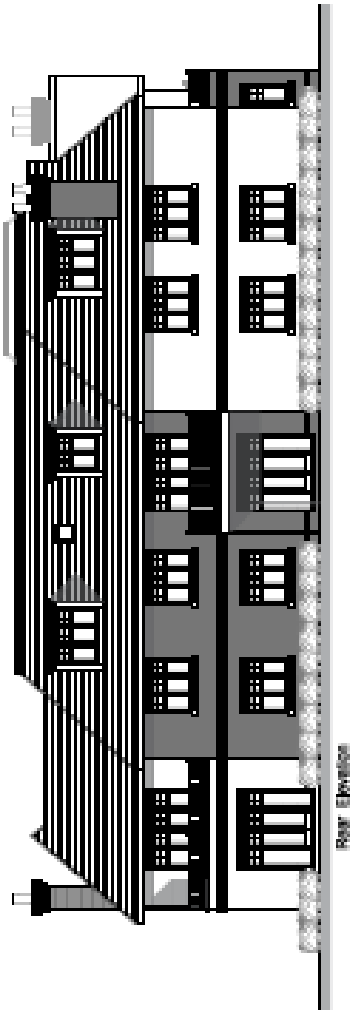
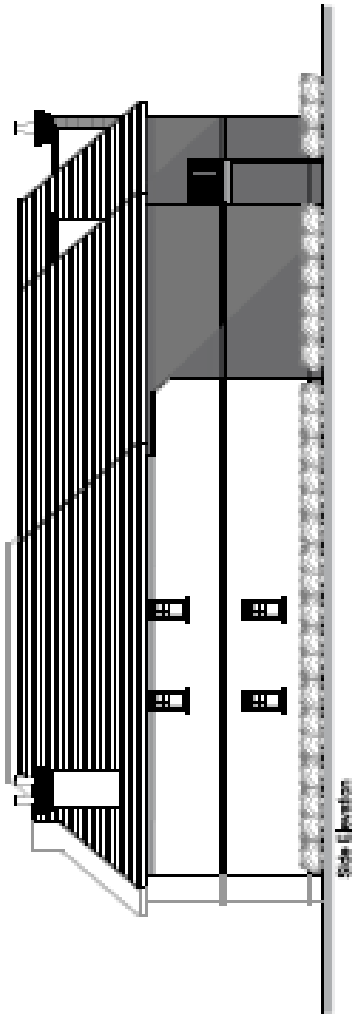
Wildbrook Road Elevation



Sheephouse Road Elevation



KINGSWAY HOMES (Berks) Ltd	Proposed Redevelopment Of Greenfields Wildbrook Road Maidenhead	Elevation Sheet 1	Drawing No: WHD011_02
			Revision: 0
			Date: 26.03.2019
			Drawn By: SE
			Scale: 1:100
			Paper Size: A2
			<small>© Kingsway Homes Ltd 2019. All Rights Reserved.</small>



KINGSWAY HOMES (Berks) Ltd	
Proposed Redevelopment Of Greenhills, Widow's Road Maidenhead	
Elevations Sheet 3	
Drawing No.:	W16/1011_03
Revision:	A
Date:	28/07/2016
Drawn By:	DE
Scale:	1:100
Paper Size: A2	
2016/07/28 10:02:00 AM 10/10/16 10/10/16	



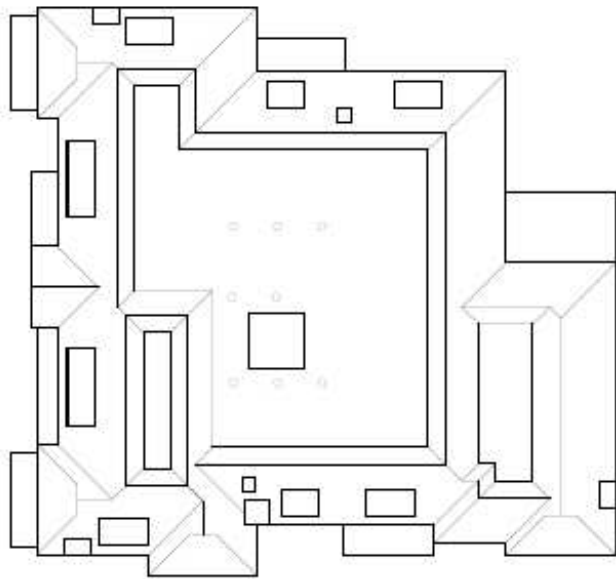
Ground Floor Plan



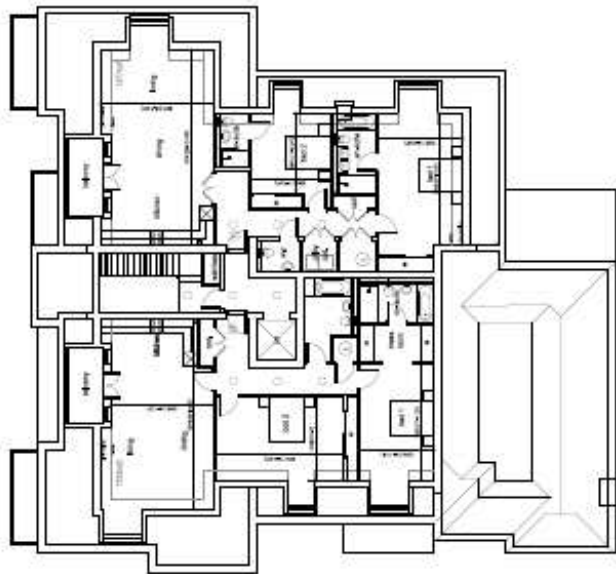
First Floor Plan



KINGSWAY HOMES (Berkshire) Ltd	
Proposed Redevelopment Of Generative Without Right Mutualised	
Ground Floor & First Floor Layout	
Drawing No:	WLS/2017_034
Revision:	C
Date:	26.02.2019
Drawn By:	BC
Scale:	1:100
Sheet Size:	A1
© Kingsway Homes (Berkshire) Ltd	



Roof Plan



Second Floor Plan



KINGSWAY HOMES (Berks) Ltd	
Proposed Redevelopment Of Kingsway Road Maidenhead	
Roof and 2nd Flr	
Drawn By	MR/07/11/102
Scale	1:100
Date	25.02.2016
Drawn By	SL
Scale	1:100
Sheet No	A1
KINGDOM ARCHITECTS LTD	

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 3

Application No.:	16/01063/VAR
Location:	Nene Overland Stafferton Way Maidenhead SL6 1AY
Proposal:	Two-year extension of prior limited period permission [12/02226] for siting of temporary buildings (two workshops, office buildings and stores) with external display of cars for sale within the site boundary, and ancillary parking, for a motor vehicle dealership as approved under planning permission 14/00158 without complying with condition 1 (timescale) to extend timescale for a further 2 years.
Applicant:	Mr DeLeeuw
Agent:	Mr Brian Gatenby
Parish/Ward:	Oldfield Ward

If you have a question about this report, please contact: Nosheen Javed on 01628 796040 or at nosheen.javed@rbwm.gov.uk

1. SUMMARY

- 1.1 Renewal of planning permission ref: 14/00158/FULL is sought for the siting of 4 temporary buildings (two workshops, office and stores) for a further 2 years. This permission has already been renewed once before from the original application under ref: 12/02226/FULL.
- 1.2 In this instance, the justification put forward by the applicant is that a further two year period would allow the company to remain on site and prepare a proposal for permanent buildings for the submission of a new application. However officers do not consider that this outweighs the harm that a further renewal would cause given the temporary nature of the buildings. Furthermore the occupiers have been aware of the temporary nature of the permissions and have occupied the site for a sufficient period of time to evaluate their operation and submit an application for permanent buildings on the site as required for the business.

It is recommended that the Panel refuses planning permission for the following reason and authorises enforcement action requiring the unauthorised buildings to be removed within 6 months (subject to the applicant having first been written to and given 28 days to remove the unauthorised structures prior to enforcement action being taken) :

- | | |
|----|--|
| 1. | Given the temporary nature of the buildings, their materials and that they are not of sufficiently permanent and substantial construction their retention for a further 2 years would result in the development appearing discordant and visually obtrusive and would detract from the character and visual amenities of this prominent site. The development if retained would be detrimental to the local character and quality of the area is contrary to Paragraph 64 of the NPPF and Saved Policy DG1 of the adopted Local Plan as well as Policy OA6 of Maidenhead Town Centre Area Action Plan. |
|----|--|

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 rectangular site lies to the south of Stafferton Way, on the corner of Stafferton Way with the access to the waste disposal and recycling centre. The site is located within the urban area of

Maidenhead. There is a grass verge to the front and west side of the site, although the site is set down slightly from this verge and maintains a relatively flat plot. The site is currently occupied by four temporary buildings, including a single storey demountable office building (D), located in the south eastern corner of the site. The remaining three buildings are also single storey and comprise a restoration workshop (building A) and service workshop (building B), together with specials and storage (building C), and are located within the footprint of the original building on the site.

- 3.2 The site faces Stafferton Way retail park to the north and is adjacent to the former Target Ford site to the east. Residential properties are located east of the site, although these are separated from the development by two grass verges and a vehicular access to the waste disposal and recycling centre. A number of trees are also located on the boundary of these residential properties.
- 3.3 Vehicular access is gained on to the site via the access to the waste and recycling site, off Stafferton Way. Steps for pedestrian access also serve the site and are located closer to Stafferton Way. The site is within close proximity of the A308 and strategic road network.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00158/FULL	Two-year extension of prior limited period permission [12/02226] for siting of temporary buildings (two workshops, office buildings and stores) with external display of cars for sale within the site boundary, and ancillary parking, for a motor vehicle dealership.	Temporary Planning permission granted until 31.03.16
12/02226/FULL	Siting of 4 temporary buildings (two workshops, office and stores) with sales display area and parking for a temporary period for a motor vehicle dealership	Temporary Planning permission granted until 31.03.14
92/00954/RLAX	Relaxation of condition 6 (relating to number of cars that can be on display at the site) of approval 89/01338/FULL	Approved 15.05.1992
89/01338/FULL	Change of use and alterations to form garage including workshops, part store, showroom and ancillary facilities.	Approved 12.05.1989

- 4.1 Renewal of planning permission is sought for the siting of temporary buildings (two workshops, office building and stores) with external display cars for sale within the site boundary and ancillary parking for a motor car dealership.
- 4.2 The original owners have changed and the new owner has advised that whilst the previous approvals under refs: 12/02226/FULL and its renewal 14/00158/FULL have been implemented in accordance with the approved plans, it is evident that certain minor inconsistencies have arisen. These include an area of land approx. 100sqm lying outside the boundary fence at the south east corner which was previously included as forming part of the application site. This area has been excluded from the submitted site area in this application but is not so fundamental that the proposal can no longer be considered as a renewal.
- 4.3 Other inconsistencies include a wash area which exists in the northern corner of the site which was not previously indicated on the approved layout. This facility is used for cleaning the vehicles on sale and customer's vehicles. It consists of a vehicle lift, a drainage pit and a lightweight and demountable canopy (7m x 4m). It also appears that small links have been created between buildings A and B and between buildings A and C. These links amount to a floor area of approx. 10 sqm and do not have planning permission. Under this application there is no mechanism to approve these structures as permission is only sought to extend the temporary

period of the previous permission 14/00158. Two free standing signs have been installed at the site which would require Advertisement Consent and the applicant is already aware of this. An informative could be attached to advise the applicant that the signs are unlawful and require Advertisement Consent.

- 4.4 At the site entrance there is a close boarded fence and security gates and within the site there is a 2m high fence around the yard used for storage of customer's vehicles.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, section 1 (building a strong, competitive economy), section 2 (ensuring the vitality of town centres), section 4 (promoting sustainable transport) and section 11 (conserving and enhancing the natural environment).

Royal Borough Local Plan

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

	Within settlement area	Environment	Highways/ Parking issues	Maidenhead Town Centre
Local Plan	DG1	NAP3	T1, P4	
Maidenhead Area Action Plan				OA6

- 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 Strategic Flood Risk 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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- Impact on the character and appearance of the area;
- Sustainable Design and Drainage and;
- Highway Safety;

Impact on the character and appearance of the area

- 6.2 Paragraph 014 of the NPPG advises that the LPA may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances could change at the end of that period.
- 6.3 The reason for granting temporary planning permission in the first instance was to allow Berkshire Land Rover to continue to trade given that they were required to vacate their current premises in Silco Drive, Maidenhead due to the Cross Rail Project taking their premises for storage. This time would have given the tenant a sufficient period to decide how they wished to proceed and consider their options.
- 6.4 The site is owned by Royal Borough of Windsor and Maidenhead and was tenanted by Berkshire Land Rover. However, as stated in the accompanying Design and Access Statement, the business failed and was taken over by Nene Overland in October 2014 and worked as an independent Land Rover dealership. Whilst there was a change in the ownership, the use and operation of the site remained a car dealership and was therefore acceptable.
- 6.5 The buildings were originally granted planning permission for a temporary period of 18 months in order to protect the visual amenities of the area as the buildings were temporary in nature, and this period has already been extended once. Retaining these for a further 2 years would be harmful to the character and visual amenities of the street scene and surrounding area, particularly as this site is on a prominent location.
- 6.6 Furthermore, the guidance contained in the NPPG, advises that it would rarely be justifiable to grant a second temporary planning permission as further permissions should normally be granted permanently or refused if there is clear justification for doing so. In this instance, there is clear justification for refusal of the application given the temporary nature of the buildings and the application has been renewed once already. Additionally, the NPPG advises that just because temporary planning permission has been granted, it should not be presumed that planning permission should be granted permanently.
- 6.7 Saved policy OA6 allocates the application site and the adjacent site for 4,000 sq m of non-office floor space, defined as B1b, B1c, B2, B8 and car showroom uses. Whilst the use conforms with this policy, the buildings would have a harmful visual impact. If the site was vacated leaving an empty site, it would open up the opportunity for other businesses to occupy the site, which is sustainable and which could be part of the regeneration of Maidenhead Town Centre

Sustainable Design and Drainage

- 6.8 In both application refs: 12/02226/FULL and 14/00158/FULL condition 6 required details of the disposal of surface water to be submitted to and approved by the LPA. This information was sought during the assessment of this application and a flood risk assessment and a drainage assessment have been submitted to mitigate the potential of contamination and surface water run-off. The Flood Risk Engineer has considered the information and raised no objections as the development is temporary and would not increase the impermeable area of the site. Therefore, the information submitted would deal with the requirements of condition 6 and it would not need to be attached in the event planning permission is recommended.
- 6.9 The majority of the site lies within Flood Zone 2 as designated by the EA which is classified as having a medium flood risk probability. In summary the Flood Risk Assessment concludes that as the proposal would not increase the built footprint there would be no increase in the hard-standing. There is no record of the site being subject to flooding from surface water or groundwater. Therefore, it is considered that the development would not have any impact on the current flood regime for the adjacent water course and thereby increase the risk of flooding on the site or elsewhere.

Highway Safety

- 6.10 The continued use of the site would not require any additional off-street parking spaces to be provided. Furthermore, the existing egress and access arrangements would also be retained

which comply with visibility splay standards. Therefore, no objections would be raised with respect to the continuation of the use and the development on this site, subject to condition 2 requiring the parking and turning area to be maintained as previously approved to ensure that it would not prejudice the free flow of traffic and to highway safety.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 25/04/16

No responses have been received as a result of the neighbour notification.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Flood Risk Engineer	As the development is temporary and does not increase the impermeable area of the site, the proposals submitted are adequate and the Lead Local Flood Authority would have no objections to the application on surface water grounds. However the applicant should note that when it comes redeveloping the site rather than the current temporary arrangements they would need to undertake a detailed site investigation that includes permeability tests.	See paragraph 6.8.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout and elevation drawings

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.

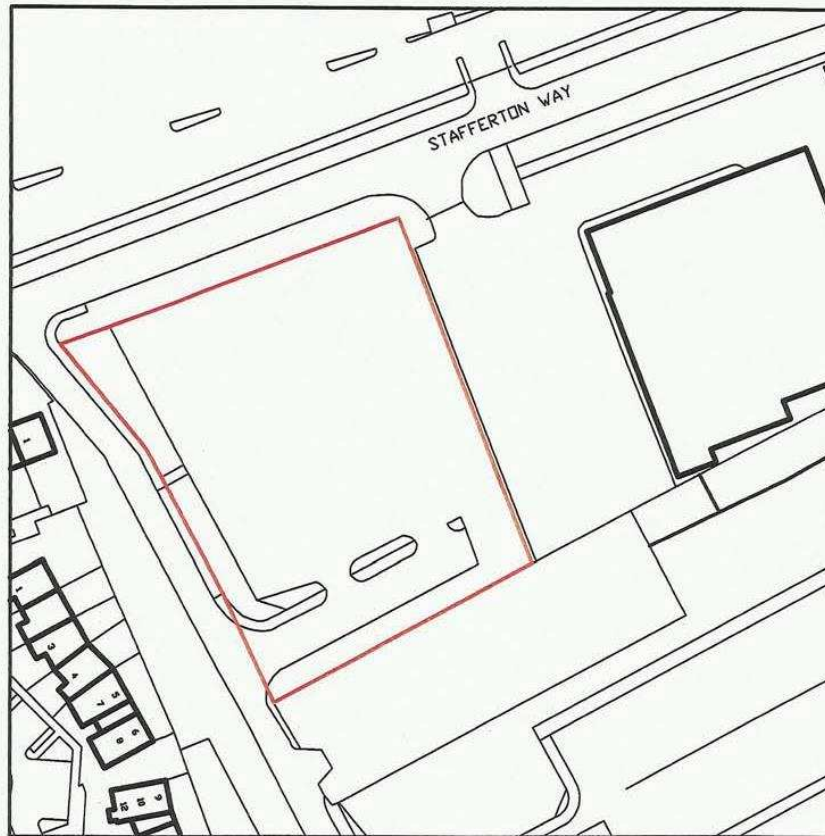
9. REASONS RECOMMENDED FOR REFUSAL AND TO SERVE AN ENFORCEMENT NOTICE.

- 1 Given the temporary nature of the buildings, their materials and that they are not of sufficiently permanent and substantial construction their retention for a further 2 years would result in the development appearing discordant and visually obtrusive and would detract from the character and visual amenities of this prominent site. The development if retained would be detrimental to the local character and quality of the area is contrary to Paragraph 64 of the NPPF and Saved Policy DG1 of the adopted Local Plan as well as Policy OA6 of Maidenhead Town Centre Area Action Plan.

Appendix A – Site Location Plan

Location Plan

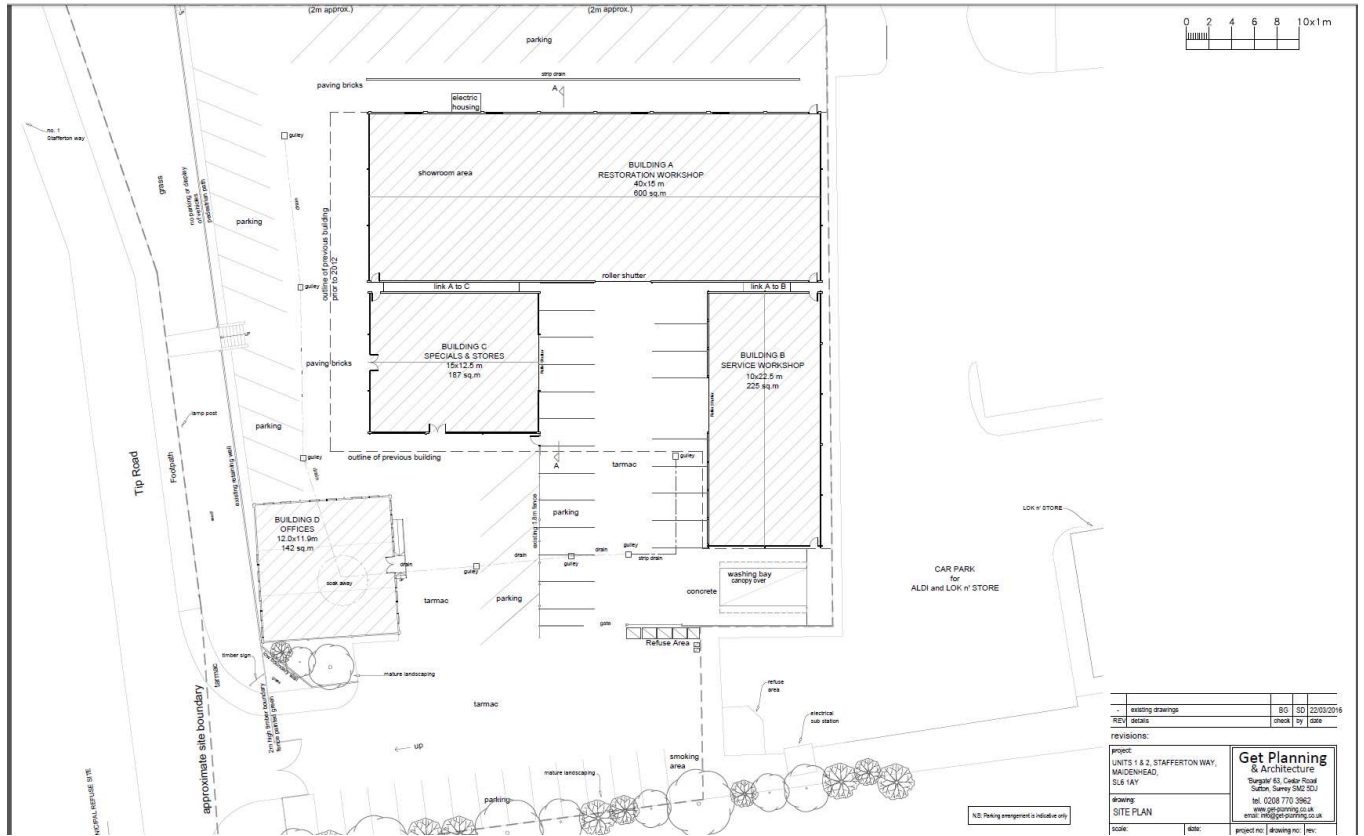
1:1250



Ordnance Survey (c) Crown Copyright 2012. All rights reserved. Licence number 100020449

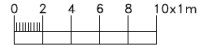
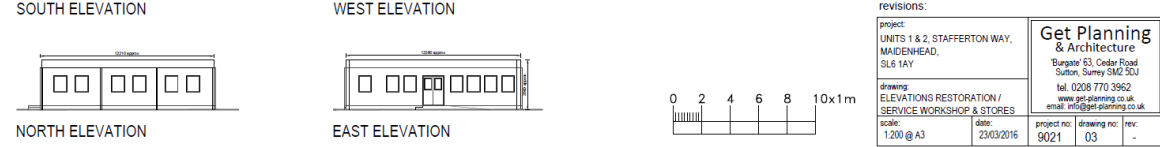
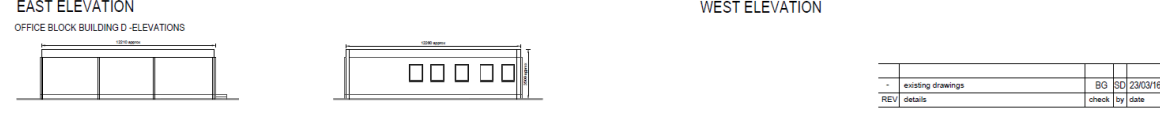
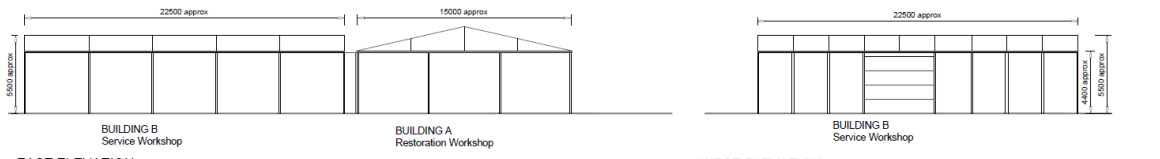
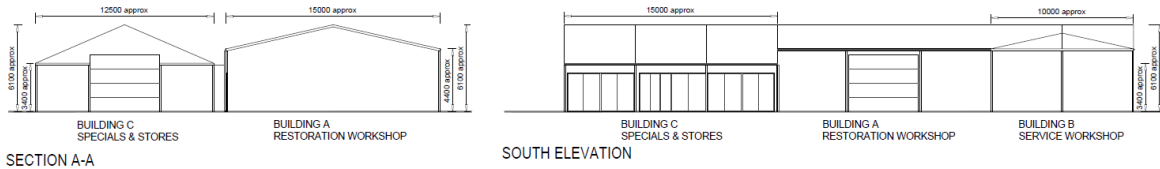
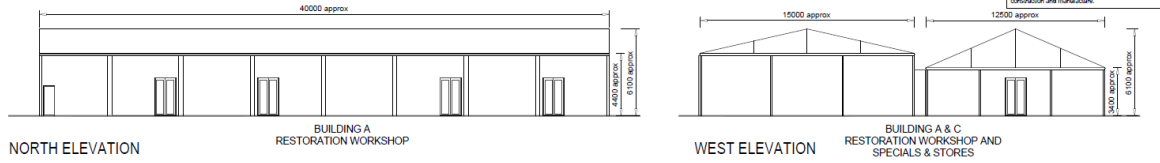
Appendix B

Indicative layout

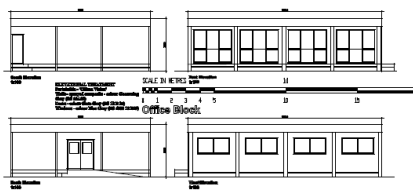
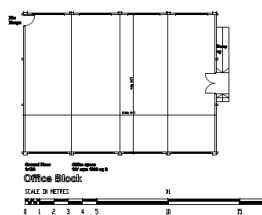
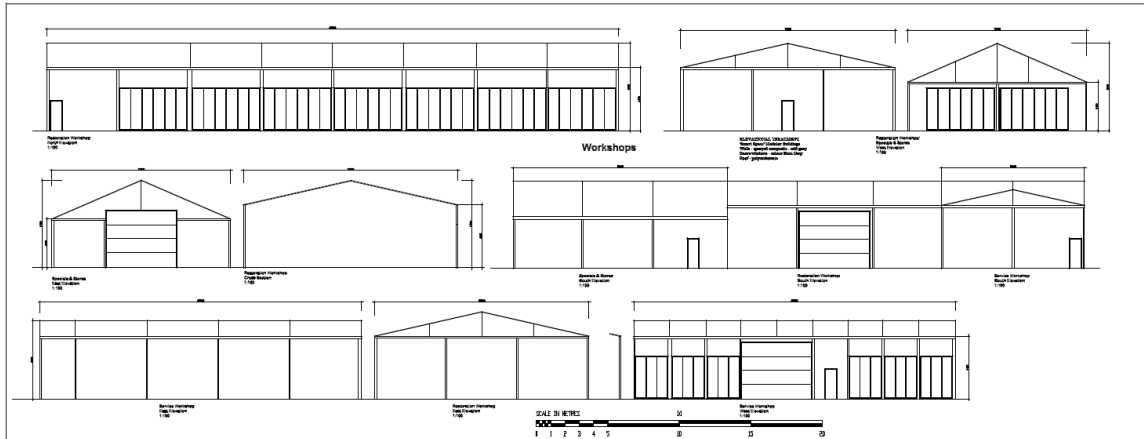


Elevations

This drawing is the copyright of Get Planning & Architecture Ltd and may not be reproduced without permission. Dimensions must not be scaled (except for planning purposes) and must be checked prior to construction and manufacture.



-	existing drawings	BG	SD	23/03/16
REV	details	check	by	date
revisions:				
project: UNITS 1 & 2, STAFFERTON WAY, MAIDENHEAD, SL6 1AY				
drawing: ELEVATIONS RESTORATION / SERVICE WORKSHOP & STORES				
scale: 1:200 @ A3				
date: 23/03/2016		project no: 9021		rev: 03



Bob Trimble AA Dip, RIBA
architect & surveyor
 York Chambers
 38 York St. Twickenham TW1 3LJ
 Tel/Fax: 020 8338 8303 Mob: 07785 711655
 email: bob@btrichitects.co.uk

Client:
 Berkshire Leaswice

Project:
 Stafferton Way
 Maidenhead
 SL6 1AY

Drawing Title:
 Office - plans & Elevations
 Workshops - Elevations

Dwg No: 1558/2 at issue date: 3 Aug 2012 sheet: 11/90

Copyright must check all dimensions on site before starting work. Do not scale this drawing

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 4

Application No.:	16/02164/CLASSM
Location:	Pump House Kennel Lane Cookham Dean Maidenhead
Proposal:	(Class Q) Change of use from an agricultural building to a dwellinghouse (C3) and associated operational development
Applicant:	Copas Farms
Agent:	Mr Geoffrey Copas
Parish/Ward:	Cookham Parish

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 This is a notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development, under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q. The site is an agricultural building located on Kennel Lane off Whyteladyes Lane, Cookham. The proposal complies with the requirements of the Order, and so it is recommended that prior approval is required and is granted.

It is recommended the Panel grants prior approval.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor MJ Saunders, only if the recommendation is to grant, who stated: Parish Council Planning Committee objections which challenge whether permitted development rights apply to the proposed development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a utilitarian agricultural building situated next to Kennel Lane off Whyteladyes Lane on a farm owned by Copas Farms to the South of Cookham. The building is 5m in height. It has 68 sqm of gross floor space. It is accessed via Kennel Lane which is currently an unmade track which runs onto Whyteladyes Lane, and is also accessible via a track within Lower Mount Farm which joins up to Long Lane. The building has concrete block walls with profiled sheeting above and profiled sheeting roof, and large metal and mesh sliding doors. There are a few trees beside the building, and the surrounding land is agricultural.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to convert the building to a single storey dwelling house, with the addition of doors and windows, and alteration of the materials to a brick plinth and timber boarding walls, with a dark green profiled sheeting roof. Internally, there would be an open plan kitchen/dining/living area, and a bedroom with en-suite and dressing room. The building would remain the same size, apart from the walls being slightly thicker.
- 4.2 There is no relevant planning history.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 The National Planning Policy Framework is relevant to the application. In addition, of relevance is the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q. This relates to prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
- 5.2 Class Q states that development is not permitted where the proposed change of use would result in more than 3 dwellinghouses that have a cumulative floor space of more than 450 square metres being created within an “established agricultural unit” (which means agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013, or for ten years before the date the proposed development will begin) Development is not permitted where the building is a listed building, the site is or contains a scheduled monument, is located on Article 2(3) land, or the site is, or forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area.

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal complies with the Town and Country Planning (General Permitted Development) order 2015, Schedule 2, Part 3, Class Q.

6.2 SUMMARY OF MAIN ISSUES

This application is to determine whether prior approval is required for a proposed development. The Council has had regard to:

- representations made to us
- the National Planning Policy Framework

Class Q – agricultural buildings to dwellinghouses

Development consisting of –

- (a) ***a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and***
- (b) ***building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Q.1 Development is not permitted by Class Q if -

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit -
- (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The site was used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013. **The proposal complies.**

- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

The cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit does not exceed 450 square metres. **This is the first**

building to be so converted on the agricultural unit, and it measures 68 sqm. The proposal complies.

- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

The cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit does not exceed 3. **The proposal complies.**

- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. **The proposal complies.**

- (e) less than 1 year before the date development begins –

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

Less than 1 year before the date development begins an agricultural tenancy over the site has **not** been terminated, and the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use. **The proposal complies.**

- (f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -

- (i) since 20th March 2013; or
- (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has **not** been carried out on the established agricultural unit since 20th March 2013; or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins. **The proposal complies.**

- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

Revised plans have been received to make the external dimensions no larger than the existing dimensions. The development would therefore not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. **The proposal complies.**

- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

The development under Class Q (together with any previous development under Class Q) would **not** result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. **The proposal complies.**

- (i) the development under Class Q(b) would consist of building operations other than -

- (i) the installation or replacement of -
 - (aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse;

and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The development under Class Q(b) would **not** consist of building operations other than (i) (aa) (bb) and (ii). **The proposal complies.**

(j) the site is on article 2(3) land;

The site is **not** on article 2(3) land. **The proposal complies.**

(k) the site is, or forms part of -

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;

The site is not or does not form part of (i) (ii) or (iii). **The proposal complies.**

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

The site is not or does not contain a scheduled monument nor is the building listed. **The proposal complies.**

Conditions

Q.2

(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and highways impacts

The Local Highway Authority has been consulted and have no objection to the proposal.

Noise Impact and Contamination Risks

Following consultation with the Environmental Protection Unit they have raised no objections to permission being granted.

Flooding Risks

The site is not located in an area at risk from flooding.

Location & Siting

The location or siting of the building does not make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3

Design & External Appearance

Paragraph 64 of the National Planning Policy Framework requires 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 present building is utilitarian in appearance, and the proposal includes recladding in timber which will improve the character and quality of the area.

The proposed design and external appearance are in accordance with paragraph 64 of the National Planning Policy Framework (NPPF).

The provisions of paragraph W (prior approval) of this Part apply in relation to that application have been discharged accordingly:-

- (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.
- (2) The application must be accompanied by -
 - (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations;
 - (b) a plan indicating the site and showing the proposed development;
 - (c) the developer's contact address;
 - (d) the developer's email address if the developer is content to receive communications electronically; and
 - (e) where sub-paragraph (6) requires the Environment Agency(a) to be consulted, a site specific flood risk assessment,

together with any fee required to be paid.

Details required under (2), sub-paragraphs (a) to (d) were received by the Local Planning Authority on 15 July 2016 and the fee was paid.

- (3) The local planning authority may refuse an application where, in the opinion of the authority
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
- (4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning

authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult -

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

The Highways Authority was consulted, although this was not a requirement.

- (6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is -

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The development is not in Flood Zones 2 or 3, or in Flood Zone 1 with critical drainage problems, and so there is no requirement to consult with the Environment Agency.

- (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The Consultees referred to in sub-paragraphs (5) and (6) were given until 15.8.2016 to respond.

- (8) The local planning authority must give notice of the proposed development –

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which -
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
- (b) by serving a notice in that form on any adjoining owner or occupier.

The site notice was displayed on the building on **20.7.2016**.

- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include –

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated; or
- (c) details of proposed building or other operations.

- (10) The local planning authority must, when determining an application -

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the

subject matter of the prior approval, as if the application were a planning application; and

- (c) in relation to the contamination risks on the site -
- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following -

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out -

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

- (3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 20.7.2016

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

Comment	Where in the report this is considered
1. The site is on Green Belt and should be protected from urban sprawl.	Not a consideration
2. There should be no change of use in the Green Belt.	
3. Kennel Lane is a public footpath which is an important link between Cookham Rise and Cookham Dean. Disagree with Rights of Way officer's assertion that the proposal will not have a significant adverse impact.	Proposal will not have a significant adverse impact
4. Refuse and cycle provision not adequate.	These have been submitted

		and the Highways Officer now has no objection.
5.	Traffic will produce noise	Environmental Protection have no objection.
6.	The proposal will not improve the appearance of the building	It is considered to be an improvement.
7.	The technical officer had pointed out that the application form stated two dwellings	This was corrected to one dwelling before registration.
8.	The sewage system is under pressure – who would pay for an upgrade?	Not a consideration
9.	Increased pressure on doctors and schools	“
10	Whyteladyes Lane is very busy, and the majority break the speed limit.	Highways have no objection

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objection. Building not suitable for conversion due to locality and form. We would encourage RBWM to invoke Article 4.	6.2 Q2 (2) It is not considered appropriate to invoke Article 4

Other Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection	6.2 Q2 (2)
Environmental Protection	No objection	6.2 Q2 (2)

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Extent of Agricultural Holding
- Appendix C – Existing plans and elevations
- Appendix D – Proposed plans and elevations

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 the NPPF.

9. CONDITIONS IF PRIOR APPROVAL IS GRANTED

- 1 The proposal is in accordance with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 and an application for prior approval of the proposed development is required and is granted.



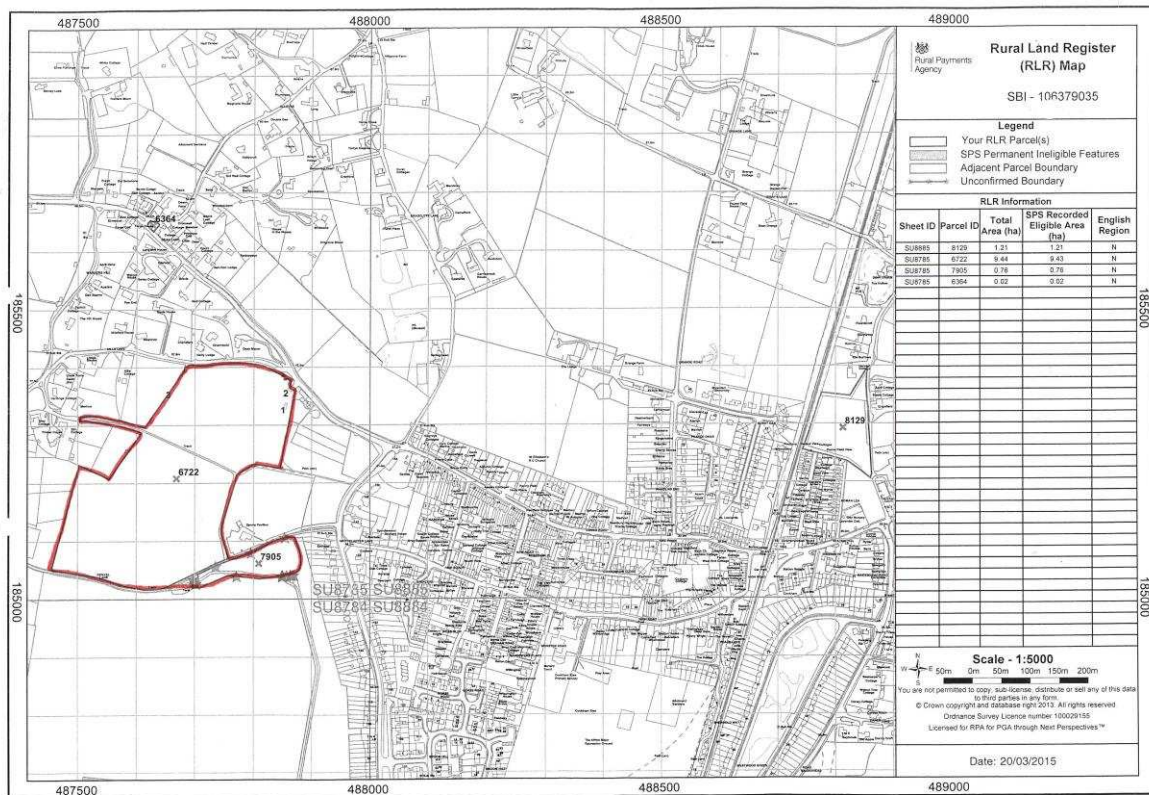
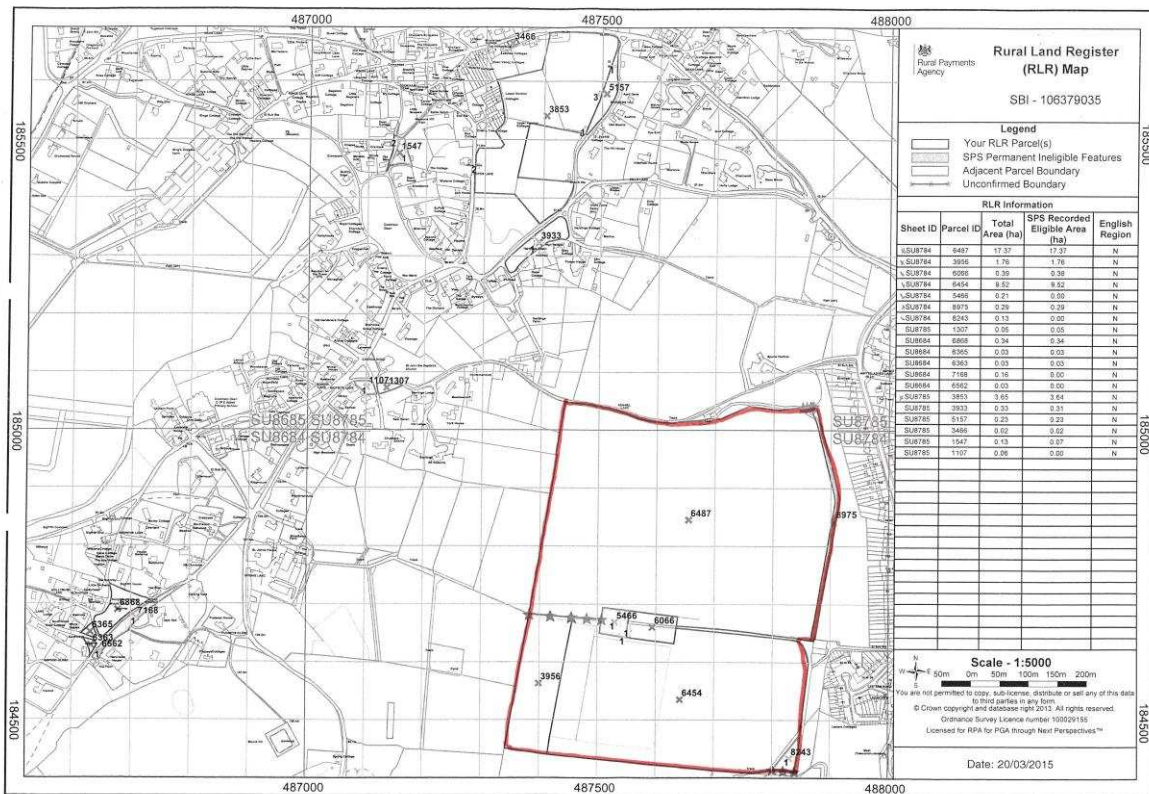
Site location

© Crown copyright and database right 2016. Ordnance Survey 100018817

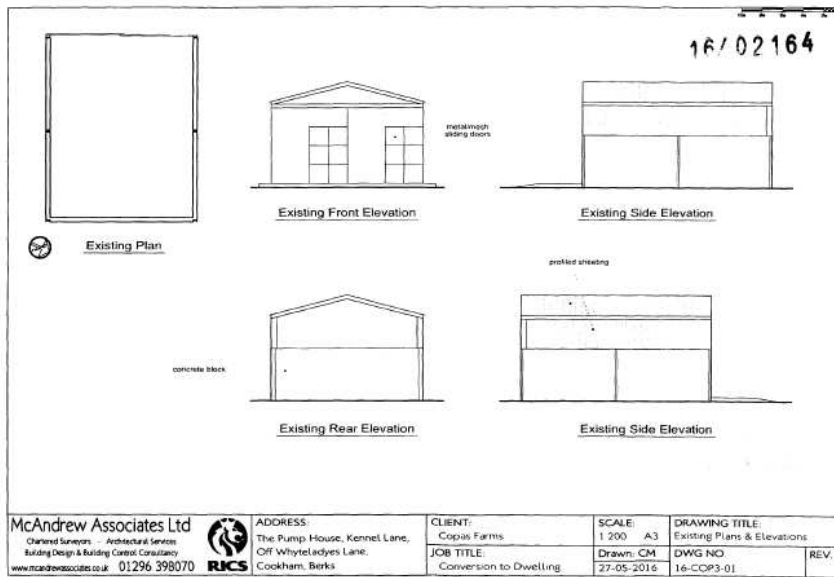
Scale @ A4 1:1,250



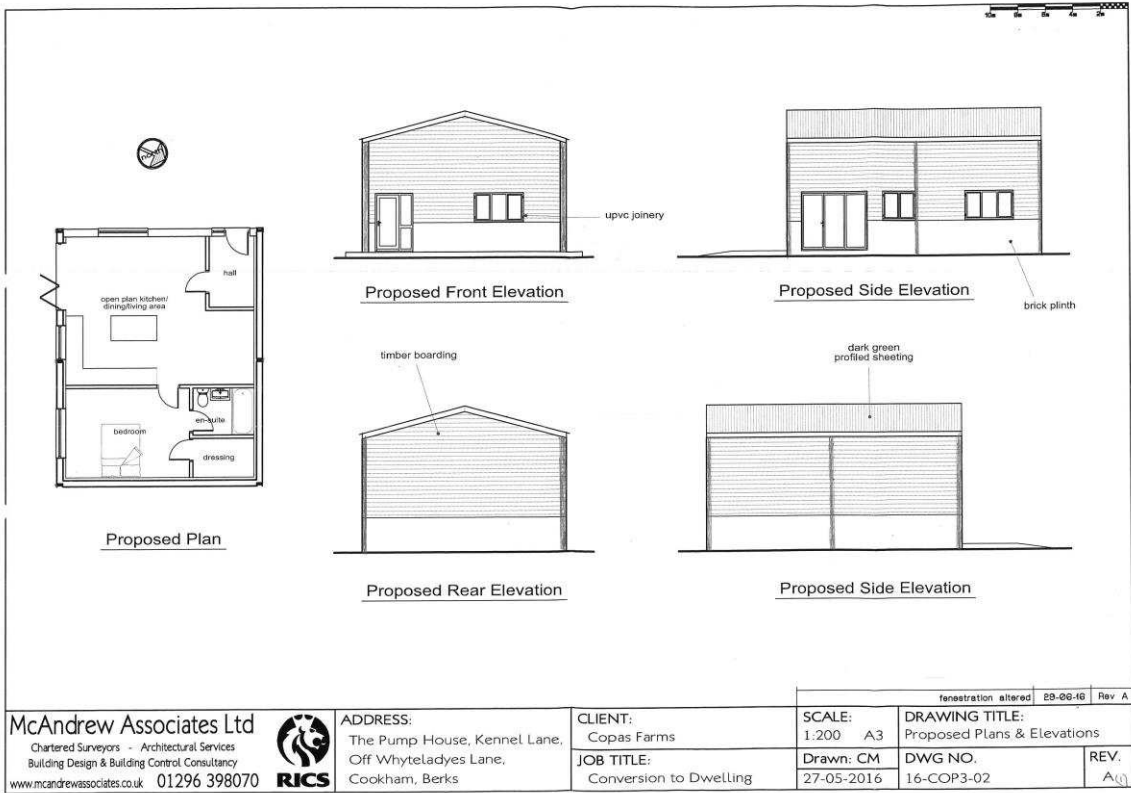
Appendix A



Please return this sheet to us if you want to make any changes to the parcels shown on it.



Appendix C



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 5

Application No.:	16/02247/FULL
Location:	Lowbrook Academy Fairlea Maidenhead SL6 3AS
Proposal:	Extension to form new classroom, washrooms, lobby and outside breakout area
Applicant:	Lowbrook Academy
Agent:	Mr Phil Grover
Parish/Ward:	Cox Green Parish

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk
--

1. SUMMARY

- 1.1 The proposed extension is circa 86 square metres and located to the side of the school which is in a settlement area. It will match an adjoining extension in terms of design and scale and will not harm the living conditions of any neighbours or harm the character and appearance of the area. The existing parking arrangements will remain unaltered.

It is recommended the Panel defers and delegates planning permission to the Borough Planning Manager with the conditions listed in Section 10 of this report, provided no new material objections are received within the consultation period, which ends on the 2 September 2016.

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 the Council has an interest in the land; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is Lowbrook Academy, which is a school with playground, playing fields and a parking area on a largely rectangular site in Cox Green. It is accessed off The Fairway, which is an otherwise residential road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposed extension would measure some 6.6m by 13.2m, and would contain a classroom, washrooms, and a lobby, and would have a new covered breakout space to the rear. It would have a brick plinth and cedar cladding, and would have a single ply membrane roof. It would match an existing extension which it would adjoin.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections: 7 (Requiring good design) and 8 (Promoting healthy communities).

Royal Borough Local Plan

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

Within settlement area	Community Facilities
DG1	CF2/3

Supplementary planning documents

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

The impact on the character and appearance of the area

6.2 The proposed extension will square-off an existing part of the school building, which is located at the side away from the site boundaries. It is a small development of approximately 86 sqm and will match the adjoining extension in terms of design and materials. The extension will be only partially visible from the road, and will be an attractive addition to the school. It will have no adverse impact on the character or appearance of the area.

The impact on the amenities of neighbours

6.3 The proposed extension will be approximately 35m from the nearest residential property. As such it will not harm the amenities of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.

Parking

6.4 The proposed extension is for a new classroom, and will give rise to two further equivalent full time employees. The school has 48 parking spaces, and this is considered to be sufficient for the total of 27 equivalent full time employees, made up of 11 full time and 30 part time employees.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 Given the nature of the development it is not liable for financial contributions, neither would it be CIL (Community Infrastructure Levy) liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2.8.2016

No letters of representation have been received.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Cox Green Parish Council	To be reported	

Other Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	To be reported	6.4

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Plans
- Appendix C – Layout

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.

10. CONDITIONS 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.

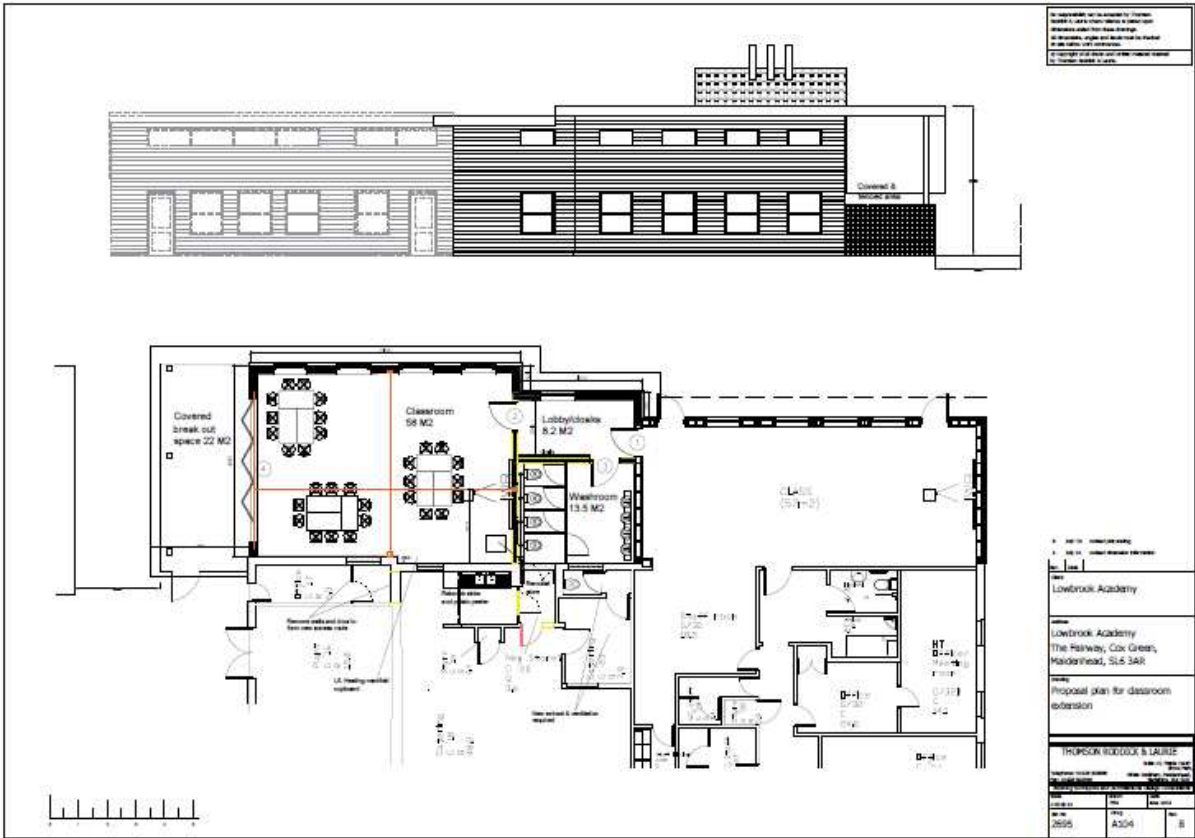


Site location

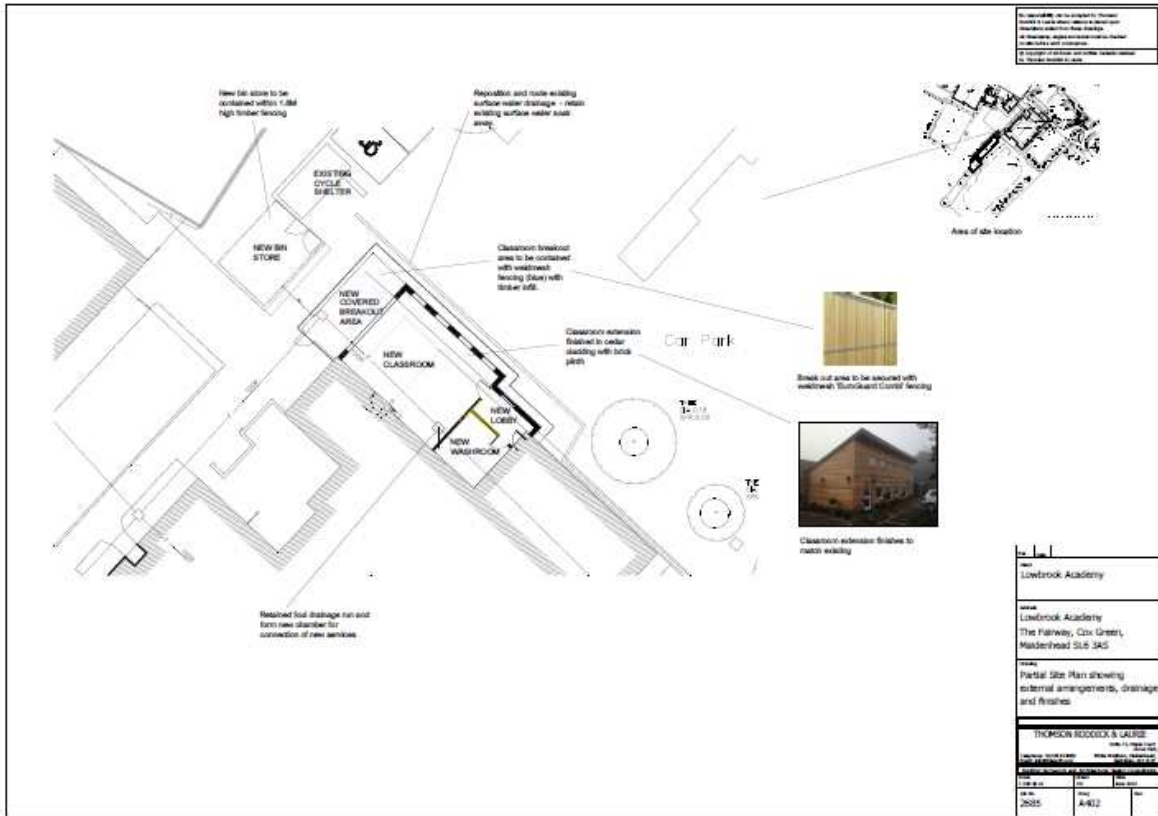
© Crown copyright and database right 2016. Ordnance Survey 100018817

Scale @ A4 1:1,250





Appendix B



Appendix D



Planning Appeals Received

22 July 2016 - 19 August 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 PIns reference number and write to the relevant address, shown below.

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

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

Parish/Ward:
Appeal Ref.: 16/60078/REF **Planning Ref.:** 15/03871/FULL **PIns Ref.:** APP/T0355/W/16/3152240
Date Received: 3 August 2016 **Comments Due:** 7 September 2016
Type: Refusal **Appeal Type:** Written Representation
Description: New chalet bungalow following demolition of shed and store
Location: **Land Adjacent 35A And 35B Boyn Valley Road Maidenhead**
Appellant: First National Investments Ltd **c/o Agent:** Mr Richard Cutler Cutler Architects 43 St Mary's Street Wallingford Oxfordshire OX10 0EU

Parish/Ward:
Appeal Ref.: Bisham Parish
 16/60079/REF **Planning Ref.:** 15/03965/FULL **PIns Ref.:** APP/T0355/W/16/3152866
Date Received: 3 August 2016 **Comments Due:** 7 September 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of porch, single storey rear extension, first and second floor front extension, first and second floor rear extension, with new lift location and amendments to fenestration's
Location: **White Lodge Bisham Road Bisham Marlow SL7 1RP**
Appellant: Mr And Mrs R Ting **c/o Agent:** Mr Bob Berry Bob Berry Architect Ltd Dell Cottage Horsemoor Lane Winchmore Hill Amersham Bucks HP7 0PL

Appeal Decision Report

29 June 2016 - 19 August 2016

MAIDENHEAD

The Royal Borough



Windsor &
Maidenhead

Appeal Ref.: 15/00046/REF **Planning Ref.:** 15/00118/FULL **Plns Ref.:** APP/T0355/W/15/3029921

Appellant: Mrs Jane Eastwood **c/o Agent:** Mrs Alison Heine Heine Planning 10 Whitehall Drive Hartford Northwich Cheshire CW8 1SJ

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

Description: Change of use to include stationing of caravans for occupation by gypsy-traveller family with fencing, access road, hard standing, utility block and landscaping. (Retrospective)

Location: **Land To The South of Hilarion Shurlock Road Waltham St Lawrence Reading**

Appeal Decision: Allowed **Decision Date:** 29 June 2016

Main Issue: The Inspector concluded that the harm due to inappropriate development in the Green Belt should have substantial weight, and that loss of openness and encroachment on the countryside has considerable weight. It was also concluded that there would be considerable harm to the appearance of the countryside. Regarding flooding the exception test was passed in respect of safe evacuation, but that the potential need for escape during flooding should have some weight against the grant of a temporary permission, and considerable weight against the grant of a permanent one.

On the other side of the balance the Inspector considered that the contribution which an additional pitch would make to meeting the acknowledged need for pitches should have considerable weight, that the absence of alternative pitches for the Appellant family and associated personal circumstances should have considerable weight in support of a permanent permission.

In the case of a permanent planning permission the Inspector considered that the advantages of the proposal were outweighed by its disadvantages, and therefore did not clearly outweigh its harms so as to amount to very special circumstances supporting the appeal, and concluded that a permanent permission should not be granted.

The hearing then proceeded on the basis that temporary permission be considered if a permanent one was withheld. Though being temporary does not affect the amount of harm caused to the Green Belt or the character of the countryside, the limited duration of such harms is a material consideration reducing the weight to be given to harms in a balancing exercise.

In assessing the resulting altered balance the January 2014 Written Ministerial Statement (WMS) underlines that protection of the Green Belt is a policy intent of Ministers and a statement of August 2015 carried forward into the PPTS 2015 states at paragraph 16 that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. This is repeated in relation to decision making at paragraph 24. In this particular case, however the Inspector considered that notwithstanding the general unlikelihood referred to, the particular advantages in this case of granting a temporary permission clearly outweigh the harms thereof, so as to amount to very special circumstances supporting the appeal.

The appeal site is the present and potential future home of the Appellant family, and enforced departure would be an interference with their human rights to home and home life and harmful to the best interests of the two children on the site. Given the particular personal circumstances of this case and after having full regard to the importance of protecting the Green Belt and the other public interest factors referred to as counting against the proposal, the Inspector considered that the denial of a temporary planning permission would not be proportionate to the community interest that would be harmed by such a temporary permission. The Inspector concluded that in the particular circumstances of this case and family, withholding a temporary permission would be a violation of the Appellant family's human rights. For this and all the foregoing reasons the Inspector concluded that temporary planning permission should be granted.

Appeal Ref.: 15/00057/REF **Planning Ref.:** 15/00168/FULL **Plns Ref.:** APP/T0355/W/1
5/3031132

Appellant: Messrs Wright, Rusher, Connelly, Smith, Cooper, Stevens **c/o Agent:** Mr Joseph Jones -
BFGC 3 Sibleys Rise South Heath Great Missenden Buckinghamshire HP16 9QQ

Decision Type: Committee **Officer Recommendation:**

Description: Change of use of land to use as a residential caravan site to contain 7 x static caravans, 7
x touring caravans, with associated hardstanding and parking for 14 vehicles (partly
retrospective)

Location: **Land To The South of Hilarion Shurlock Road Waltham St Lawrence Reading**

Appeal Decision: Dismissed **Decision Date:** 29 June 2016

Main Issue: The Inspector concluded that the harm due to inappropriate development in the Green Belt should have substantial weight, and that loss of openness and encroachment on the countryside has considerable weight. Furthermore, considerable harm was given to the impact on the appearance of the countryside. Additionally the Inspector concluded that the flooding exception test had been passed in respect of safe evacuation, but that the need for escape during flooding should have some weight against the grant of a temporary permission, and considerable weight against the grant of a permanent one.

On the other side of the balance it was considered that the contribution which the additional pitches would make to the acknowledged need for pitches should have considerable weight, and that the personal circumstances of the Appellant families which include the absence of alternative pitches for them should have considerable weight.

In the case of a permanent planning permission the Inspector considered that the advantages of the proposal were outweighed by its disadvantages, and therefore did not clearly outweigh its harms so as to amount to very special circumstances supporting the appeal.

Turning to a possible temporary permission, though being temporary does not affect the amount of harm caused to the Green Belt or the character of the countryside, the limited duration of such harms is a material consideration reducing the weight they are to be given in a balancing exercise. The Inspector had already indicated that the flooding issue has less weight in respect of a temporary permission. As suitable provision is to be made in the emerging DPD, the harms need only continue for a limited period. The Inspector concluded that the weight to be given to these harms is thereby reduced. However, their cumulative effect remains substantial, such that even in respect of a temporary permission the supporting considerations of unmet need and personal circumstances do not clearly outweigh the harm to the Green Belt.

Having full regard to the importance of protecting the Green Belt and the other public interest factors referred to as counting against the proposal, the Inspector considered that the denial of a temporary planning permission would be proportionate to the community interest that would be harmed by such a temporary permission. In the particular circumstances of this case withholding a temporary permission would not be a violation of the Appellant occupiers' human rights. For this and all the foregoing reasons it was concluded that temporary planning permission should not be granted.

Appeal Ref.: 16/00034/REF **Planning Ref.:** 15/03317/CPD **Plns Ref.:** APP/T0355/X/16/3145610

Appellant: Mr Lillington **c/o Agent:** Miss Emma Runesson JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

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

Description: Certificate of lawfulness to determine whether a detached outbuilding to serve as a garage block and an area of hard-standing is lawful.

Location: **Farthings Bridge Road Maidenhead SL6 8DF**

Appeal Decision: Allowed **Decision Date:** 1 August 2016

Main Issue: The proposed outbuilding has been specifically designed to accommodate those 10 cars and, on that basis, the Inspector considered the size of the proposed outbuilding to be commensurate with its intended purpose and not on the unrestrained whim of the appellant. The Inspector considered that the proposed outbuilding is of a size that is reasonably required for a purpose incidental to the enjoyment of this particular dwellinghouse. The Inspector also considered that the overall nature, scale and purpose of the proposed outbuilding is not unreasonable in the particular circumstances of the case. Finally, the Inspector considered that the proposed detached outbuilding and area of hardstanding would be required for a purpose incidental to the enjoyment of the dwellinghouse known as Farthings.

Appeal Ref.: 16/00041/REF **Planning Ref.:** 15/04243/FULL **Plns Ref.:** APP/T0355/D/16/3147423

Appellant: Mr And Mrs Paul Ripley **c/o Agent:** Mr Christian Leigh Leigh And Glennie Ltd 6 All Souls Road Ascot SL5 9EA

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

Description: Construction of first floor rear extension, alterations to roof on rear extensions and amendments to fenestrations.

Location: **Bow House Coronation Road Littlewick Green Maidenhead SL6 3RA**

Appeal Decision: Allowed **Decision Date:** 9 August 2016

Main Issue: The Inspector considered that the proposed extension would be disproportionate and would represent inappropriate development in the Green Belt with a minimal loss of openness. However, the Inspector also considered that the proposal would enhance the character and appearance of the Conservation Area via the improvement of the appearance of the dwelling. In conclusion, the Inspector considered that there are material considerations which outweigh the harm that was identified to the Green Belt, thereby justifying the proposal on the basis of very special circumstances.

Appeal Ref.: 16/60046/REF **Planning Ref.:** 16/00310/FULL **Plns Ref.:** APP/T0355/D/16/3149746

Appellant: Mr Riaz Azam **c/o Agent:** Mrs Jane Carter Carter Planning Ltd 85 Alma Road Windsor SL4 3EX

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

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**

Appeal Decision: Allowed **Decision Date:** 27 July 2016

Main Issue: The Inspector considers that the proposal would not result in an unacceptable change in the character and appearance of the original house to the extent that it would cause harm to the general character and appearance of the wider area or to its corner location, particularly as it is already different in its existing form from other houses nearby. Adequate spacing from the boundary would be retained and it would not appear cramped in the plot.

Appeal Ref.: 16/60047/REF **Planning Ref.:** 15/01516/FULL **Plns Ref.:** APP/TO355/W/15/3140786

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

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

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**

Appeal Decision: Dismissed **Decision Date:** 17 August 2016

Main Issue: The proposed houses on the frontage would have much narrower frontages. Furthermore, the proposed dwellings would be higher than the neighbouring property and the proximity of their flank elevations and gabled roofs would emphasise their verticality and contrast significantly with the character of their neighbours which display a more horizontal emphasis derived from their wide frontage elevations and catslide roofs. Consequently the proposed dwellings would appear visually incongruous and cramped in a street which otherwise displays a more spacious character. The tandem nature of the proposal is out of character and the houses to the rear of the plot would be visible from Westmorland Road. The proposed layout, when coupled with the uncharacteristic design and form of the proposed dwellings described above, would be at odds with, and would fail to respond to their immediate surroundings. Consequently the proposed development would diminish the spacious qualities and character of this part of the street. It would conflict with Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003).

Appeal Ref.: 16/60048/REF **Planning Ref.:** 15/03212/FULL **Plns Ref.:** APP/TO355/W/16/3144712

Appellant: Mr Martin Guthrie **c/o Agent:** Mr Peter Smith PJSA Chartered Surveyors The Old Place
Lock Path Dorney Windsor Berkshire SL4 6QQ

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

Description: Replacement dwelling following demolition of existing dwelling

Location: **Fernbank The Straight Mile Shurlock Row Reading RG10 0QN**

Appeal Decision: Dismissed **Decision Date:** 5 August 2016

Main Issue: The Inspector concluded that the appeal proposal would be inappropriate development and would have a neutral effect on openness of the Green Belt. The Inspector also concluded that there are no very special circumstances to justify the proposed development, which conflicts with Policies GB1, GB2 and GB3 of the Local Plan.

Appeal Ref.: 16/60053/COND **Planning Ref.:** 15/02928/FULL **Plns Ref.:** APP/T0355/W/16/
3148798

Appellant: Mr Ajmal Afzal **c/o Agent:** Mr Ehsan UL-HAQ ArchiGrace Limited 50 Two Mile Drive Slough
SL1 5UH

Decision Type: Delegated **Officer Recommendation:** Application
Permitted

Description: Replacement detached dwelling (Amendments to 15/01252)(Part Retrospective)

Location: **Goplana Altwood Close Maidenhead SL6 4PP**

Appeal Decision: Allowed **Decision Date:** 5 August 2016

Main Issue: The Inspector concluded that the replacement dwelling, together with permitted development extensions, roof additions, alterations and ancillary buildings would not conflict with one of the core principles of the National Planning Policy Framework (the Framework) to provide a good standard of amenity for all existing and future occupiers of land and buildings. The Inspector stated that a clear obligation is set out for local planning authorities to justify conditions that remove permitted development rights, and to demonstrate why exceptional circumstances exist. On the basis of what she has seen, and in the clear absence of any real justification for attaching a condition that would represent a blanket removal of freedoms to carry out small scale alterations to the property, she concluded that the Condition 4 is not necessary, relevant to the development permitted or reasonable. It does not therefore meet the tests of paragraph 206 of the Framework and she concluded that the appeal should be allowed and Condition 4 removed.
