

NOTICE
OF
MEETING



MAIDENHEAD DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 26TH OCTOBER, 2016

at

7.00 pm

in the

DESBOROUGH 2 & 3 - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT CONTROL PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd
Democratic Services Manager
Issued: Tuesday, 18 October 2016

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

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

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

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AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the part I minutes of the last meeting.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning'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 - 98
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		99 - 102
6.	<u>ENFORCEMENT REPORT</u> Members to receive and consider the Enforcement Report.		103 - 108

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

28.09.16

PRESENT: Councillors David Burbage (Chairman), Derek Wilson (Vice-Chairman), Gerry Clark, Geoff Hill, Maureen Hunt, Richard Kellaway, Philip Love, Marion Mills, MJ Saunders, Derek Sharp and Adam Smith.

Officers: Tony Carr (Traffic & Road Safety Manager), Victoria Gibson (Development Management Team Manager), Jenifer Jackson (Borough Planning Manager), Shilpa Manek and Mary Severin (Head of Legal - Wokingham).

Also Present: Councillor Judith Diment

89/15 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Coppinger, Stretton and Walters, Councillors Hill, Mills and Saunders were substituting.

90/15 DECLARATIONS OF INTEREST

Councillor Hunt declared a pecuniary interest for item 2 and would leave the room for that item.

Councillor Kellaway declared a personal interest for items 2 and 7 as he is a Member of the Maidenhead Town Partnership and PRoM. For item 2, Councillor Kellaway would not get involved in the discussions or vote.

Councillor Love declared a personal interest for items 2 and 7 as he is a Member of the Maidenhead Town Partnership and PRoM.

Councillor Saunders declared a personal interest for items 1 and 7 as he is Chairman of the Cookham Parish Council Planning Committee. For item 1, Councillor Saunders had expressed a strongly held view that the application should be refused, and as he no longer had an open mind about the matter, he would leave the room when the vote was carried.

Councillor Wilson declared a personal interest for items 2 and 7 as he is a Member of the Maidenhead Town Partnership and PRoM.

91/15 MINUTES

RESOLVED: That the Part I minutes of the meeting of the Maidenhead Development Control Panel held on 31 August 2016 be approved.

92/15 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.

Item 1 *15/03388/OUT	Outline application with all matters reserved: Erection of 3 x detached dwellings.
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<p>Woodlands Farm Spring Lane Cookham Dean Maidenhead SL6 9PN</p>	<p>The PANEL VOTED that the application be DEFERRED AND DELEGATED as per the conditions in the Panel Update, removal of some conditions,</p> <p>The Officers recommendation was put forward by Councillor Kellaway and seconded by Councillor Wilson.</p> <p>(Eight Councillors voted for officers recommendation, Councillors Burbage, Hill, Hunt, Kellaway, Love, Mills, Smith and Wilson. Councillors Clark and Sharp abstained from voting. Councillor Saunders did not vote and had left the Chamber.)</p> <p>(Speakers: The Panel was addressed by Mr Chris Lewis, Objector, Mr Dick Scarf, Cookham Society and Councillor Christine Jannetta, Cookham Parish Council and Mr Matt Taylor and Mr Richard Simmons, Agent and Applicant.)</p>
<p>Item 2 15/03596/FULL</p> <p>71 - 73 High Street Maidenhead</p>	<p>Alterations and extensions to the existing building in association with its use as a single retail unit (for flexible A1, A2, A3, or A4 use) at ground and basement and 12 residential units (Class C3) at first, second, third and fourth floor levels (9x one bedroom, 3x two bedrooms) with partial demolition to the rear of the building and associated works (amendments to p.p 14/01714/FULL).</p> <p>The PANEL VOTED UNANIMOUSLY (Councillor Kellaway did not vote) that the application be DEFERRED AND DELEGATED as per the officer's recommendation.</p> <p>The Officers recommendation was put forward by Councillor Wilson and seconded by Councillor Love.</p>
<p>Item 3 16/01157/FULL</p> <p>Castle House 159 Grenfell Road Maidenhead SL6 1HA</p>	<p>Conversion of existing house and loft into 5 x 1 bed flats.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED as per the officer's recommendation and two additional conditions regarding the rear first floor window be obscure glazed and the Velux windows be 1.7m above floor level.</p> <p>The Officers recommendation was put forward by Councillor Wilson and seconded by Councillor Burbage.</p> <p>(Speakers: The Panel was addressed by Mrs McCorry, Objector.)</p>
<p>*Item 4 16/01630/FULL</p> <p><i>Middlehurst Ltd 99 103</i></p>	<p>Erection of 45 x 1 and 2 bed apartments with basement and ground level car parking, following demolition of all existing buildings.</p>

<p>Boyn Valley Road Maidenhead SL6 4EA</p>	<p>Councillor Love put a motion to refuse the application as it failed to comply with Policies DG1 and H11 which was seconded by Cllr Sharp.</p> <p>Two Councillors (Councillors Love and Sharp) voted for the motion, Nine Councillors (Councillors Burbage, Clark, Hill, Hunt, Kellaway, Mills, Saunders, Smith and Wilson) voted against the motion. The motion fell.</p> <p>The Officers recommendation to permit the application was put forward by Councillor Wilson and seconded by Councillor Saunders.</p> <p>(Nine Councillors voted for the motion to be permitted, (Councillors Burbage, Clark, Hill, Hunt, Kellaway, Mills, Saunders, Smith and Wilson. Councillors Love and Sharp voted against Officers recommendation.)</p> <p>The PANEL VOTED that the application be DEFERRED AND DELEGATED as per the officer's recommendation and the panel update report.</p> <p>(Speakers: The Panel was addressed by Mr Paul Butt, Applicants Agent).</p>
<p>Item 5 16/01739/FULL</p> <p>20A Castle Hill Maidenhead SL6 4JJ</p>	<p>Alterations to provide 2 x 1 bed flats and 2 x studio flats on ground and first floor 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 Love and seconded by Councillor Mills.</p>
<p>Item 6 16/02326/FULL</p> <p>The Farm Bigfrith Church Road Cookham Dean Maidenhead SL6 9PR</p>	<p>Part single part two storey front extension.</p> <p>The PANEL VOTED that the application be PERMITTED against the officers recommendation and be DELEGATED to the Borough Planning Manager to agree conditions.</p> <p>Councillor Saunders put forward a motion that the application be approved contrary to Officer recommendation and this was seconded by Councillor Love. It was agreed that a condition be added to restrict/remove permitted development rights. The wording of the condition be delegated to the Borough Planning Manager.</p> <p>Members did not consider that the proposal represented a disproportionate addition given what could be constructed under Permitted Development.</p> <p>(Ten Councillors voted for approval of the</p>

	<p>application, against the officers recommendation, Councillors Burbage, Clark, Hill, Hunt, Kellaway, Love, Mills, Saunders, Sharp and Smith. Councillor Wilson voted for officers recommendation to refuse the application.)</p> <p>(Speakers: The Panel was addressed by Councillor Susan Ground, Cookham Parish Council and Mr Jeppe Zink, Applicant).</p>
<p>Item 7 *16/02659/FULL</p> <p>Unit 5 The Quadrant Howarth Road Maidenhead SL6 1AP</p>	<p>Temporary change of use from Class B1 and B8 (office) to a mixed use of C2, D1 and B8 (emergency shelter, furniture repair workshop and food bank storage).</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED with the additional condition as per the Panel update.</p> <p>The Officers recommendation was put forward by Councillor Wilson and seconded by Councillor Hill.</p>

93/15 ESSENTIAL MONITORING REPORTS (MONITORING)
The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 8.50 pm

Chairman.....

Date.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

26th October 2016

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

Item No.	1	Application No.	16/01449/FULL	Recommendation	REF	Page No.	9
Location:	Kingfisher Cottage Spade Oak Reach Cookham Maidenhead SL6 9RQ						
Proposal:	Replacement dwelling						
Applicant:	Mr Backshall	Member Call-in:	Not applicable	Expiry Date:	24 June 2016		
<hr/>							
Item No.	2	Application No.	16/01884/VAR	Recommendation	PERM	Page No.	21
Location:	Bears Copse Plough Lane West End Waltham St Lawrence Reading RG10 0NN						
Proposal:	Erection of an agricultural barn (retrospective) as approved under planning permission 11/00341 (allowed on appeal) without complying with condition 1(use as agricultural purpose only) to remove the condition						
Applicant:	Mr Hall	Member Call-in:	Cllr Mrs Maureen Hunt	Expiry Date:	29 July 2016		
<hr/>							
Item No.	3	Application No.	16/01919/FULL	Recommendation	PERM	Page No.	27
Location:	Berkshire Henley Kent Somerset Sussex And Wiltshire Lodges Courtlands Maidenhead						
Proposal:	Raising of roof to provide 11 flats comprising 10 No. one bedroom flats at Berkshire Lodge, Kent Lodge, Somerset Lodge, Sussex Lodge and Wiltshire Lodge (2 flats each) with associated bin and recycling storage and 1 No. two bedroom flat at Henley Lodge with new staircase enclosure to replace existing open stair, and front balustrade, railings and canopies to existing flats at Henley Lodge.						
Applicant:	G4D Consulting Limited	Member Call-in:	Not applicable	Expiry Date:	19 September 2016		
<hr/>							
Item No.	4	Application No.	16/02209/OUT	Recommendation	REF	Page No.	45
Location:	Thames Auto Sales Oldfield Road Maidenhead SL6 1TH						

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 1

Application No.:	16/01449/FULL
Location:	Kingfisher Cottage Spade Oak Reach Cookham Maidenhead SL6 9RQ
Proposal:	Replacement dwelling
Applicant:	Mr Backshall
Agent:	Mr Trevor Bownass - Trevor Bownass And Co
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for a replacement dwelling, which would be materially larger than the existing house to be demolished. It therefore represents inappropriate development which, by definition, is harmful to the Green Belt. Due to its scale and height it would also result in the actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt namely 'to assist in safeguarding the countryside from encroachment'. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal. In combination with adjoining development this proposal would lead to the further loss of space and views between buildings that would erode the open character and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general.
- 1.2 The proposal is considered to pass the Sequential Test, but fails the Exception Test as the scheme proposes the use of voids to mitigate the flood risk. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
- 1.3 The proposal represents a good quality approach in design terms which is sited such that there would not be a loss of light or privacy nor would there be an overbearing impact arising to the detriment of the amenity of neighbouring properties. It should be noted that the adjoining property, Linger In, is the subject also of an application for a replacement dwelling (16/02624) reported elsewhere on this agenda.

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 represents inappropriate development in the Green Belt which by definition is harmful to its openness and would conflict with one of the purposes of the Green Belt. The applicant has failed to demonstrate that any Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other significant harm identified in subsequent reasons for refusal.
2.	The submitted Flood Risk Assessment does not demonstrate that the scheme meets the requirements of the Exceptions Test: the scheme proposes the use of voids to mitigate the flood risk but these are not acceptable as the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The finished floor level has not been set above the 1 in 100 year event plus climate change.

2. REASON FOR PANEL DETERMINATION

- The Head of Planning and Lead Member consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site is currently occupied by a bungalow which is set back from the edge of the River Thames. The property forms part of a row of residential development along Spade Oak Reach where properties vary in age, design and size. The River Thames is to the north-west and open fields lie to the south and south-east of the site, beyond that is Winter Hill. The site lies in the Green Belt, Flood Zone 3, in an Area of Special Landscape Importance and within the Setting of the River Thames

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal is for the erection of a contemporary style, detached, two-storey house following the demolition of the existing bungalow. The application site shares a vehicular access from Spade Oak Reach with the neighbouring property, Linger In. There is no relevant planning history for the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 9 and 10

Royal Borough Local Plan

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

	Within settlement area	Highway and Parking
Local Plan	GB1, GB2, GB4, DG1, N1, N2, F1	T5, P4

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

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

- Cookham Village Design Statement

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- Interpretation of F1
- Landscape Character Assessment
- 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 In principle, whether the proposed development is inappropriate development within Green Belt
- ii The effect of the proposed development on the purposes of the Green Belt, its openness, its visual amenity and the appearance of the surrounding countryside
- iii Flood Risk
- iv Design and Appearance
- v Highway Safety and Parking
- vi Impact on Neighbouring Amenity
- vii Planning Balance and the Case of Very Special Circumstances

Green Belt

Appropriate Development

6.2 The site lies within the Green Belt with the fundamental aim to keep land permanently open as set out in paragraph 79 of the NPPF. Paragraph 89 of the NPPF indicates that with some exceptions the construction of new buildings is inappropriate development in Green Belt. The exceptions include the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. Local Plan Policy GB1 is largely in compliance with the NPPF stating that residential development may be appropriate development in accordance with GB3, which states a general presumption against proposals for residential dwellings except for proposals relating one-for-one replacement of an existing dwelling which is not materially larger.

	footprint	Floor area
Original dwelling (existing)	95.37 sq.m.	95.37 sq.m.
proposal	195 sq.m.	250 sq.m.
Percentage increase	105%	163%

6.3 In this case, while the proposal is for residential use in comparison the floor space of the original house measures approximately 95 square metres while the floor space of the proposed house measures some 250 square metres, which is 163% increase on the original dwelling. As such, the proposed dwelling is considered to be materially larger and therefore considered to be inappropriate development within the Green Belt. By reason of inappropriateness and in accordance with paragraph 88 of the NPPF the weight against the proposed development is substantial.

Purpose and Open Character of Green Belt

6.4 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belt are their openness and their permanence, while Local Plan policy GB2 states that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt or purposes of including land in the Green Belt.

6.5 As inappropriate development in the Green Belt, the proposal is by definition substantially harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. In terms of actual openness the proposal is considered to be materially larger than the existing house on the site. Whilst the existing

bungalow has a roof which is prominent in views from the road and longer views the proposed dwelling would 8 metres in height from ground level compared to the existing at approximately 6.5 metres. The ridge would run front to back, the increase in depth of the property by 9 metres eroding the opportunity for views around it and between it and the neighbouring properties. It is therefore considered that there would be a reduction in openness. The Panel should note that this would be further exacerbated should permission be granted for the proposed replacement dwelling at Linger In.

- 6.6 In accordance with paragraph 88 of the NPPF the encroachment into the countryside and loss of openness should be given substantial weight.

Flood Risk

- 6.7 The proposal is sited in Flood Zone 3 where there is a high risk of flooding. Generally Policy F1 of the Local Plan would allow a 30 square metre increase in footprint per site located in the floodplain. The proposal increases footprint by 100 square metres. The National Planning Policy Framework requires the following tests to be applied in this case.

Sequential Test

- 6.8 As the proposal is for the demolition of the existing house and erection of a replacement dwelling, it is considered that the Sequential Test is passed 'de facto' as finding an alternative site is not likely to be a realistic option. As a more vulnerable development in Flood Zone 3 it follows that the proposal would need to pass the Exception Test in accordance with the NPPF.

Exception Test

- 6.9 To pass the Exception Test the development must provide wider sustainability benefits to the community that outweigh flood risk and the applicant should 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 will reduce flood risk overall.
- 6.10 In line with the NPPF Local Plan policy F1 states that within an area liable to flood, proposals must not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding.
- 6.11 The submitted Flood Risk Assessment (FRA), dated July 2016, fails to demonstrate safe access or egress for the existing dwelling but it is noted that there is no safe access or egress from the existing dwelling. As such it is not considered reasonable to refuse the proposal on this basis. It is, however, considered reasonable that applicants investigate how risk associated with flood risk can be reduced. In this respect, the FRA estimates a flood level of 27.37 AOD during the 1 in 100 year event plus Climate Change: the ground level on site is on average at 26.2 metres. The FRA estimates a flood depth on site in a 1 in 100 year event plus climate change event to be 1.2 metres. The FRA states that it is proposed that the proposed ground floor levels of the building would be 27.7 AOD which raises it 1.5 metres above the average ground levels on site.
- 6.12 The Environment Agency response points out that FRA makes reference to the 'old' climate change allowances. The FRA for the adjoining site estimates a flood level of 27.81m AOD which is based on the new EA guidance. Consequently, as proposed, the underside of the void is not set higher than the 1 in 100 year plus climate change and the ground floor of the building would be liable to flood in such an event. This is not acceptable. Whilst the submitted FRA recommends that the proposal incorporate flood resistant and resilience measures where practical to mitigate the situation, none are illustrated in the submission.
- 6.13 To demonstrate to the satisfaction of the local planning authority that the development will be safe for its lifetime taking account of the vulnerability of its users, the submitted FRA is also expected to show that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event. In this regard the FRA states that an evacuation plan should be prepared but that residents should only evacuate their property into floodwater when instructed to do so by the emergency services.

- 6.14 In terms of floodplain compensation the FRA states that the proposed building would be raised on pier foundations above the 1 in 100 year plus Climate Change flood level, the Environment Agency response states that this will not be the case and therefore it has not been demonstrated that the development does not remove flood storage capacity. In addition, the supporting text to Policy F1 of the Local Plan advises that the use of pier foundations (voids) will not be acceptable as a means of overcoming an objection to a proposal on the grounds of loss of flood storage capacity. The Environment Agency has objected on the basis that the design of the proposed voids covered in mesh would be prone to being blocked by debris which would impede the free flow of water and the openings to the voids do not extend from the existing ground level of above the 1 in 100 year plus climate change. Additionally 1 metre wide openings should be provided in every 5 metres length of wall on all sides which is not clear from the plans whether this is the case due to the mesh proposed. Overall, it has not been demonstrated that the development will not increase flood risk elsewhere. It is also considered that the FRA fails to demonstrate wider sustainability benefit to the community, with no reference made with the exception to policy. As such the proposal fails the Exception Test, and accordingly the proposal is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Local Plan.

Design, Appearance and Amenity

- 6.15 The site lies within an Area of Special Landscape Importance, the Setting of the River Thames, and the Council's Landscape Character Assessment identified Spade Oak Reach as an area of 'Settled Farmed Floodplain' with the river edge having a diverse and natural character which is often quiet and remote in character. Paragraph 10.2 of the Cookham Village Design Statement (VDS) states that the properties of Spade Oak Reach, which has extended from the historic core of the Cookham settlements, were originally weekend retreats for boat owners and of simple build. This acknowledged their seasonable use and flood risk. To an extent these have now been replaced by more durable homes. The Landscape Character Assessment states that the character of these developments of generously spaced detached and housing has largely been unsympathetic to the local vernacular and leads to a chaotic composition of materials and buildings styles. It is considered that the dwellings on Spade Oak Reach are mixed in appearance, but still on the whole modest in size. The Cookham VDS advises that replacement development should in general avoid having a greater impact on the riverside environment than the existing and key consideration should be scale and bulk of the proposal. In assessing the suitability, regard should be had to the size of the existing building, the nature of the surrounding area including the character of nearby properties.
- 6.16 The Landscape Character Assessment notes the openness of the river in Cock Marsh, where Spade Oak is located. The Cookham VDS further states that riverside properties should not be overbearing within their plot and the retention of views between properties are particularly important to the character of the area. To retain these views the Cookham VDS recommends that a minimum of 1.5m or one sixth of the plot width to each side of a property, whichever is greater, should be kept open as a minimum. Properties should also be set well back in their plots where possible, providing for generous green spaces between the river and the property. The proposal is offset from the flank boundaries by 2.5m to the Niche and 7m to Linger In, and a 12m set back from the riverside.
- 6.17 The proposal is of a contemporary style incorporating large glazed sections set in walls to the front (river) and rear (Spade Oak) with larch cladding to all elevations. The first floor accommodation has been set into the roof with Velux roof lights providing daylight. It is considered that the simple contemporary approach to the design is in keeping with the special character of Spade Oak, the River Thames and wider locality as identified in the Council's Landscape Character Assessment and Cookham Village Design Statement. The proposal therefore accords with Local plan policies DG1, N1 and N2.
- 6.18 Core Principle 4 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of buildings. The proposal would be located approximately in the same location as the existing house. The front door to the property will be set in the side elevation facing Linger In and will include habitable room windows facing across the (front) garden of the adjoining property. There is a 1.8m fence shown to the boundary but due to the height of the ground floor the windows would be at least 2.4 metres above ground level with a view over the fence; there is some existing planting which will interrupt views. In addition this neighbouring garden is relatively

open to Spade Oak with limited privacy as a result. These side facing windows are not therefore considered to result in a significant loss of privacy.

- 6.19 In the west elevation of the proposed dwelling, facing the Niche, are three ground floor windows and a Velux rooflight to be used as a means of escape. This means that the rooflight is set 1.08m above internal floor level which would allow views down out of it to the neighbouring property boundary. The only window at first floor level in the Niche is a small window to a Shower Room which is high level. The relationship between the two windows is off set and therefore considered to be acceptable. In the ground floor side elevation of the Niche is a study window and a side door to a utility room. The study window is located such that there is inter-looking between it and the proposed side window to bedroom 2. Both the existing study and the proposed bedroom 2 also have front facing windows there is not an issue over loss of light as they are secondary windows. If the scheme were considered acceptable a condition would be imposed to seek obscure glazing to the secondary window to bedroom 2 located in the side (west) elevation to avoid a loss of privacy.

Highway Safety and Parking

- 6.20 Spade Oak is a private Road that is accessible off Winter Hill. In relation to parking a 4 bedroom dwelling would require the need for 3 parking spaces: whilst there is sufficient room to accommodate this number of vehicles on site there is no plan submitted to show how this would be laid out or how it relates to the shared access arrangements with Linger In. Should permission be granted then this could be covered by a condition requiring a plan to be submitted; any hardstanding to be laid should be permeable material.
- 6.21 In terms of cumulative trips arising from the proposal, it is unlikely that there would be a change in vehicular activity.
- 6.22 For the reasons above the proposal is considered to comply with policies T5 and P4.

Planning Balance and the Case of Very Special Circumstances

- 6.23 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). Therefore the main issue is whether by reason of inappropriateness and any other harm is clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development.
- 6.24 The planning statement makes a case for VSC based on two matters. The first is that the dwelling would be built to Code 5 of the Code of Sustainable Homes. Whilst this used to be a planning consideration Government has moved it into the arena of Building Regulations and it is no longer a material planning consideration. The statement recognises the Code has been withdrawn but still seeks to rely on it. Development is expected to be built to the Building Regulations applicable at the time of the commencement of development and as such this is not considered to be a Very Special Circumstance.
- 6.25 The second is a comparison of the application scheme against other developments in the Green Belt within the Borough. Whilst each application has to be assessed on its own merits it is possible to create a precedent in planning when there are sites with very similar characteristics and constraints such as this one and the adjoining site at Linger In. The application for a replacement dwelling on that site has not been referenced but others in the vicinity have: but what has been consented previously is not a precursor for proposals which do not comply with the Development Plan or National Planning Policy. This is not considered to be a Very Special Circumstance, to accept it as such would be to acknowledge that a precedent may have been set generally for replacement dwellings which can be materially larger than the original dwelling without making a case for Very Special Circumstances such as to weaken local policies designed to protect the Green Belt.
- 6.26 The NPPF requires a balancing exercise of benefits against harm. Substantial weight is given against the development by reason of its inappropriateness, conflict with the purpose of the Green Belt, and harm to openness. Significant weight is also given against the proposal in terms

harm to the character and appearance of the special character of the street scene and river scene, and to the failure to comply with Policy F1 in particular the potential reduction in capacity of the flood plain and the increase in flood risk elsewhere. The proposal does not pass the Exceptions Test. There is no harm to amenity and an acceptable level of parking provision and no harm to highway safety, but compliance with Local Plan policies DG1, P4 and T5 is a requirement and would have to be met unless there are material considerations otherwise. Overall, the proposal would result in significant and demonstrable harm that is not outweighed by its benefits.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy (CIL) contribution. The required CIL payment for the proposed development would be based on the net increase of floorspace at a chargeable rate of £240 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site. No letters of representation were received.

Other Consultees

Consultee	Comment	Where in the report this is considered
Local Highway Authority	A 4 bedroom dwelling would require the need for 3 parking spaces which can be accommodated in the curtilage as can cycle storage and refuse storage. There would be no significant change in vehicular activity.	6.20-6.22.
Environmental Protection	No objection subject to recommended condition and informatives.	Noted.
Cookham Parish Council	No comment.	Noted.
Environment Agency	Objects to the application and recommend refusal.	Para. 6.12-6.14.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed 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 not been successfully resolved.

10. RECOMMENDED FOR REFUSAL FOR THE FOLLOWING REASONS

1. The proposal represents inappropriate development in the Green Belt which by definition is harmful to its openness and would conflict with one of the purposes of the Green Belt by eroding openness due to the increase in scale of the building. The applicant has failed to demonstrate that any Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other significant harm identified in reason for refusal 2. As such the proposal is contrary to Section 9 of the National Planning Policy Framework and to Policies GB1, GB2 and GB4 of the Local Plan.

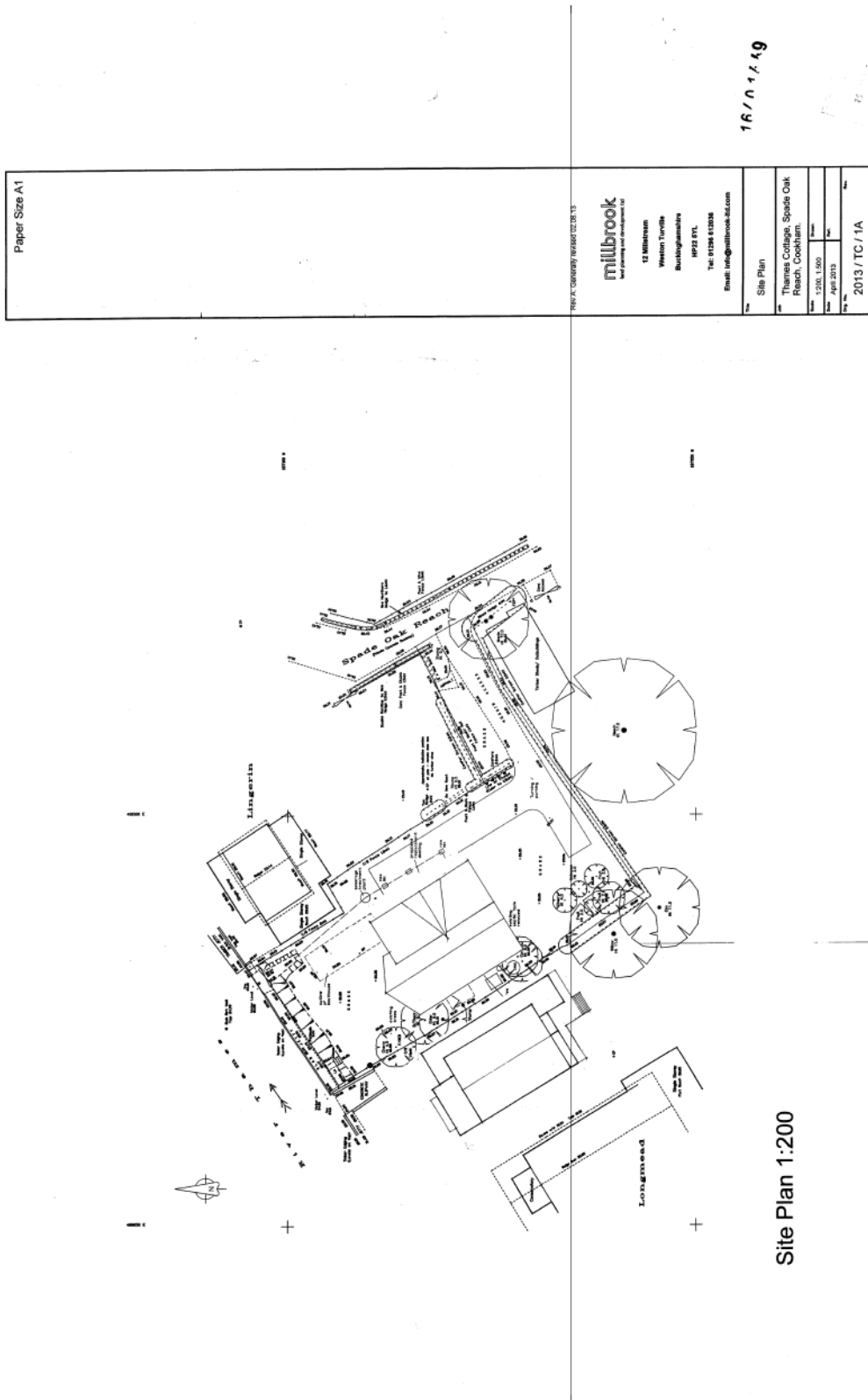
2. Whilst the proposal is considered to pass the Sequential Test, the submitted Flood Risk Assessment does not demonstrate that the scheme meets the requirements of the Exceptions Test: the scheme proposes the use of voids to mitigate the flood risk but these are not acceptable due to the design using mesh as the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded. The finished floor level has not been set above the 1 in 100 year event plus climate change, the property would be liable to flood and the capacity of the flood plain to store flood water would be reduced. It has not been demonstrated that the proposal would not lead to an increase in flood risk elsewhere. Furthermore the scheme has not incorporated flood resilience measures. As such the proposal fails the Exception Test, and accordingly the proposal is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Local Plan.

Site Location



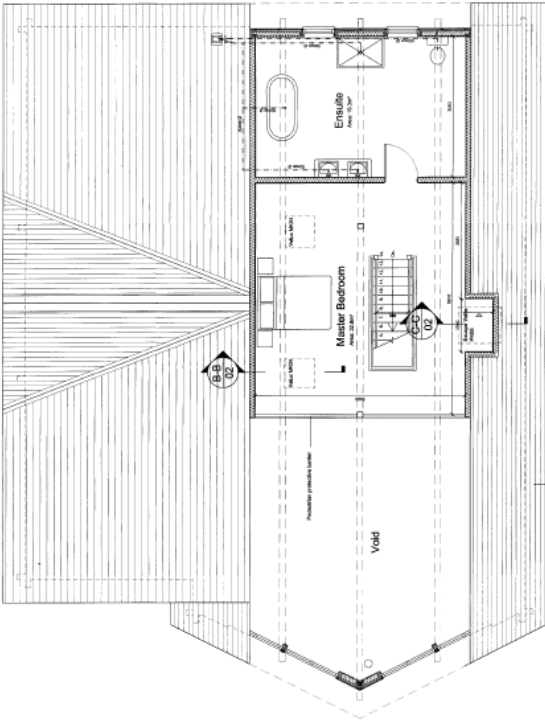
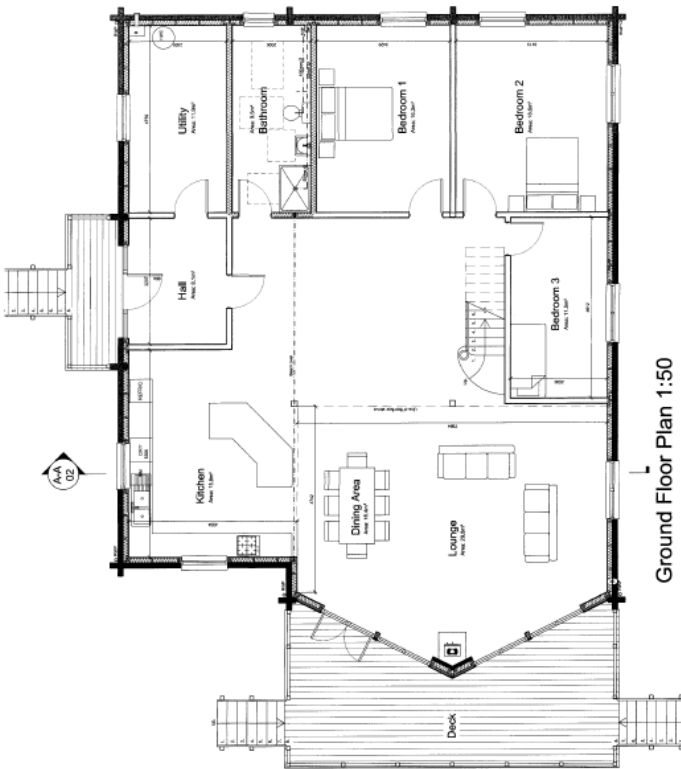
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Proposed Plans and Elevations

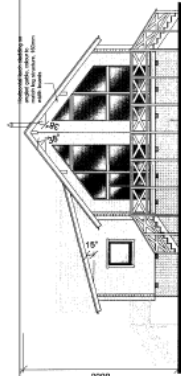


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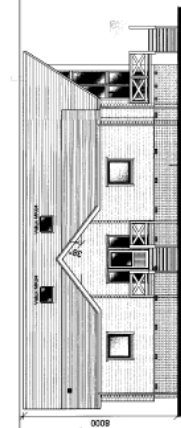
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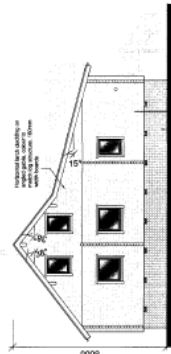
First Floor Plan 1:50



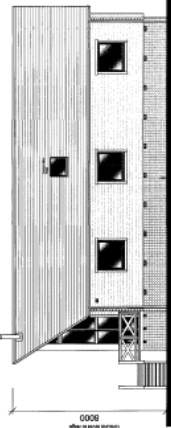
Front Elevation 1:100



Side Elevation 1:100



Rear Elevation 1:100



Side Elevation 1:100



Section B-B 1:50



Section C-C 1:50

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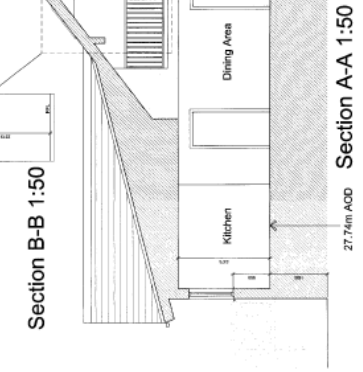
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16/03/15	ISSUE FOR PERMIT	JK	JK
16/03/15	ISSUE FOR PERMIT	JK	JK

KALM Design
 Chartered Architect
 45 Lugan Way,
 Mar of Oot, N7 0Z,
 Edinburgh, Scotland
 email: info@kalmdesign.co.uk

New large dwelling
 for Kouchon Lodge Homes Ltd.

PROJECT	NO.	DATE
16/03/15	16/03/15	16/03/15
16/03/15	16/03/15	16/03/15
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 2

Application No.:	16/01884/VAR
Location:	Bears Copse Plough Lane West End Waltham St Lawrence Reading RG10 0NN
Proposal:	Erection of an agricultural barn (retrospective) as approved under planning permission 11/00341 (allowed on appeal) without complying with condition 1 (use as agricultural purpose only) to remove the condition
Applicant:	Mr Hall
Agent:	Mr T Rumble
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams Ward
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 Based on the particular evidence available, there are no site-specific factors that constitute 'exceptional circumstances' that would make it necessary and reasonable to impose condition 1 requiring the barn to be used solely for agricultural purposes.

It is recommended the Panel grants planning permission with the conditions listed in Section 8 of this report:

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor M. Hunt if the application is to be recommended for approval at the request of the Parish Council with regard to the appeal decision. The condition was imposed by the Inspector and accepted by the applicant. Environmental impact concern regarding use of narrow rural Green Belt lane.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the south-west of the residential property of 'Bears Copse'. The area is characterised by open countryside with sporadic residential development.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
11/00341/FULL	Erection of an agricultural barn (retrospective).	Refused 06.04.11 Appeal allowed 05.03.12.
09/01356/AGDET	Notification of change of use from residential curtilage to agriculture and to determine whether prior approval is required to relocate an existing barn.	Approved 04.08.09.

- 4.1 The application seeks to remove condition 1 (use for agricultural purposes only) of 11/00341 (allowed on appeal).

5. EXPLANATION OF RECOMMENDATION

- 5.1 The key issue for consideration is whether condition 1 of 11/00341 (allowed on appeal) is reasonable and necessary.

- 5.2 Condition 1 states that: *“Notwithstanding the terms of the application, including the Design and Access Statement, the building hereby permitted shall be used for no other purposes than uses associated with agriculture.”* In terms of reasoning the Inspector concluded, at paragraph 37 that: *“For the removal of doubt it is also necessary to impose a condition restricting the use of the barn to uses associated with agriculture.”* At the time of the appeal decision on 05 March 2012, the Inspector considered that this restrictive condition was necessary in the circumstances.
- 5.3 Section 73 of the *Town and Country Planning Act 1990* allows an applicant to seek planning permission for the development of land without complying with a condition. Planning Practice Guidance (PPG) explains the approach that local planning authorities should take in relation to section 73 applications, at paragraph 31: *“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”*
- 5.4 The condition must be assessed against the test set out in the NPPF. The implementation of the NPPF postdates the Inspector’s decision in this case. Each of the tests must be satisfied each time a decision to grant permission subject to conditions is made. Paragraph 206 of the NPPF explains that: *“Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”* “Necessary” means that the condition must be required in order to make the development acceptable in planning terms. The National Planning Policy Guidance (NPPG), at paragraph 004 of the section ‘Use of Planning Conditions’, asks: *“Will it be appropriate to refuse planning permission without the requirements imposed by the condition? A condition must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms. If a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity.”* The local planning authority must therefore consider whether there is a ‘definite planning reason’ for the imposition of this condition.
- 5.5 NPPG advice is also particularly restrictive in relation to conditions restricting the future use of permitted development rights, advising at paragraph 17 of the section ‘Use of Planning Conditions’: *“Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use? Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area.”*
- 5.6 The Inspector’s reason for the imposition of the condition is found at paragraph 24 of the decision letter: *“As reasoned above there is no evidence to dispute that the barn was initially used solely for the purpose of agriculture. If the use is so restricted by condition and by upholding Appeal B the barn would not be inappropriate development in the Green Belt.”* It was therefore clearly contemplated by the Inspector that the limiting condition was necessary to make the development acceptable in Green Belt terms. This does constitute a ‘definite planning reason’ for the purposes of the NPPF. However, for exceptional circumstances to exist there needs to be a greater degree of harm than inappropriate development in the Green Belt alone.
- 5.7 In this case the use of the land for non-agricultural use would impact on openness and would conflict with one of the purposes of including land in the Green Belt, namely to assist in safeguarding the countryside from encroachment (as found by the Inspector in 2012, at paragraph 11). It is also noted that the Parish Council’s comments that the condition is considered ‘necessary’ due to the quiet residential location of the lane and the existence of the new flexible use class. However as established above, ‘necessary’ refers to planning considerations which would otherwise result in the refusal of an application, and are therefore necessary to make the application acceptable. Neither of those points would have that effect.

- 5.8 The original officer's report associated with application 11/00341 identified the main issues as being the impact on the character and appearance of the area (identified by the Inspector and conditioned) and the impact on the Green Belt (which as established above, is not sufficient to constitute exceptional circumstances in isolation). However, for exceptional circumstances to exist there would need to be firm and specific reasons, based on particular evidence which indicates how and what site-specific factors constitute 'exceptional circumstances' for the purposes of the NPPF. There is no such evidence in this case.
- 5.9 It is considered that condition 1 fails the test for necessity. Although it was considered necessary in 2012, since then the NPPF and NPPG have changed the recommended approach a local planning authority should take in relation to conditions restricting the future use of permitted development rights.
- 5.10 Overall and on balance, it is not considered that there are exceptional circumstances which would justify the condition and render it necessary.

6. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14th July 2016.

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

Comment	Where in the report this is considered
1. Should uphold the planning condition to avoid any opportunity for creeping business development.	5.5.

Consultees

Consultee	Comment	Where in the report this is considered
Waltham St. Lawrence Parish Council	<p>The Parish Council STRONGLY OBJECT for these reasons:</p> <p>1. The NPPF of March 2012 postdates the imposition of removal of PDR arising out of 09/01823 decision notice dated 3.11.09 and 11/00651/ENF issued 28.7.11. <i>Para 203 anyway refers to LPAs not to the Inspectorate.</i></p> <p>2. In para 37 of the 2012 Appeal decision the condition was imposed by the Inspector: <i>"for the removal of doubt it is also necessary to impose a condition restricting the use of the barn to uses associated with agriculture"</i>.</p> <p>3. Importantly in para 23 of the 2012 Appeal the appellant: <i>"was prepared to accept a condition restricting the use of the barn solely for purposes associated with agriculture"</i> (in order to retain the relocated barn).</p> <p>It is indeed 'necessary', 'relevant' and 'reasonable' to impose this condition in view of its Plough (i.e. agricultural) Lane quiet residential location and the new 'flexible' R uses class where B1 and B8 use would be especially objectionable. In addition, and relevant to a s.73 application, the view from the elevated footpath 13 would be severely compromised in that regard – as it is the tree planting condition on the northern boundary is incomplete after four years.</p>	5.1 – 5.9.

7. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

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.

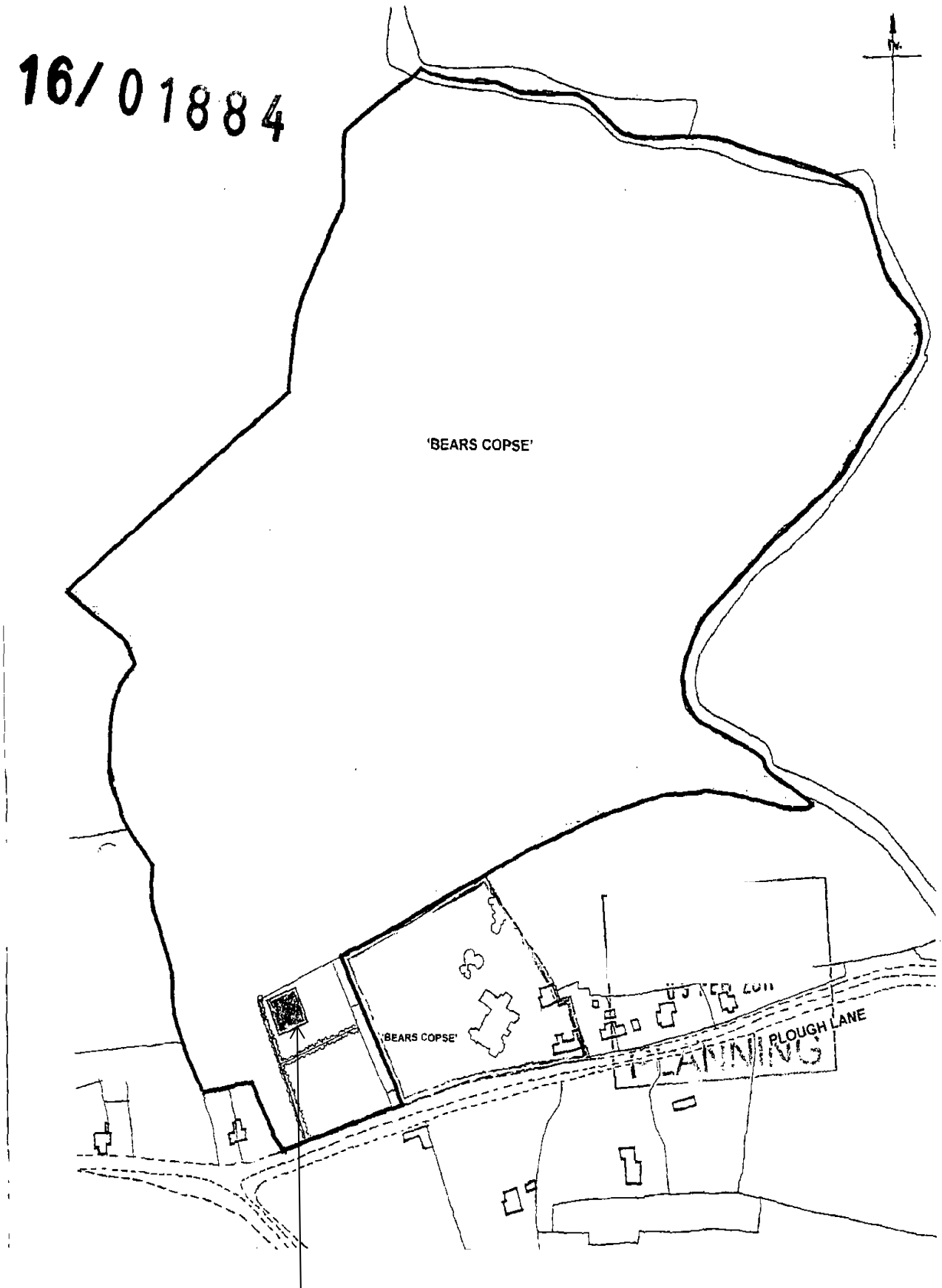
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have been successfully resolved.

8. CONDITIONS IF PERMISSION IS GRANTED

1. No conditions.

16/01884



Location of barn

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 3

Application No.:	16/01919/FULL
Location:	Berkshire Henley Kent Somerset Sussex And Wiltshire Lodges Courtlands Maidenhead
Proposal:	Raising of roof to provide 11 flats comprising 10 No. one bedroom flats at Berkshire Lodge, Kent Lodge, Somerset Lodge, Sussex Lodge and Wiltshire Lodge (2 flats each) with associated bin and recycling storage and 1 No. two bedroom flat at Henley Lodge with new staircase enclosure to replace existing open stair, and front balustrade, railings and canopies to existing flats at Henley Lodge.
Applicant:	G4D Consulting Limited
Agent:	Mr Alex Yearsley
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk
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1. SUMMARY

- 1.1 The proposal is for a form of development that is almost identical to a scheme allowed on appeal in 2014. That appeal decision is a material consideration to the current application.
- 1.2 The principle of the development is acceptable in this location and the proposal would not cause any harm to the amenities of any neighbours or the character and appearance of the area. The site is located in a highly sustainable location and no parking permits will be authorised to future occupiers by the Council (subject to a unilateral undertaking). The proposal will also contribute to the overall supply of housing in the Royal Borough. Accordingly, the proposal does not cause significant or demonstrable harm and is therefore considered acceptable.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission on the satisfactory completion of an undertaking to secure preclusion on future residents obtaining parking permits and with the conditions listed in Section 10 of this report.

To refuse planning permission if the undertaking referred to above is not completed by the 31 st January 2017 unless the Head of Planning and applicant have agreed an extension of time for the reason that the proposal would not create sustainable travel.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is comprised of six apartment blocks which are located within the Courtlands estate; these are Sussex Lodge, Kent Lodge, Somerset Lodge, Wiltshire Lodge, Berkshire Lodge and Henley Lodge. Courtlands is a rectangular road which loops around what is effectively a self-contained residential estate comprising a mix of apartment blocks and semi-detached dwellings, dating predominantly from the 1960s.
- 3.2 The apartment blocks are a mix of two and three storeys and are located mainly on the outer perimeter of Courtlands. There are also some two storey apartment blocks located within the central zone of the development. Sussex Lodge, Kent Lodge, Somerset Lodge, Wiltshire Lodge

and Berkshire Lodge are all identical three-storey blocks located on the outer perimeter of Courtlands. Henley Lodge is a smaller two-storey apartment block, also located on the outer perimeter.

- 3.3 Kent Lodge and Sussex Lodge are located next door to each other in the north-eastern corner of Courtlands. Berkshire Lodge, Wiltshire Lodge and Somerset Lodge are located in the north-western corner of Courtlands. All five buildings are identical and are constructed in a rustic red London multi-stock facing brick with a feature low level soldier course banding. The roofs are pitched and finished in clay tiles with lead work to the flashings and abutments, existing brick chimneys project beyond the roof line with clay chimney pots. The blocks are separated by single storey bin stores set between the lodges. A small area of soft landscaping is set to the front of the flats, laid to grass with a selection of small trees and shrubs with similar treatment to the rear along the boundary with Shoppenhangers Road.
- 3.4 Henley Lodge is a two-storey building located in the south-western corner of Courtlands. It too is constructed in a rustic red London multi stock facing brick, with a pitched roof finished in clay tiles. Parking for the whole of Courtlands is provided on-street and there are also two areas of garage parking in the inner part of the site, each containing two rows of 15 garages (60 spaces in total). The buildings within Courtlands are set within an attractive verdant environment.
- 3.5 The application site is on the outer-edge of Maidenhead Town Centre, just outside the Area Action Plan boundary. Maidenhead Station is located to the north-west of Courtlands on the opposite side of Shoppenhangers Road. Braywick Road lies to the north-west, Rushington Avenue to the south-east and Maidenhead Golf Club to the south-west. Residential properties lie to the west. The site is in a highly accessible area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves roof extensions to Sussex Lodge, Kent Lodge, Somerset Lodge, Wiltshire Lodge and Berkshire Lodge to provide an additional 10 residential flats. Each block will have a single-storey fourth storey extension to provide two additional 1-bedroom flats with a gross internal area (GIA) of 50m². The existing pitched roof will be removed and replaced with a mansard-type roof in a contemporary style. The height of the respective lodges will increase by approximately 1m.
- 4.2 The extension to Henley Lodge will comprise roof alterations to provide a third storey extension providing an additional 2-bedroom flat with a GIA of 68m². The height of the lodge will also increase by around 1m. Overall, the proposed development will provide an additional 11 residential flats.
- 4.3 There is no relevant planning history specific to the individual buildings that are the subject of this application. However, of relevance to the consideration is that planning permission was granted on appeal in 2014 for fourth storey extensions to Hampshire Lodge, Dorset Lodge and Devonshire Lodge, which are located on the north-eastern perimeter of the estate adjacent to Braywick Road, and for third storey extensions to Cookham Lodge and Marlow Lodge. The building works for this permission are currently underway and are expected to be completed by the end of this year.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6 and 7.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H10, H11	P4, T5

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development;
- ii The impact on the character and appearance of the area;
- iii The impact on the living conditions of neighbours;
- iv Parking provision;
- v Other material considerations; and
- vi The planning balance.

The principle of development

6.2 The application site is located within the built up area of Maidenhead wherein the principle of development is acceptable.

The impact on the character and appearance of the area

6.3 The area surrounding Courtlands has a very mixed character comprising a variety of uses, differing scales of development and two of Maidenhead's busiest roads. This contrasts with the inside of the estate where the residential development is largely enclosed and closely knit, comprising a set of distinct building types of uniform design sited around a ring road, within a pleasant green setting.

6.4 In February 2014, the Planning Panel refused permission for roof extensions to Hampshire Lodge, Dorset Lodge, Devonshire Lodge, Cookham Lodge and Marlow Lodge to form 8 flats, on the grounds that the additional scale would be harmful to the character and appearance of Courtlands, and the design and materials were of an industrial appearance harmful to the uniformed and residential appearance of Courtlands. An appeal was subsequently lodged with the Planning Inspectorate.

6.5 The Planning Inspector considered the main issue for consideration of the appeal to be the effect of the proposed development on the character and appearance of the surrounding area. In terms of the proposed fourth floors, the Inspector observed that each Lodge would be extended in the same way, commenting that "the proposed fourth floor would be of a similar height to each of the floors below it, and as such would harmonise with the existing residential appearance and proportions of the buildings. Furthermore, the extension of the brick walls to provide the fourth floor and the placement of windows and doors within them, would maintain the rhythmical pattern formed by the spacing of openings and walls in the building below."

6.6 The Planning Inspector acknowledged the cohesive character and appearance of Courtlands due to the simple design of the houses and flats, and the use of similar materials throughout the estate, and considered the additional fourth floors would maintain the balance and symmetrical appearance of the buildings. While the roofs would be constructed of curved metal, with a mix of brick, timber and render finishes to the walls, the Inspector considered that the presence of the extended brick walls and the terraces and the windows inset within the roof, would break up its mass. Although the metal would be a different material to those found on the estate it harmonises with buildings within the wider area. Accordingly, the Inspector found that the roof developments would not harm the character and appearance of the surrounding area and allowed the appeal.

- 6.7 The proposed roof extensions to Berkshire Lodge, Wiltshire Lodge, Somerset Lodge, Kent Lodge and Sussex Lodge are identical to the extensions allowed at appeal to Hampshire Lodge, Dorset Lodge and Devonshire Lodge. As such, for the reasons outlined in the appeal decision, the proposed fourth floors would not harm the character and appearance of the area. In addition, the third floor extension proposed to Henley Lodge is identical to the extensions approved at Marlow Lodge and Cookham Lodge (with the exception of the external staircase). These extensions are currently under construction and due to be completed by the end of this year, such that the development proposed by this application, when completed, will be in keeping with the majority of the Lodges within Courtlands.
- 6.8 Overall, the distinctive character and appearance of Courtlands would be maintained by the proposed development and therefore the proposal complies with Policies DG1 and H10 of the Local Plan and paragraph 58 of the NPPF.

The impact on the living conditions of neighbours

- 6.9 Henley Lodge is positioned in the south-west corner of Courtlands, set behind and angled away from the neighbouring semi-detached houses. The separation gaps between the flats and the houses will be largely maintained, with the exception of the proposed stair enclosure on the north-west side elevation which will be approximately 2m from the side boundary with 25 Courtlands. Given the siting and orientation of Henley Lodge, the new staircase will not cause loss of light to or appear overbearing when viewed from the neighbouring property. No loss of privacy will arise as a result of the new staircase enclosure. Neither the proposed changes to the front or rear of Henley Lodge, arising from the roof extension will cause loss of privacy to any of the neighbours.
- 6.10 The proposed fourth floor extensions will increase the overall height of relevant Lodges by approximately 1m, with front and rear facing windows as per the floors below. As such, none of these extensions will cause loss of daylight or sunlight to the neighbouring properties, nor appear overbearing or result in any loss of privacy.

Parking provision

- 6.11 Courtlands is an unclassified road maintainable at public expense which joins Shoppenhangers Road and connects to the local highway network opposite Maidenhead Railway Station. Both Courtlands and this section of Shoppenhangers Road form part of a 20mph zone. The 6.0m wide carriageway which serves residential properties in Courtlands is segregated by a narrow central reservation.
- 6.12 The Courtlands junction with Shoppenhangers Road is within a 20 mph zone which is enforced by traffic calming. Visibility splays at the junction will be as existing and these are more than adequate to meet the criteria as set out in advice given in Manual for Streets (20mph equates to minimum splays of 2.4m by 25m in each direction).
- 6.13 All of the public maintainable roads at Courtlands are subject to a residents parking scheme. The site is in a sustainable location being within a short walking distance of Maidenhead Town Centre with access to local services and amenities and is also located directly opposite one of the entrances to the Maidenhead Railway Station. Bus services can be accessed on Shoppenhangers Road nearby. As with the appeal consent, this latest proposal is for a car free development with no additional car parking being provided.
- 6.14 Cycle parking at a ratio of 1 space per unit is proposed within the stairwell areas between the respective flats, or in the case of Henley Lodge, on the stairwell apartments for all of the new residential units according to the Planning, Design & Access Statement (PDAS). The PDAS also states that there would be additional storage for bicycles on the terraces.
- 6.15 The applicant has confirmed their willingness to enter into a Unilateral Undertaking to secure preclusion on future residents/developer obtaining parking permits. Accordingly, the Highway Authority raises no objections to the proposal.

Other Material Considerations

Housing Land Supply

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

Affordable Housing

- 6.18 Affordable housing is not required in this case as the site area is less than 0.5 hectares and the scheme is for less than 15 units.

The planning balance

- 6.19 The principle of the development is acceptable in this location and the proposal would not cause any harm to the amenities of any neighbours or the character and appearance of the area. Furthermore the site is located in a highly sustainable location. The proposal will also contribute to the overall supply of housing in the Royal Borough. Accordingly, the proposal does not cause significant or demonstrable harm and is therefore considered acceptable.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £56,800.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

76 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 14th July 2016.

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

Comment		Where in the report this is considered
1.	There is no parking at Courtlands and it is unrealistic to think that people buying these flats will not have cars. Parking in the area is already chaotic and the unilateral undertaking will be unenforceable. More dwellings equal more cars. Parking should be for permit holders only 24 hours a day.	6.11- 6.15.
2.	Construction work will affect the rental income of the flats. Properties will depreciate in value due to overcrowding.	Not a planning matter.
3.	The design is inappropriate and out of keeping with the area.	6.5, 6.6.

4.	The proposal will have a significant impact on the light and privacy of 25 Courtlands. Loss of privacy to neighbour of Berkshire Lodge.	6.9.
5.	The development will have an overbearing effect on neighbours.	6.10.

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections.	Noted.
Lead Local Flood Authority	No objections.	Noted.
Trees	No objections subject to a tree protection (details to be submitted) condition.	Noted
Highways	No objections.	6.11 – 6.15

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed elevations – Sussex, Kent, Somerset, Wiltshire & Berkshire Lodges
- Appendix C - Proposed elevations – Henley Lodge
- Appendix D - 13/03481 Appeal decision

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

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

In this case the issues have been successfully resolved.

10. CONDITIONS IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. No development shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10.
3. No development shall take place until details of the soundproofing and insulation between the existing top floor and the new floor hereby approved have been submitted to and agreed in writing by the local planning authority. The details shall include any necessary ventilation measures to habitable rooms. The development shall be carried out as approved, and the soundproofing, insulation and ventilation measures shall be installed prior to the first occupation of the flats and retained thereafter.

Reason: In the interests of the living conditions of neighbours. Relevant Policy - NPPF Core Planning Principle.

4. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

5. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

6. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

7. Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

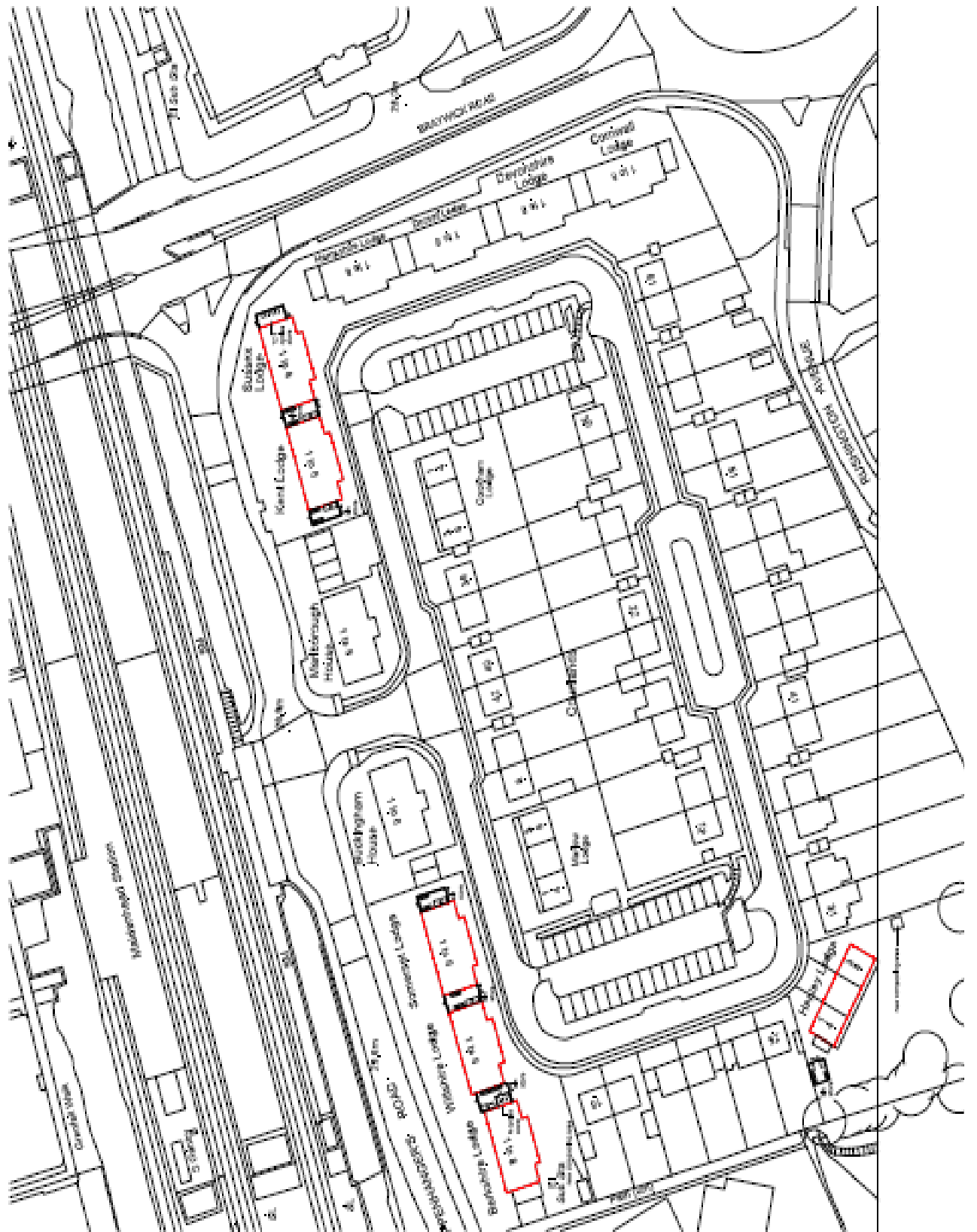
8. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

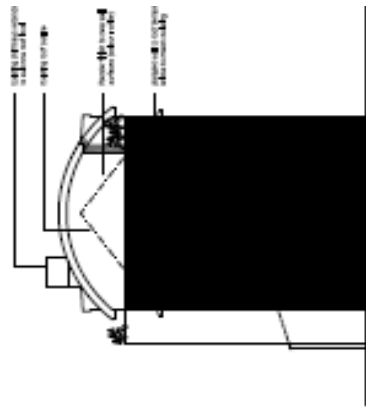
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

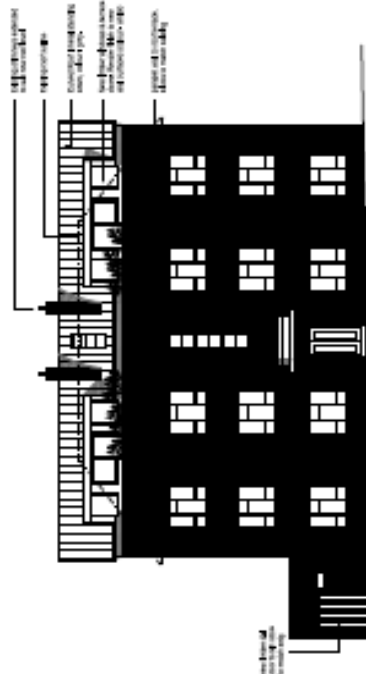
1. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
2. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
3. The granting of planning permission does not give the applicant/developer consent to carry out works on the public highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the Royal Borough of Windsor and Maidenhead - Streetcare Section, (telephone 01628 683804) before any work is carried out, this shall include for materials and skips which are stored within the highway extents, hoarding etc. A charge will be made for the carrying out of inspections and the issue of permits.

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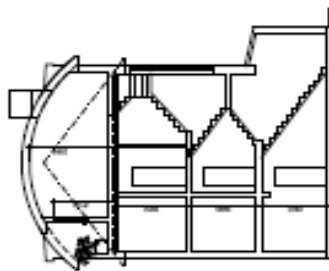




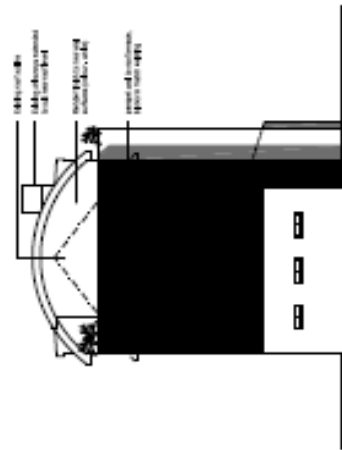
REAR ELEVATION



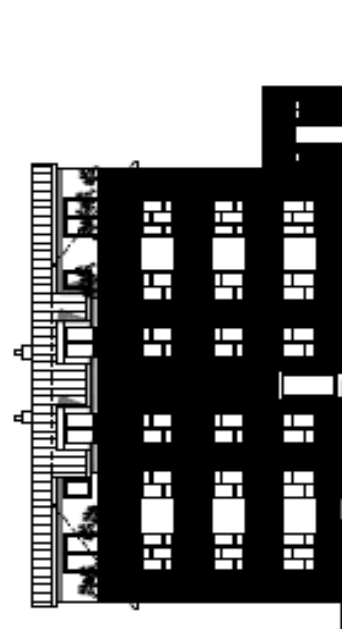
FRONT ELEVATION



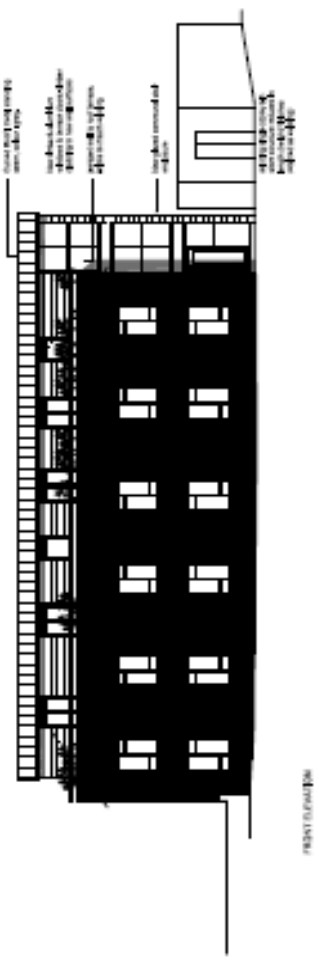
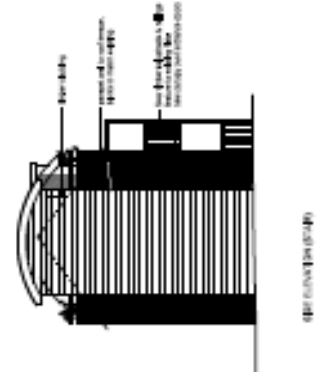
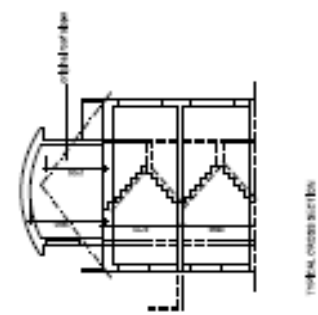
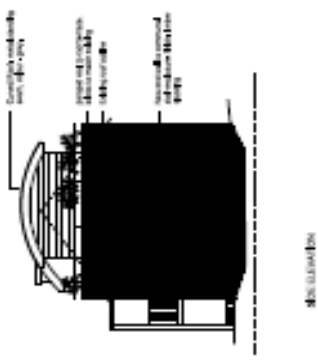
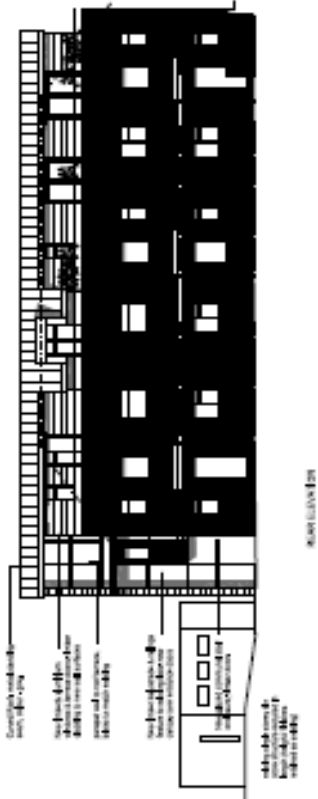
TYPICAL CROSS SECTION



SIDE ELEVATION



REAR ELEVATION





Appeal Decision

Site visit made on 16 September 2014

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 13 October 2014

Appeal Ref: APP/T0355/A/14/2221797

Hampshire Lodge, Dorset Lodge, Devonshire Lodge, Cookham Lodge, and Marlow Lodge, Courtlands, Maidenhead, Berkshire SL6 2PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Espinoza of Group One Investments Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 13/03481, dated 25 November 2013, was refused by notice dated 20 February 2014.
- The development proposed is roof development to provide 6 no, one-bedroom flats at Hampshire Lodge, Dorset Lodge, and Devonshire Lodge (2 flats each); and 2 no, two-bedroom flats at Cookham Lodge and Marlow Lodge (1 flat each), including associated bin and cycle storage.

Decision

1. The appeal is allowed and planning permission is granted for roof development to provide 6 no, one-bedroom flats at Hampshire Lodge, Dorset Lodge, and Devonshire Lodge (2 flats each); and 2 no, two-bedroom flats at Cookham Lodge and Marlow Lodge (1 flat each), including associated bin and cycle storage, at Hampshire Lodge, Dorset Lodge, Devonshire Lodge, Cookham Lodge, and Marlow Lodge, Courtlands, Maidenhead, Berkshire SL6 2PS, in accordance with the terms of the application, Ref 13/03481, dated 25 November 2013, and the plans submitted with it, subject to the conditions listed in the schedule attached to this decision.

Procedural Matters

2. The application form refers to the site address as being Hampshire Lodge. However, the site location plan and the application description refers to four other buildings where roof development works are proposed. The Council's Decision Notice and appellant's statement of case also refer to the other Lodges in the site address. With the agreement of both parties, I have referred to each building in the site address above as this more accurately describes the proposed development.

Main Issue

3. The main issue is the effect of the proposed roof development on the character and appearance of the surrounding area.

Reasons

4. The appeal properties lie within a residential estate to the south of Maidenhead railway station. Courtlands comprises a mix of flats and semi-detached houses of similar ages and styles. The houses are set back from the road behind front gardens, some of which provide off street parking. Surrounding the flats are open areas of grass. Access to the estate is from Shoppenhanger's Road, and the estate road forms a large loop, with the houses and flats positioned either side of it. To both ends of the loop are rows of garages bordered by a number of mature trees and shrubs. These garages provide further parking spaces in addition to the resident permit controlled parking on the estate road.
5. Apart from Marlow and Cookham Lodges, the blocks of flats are mostly positioned along the edge of the estate. Hampshire, Dorset and Devonshire Lodges are of brick construction under pitched tiled roofs. They are three storeys in height, and step gently uphill towards Cornwall Lodge. Taken together, they form a row of four similarly sized and designed blocks that overlook Braywick Road, which is a busy main road. Marlow and Cookham Lodges lie within the estate, and are a pair of two storey blocks of flats, bounded by semi-detached houses and the garage courtyards.
6. Although the proposed roof alterations would provide a fourth floor to Hampshire, Dorset, and Devonshire Lodges, they would not project significantly above the height of Cornwall Lodge. As each Lodge would be extended in the same way, the gentle step-up of each building to accommodate the slope of the land would be retained. The proposed fourth floor would be of a similar height to each of the floors below it, and as such would harmonise with the existing residential appearance and proportions of the buildings. Furthermore, the extension of the brick walls to provide the fourth floor and the placement of windows and doors within them, would maintain the rhythmical pattern formed by the spacing of openings and walls in the building below.
7. I appreciate that Courtlands has a cohesive character and appearance due to the simple design of the houses and flats, and the use of similar materials throughout the estate. However, the proposed fourth floor to Hampshire, Dorset and Devonshire Lodges would maintain their balanced and symmetrical appearance, including the retention of the existing chimneys. Whilst the roofs would be constructed of curved metal, with a mix of brick, timber and render finishes to the walls, the presence of the extended brick walls and the terraces and windows inset within the roof, would break up its mass. Moreover, these Lodges look out over Braywick Road to a large building of a modern design that has a curved metal roof. Whilst the metal would be a different material to those found on the estate, it would nevertheless harmonise with the buildings in the wider area.
8. The Council refused the planning application for the effect of the proposed fourth storeys on the character and appearance of the area, but within their appeal statement they also refer to the glazed stairwells to Marlow and Cookham Lodges. However, these would be set to one side of the existing buildings, and although constructed of timber, the provision of new and replacement balustrades, railings and door canopies would form a visual link between the existing and proposed development. Furthermore, as the alterations and extension of each Lodge would be the same, they would retain the symmetry of their appearance within the area.

9. Local residents are concerned that the impact of the proposed bin and cycle stores cannot be assessed. In the case of Devonshire, Dorset and Hampshire Lodges, the existing single storey links between them would be used to accommodate the bin and cycle storage. This would have little impact on the character and appearance of the area. The proposed cycle stores to Marlow and Cookham Lodges would be contained within the proposed stairwell. Whilst details of the new bin stores to these Lodges have not been provided, their proposed size and design could be controlled by condition to ensure they harmonise with both the area and existing stores within the estate.
10. I therefore find the proposed roof developments would not harm the character and appearance of the surrounding area. It would accord with the requirements of Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (LP), which require amongst other things, development in established residential areas to be compatible with an area's character and amenity. This would be consistent with an objective of the National Planning Policy Framework (the Framework) that seeks high quality design that respects the local character and distinctiveness of an area.

Other Matters

11. The appellant has submitted a signed and dated unilateral obligation for infrastructure and services contributions. LP Policy IMP1 requires development to make adequate provision for infrastructure, services and facilities both on and off site, whilst the Planning Obligations and Developer Contributions Supplementary Planning Document (2014) (SPD), sets out further detail for these requirements.
12. The Council have accepted the obligation as being satisfactory and meeting their requirements. From the evidence before me, including the Council's Case Officer report and appeal statement, LP Policy IMP1 and the SPD, I am satisfied that the agreement meets the three tests in the Community Infrastructure Levy Regulations (2010 as amended) and the requirements of paragraph 204 of the Framework. The required contributions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development.
13. The obligation also restricts the future occupiers of the proposed development from bringing a car into the estate and applying for a residents parking permit. This would address the concerns of many of the local residents who consider the proposed flats would increase car parking requirements within Courtlands. With the close proximity of the proposed flats to the railway station and the town centre, and the provision of cycle stores, there would be a variety of means of transport available to the occupiers of the proposed flats other than the private car.
14. Some of the existing occupiers of properties within the estate are concerned that the proposed flats would result in a loss of privacy, and that there would be increased noise and disturbance to the occupiers of the flats below. The proposed flats would be a sufficient distance away from neighbouring properties to maintain an acceptable level of privacy, whilst the provision of adequate noise and sound insulation could be controlled by condition. Concerns as regards structural issues, including whether the buildings could accommodate another storey, would be matters dealt with by other legislation.

15. Local residents are also concerned that the proposed flats would exacerbate drainage problems. However, in the absence of any technical substantiation to support the concerns of the residents, I have no evidence before me that there would be an unacceptable impact on drainage within the area.
16. Several residents have raised issue as regards ownership of the roofs, including its maintenance and compensation for the loss of the existing attic as storage space. However, issues of land ownership are a matter for the relevant parties to resolve, and I have not considered them in my assessment of the planning issues in this appeal.
17. I have considered the concerns of local residents that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the development plan and all other material considerations, as I have done in this instance.
18. Finally concerns regarding the Council's handling of the application relate to procedural matters and have had no bearing on my consideration of the planning merits of the case.
19. When taken either together or separately, none of these other matters would outweigh my findings as regards the main issue.

Conditions

20. The conditions suggested by the Council have been considered against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
21. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
22. To protect the character and appearance of the area, conditions have been imposed requiring samples of the materials to be used in the external surfaces and details of the refuse and recycling storage areas.
23. I have also imposed a condition requiring details of soundproofing, insulation and ventilation measures, to protect the living conditions of the occupiers of the flats below the proposed development.
24. Details to require the proposed flats to comply with Lifetime for Homes Standards, crime reduction, sustainable energy, water and materials measures have also been imposed to ensure that the proposed flats could meet the changing needs of their occupiers and provide safe, energy and resource sustainable and efficient homes.
25. In view of the car free nature of the development I have imposed a condition requiring the provision and retention of the secure cycle parking facilities. Finally, I have also imposed a construction management plan condition for the development works to protect the free flow of traffic in the area and the living conditions of nearby residents.

Conclusion

26. For all the reasons given above, I find that the proposal would accord with the relevant policies of the development plan, and that there are no material considerations of sufficient weight to warrant a determination other than in accordance with those policies. I therefore conclude that the appeal should be allowed.

J J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 1304-4-P-95; 1304-4-P-100; 1304-4-P-110; 1304-4-E-210; 1304-4-E-201; 1304-4-E-200; 1304-4-P-101; 1304-4-E-211; 1304-4-E-202; 1304-4-E-203; and 1304-4-P-102.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with these approved details.
- 4) No development shall take place until details have been submitted to and approved in writing by the local planning authority of the compliance of the flats hereby approved with the Lifetime for Homes Standards. The development shall be carried out and retained in accordance with these approved details.
- 5) No development shall take place until details of sustainable energy, water and materials measures have been submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials, in accordance with the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document. The development shall be carried out and retained in accordance with these approved details.
- 6) No development shall take place until details of measures to minimise the risk of crime have been submitted to and approved in writing by the local planning authority. Any such measures shall meet the standards of Secured By Design. These approved measures shall be implemented prior to the first occupation of the flats hereby approved and shall be retained in accordance with these approved details.
- 7) No development shall take place until details of the soundproofing and insulation between the existing top floor and the new floor hereby approved has been submitted to and agreed in writing by the local planning authority.

The details shall include any necessary ventilation measures to habitable rooms. The development shall be carried out as approved, and the soundproofing, insulation and ventilation measures shall be installed prior to the first occupation of the flats and retained thereafter.

8) No development shall take place until details of the refuse and recycling storage areas, including soft landscaping, to Cookham and Marlow Lodges has been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with these approved details, and the flats shall not be occupied until such facilities have been provided.

9) No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the details shown on the approved drawings. These facilities shall be kept available for the parking of cycles in association with the development at all times thereafter.

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction process. The statement shall provide for:

- i. the provision for the parking and manoeuvring of vehicles of demolition and construction traffic, site operatives and visitors;
 - ii. the provision of facilities for site operatives and visitors;
 - iii. the loading and unloading of plant and materials;
 - iv. the storage of plant and materials used in constructing the development;
 - v. wheel washing facilities for vehicles leaving the site;
 - vi. measures to control the emission of dust and dirt during construction;
- and
- vii. a scheme for recycling / disposing of waste resulting from demolition or construction works.

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 4

Application No.:	16/02209/OUT
Location:	Thames Auto Sales Oldfield Road Maidenhead SL6 1TH
Proposal:	Outline application with access and layout considered and other matters reserved (appearance, landscaping and scale) for the erection of 9 flats.
Applicant:	Jonathan Dean Developments Ltd
Agent:	Mr David Howells
Parish/Ward:	/Oldfield Ward
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development would contribute to the supply of housing in the Royal Borough, making efficient use of accessible, previously developed land. There are no highway objections to the scheme.
- 1.2 However, the application site is located within an area where there is a high probability of flooding and, in the absence of a safe escape, would increase the number of people at risk. In addition, as the Council could not enforce the maintenance of the proposed voids, the building is likely to increase the risk from flooding elsewhere. Due to the building's close proximity to mature trees outside of the site, the standard of amenity for future occupants would be poor. Furthermore, a raised three-storey building in this location would detract from the character and appearance of the area.
- 1.3 Overall, the proposal would cause significant and demonstrable harm that is not outweighed by its benefits.

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 development fails the Exception Test and would increase the number of people at risk from flooding and increase flood risk elsewhere.
2.	The proposal would result in poor amenity for future occupants of the development.
3.	The proposal would harm the character and appearance of the area.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor D. Wilson irrespective of recommendation to review the type of development contained in Oldfield Road.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located within the built-up area of Maidenhead, on the east side of Oldfield Road immediately adjacent to a First Great Western railway bridge. The site is approximately 0.13 hectares and is currently occupied by a car sales business, such that most of the land is taken up by parked cars with a small office located in the south-east corner.
- 3.2 The area surrounding the site has a mixed use character and appearance. Immediately to the north is the Amber Centre, a two-storey building with B1(c) light industrial and B8 storage and

distribution use, plus car parking area. The residential area of Oldacres lies to the east of the site, with a heavily treed embankment rising up to the railway tracks to the south and Oldfield Road Industrial Estate on the opposite side of the road to the west.

- 3.3 The whole of the application site is located within Flood Zone 3, where there is a high probability of flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
04/00461/OUT	Erection of a two storey storage and distribution warehouse with ancillary parking (revision to approved 03/40374).	Refused 21.09.04. Allowed on appeal 05.05.05.
04/41736/FULL	Erection of a two storey storage and distribution warehouse.	Approved 27.07.04.
03/40374/FULL	Erection of a two storey storage and distribution warehouse with ancillary parking.	Approved 12.03.04.
02/38601/FULL	Replacement of car sales building and display area with new car showroom, associated parking, display area and landscaping.	Approved 25.10.02.
97/31247/OUT	Two storey day nursery with associated car parking for 20 cars.	Refused 10.11.98.

- 4.1 The application is in outline and seeks planning permission for a block of 9 residential apartments together with approval of the proposed access and layout. The building would be positioned in the southern half of the site with the northern half allocated to parking.
- 4.2 The Design and Access statement advises that the building would be three storeys in height with each apartment having two bedrooms. Two car parking spaces are proposed for each of the apartments, together with a communal garden area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

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	Flooding
DG1, H10, H11	P4, T5	F1

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

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

- RBWM Parking Strategy

More information on this document can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development and flood risk;
- ii The impact on the living conditions of neighbours and future occupants of the development;
- iii The impact on the character and appearance of the area;
- iv Highway implications and parking provision; and
- v The planning balance.

The principle of development and flood risk

6.2 The application site is located within the built up area of Maidenhead and represents previously developed land, the redevelopment of which is generally supported in planning to help achieve sustainable development. However, the site is also located in Flood Zone 3a, where there is a high probability of flooding and as such, the proposal (being classified as 'more vulnerable') is required to pass the Sequential and Exception Tests.

Sequential Test

6.3 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that the Strategic Flood Risk Assessment will provide the basis for applying this test. In this case, RBWM's 'Increased Scope SFRA and Sequential Testing of Sites' (published January 2014), considers there to be no alternative sites in areas of lesser flood risk than the application site, (which forms part of a larger site known as Land at Oldfield Road), and advises that development of the site is considered appropriate dependant on the outcome of the Exception Test.

Exception Test

6.4 For the Exception Test to be passed: 1) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and 2) 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, will reduce flood risk overall. Both elements of the test have to be passed for development to be permitted.

6.5 The NPPF states, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment it can be demonstrated that: 1) within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and 2) development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.6 In response to the first part of the Exception Test, the applicant advises that: 1) the site comprises sustainably located brownfield land within the urban envelope of Maidenhead with good access to sustainable modes of transport; 2) the redevelopment of the site with nine apartments will remove a non-conforming use from the boundaries of the adjacent residential properties and provide commensurate reductions in noise, disturbance and vehicle movements which will improve the living environments of the neighbouring properties accordingly; 3) the

proposals represent the opportunity to make efficient use of the land by replacing the commercial space with a sensitively designed residential scheme which accords with all of the Council's design policies; 4) it is extremely likely that the incoming residents would work in the local area or utilise the existing and forthcoming public transport connections e.g. Crossrail to access the surrounding areas; and 5) the potential occupants of the residential development would utilise the existing local goods and services within Maidenhead thus reinforcing the economic viability and vitality of the area.

- 6.7 The Council's SFRA under section 16.8 The Exception Test and in Table 4, sets out a number of issues specific to 'Employment areas to the east of Oldfield Rd' (which includes the application site), that "can be set against the first part of the Exception Test". These are: brownfield site; opportunity to make better use of the land; central location; housing opportunities for nearby business workers; opportunity for affordable housing/shared ownership; close to leisure and recreation facilities and; accessible by public transport, reducing the need to travel by car. With the exception of affordable housing/shared ownership, the proposal would contribute to all of the issues identified in the SFRA and, as such, passes the first part of the Exception Test.
- 6.8 The average level for the site is 23.55m AOD and the proposal would have a finished floor level of 24.86 AOD (representing a 300mm freeboard above a 1 in 100 plus climate change level of 24.56m). As such, the habitable floor space within the building would be above the flood waters and thus be resilient and resistant for its lifetime. Voids would also be provided under the building. Disposal of surface water from the development could be dealt with by a suitable SUDS scheme and the applicant proposes a site specific Flood Evacuation Plan in lieu of a safe escape.
- 6.9 The applicant's evacuation plan states that its aim is to facilitate and encourage full evacuation of residents in the event of a flood warning being issued. The Environment Agency provides details on the risks of remaining on site when a flood is occurring. At the development site, a flood is likely to be slow in rising but to persist for a number of days. If residents remain on site some of the risks they face are:
- No power or heat;
 - Lack of access to food and fresh water;
 - Lack of medical care;
 - Floating debris;
 - Electrical hazards;
 - Hidden trip and other hazards;
 - Lack of communication; and
 - Contaminated flood water (sewage, etc.).
- 6.10 If residents decide, at a later stage, to evacuate they would be at risk from the potential dangers associated with flood water. Currents can be deceptive and, shallow fast moving water can knock people off their feet. In the event of a flood, residents may not be able to see how deep the water is or other dangers like open manholes or ditches. Attempting to leave the site by car is also strongly advised against and contact with flood water should be avoided as it may be contaminated with sewerage, oil chemicals and other substances. To avoid these risks, the evacuation plan advises that all residents plan for evacuation in the event of flooding and that a management committee, comprising the residents of the site, appoint a representative to coordinate activities on-site during a flood. Section 2.8 of the plan advises that "residents should be aware that once flood waters restrict access to the site, the emergency services may not be able to provide assistance or aid."
- 6.11 National Planning Practice Guidance states "the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe. Even with defences in place, if the probability of inundation is high, safe access and egress should be maintained for the lifetime of the development". In this case, there is no evidence that the

proposal would not increase the burden on the emergency services in the event of a flood and the lack of safe access and egress is advised against.

- 6.12 The proposal would also increase the footprint of building on the site from 50 m² to 260m², this clearly exceeds the 30m² allowed under Local Plan policy F1. The proposal would involve the use of voids underneath the building however the supporting text to Policy F1 of the Local Plan advises that the use of pier foundations (voids) will not be acceptable as a means of overcoming an objection to a proposal on the grounds of Policy F1. In the past where this form of design solution has been allowed, problems have resulted from the inability of the planning authority to ensure that the voids beneath the building are not obstructed by domestic effects or by flood debris, because when this occurs the flow of flood water is impeded and /or the capacity of the flood plain to store flood water is reduced, leading to an increase in flood risk elsewhere.
- 6.13 Overall, it has not been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users furthermore the proposal would increase flood risk elsewhere. As such the proposal fails the Exception Test, and accordingly the proposal is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Local Plan.

The impact on the amenities of neighbours and future occupants of the development

- 6.14 The nearest residential property to the proposed building is No.25 Oldacres which lies approximately 23m away to the east. Given this separation distance, and the fact that the rear aspect of this property will remain largely open, it is not considered that the proposal would appear overbearing. In addition, because of the proposed building's position within the site and the separation distance, the development will not cause any loss of daylight to the neighbours. Sunlight is already restricted at the southern part of the neighbour's property due to the high and densely treed railway embankment; it is not considered that the proposal would cause any further loss of sunlight to the neighbours. Any windows proposed at first floor and above on the east side of the building would be assessed at the reserved matters stage to establish if there are any overlooking concerns. In summary, it is not considered that the proposal would harm the living conditions of any neighbours.
- 6.15 The proposal is for 6 two bedroom apartments arranged over three floors. The submitted site plan shows how the roof and general internal layout may work, acknowledging that the application is in outline with scale and design for a reserved matters application. Nonetheless, on the information provided it is considered likely that, due to the building's close proximity to the railway embankment to the south which is aligned with mature trees in excess of 15m high, the west and southern elevation and amenity space will be in permanent shade throughout the day. The proposed tree planting along the western, southern and eastern boundaries of the site will compound the shading issues and their retention beyond a 5 year landscape planting condition is unlikely.
- 6.16 The juxtaposition of the embankment trees and proposed building is unsatisfactory and would not meet the NPPF's core planning principle that development should always seek to secure a good standard of amenity for future occupants of land and buildings.

The impact on the character and appearance of the area

- 6.17 The area surrounding the site has a mixed use character and appearance; however buildings within the vicinity generally have two-storeys. The proposal would have three-storeys and be raised above the ground and is therefore likely to be in the region of 10m high. Although it would sit against the railway bridge to the south, it would be mainly viewed against its surroundings to the north. While scale and appearance are reserved matters, it is considered that a raised three-storey building in close proximity to the highway would appear dominant and incongruous and detract from the street scene. In addition, for the reasons set out in paragraph 6.15, it is unlikely that any meaningful landscaping along a large section of the western boundary adjacent to Oldfield Road is likely to be successful in establishing and softening the appearance of the development
- 6.18 Although the current use of the site is for car sales, the level of development is low. The proposal would involve a large area of car parking and a comparatively large, dominant building on site. It

is not considered that this would improve the character and quality of the area, and as such, would be contrary to paragraph 64 of the NPPF.

Highway implications and parking provision

- 6.19 The proposal utilises the existing access point off Oldfield Road. The Highway Authority has advised that this is acceptable provided visibility splays in both directions remain unobstructed. In addition, the proposed 18 car parking spaces, to serve the 9 two bedroom apartments, comply with the Council's current parking standards.
- 6.20 The Highway Authority has no objections subject to conditions relating to a construction management plan, parking and turning as approved and maintenance of visibility splays.

Other Material Considerations

Housing Land Supply

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

Affordable Housing

- 6.23 Affordable housing is not required in this case as the site area is less than 0.5 hectares and the scheme is for less than 15 units.

The planning balance

- 6.24 Weighing in favour of the proposed development is the fact that it would contribute to the supply of housing in the Royal Borough, making efficient use of accessible, previously developed land. Weighing against the proposal is that it would increase the number of people at risk from flooding, increase flood risk elsewhere, is unlikely to provide a good standard of amenity for future occupants and likely to detract from the character and appearance of the area.
- 6.25 Overall, the proposal is likely to cause significant and demonstrable harm that is not outweighed by its benefits.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution at the reserved matters stage.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.
The planning officer posted a statutory notice advertising the application at the site on 23rd August 2016.

1 letter has been received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. A three-storey building is not in keeping with the rest of the area and it will be intrusive to neighbours.	6.14, 6.17, 6.18.

Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections.	6.19, 6.20.
Trees	Adverse impact from trees along railway embankment on the proposed development. Potential adverse impact on trees along railway embankment from close proximity of the development – pressure to fell or prune trees, which make an important contribution to the character and appearance of the area.	6.15, 6.16. Trees are not covered by a TPO but are outside application site.
Environmental Protection	No comments received. Recommended conditions in relation to contaminated land.	Noted.
Environment Agency	Awaiting comments on submitted FRA.	To be reported in Panel Update.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site layout plan

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.

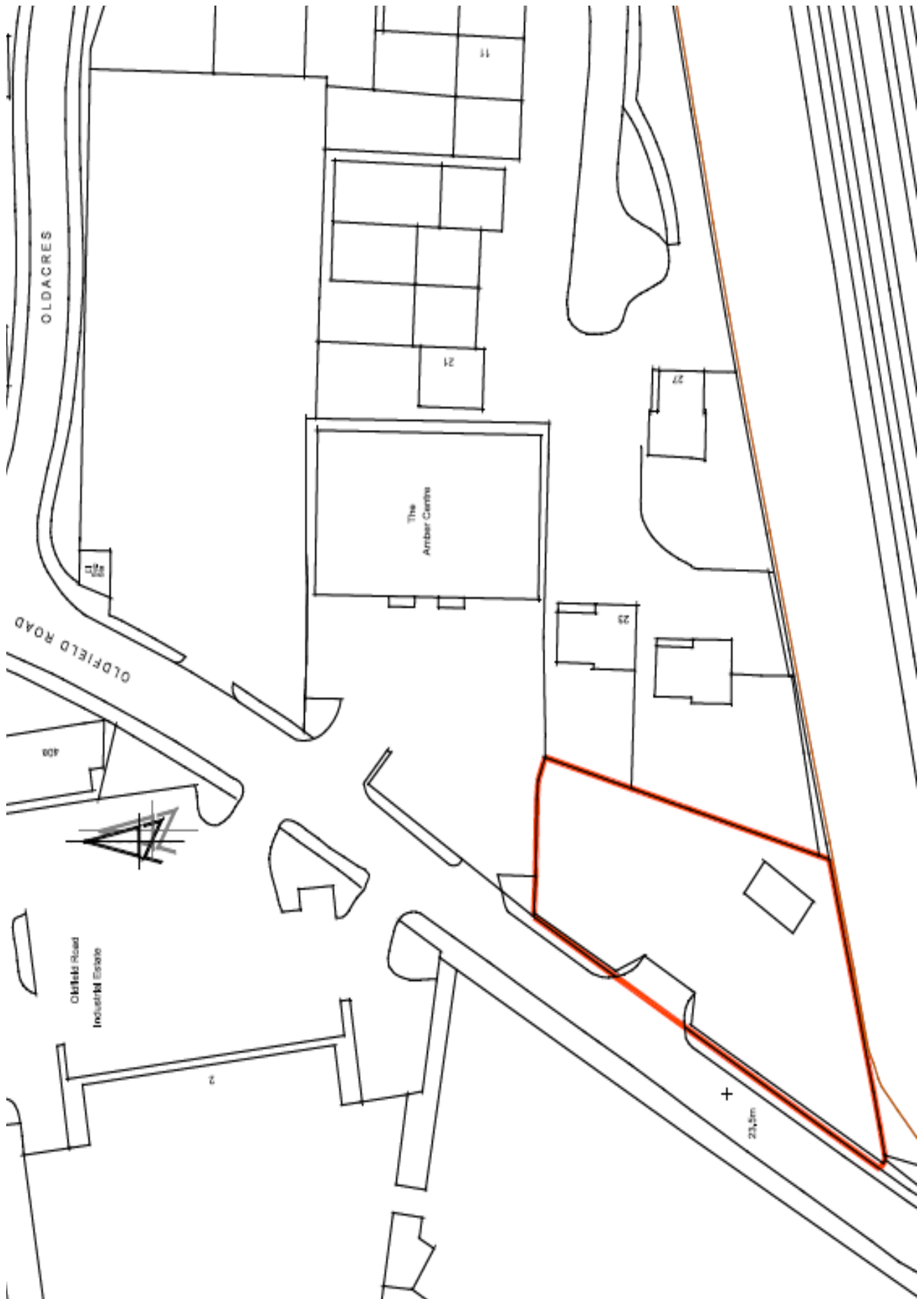
This recommendation is made following careful consideration of all the issues raised through the application process. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance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

In this case the issues have not been successfully resolved.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The application site is within Flood Zone 3a, an area at high risk from flooding, and is for a type of development that is classified as being 'more vulnerable'. In the event of a flood, a low hazard access and egress route would not be available to and from the development and it is therefore not safe and would increase the number of people at risk from flooding. In addition, the scheme proposes the use of voids to mitigate the flood risk. However, as the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. For these reasons the proposal fails the Exception Test and is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

2. Due to the building's close proximity to the railway embankment to the south which is aligned with mature trees in excess of 15m high, the west and southern elevations and amenity space will be in permanent shade throughout the day. The proposed tree planting along the western, southern and eastern boundaries of the site will compound the shading issues and their retention beyond a 5 year landscape planting condition is unlikely. Accordingly, the proposal is contrary to the NPPF's core planning principle that development should always seek to secure a good standard of amenity for future occupants of land and buildings.
3. The proposal by reason of its height and siting would appear dominant and incongruous in the street scene detrimental to the visual amenities of the area. As it would not improve the character and quality of the area the proposal is contrary to paragraph 64 of the NPPF.





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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 5

Application No.:	16/02503/FULL
Location:	New Britwell 3 Westmorland Road Maidenhead SL6 4HB
Proposal:	3 No. detached houses with off street parking following demolition of existing dwelling
Applicant:	Mr Potyka
Agent:	Mr Rickie Chambers
Parish/Ward:	/Boyn Hill Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The net gain of housing would be a clear benefit of the scheme by contributing towards the Council's housing needs and meeting the aims of national planning policy as set out in paragraph 47 of the NPPF.
- 1.2 The tandem form of development is considered acceptable given the house on plot 1 fronting onto Westmorland Road is comparable with neighbouring properties in terms of siting, height, width, depth, form and sense of space around the building. The two houses on plot 2 and 3 are sited on smaller plots, but there are examples of houses on smaller plots within the locality and the houses themselves sit comfortably within the plots. Their form design is conventional in nature and set back approximately 40m from the site frontage with Westmorland Road would not have a significant impact on the character of the streetscene and wider area. There are no undue concerns over residential amenity, parking and highway safety.

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

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Westmorland Road is a wide residential street of fairly large, detached houses of varied designs within spacious plots and set back from the road. The gardens include generous mature planting, which is reflected in the line of street trees along the eastern side of the road. The street therefore has a spacious, well-established and rather sylvan character and appearance. No. 3 Westmorland Road differs slightly in that it occupies a much smaller proportion of its plot and differs in its intrinsic design characteristics, although it is well screened from the road due to the substantial vegetation along the site frontage.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for 3 x 4-bed houses following the demolition of the existing dwelling, with 1 detached house fronting onto Westmorland Road and 2 detached houses to the rear in tandem, forming a backland development. There would be a new vehicular access serving all 3 dwellings.

Ref.	Description	Decision and Date
05/00810/FULL	Construction of 2 pairs of 2-bed semi-	Refused – 25.05.2005.

	detached houses with parking and new access drive.	Appeal Dismissed – 23.02.2006.
15/01516/FULL	4 detached houses with attached garages, new private access road following demolition of the existing dwelling.	Refused – 15.12.2015. Appeal Dismissed – 17.08.2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6 and 7

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H10, H11	P4, T5, T7

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Residential Amenity
- Highway Safety and Parking
- Other Material Planning Considerations

Principle of Development

6.2 There is no objection in principle to the loss of the existing dwelling and redevelopment for 3 houses. In the context of the stated aim to boost housing supply, a key element of national planning policy as set out in paragraph 47 of the NPPF, the gain in housing would be a clear benefit provided that there is no undue harm to the character and amenity of the area.

Impact on Character and Appearance of the Area

6.3 The NPPF attaches great importance to the design of the built environment and good design is indivisible from good planning. The NPPF states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. In accordance Local Plan policy H10 requires new residential development schemes to display a high standard of design and landscaping in order to create attractive, safe and diverse areas and where possible to enhance the existing environment. Policy H11 takes this further and 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. DG1 states that harm should not be caused to the character of the surrounding area through cramped development or the loss of important features which contribute positively to the area.

- 6.4 The previously refused scheme under 15/01516/FULL was deemed to be harmful to the character of the area due to the proposed layout when coupled with the uncharacteristic design and form of the proposed dwellings, in particular the two properties on the site frontage, which would result in a visually incongruous and cramped development that would diminish the spacious quality and character of this part of the street. The current proposal materially differs from the refused schemes with a single dwelling fronting onto Westmorland Road (plot 1) which is comparable with neighbouring properties in terms of siting, height, width, depth and form, including a hipped roof, instead of two narrower and taller frontage dwellings. It is noted that neighbouring properties are characterised by single storey elements attached to their flank walls while the house on plot 1 incorporates a two storey element, but given the set-back from the principle elevation of the main house (approximately 6.5m) and the set back from the road (14m) this is not considered to result in an intrusive or obtrusive feature detracting from the character of the house, the streetscene or wider locality. It is also considered that the spacious quality is maintained with the offsets from the flank boundaries. The two storey element is therefore considered to be acceptable in this instance. To ensure a satisfactory assimilation with the verdant character of the road it is recommended that landscaping and details of the front boundary treatment is secured by condition 4 and 5.
- 6.5 In looking at the backland development, it is important to consider that the previous application was refused and upheld at appeal on the combined harm of the proposed layout of the dwellings together with the uncharacteristic design. The Planning Inspector recognised that there are examples of other backland development in the locality, albeit mainly in the form of short cul-de-sacs with properties having a new street frontage. The proposed tandem development is therefore somewhat at odds with the prevailing pattern of development, but the resultant harm is not considered to warrant refusal on this basis alone. The two houses on plot 2 and 3 are sited on smaller plots, but there are examples of houses on smaller plots within the locality and the houses themselves sit comfortably within the plots. Their form of design is conventional in nature and they would be set back approximately 40m from the site frontage with Westmorland Road. As such they would not have a significant impact on the character of the streetscene and wider area.
- 6.6 On balance, the proposal is considered to meet the aims and objectives of the NPPF and Local Plan policies H10, H11 and DG1.

Residential Amenity

- 6.7 Core principle 4 of the NPPF provides that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, while Local Plan policy H11 states that planning permission will not be granted for schemes which introduce development that will cause damage to the amenity of the area.
- 6.8 The separation distance between the proposed dwellings and the house at Lawnfield to the north is considered to sufficiently mitigate any unreasonable harm in terms of loss of light or visual intrusion. There would be proposed flank windows directly facing Lawnfield, but serving habitable rooms on the ground floor and non-habitable rooms at first floor. Condition 10 requires these first floor windows to be obscure glazed and as such the proposal is not considered to result in undue overlooking. There would be oblique views into the garden at Lawnfield from front and rear windows of the proposed houses, but this is not considered so harmful to create unacceptable living conditions for the residents of Lawnfield given that such oblique views commonly exists between properties in a suburban area such as this.
- 6.9 The gardens of Boyne House and The Cottage, Boyndon Road, lie immediately beyond the eastern boundary of the site. There would be a back-to-back distance between the proposed houses on plot 2 and 3 and Boyne House and The Cottage of over 30m, and an approximate 11m distance from the proposed houses and the shared boundary. As such, there are no concerns over an undue loss of light, visual intrusion, or overlooking.

- 6.10 Woodstock on Boyndon Road lies to the south and the proposed house on plot 2 would be sited so that the rear elevation would be at an approximate 50 degree angle from the rear elevation of Woodstock at a distance of approximately 15m. This degree of separation and oblique relationship is such that the proposed house on plot 2 would not unacceptably comprise light levels or outlook for this dwelling. As with Lawnfield, there would windows facing Woodstock, but serving a habitable room on the ground floor and a non-habitable room at first floor. Condition 10 requires these first floor windows to be obscure glazed and as such the proposal is not considered to result in undue overlooking. Oblique views into their garden from rear windows are not considered so harmful to create unacceptable living conditions for the residents of Woodstock given that such mutual views are not uncommon in a suburban location such as this.
- 6.11 The house on plot 1 would be sited approximately 2m further forward than no. 5 Westmorland Road and the rear building line would not extend significantly further rearwards than the existing house at no. 5 Westmorland Road. It is therefore not considered to result in undue visual intrusion or loss of light to this neighbouring house. The proposed houses on plot 2 would be sited so the front elevation would be at an approximate 70 degree angle from the rear elevation of no. 5 Westmoreland Road at a distance of approximately 20m. This separation distance and oblique relationship is such that the proposed house on plot 2 would not unacceptably impact light levels/outlook for this dwelling. There would be oblique views from habitable rooms into their garden as a result of the new houses, but this is not considered so harmful to create unacceptable living conditions for the residents of no. 5 Westmorland Road.
- 6.12 The proposed living conditions of future occupants are considered to be acceptable. The internal shapes and sizes of rooms are adequate to function for residential uses, and habitable rooms would benefit from natural light, ventilation and outlook. Private amenity space to the rear is provided for each house. Concerns have been raised over the size of amenity space for the houses on plot 2 and 3, but measuring approximately 100sqm in size this is considered to be acceptable for a family dwelling.

Highway and Parking

- 6.13 Westmorland Road (an unclassified road) is an adopted residential street subject to a local 30mph speed restriction and is lit. Based on Manual for Streets principles visibility splays of 2.4m x 43m in each direction would normally be applicable. The footway adjacent to the site is 2.4m wide and the street itself is lined on its eastern-side with a significant number of lime trees. These trees inhibit clear visibility from the access, but this situation exists for many properties along Westmorland Road. In the decision letter dated 23 February 2006 in respect of an earlier appeal under 05/00810/FULL, the Inspector concluded that it would be appropriate to relax the normal requirement that visibility splays and that they should be kept clear of all permanent obstruction. As such, the proposed visibility at the proposed access is considered acceptable in this instance.
- 6.14 Each plot makes provision for at least 3 parking spaces to be provided in accordance with the Council's current parking standards, and acceptable turning space has been provided for cars and small delivery vehicles. 2 bin stores are also proposed. The bin store in front of plot 3 is over the permitted 25m carry distance for refuse collection from the public highway, but the applicant has confirmed that the bins will be taken to an acceptable location point on refuse collection days, which is considered acceptable.
- 6.15 The proposed redevelopment comprising 3 x 4-bed houses on this site is likely to generate between 16 and 24 additional vehicle movements per day, which is not considered to result in undue noise and disturbance.

Other Material Considerations

Housing Land Supply

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

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

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal is for a new residential development and would be liable for a Community Infrastructure Levy (CIL) contribution. The CIL payment for the proposed development would be based upon the chargeable rate of £100 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application and the planning officer posted a statutory notice advertising the application at the site on 18.08.2016.

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

Comment	Where in the report this is considered
1. Introduction of backland development which is inappropriate in this location, overdevelopment of the plot.	Para. 6.4 - 6.5.
2. Harm to brick boundary wall of 5 Westmorland Road and Woodstock, which is believed to be over 100 years old due to the proximity of the proposed houses on plot 2 and 3.	Not a material planning consideration.
3. No objection to the house on plot 1, which is more in keeping with the existing houses on the road, subject to dwarf or waist height brick boundary wall backed by shrubs, hedging or ornamental trees.	Para. 6.4.
4. House on plot 1 is too large and over dominant, and the roof design is not in keeping, thereby out of character with the rest of the road.	Para. 6.4.
5. Unusable parking spaces for plots 2 and 3, resulting in increase in parking pressure elsewhere and increase in highway danger.	Para. 6.14.
6. Inadequate amenity space, in particular as occupants will likely erect outbuildings for storage etc. which would reduce the amenity space.	Para. 6.12.
7. Inadequate bin storage.	Para. 6.14.
8. Houses on plot 2 and 3 would be overbearing on properties on Boyndon Road.	Para. 6.9 – 6.10.

Other Consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	The house on plot 1 is an improvement and in line with the existing detached houses on the street, but the houses on plot 2 and 3 are cramped with inadequate parking, turning area and amenity space.	Para. 6.4-6.5, 6.12, 6.14.
Local Highway Authority	No objection subject to conditions relating to access being constructed as approved, a construction management plan, parking and turning layout constructed as approved, and bin and recycling facilities to be constructed as approved, and informatives.	Agreed, condition 6, 7, 8 and 9.

Environmental Protection	No objection subject to informatives on construction noise, dust and smoke control.	Agreed, informatives 6, 7 and 8.
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed 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 NPFF.

In this case the issues have been successfully resolved.

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. No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11
3. No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
4. 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.
5. No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

6. 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 highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
7. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
8. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
9. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
10. The first floor window(s) in the north and south elevation of the house on plot 1, north elevation of the house on plot 3 and south elevation of house on plot 2 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
11. Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
12. The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

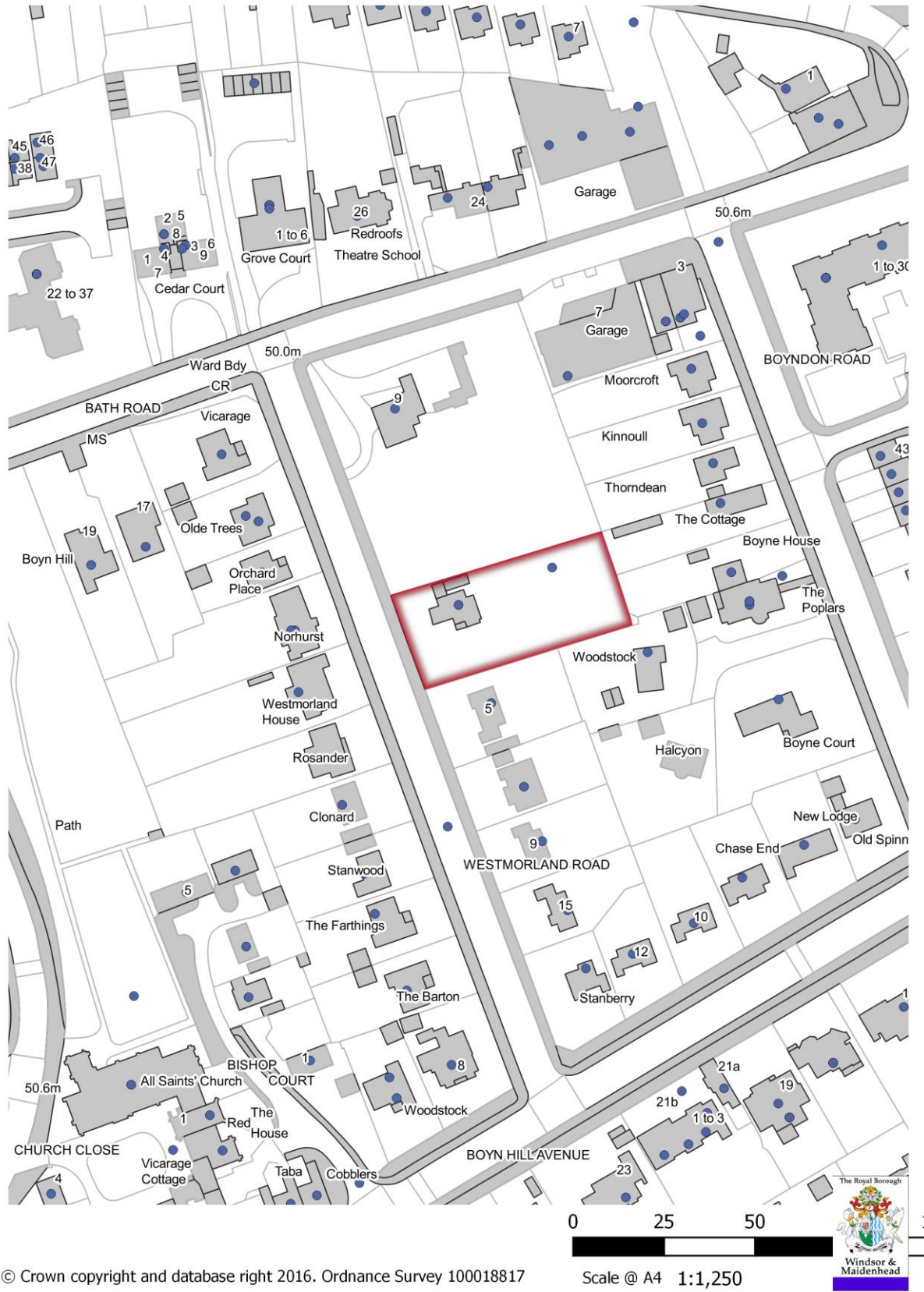
Informatives

1. The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
2. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which

enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

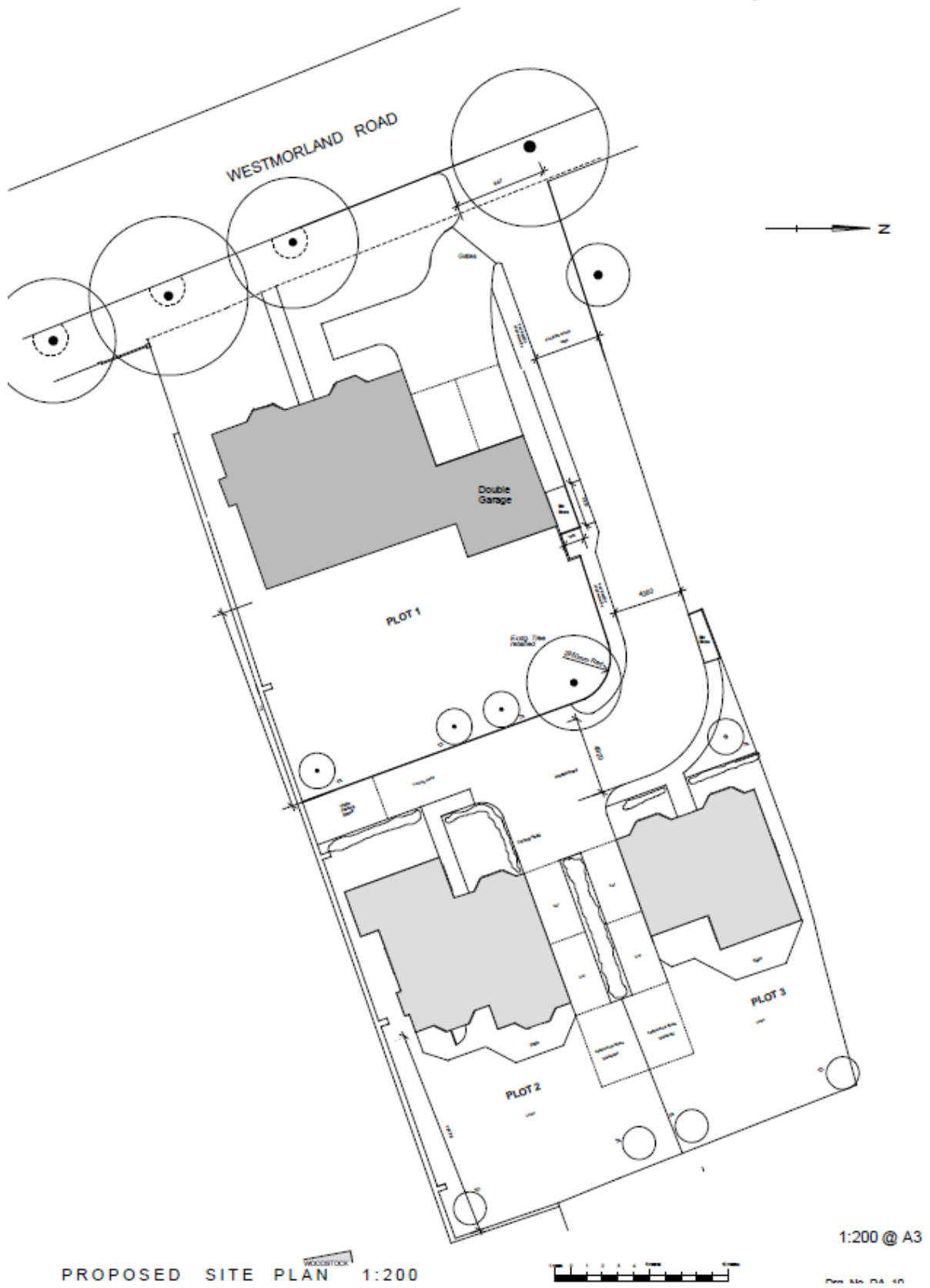
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
5. No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
6. The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00; Saturday 08.00-13.00; No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
7. The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
8. The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

Appendix A – Location Plan

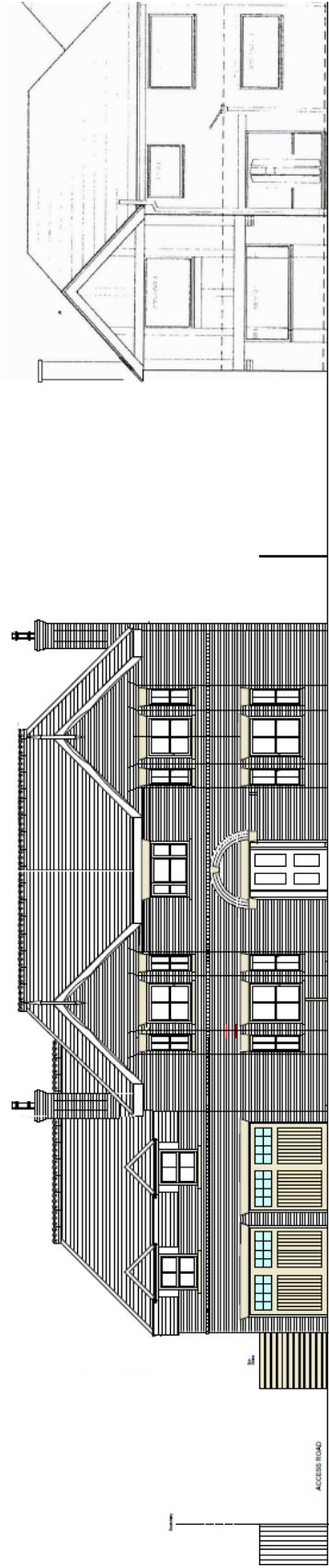


Appendix B – Proposed Plans and Elevations

PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD

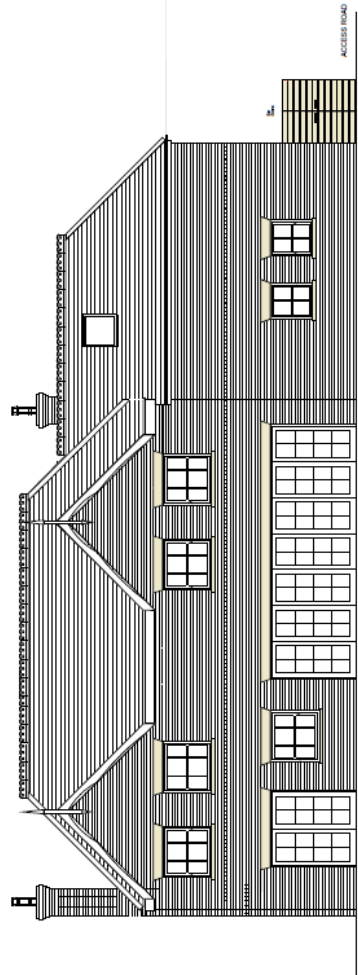


PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD

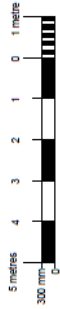


No. 5 Westmorland Road

FRONT HOUSE FRONT ELEVATION 1:50

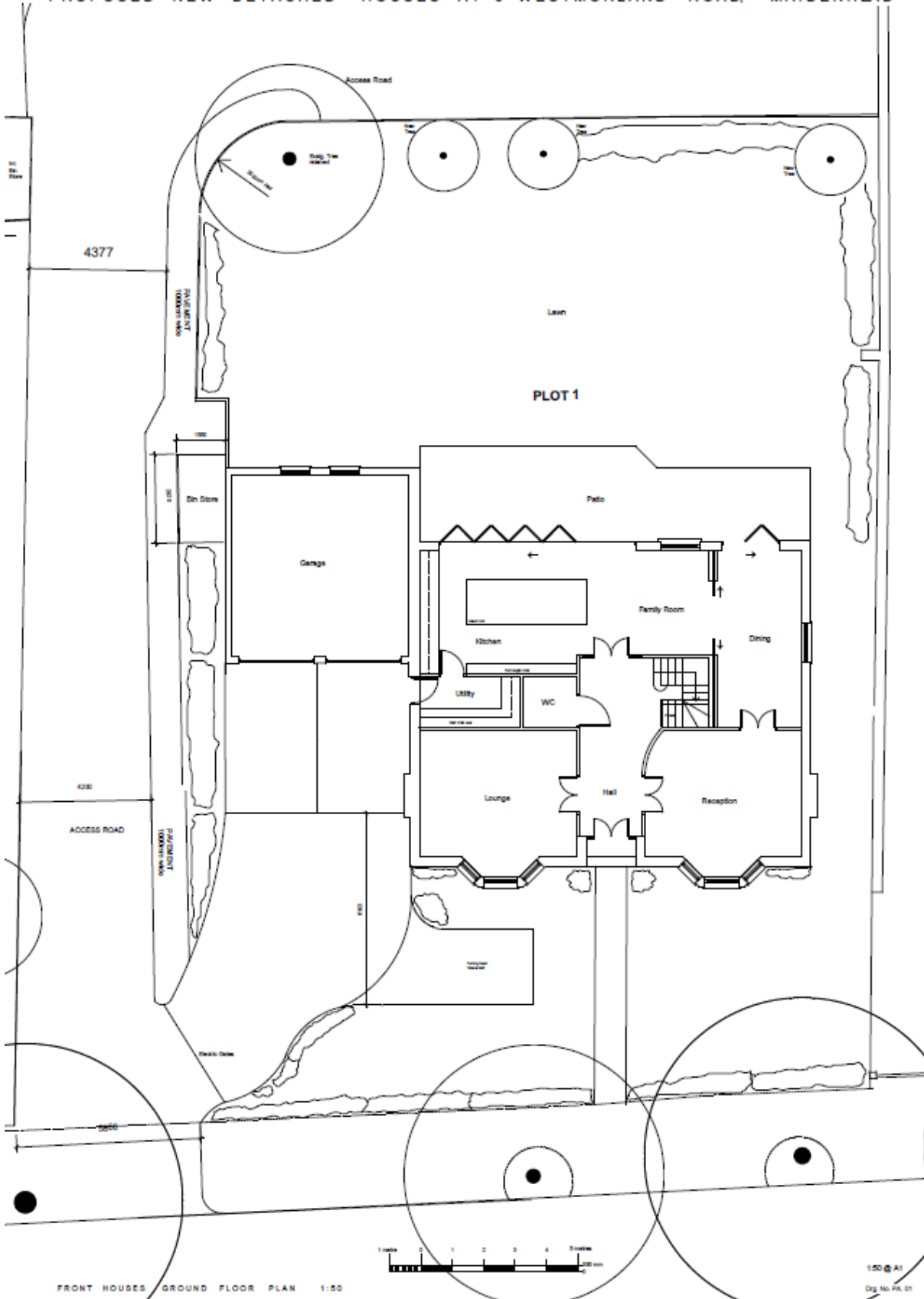


FRONT HOUSES REAR ELEVATION 1:50
PLOT 1



1:50 @ A1
Dwg No. PA. 03

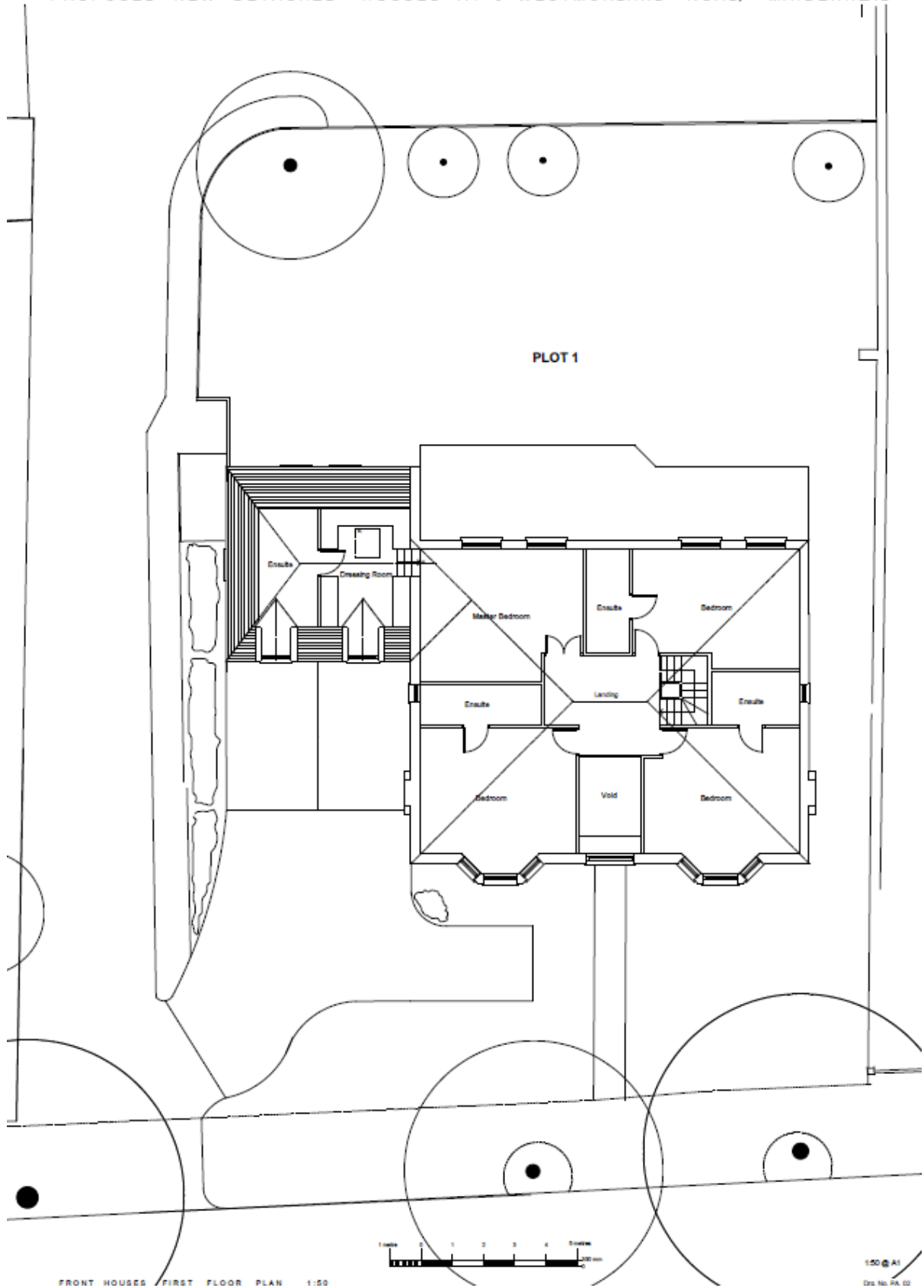
PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD



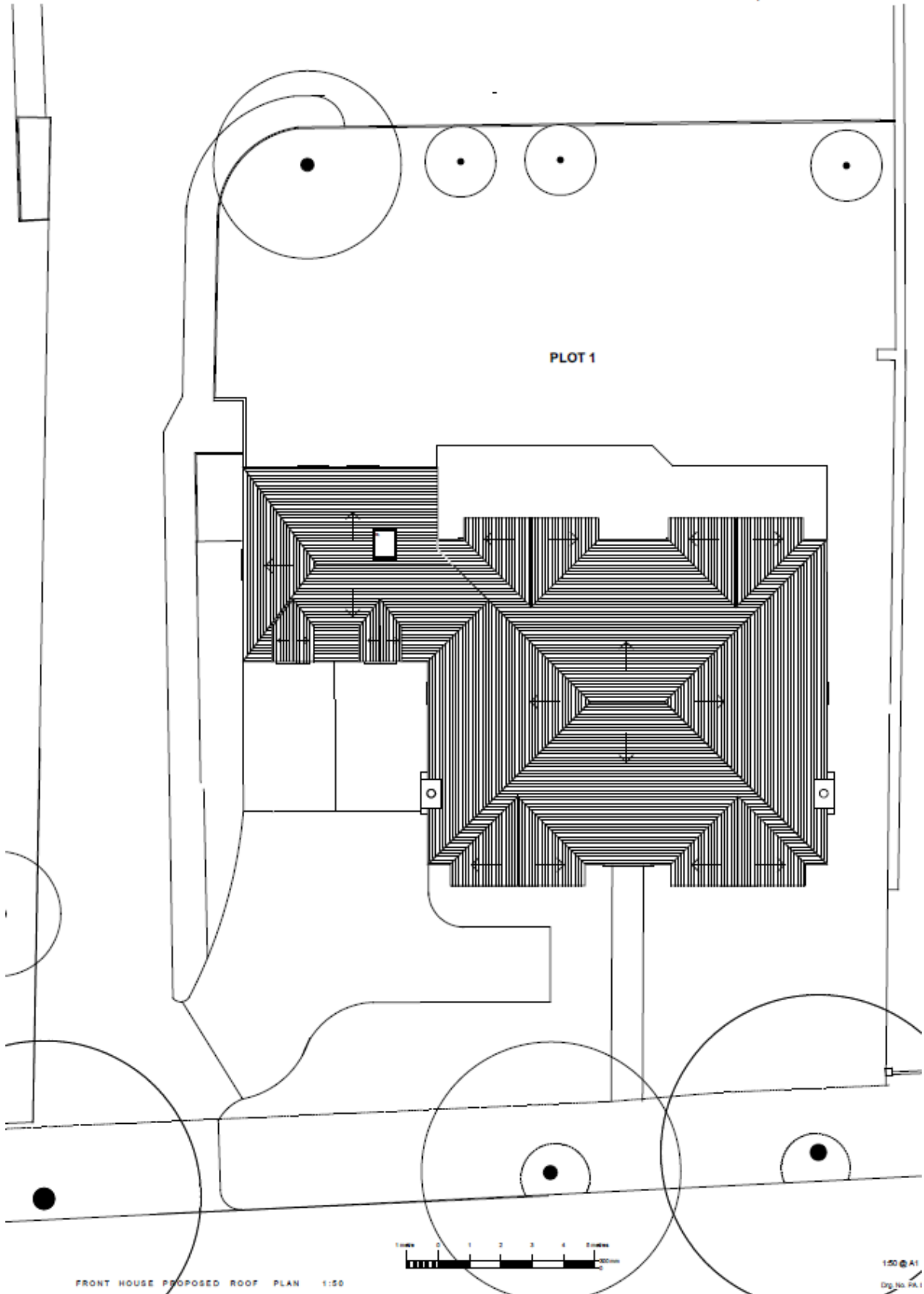
FRONT HOUSES GROUND FLOOR PLAN 1:50

1:50 A1
Dwg. No. 04.01

PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD



PROPOSED NEW DETACHED HOUSES AT 3 WESTIMORLAND ROAD, MAIDENHEAD

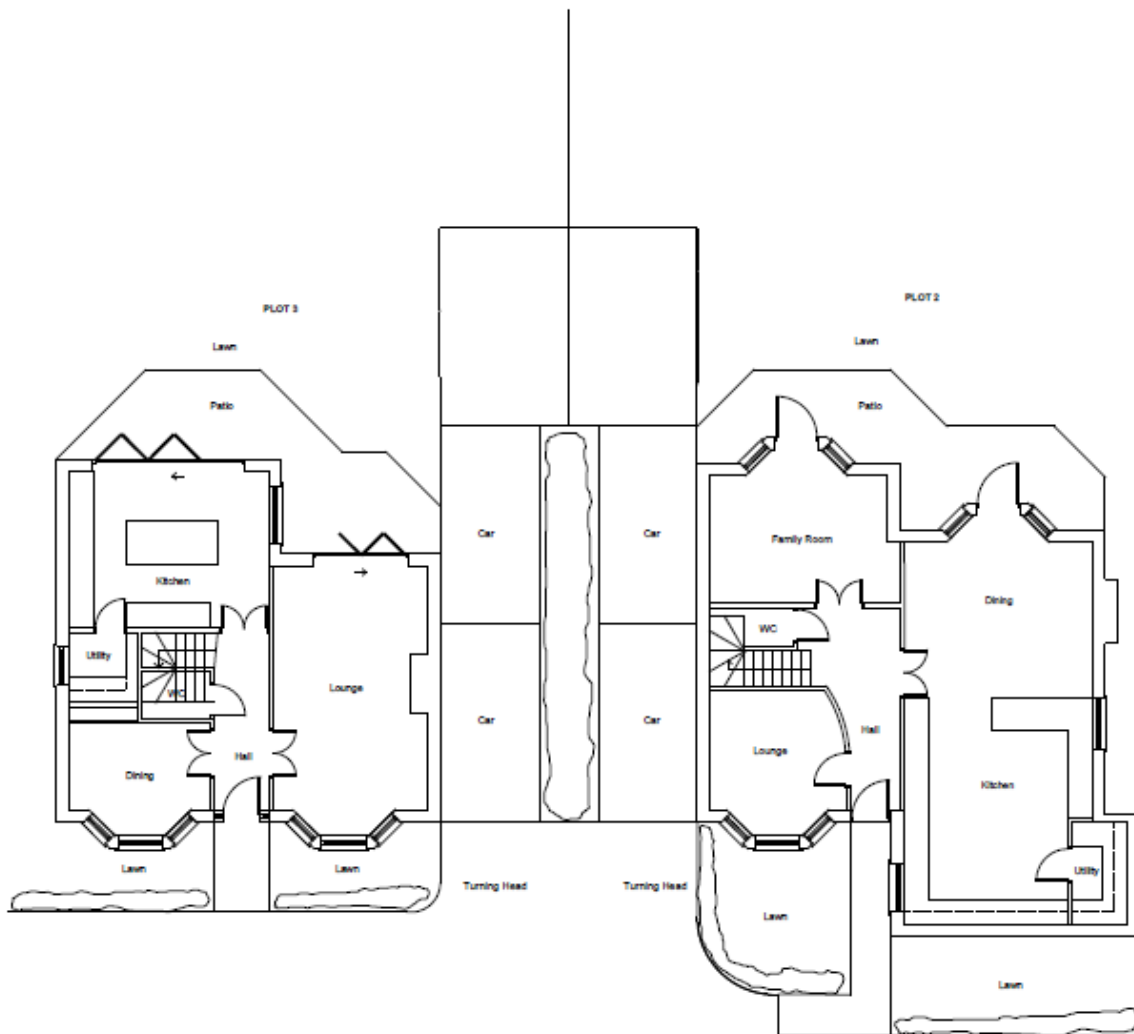


FRONT HOUSE PROPOSED ROOF PLAN 1:50

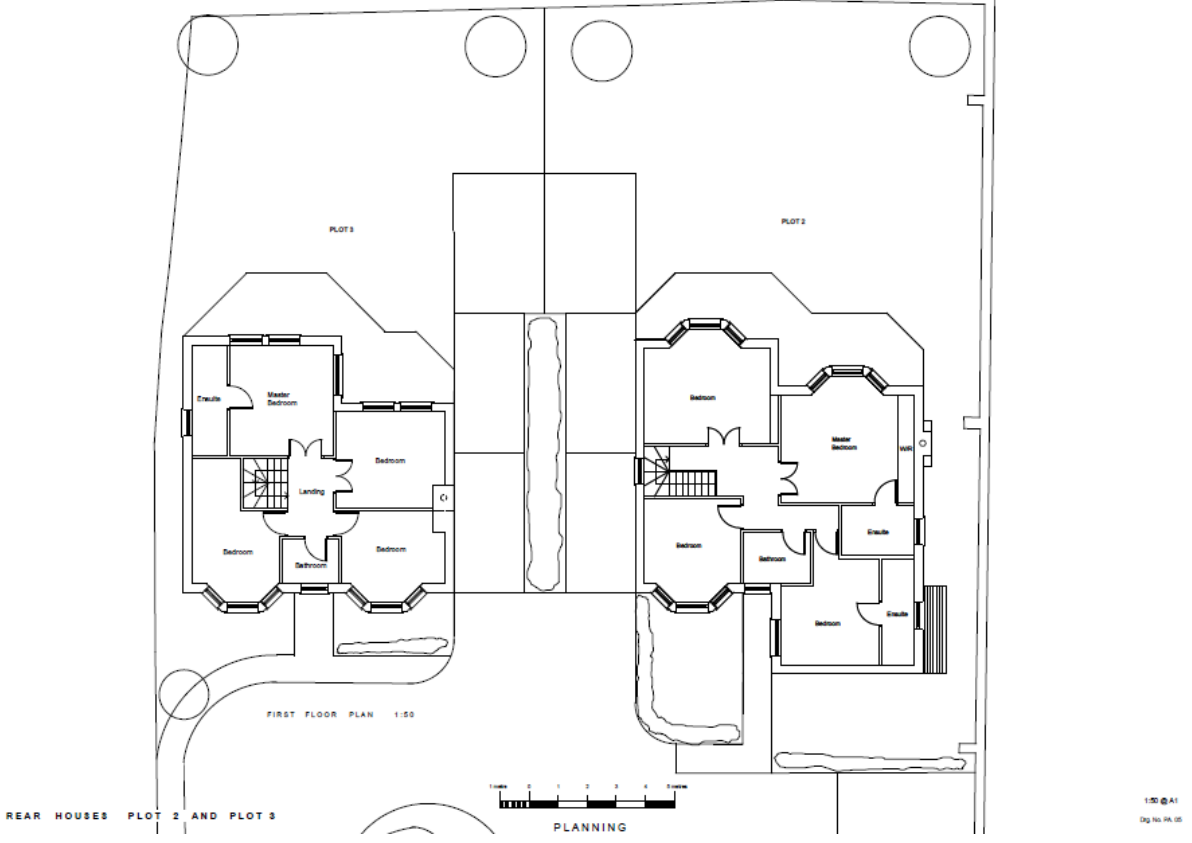


150 @ A1
Dwg. No. FA.1

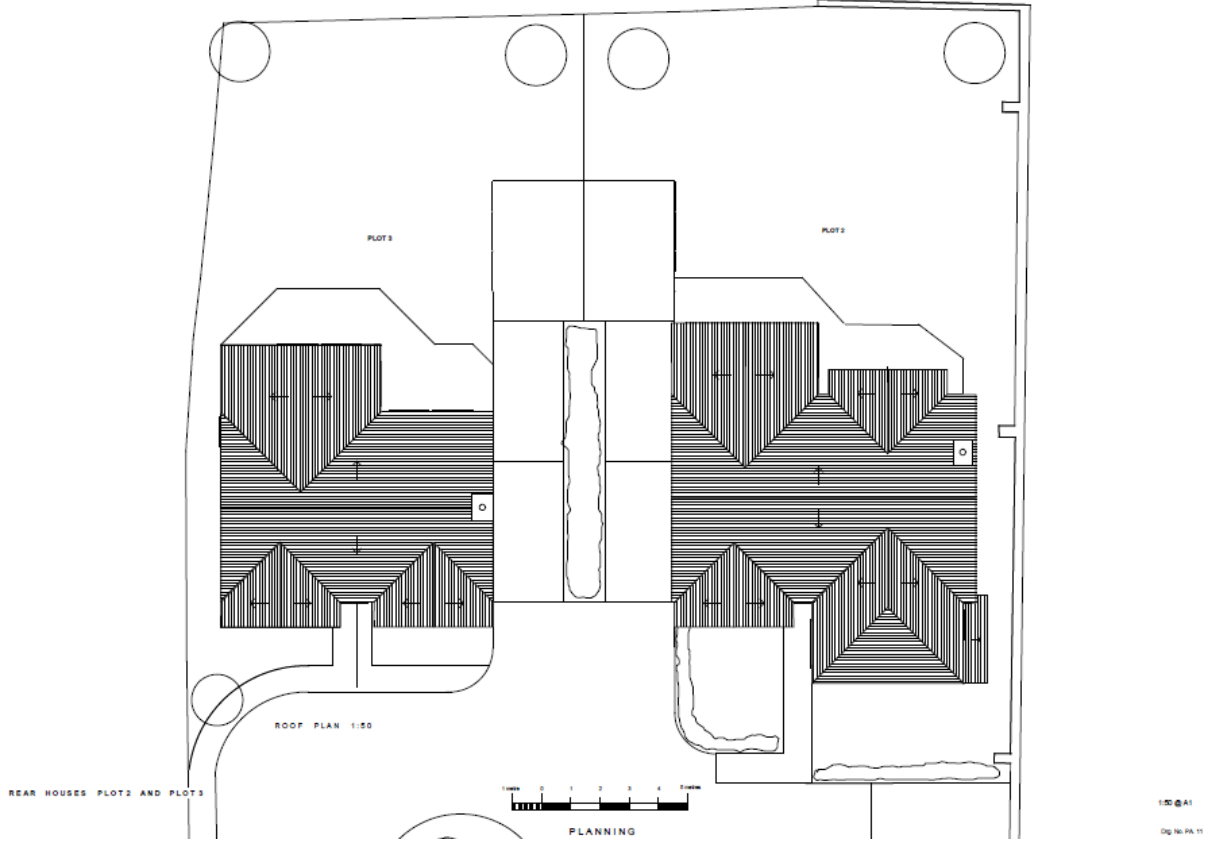
PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD



PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD



PROPOSED NEW DETACHED HOUSES AT 3 WESTMORLAND ROAD, MAIDENHEAD



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 6

Application No.:	16/02624/FULL
Location:	Linger In Spade Oak Reach Cookham Maidenhead SL6 9RQ
Proposal:	Detached house with integral boathouse, associated parking with car port and new access following demolition of existing dwelling
Applicant:	Mr Taylor
Agent:	GMTW Architects
Parish/Ward:	Cookham Parish/Bisham And Cookham 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 proposal is for a replacement dwelling, which would be materially larger than the existing house to be demolished. It therefore represents inappropriate development, which by definition is harmful to the Green Belt. Due to its scale, height, form, mass and bulk it would also result in the actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt namely 'to assist in safeguarding the countryside from encroachment'. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general.
- 1.2 The proposal is considered to pass the Sequential Test, but fails the Exception Test as the scheme proposes the use of voids to mitigate the flood risk. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
- 1.3 Due to its scale, height, form, mass, and proximity to the flank boundary with Kingfisher, the proposal would also be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity. It should be noted that the adjoining property, Kingfisher, is the subject also of an application for a replacement dwelling (16/01449/FULL) reported elsewhere on this agenda.

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 represents inappropriate development in the Green Belt which by definition is harmful to its openness and would conflict with one of the purposes of the Green Belt, and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal.
2.	Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal

	would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general.
3.	The submitted Flood Risk Assessment does not demonstrate that the scheme meets the requirements of the Exceptions Test. The scheme proposes the use of voids to mitigate the flood risk but these are not acceptable as the Local Planning Authority is unable to ensure that voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
4.	Due to its scale, height, form, mass, and proximity to the flank boundary with Kingfisher, the proposal would be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity.

2. REASON FOR PANEL DETERMINATION

- The Head of Planning and Lead Member consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site is currently occupied by a chalet bungalow which is set back from the edge of the River Thames. The property forms part of a row of residential development along Spade Oak Reach where properties vary in age, design and size. The River Thames is to the north-west and open fields lie to the south and south-east of the site, beyond that is Winter Hill. The site lies in the Green Belt, Flood Zone 3, in an Area of Special Landscape Importance and within the Setting of the River Thames

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal is for the erection of a contemporary style, detached, two-storey house with integral boathouse and wet dock following the demolition of the existing chalet bungalow, and associated parking with car port and new access. The application site shares a vehicular access from Spade Oak Reach with the neighbouring property at Kingfisher. There is no relevant planning history for the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 9 and 10

Royal Borough Local Plan

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

	Within settlement area	Highway and Parking
Local Plan	GB1, GB2, GB4, DG1, N1, N2, F1	T5, P4

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

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

7 Cookham Village Design Statement

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- Interpretation of F1
- Landscape Character Assessment
- Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether proposed development is inappropriate development within Green Belt and the effect of the proposed development on the purposes of the Green Belt, its openness, its visual amenity and the appearance of the surrounding countryside
- ii Flood Risk
- iii Design and Appearance
- iv Highway Safety and Parking
- v Impact on Neighbouring Amenity
- vi Planning Balance and the Case of Very Special Circumstances

Green Belt

Appropriate Development

6.2 The site lies within the Green Belt with the fundamental aim to keep land permanently open as set out in paragraph 79 of the NPPF. Paragraph 89 of the NPPF indicates that with some exceptions the construction of new buildings is inappropriate development in Green Belt. The exceptions include the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. Local Plan Policy GB1 is largely in compliance with the NPPF stating that residential development may be appropriate development in accordance with GB3, which states a general presumption against proposals for residential dwellings except for proposals relating one-for-one replacement of an existing dwelling which is not materially larger. In this case, while the proposal is for residential use in comparison the floorspace of the original house measures approximately 180 square metres with a volume of approximately 685.4 cubic metres while the floorspace of the proposed house including the integral boathouse measures approximately 341sqm with a volume of approximately 1294 cubic metres (including underfloor voids). This represents an increase of approximately 89.4% in floor area and approximately 89% in volume. As such, the proposed dwelling is considered to be materially larger and therefore considered to be inappropriate development within the Green Belt. By reason of inappropriateness and in accordance with paragraph 88 of the NPPF the weight against the proposed development is substantial.

Purpose and Open Character of Green Belt

- 6.3 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Greenbelt are their openness and their permanence, while Local Plan policy GB2 states that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt or purposes of including land in the Green Belt.
- 6.4 As inappropriate development in the Green Belt, the proposal is by definition substantially harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. In terms of actual openness the proposal is considered to be materially larger than the existing house on the site. Height, form, mass and bulk should also be taken into consideration when assessing the impact on openness. In this case the proposed two-storey house would measure some 7.5m in height, 20.2m in width and 8-12m in depth, while the low-pitch-curved-roof form would measure an additional 1m in height and add further prominent mass and bulk. In comparison with the existing chalet bungalow, the visual impact and mass and bulk of the proposed house is considered to have a greater actual and visual presence on the site and would materially erode the open character of the Green Belt.
- 6.5 In accordance with paragraph 88 of the NPPF the encroachment into the countryside and loss of openness should be given substantial weight.

Flood Risk

- 6.6 The proposal is sited in Flood Zone 3 where there is a high risk of flooding. Generally Local Plan policy F1 allows an increase of 30 square metres in footprint per site located in the floodplain. The proposal (the main house and boathouse) increases the footprint by approximately 13sqm. However, the National Planning Policy Framework requires the following tests to be applied in this case.

Sequential Test

- 6.7 As the proposal is for the demolition of the existing house and erection of a replacement dwelling, it is considered that the Sequential Test is passed 'de facto' as alternative sites is not likely to be a realistic option. As a more vulnerable development in Flood Zone 3 it follows that the proposal would need to pass the Exception Test in accordance with the NPPF.

Exception Test

- 6.8 To pass the Exception Test the development must provide wider sustainability benefits to the community that outweigh flood risk and 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 will reduce flood risk overall. In line with the Exception Test, Local Plan policy F1 states that within an area liable to flood, proposals must not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding.
- 6.9 The submitted Flood Risk Assessment (FRA), dated July 2016, fails to demonstrate safe access or egress for the existing dwelling but it is noted that there is no safe access or egress from the existing dwelling. As such it is not considered reasonable to refuse the proposal on this basis. It is, however, considered reasonable that applicants investigate how risk associated with flood risk can be reduced. In this respect, the FRA estimates a flood level of 27.81 AOD during the 1% AEP plus Climate Change and it is proposed that the proposed ground floor levels of the building would be 27.84 AOD. The applicant has also incorporated flood resistant and resilience measures where practical to mitigate the situation. This is considered to be a betterment for future occupants of the dwelling, and acceptable in this case.
- 6.10 In terms of floodplain compensation the FRA states that the proposed building would be raised on steel supports above the 1 in 100 year event plus Climate Change flood level, equating to a reduction of building footprint within the floodplain of 157.6sqm and subsequently an increase in flood storage capacity. However the supporting text to Policy F1 of the Local Plan advises that the use of pier foundations (voids) will not be acceptable as a means of overcoming an objection to a proposal on the grounds of loss of flood storage capacity. In the past where this has been allowed, problems have resulted from the inability of the planning authority to ensure that the voids beneath the building are not obstructed by domestic effects or by flood debris. When this

occurs the flow of flood water is impeded and /or the capacity of the flood plain to store flood water is reduced, leading to an increase in flood risk elsewhere. Overall, it has not been demonstrated that the development will not increase flood risk elsewhere. It is also considered that the FRA fails to demonstrate wider sustainability benefit to the community, with no reference made with the exception to policy. As such the proposal fails the Exception Test, and accordingly the proposal is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Local Plan.

Design and Appearance

- 6.11 The site lies within an Area of Special Landscape Importance, the Setting of the River Thames, and the Council's Landscape Character Assessment identified Spade Oak Reach as an area of 'Settled Farmed Floodplain' with the river edge having a diverse and natural character which is often quiet and remote in character. Paragraph 10.2 of the Cookham Village Design Statement (VDS) states that the properties of Spade Oak Reach, which has extended from the historic core of the Cookham settlements, were originally weekend retreats for boat owners and of simple build. This acknowledged their seasonable use and flood risk. To an extent these have now been replaced by more durable homes. The Landscape Character Assessment states that the character of these developments of generously spaced detached and housing has largely been unsympathetic to the local vernacular and leads to a chaotic composition of materials and buildings styles. It is considered that the dwellings on Spade Oak Reach are mixed in appearance, but still on the whole modest in size. The Cookham VDS advises that replacement development should in general avoid having a greater impact on the riverside environment than the existing and key consideration should be scale and bulk of the proposal. In assessing the suitability, regard should be had to the size of the existing building, the nature of the surrounding area including the character of nearby properties. In this context, it is considered that the scale, bulk and mass of the proposal would appear overly dominant in the street and riverside scene which comprises of more modest buildings. It is noted that there is a large, contemporary style home nearby at Longmead, but although this property is larger than the norm the design is 'subdivided' into separate linked elements with vary roof heights which is considered to break up the scale and visual bulk and mass of the building whereas the proposal has a more linear building envelope.
- 6.12 The Landscape Character Assessment notes the openness of the river in Cock Marsh, where Spade Oak is located. The Cookham VDS further states that riverside properties should not be overbearing within their plot and the retention of views between properties are particularly important to the character of the area. To retain these views the Cookham VDS recommends that a minimum of 1.5m or one sixth of the plot width to each side of a property, whichever is greater, should be kept open as a minimum. Properties should also be set well back in their plots where possible, providing for generous green spaces between the river and the property. The proposal is contrary to this guidance with the proposal offset from the flank boundaries by less than 1.5m, and the 4m set back from the riverside is occupied by a terrace with limited space for soft landscaping and greenery. Together with the two storey height it is considered that the proposal would be visually overbearing within its plot, eroding views between building and the characteristic sense of space, to the detriment of the street and riverside scene and character of the wider area.
- 6.13 The proposal is of a contemporary style incorporating large glazed sections set in walls in painted render and timber boarding on the north (riverside) elevation and an open boathouse with wet-dock. The south (Spade Oak) elevations incorporates vertical slit, full height glazing to ground and first floor rooms with large glazed areas to the front entrance and landing areas. The side elevation will have a mixture of glazing, painted render or timber boarding. The roof has been designed to be a low pitched curved zinc roof providing a 'wave like' roof with curved ceiling to the first floor rooms. While a contemporary design may be acceptable, it is considered that in this instance the siting, height, scale, form, mass and bulk would be contrary to the special character of Spade Oak, the River Thames and wider locality as identified in the Council's Landscape Character Assessment and Cookham Village Design Statement. The proposal is therefore contrary to Local plan policies DG1, N1 and N2.

Highway Safety and Parking

- 6.14 Spade Oak is a private Road that is accessible of Winter Hill. A new gated access is proposed off Spade Oak Reach to a new parking area with a car-port for 3 cars. The new access provides sufficient visibility splays in each direction when exiting the site. In relation to parking a 4 bedroom dwelling would require the need for 3 parking spaces and the submitted plan ref: 2367-PL 101 A shows there is sufficient room to accommodate this number of vehicles in additional the cycle and refuse/recycling storage.
- 6.15 In terms of cumulative trips arising from the proposal, it is unlikely that there would be a significant increase in respect of harm to highway safety and impact on local highway infrastructure.
- 6.16 For the reasons above the proposal is considered to comply with policies T5 and P4.

Impact on Neighbouring Amenity

- 6.17 Core Principle 4 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of buildings. The proposal would be located approximately in the same location as the existing house which is approximately 7-8m forward of Kingfisher, the adjacent neighbour to the west (formally known as Thames Cottage), and the offset from the shared boundary would be similar at 1m. However, the existing chalet bungalow with a dual pitched roof sloping away from the shared boundary is not considered to be particularly overbearing to the rear amenity space at Kingfisher. In comparison, the proposed would result in an 8.5m in deep flank elevation in close proximity of the shared boundary at approximately 7.5m in height to the head beam in addition to the curved roof measuring 0.5 to 1m in height. This is considered to result in undue visual intrusion to amenity space at Kingfisher, which is not considered particularly large to afford relief from the proposed development. As such, it is considered that the proposed development is contrary to Core Principle 4 of the NPPF. It is also noted that there would be a large glazed Kingfisher, but views could be mitigated by obscure glazing and privacy screens if recommended for approval.
- 6.18 In relation Kanda, the adjacent neighbour to the east, the proposal would be approximately in line with this neighbouring property. Although there would be a forward projection of some 5m, this spatial relationship is not considered to result in undue visual intrusion to Kanda. Overlooking from large sections of glazing on the flank elevation and rear balcony of the proposed house could be mitigated by obscure glazing and privacy screens if recommended for approval.

Planning Balance and the Case of Very Special Circumstances

- 6.19 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). Therefore the main issue is whether by reason of inappropriateness and any other harm is clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal.
- 6.20 The NPPF requires a balancing exercise of benefits against harm. Substantial weight is given against the development by reason of its inappropriateness, conflict with the purpose of the Green Belt, and harm to openness. Significant weight is also given against the proposal in terms harm to the character and appearance of the special character of the street scene and river scene, potential increase in flood risk elsewhere, and harm to neighbouring amenity. There is an acceptable level of parking provision and no harm to highway safety, but compliance with Local Plan policies P4 and T5 is a requirement and would have to be met unless there are material considerations otherwise. Overall, the proposal is likely to cause significant and demonstrable harm that is not outweighed by its benefits.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy (CIL) contribution. The required CIL payment for the proposed

development would be based on the net increase of floorspace at a chargeable rate of £240 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 23.08.2016. No letters of representation were received.

Other Consultees

Consultee	Comment	Where in the report this is considered
Local Highway Authority	The new access provides sufficient visibility splays in each direction when exiting the site. A 4 bedroom dwelling would require the need for 3 parking spaces. The plans show that there is sufficient room to accommodate 3 cars, cycle storage and refuse storage. The residual cumulative trips arising from the proposal is unlikely to pose harm to road safety.	Para. 6.14-6.16.
Environmental Protection	No objection subject to informatives on dust and smoke control and hours of construction.	Noted.
Cookham Parish Council	No comment.	Noted.
Cookham Society	Objects to the proposal as the new building would be out of keeping with the other houses on the riverside, adversely affecting views from the north side of the Thames. The bulk would also be overbearing addition to the setting of the river.	Para. 6.11-6.13.
Environment Agency	No comments received.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed 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 not been successfully resolved.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and the applicant has failed to demonstrate that Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and

saved Policies GB1 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).

2. Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site to the detriment of the representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character of open and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general. This is contrary to paragraph 60, 79 and 80, and in accordance with paragraph 64 of the National Planning Policy Framework, Policies GB1, GB2 (a), GB3, DG1, N1 and N2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), the Cookham Village Design statement (2013) and Landscape Character Assessment for the Royal Borough of Windsor and Maidenhead (2004).
3. The application site is within Flood Zone 3a, an area at high risk from flooding and the development is classed as 'more vulnerable'. The scheme proposes the use of voids to mitigate flood risk in terms of flood storage capacity. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. For these reasons the proposal fails the Exception Test and is contrary to paragraphs 102 and 103 of the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).
4. Due to its scale, height, form, mass, and proximity to the shared flank boundary the proposal would be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity and contrary to Core Principle 4 of the National Planning Policy Framework.

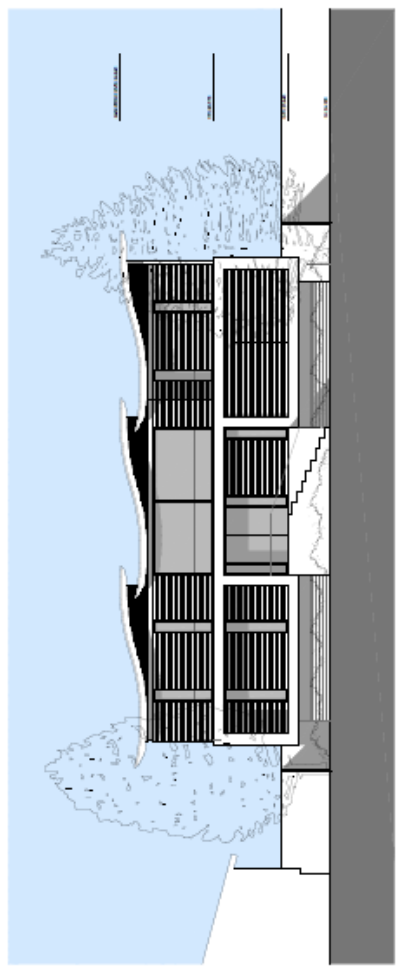
Appendix A – Location Plan



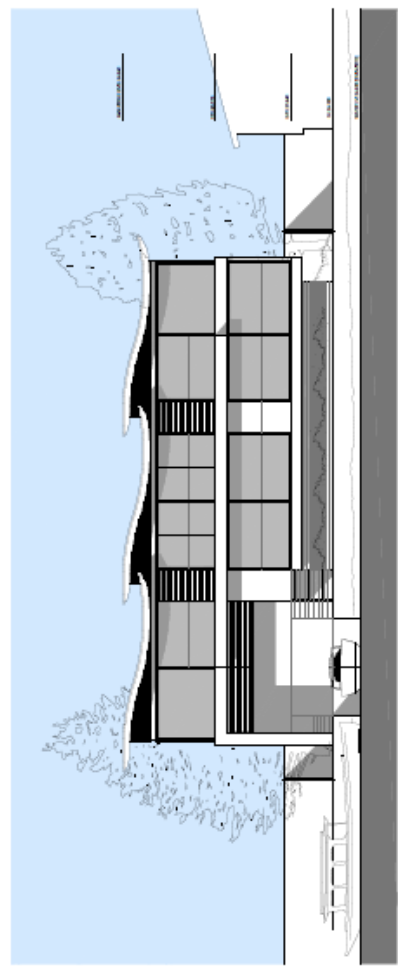
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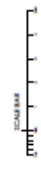
Appendix B – Proposed Plans and Elevations



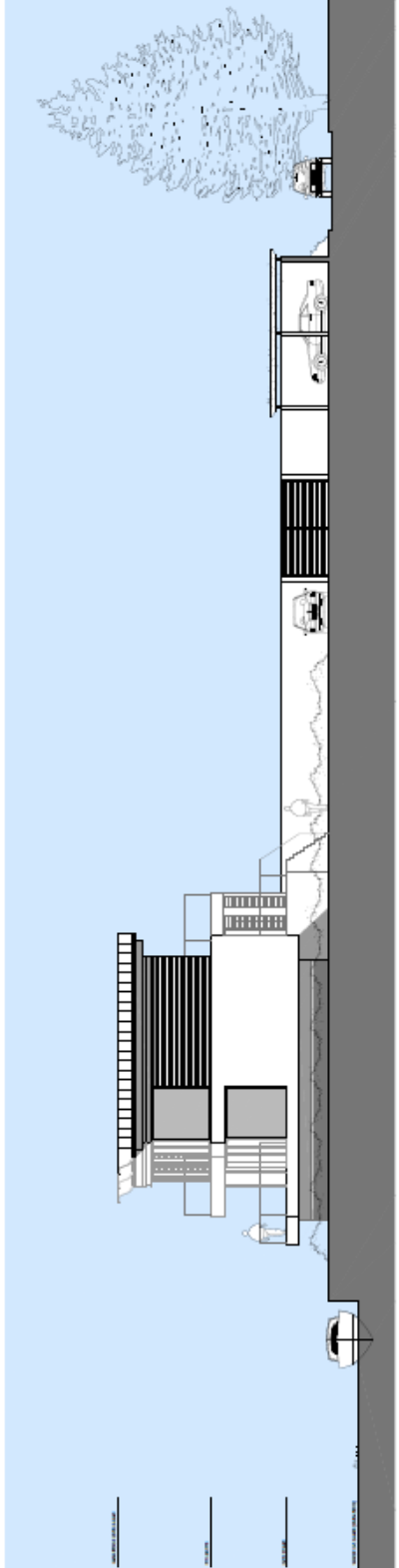
SOUTH ELEVATION



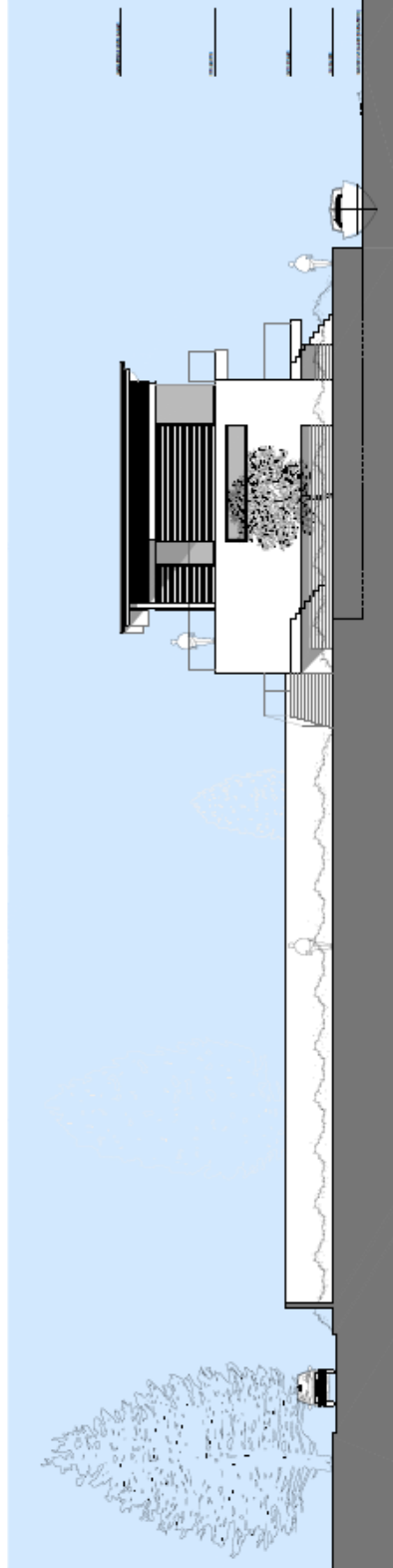
NORTH ELEVATION



DATE	MR & MRS C. TAYLOR
PROJECT	PROPOSED REPLACEMENT HOUSE
NO.	LINGERN SPADE OAK BEACH, COOKHAM, BERKSHIRE, SL6 9RQ
DESCRIPTION	ELEVATIONS SHEET 1
DATE	JULY 2016
PROJECT NO.	1110018-01
CLIENT	MR & MRS C. TAYLOR
ARCHITECT	GMTW ARCHITECTS 101, 102 111, 112 113, 114 115, 116 117, 118 119, 120 121, 122 123, 124 125, 126 127, 128 129, 130 131, 132 133, 134 135, 136 137, 138 139, 140 141, 142 143, 144 145, 146 147, 148 149, 150 151, 152 153, 154 155, 156 157, 158 159, 160 161, 162 163, 164 165, 166 167, 168 169, 170 171, 172 173, 174 175, 176 177, 178 179, 180 181, 182 183, 184 185, 186 187, 188 189, 190 191, 192 193, 194 195, 196 197, 198 199, 200
SCALE	23x27 - P1, 102
NO.	A



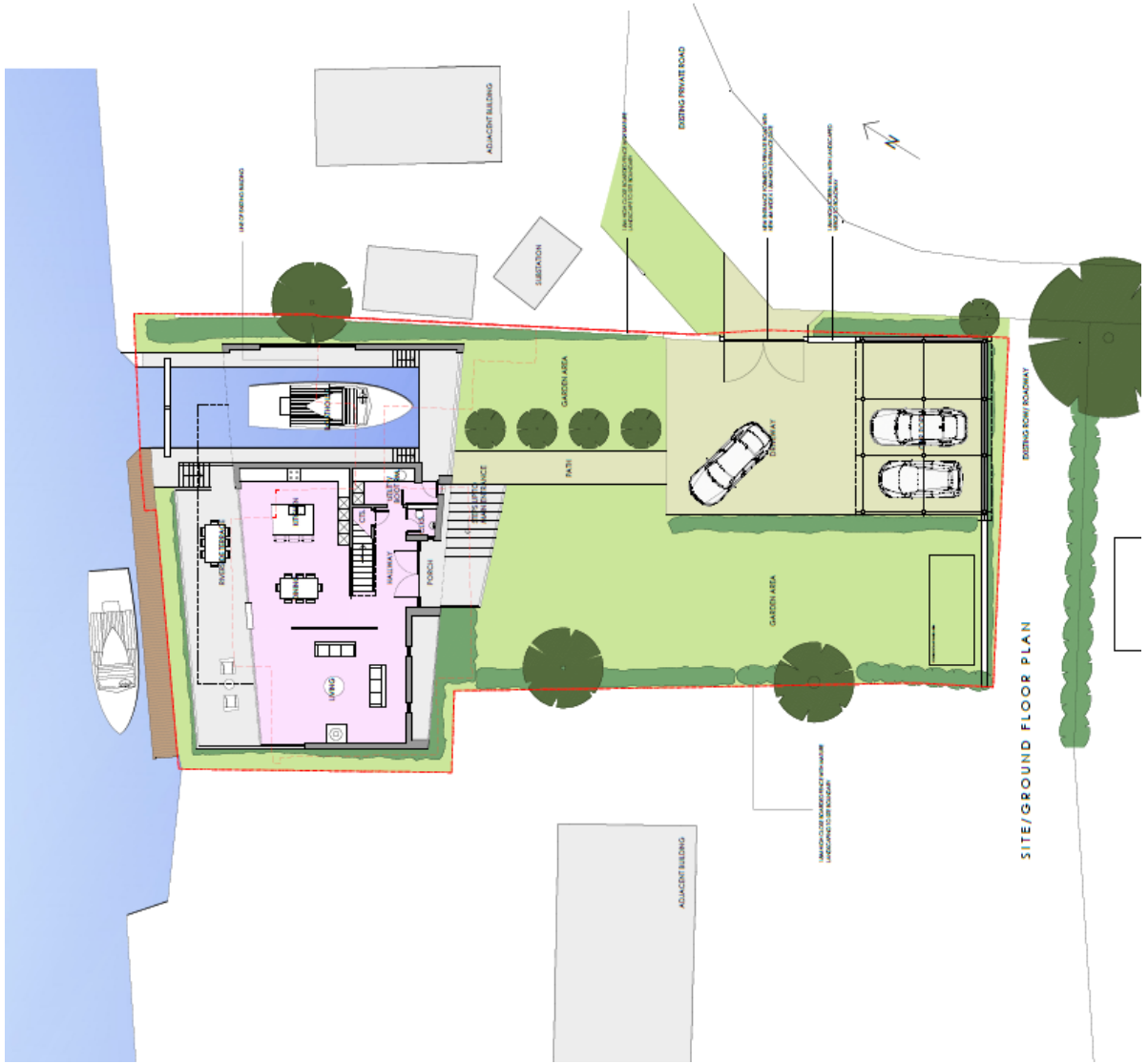
WEST ELEVATION



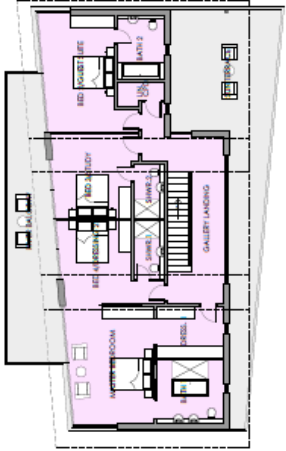
EAST ELEVATION

DRAWN BY: MR & MRS C. TAYLOR
 PROJECT: PROPOSED REPLACEMENT HOUSE
 NO: LINGERIN, SPADE OAK REACH, COORHAM, BERKSHIRE, SL6 9RD
 DATE: 11/08/08
 SHEET: ELEVATIONS SHEET 2

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED
 GMTW ARCHITECTS
 105, WESTWOOD ROAD, WOODHURST, WIMBORNE, DORSET, BH20 7JH
 T: 01202 872200
 F: 01202 872200
 DRAWING NO: 2507 - PL 103
 SCALE: A



SITE/GROUND FLOOR PLAN



FIRST FLOOR PLAN

Client	MR & MRS C. TAYLOR
Project	PROPOSED REPLACEMENT HOUSE
Site	INGENIA, SPASE OAK BEACH, COOKHAM, BERKSHIRE, SL4 5RQ
Drawn	FLOOR PLANS
Date	JULY 2014
Scale	1:100 (B.A.)
Drawn by	ALL INFORMATION IS FOR GUIDANCE ONLY
Checked by	
Approved by	
Company	GMTW ARCHITECTS 100, ST. JOHN'S STREET OXFORD, OX1 1JH 01865 206000 WWW.GMTWARCHITECTS.CO.UK
Sheet	2307 - PL 101
Scale	A

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 October 2016

Item: 7

Application No.:	16/02866/FULL
Location:	Huston Cottage Moneyrow Green Holyport Maidenhead SL6 2ND
Proposal:	Proposed roof enlargement through the enclosure within the valley of the two existing pitched roofs.
Applicant:	Mr And Mrs Stannard
Agent:	Miss Emma Runesson
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Hannah Wilson on 01628 683939 or at hannah.wilson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for the proposed enlargement of the roof of Huston Cottage by infilling the valley between the two existing pitched roofs of the bungalow. The site falls within the Green Belt and the property has been previously extended by a substantial amount. Two previous applications to enlarge the roof in 2006 and 2007 have been dismissed at appeal on the basis of harm to the Green Belt.
- 1.2 The current proposal would result in a cumulative increase in floor area of 207% over the original floor area of the dwelling. It is considered that the scale and design of the proposal would be disproportionate and would therefore have a significant detrimental impact upon the openness of the Green Belt in this location, contrary to policies GB1, GB2 and GB4 of the Local Plan and also to Section 9 of the National Planning Policy Framework (NPPF), and that very special circumstances have not been demonstrated that would outweigh this harm. In addition, the design of the proposal is considered to have a detrimental impact upon the character of the bungalow and the street scene along Moneyrow Green.

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

- | | |
|-----------|--|
| 1. | The proposed enlargement of the roof would result in a disproportionate addition to the original bungalow at Huston Cottage and therefore represents inappropriate development within the Green Belt that would harm its openness. It is not considered that very special circumstances exist that clearly outweigh this harm and the proposal is therefore contrary to saved policies GB1, GB2 and GB4 of the Local Plan and Section 9 of the National Planning Policy Framework. |
| 2. | The proposed infilling of the roof will result in a contrived and incongruous built form that would be detrimental to the character of the host dwelling and the appearance of the street scene along Moneyrow Green, contrary to Local Plan policies DG1 and H14 and Section 7 of the NPPF. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Coppinger in the public interest should the application be recommended for refusal.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site consists of a single storey detached bungalow, which is set back from the road with a gravel driveway and partly screened by hedging on the front of the site. The property forms

part of a linear pattern of development along Moneyrow Green and this part of the road is characterised by detached chalet-style bungalows which vary in height and design. Most have large plots and follow a regular building line which is set back from the road, giving the area a spacious, semi-rural appearance. To the rear of the site are open fields and a public footpath runs along the north side of the site between Huston Cottage and Brambles.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a proposed roof enlargement to the detached bungalow at Huston Cottage that will consist of the infilling of the existing valley between two pitched roofs. This will create space for two ensuite bedrooms in the roof, which will be served by Velux windows to the front and rear. The proposed infill will introduce a shallower pitch in the centre of the enlarged roof and the increase in the overall height of the roof would be 0.9 metres.
- 4.2 Huston Cottage was previously extended in 1995 (application reference 95/00480/FULL; alternative reference 429265) with a side and rear extension which almost doubled its floor area (a 94% increase). The original dwelling is understood to have had a floor area of 65m², which was considered to be so small that the large extension was justified on the basis that it would make the dwelling capable of providing living accommodation to modern standards.
- 4.3 In 2006 an application was made to alter the ridge height of the bungalow to form habitable accommodation in the loft space with front and rear dormer windows (application 06/01440/FULL). This application, which would have resulted in the formation of a part-hipped roof 2.1 metres higher than the existing ridge height (from 5.2 to 7.3 metres), was refused on the grounds that its height and bulk (amounting to a 175% increase over the floor area of the original) would represent a disproportionate addition to the original dwelling which would be harmful to the character of the Green Belt. The application was later also dismissed at appeal (appeal reference 06/00223/REF; PINS reference APP/T0355/A/06/2028093) with the Inspector commenting that: *'the extended property would be no higher than the adjoining dwelling, Firside, or some other houses in the road. However, the proposal would in my view significantly increase the bulk if the building when seen from Money Row Green. I consider that it would as a result have an adverse effect on the openness of the Green Belt'* (paragraph 5 of the Inspector's report).
- 4.4 Following this in 2007, a revised application for the raising of the roof to provide first floor accommodation was made (reference 07/01598/FULL). This application differed from the previous scheme in that it did not include any dormer windows, instead proposing a part-hipped roof with Velux roof lights that would be 1.2 metres lower than the previous refused scheme (an increase of 5.2 to 6.1 metres). This revised scheme represented an increase in floor area of 149% over that of the original dwelling and was acknowledged to be less bulky due to the removal of the dormers. However, it was still considered that the proposed additional bulk and increase in height would amount to a disproportionate increase in the scale of Huston Cottage and the application was refused on the same basis of harm to the Green Belt. The subsequent appeal (appeal reference 08/60041/REF; PINS reference APP/T0355/A/08/2064681) was also dismissed, the Inspector noting that: *'whilst I appreciate that the current proposals represent a reduction in scale in relation to those previously considered by my colleague ... they would still result in an increase in the height of the ridge when viewed side-on from the north. The result would be, in my view, and notwithstanding the scale and relationship of the adjacent properties, a reduction in the openness of the Green Belt'* (paragraph 6 of the Inspector's report).
- 4.5 A more recent application for a single storey rear extension at the site (09/00551/FULL) was also refused on the basis of causing harm to the open character of the Green Belt through a disproportionate increase over the scale of the original dwelling, as it would have represented a cumulative increase of 115% (taking into account the 94% already added in 1995). A garage conversion was allowed at the property in 2009 (09/01659/VAR) but this did not represent any increase in floor area and thus would not have resulted in any additional impact upon the Green Belt.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	Public Rights of Way
Local Plan	DG1, H10, H11, H14	GB1, GB2, GB3, GB4	R14

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

5.2 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact upon the Green Belt
- ii. Impact upon the Character of the Host Dwelling and the Street Scene
- iii. Impact on Neighbouring Properties
- v. Impact on Parking

Impact upon the Green Belt

6.2 The site is located in the Green Belt. The NPPF emphasises that the most important characteristic of the Green Belt is its openness (paragraph 79 and where there is a presumption against inappropriate development). However, there are exceptions for particular types of development, including alterations to buildings provided that this does not result in disproportionate additions to the original building (paragraph 89). Local Plan policies GB1, GB2 and GB4 state that limited extensions to existing dwellings can be acceptable if they do not lead to a disproportionate addition over and above the size of the original dwelling and if they do not have a greater impact on the openness of the Green Belt than the existing use.

6.3 As discussed in section 4, Huston Cottage was previously extended in 1995 with a single storey side and rear extension which added 94% to the floor area of the original bungalow. The current application proposes an approximate increase of 73.8m² (measured internally), a 113% increase over the original property without including the 94% that has already been added. The total cumulative increase in floor area would be 134.9m², or 207.5%, which – like the previous refused applications at the site detailed in paragraphs 4.3 to 4.5 - is significantly over 50% which is the guideline for extensions in the Green Belt. However, policy GB4 does note that percentage increase is not the sole determining factor in assessing impact on the Green Belt and that the scale and bulk of the proposal must also be taken into account.

6.4 The dwelling is set back from the road and partially screened by front boundary hedging and by the existing bulk of Firside to the south, but is more visible from the north. In this instance it is considered that the current proposal to infill the central valley of the roof of this bungalow would still lead to a substantial increase in the bulk of Huston Cottage which would be visible when

looking south along the street scene through the wider gap between Brambles and the application site. While it is acknowledged that the proposed additional footprint and height have been reduced from the previous refused applications, it is still considered that the scheme will add significant additional mass and bulk to this detached bungalow over and above both the original built form and what is currently present on the site. Even without a substantial increase in overall height, the infill would fundamentally alter the relatively low profile form of Huston Cottage and would dominate views of the dwelling, particularly from the public footpath along the north boundary. As with the previous schemes, the loss of the open valley area in the centre of the roof would result in a disproportionate increase in the scale of the host dwelling and it is considered that – as concluded by the Planning Inspectors – this would result in a significant reduction in the openness of the Green Belt in this location. The previous appeal decisions are a material planning consideration.

- 6.5 Huston Cottage is situated on a good sized plot (though not as large as some in the vicinity) and is a three-bedroom property that provides modern living accommodation (enabled by the 1995 extension). The proposal will add a fourth bedroom and two ensuite bathrooms, but it is not considered that these additions (or the associated internal alterations at ground floor level) are necessary to make the property habitable or to bring it up to modern standards (as was the case with the 1995 application). It is noted that the garage conversion in 2009 also created more habitable accommodation without causing additional impact upon the Green Belt. The applicant has stated that very special circumstances exist because the proposal is to enable ongoing care for a disabled family member, with the enlarged accommodation allowing for accommodation of healthcare workers and medical supplies. However, previous appeal decisions show that only rarely is it the case that personal circumstances will be viewed as being a very special circumstance and in this instance it has not been clearly demonstrated that the extension is essential on health or other grounds (see Lichfield 27/01/2011). The NPPF states that substantial weight should be given to any harm to the Green Belt and consequently it is not considered that very special circumstances have been shown to exist which would outweigh the harm that the proposal would cause.
- 6.6 Whilst this area is characterised by chalet-style bungalows - some of which are larger and/or higher than Huston Cottage and which previous appellants have referred to in the context of the previous appeals at this site - paragraph 2.1.26 of the Local Plan mentions the history of development *at the site*, not at other properties and the context of these applications will inevitably differ from that proposed at Huston Cottage. Each of these applications will have been determined on its own merits, as acknowledged by the previous Planning Inspectors who did not consider that other forms of development at the neighbouring properties served as justification for allowing the proposed enlargements of the roof at the application site. This is still considered to be the case with the current scheme.
- 6.7 The NPPF indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt (paragraph 88). 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As discussed above, it is considered that the applicant has not demonstrated that there are any very special circumstances which would overcome the presumption against inappropriate development in the Green Belt. Although additional floor area by itself is not a sole determining factor and although this has been reduced from that refused in previous schemes, when taken together with the additional bulk and scale of the development – which remains disproportionately large and would therefore have a significant impact upon the scale of the dwelling and the openness of the site – the current proposal is still considered to represent an inappropriate development in the Green Belt. The resubmitted application therefore remains contrary to policies GB1, GB2 (a) and GB4 of the Local Plan and Section 9 of the NPPF, and refusal is recommended on this basis.

Impact upon the Character of the Host Dwelling and the Street Scene

- 6.8 The appearance of a development is a material planning consideration and the National Planning Policy Framework Section 7 (Requiring Good Design) and Local Plan Policy DG1 advises that all development should seek to achieve a high quality of design that improves the character and

quality of an area. As previously noted, the proposed infilling will be visible from the front of the site and to the north from the public footpath. Unlike the previous 2006 and 2007 applications, which would have created a part-hipped roof form and continued the same angle of pitch as the existing roof (which was considered acceptable in design terms), the current proposal will introduce a shallower pitch in the centre of the dwelling that would result in a mansard-like appearance. It is considered that this would both serve to emphasise the additional bulk and mass and would also appear highly incongruous relative to the existing built form of the bungalow. It would give rise to an alien feature that would appear contrived and awkward in this context and on this basis is considered to be harmful to the character of the host dwelling. Whilst the street scene along Moneyrow Green is varied, this does not justify this unsympathetic design and it is considered that the awkward appearance of this part of the proposal would therefore also harm the wider appearance of the road. The proposed first floor side extension would therefore be contrary to policies DG1 and H14 of the Local Plan and a further reason for refusal is recommended on this basis.

Impact on Neighbouring Properties

- 6.9 The proposal will add further bulk to the roof of Huston Cottage, but this will not affect the gardens or front and rear windows of either of the neighbouring dwellings (Brambles to the north or Firside to the south). Firside has ground floor side windows but these are already affected by the proximity of the existing flank wall of Huston Cottage and it is not considered that the infilling of the roof would cause a significant additional impact in terms of loss of daylight or outlook. Brambles have one ground floor side window but this is situated across a public footpath and would not be significantly affected by the proposal in terms of overbearing or overshadowing. No side windows are proposed at first floor level so no harmful additional overlooking would be caused and the insertion of any side windows in future could be controlled by condition. The proposed rear Velux rooflights will be at a height and angle such that any views towards neighbouring properties will be limited and will be at an oblique angle which would not cause a significant additional impact upon privacy.

Impact on Parking

- 6.10 Sufficient space would remain on the driveway at the front of the site to accommodate the car parking for the resulting four-bedroom dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

Three occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 13th September 2016.

One letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The application is supported as it is felt that additional space is genuinely required to support the family due to health issues.	Paragraph 6.5.

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

Comment		Where in the report this is considered

1.	The proposed development – which will turn the bungalow into a two storey dwelling - will conflict with Green Belt policy, as noted by Case Officers and Planning Inspectors on the previous refused applications at the site.	Paragraphs 4.2 – 4.5 and 6.2 – 6.7.
2.	The proposed infilling of the roof will result in loss of light and will have an overbearing impact upon the neighbouring property at Huston.	Paragraph 6.9.
3.	The proposed rear Velux windows will cause overlooking of Huston.	Paragraph 6.9.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Planning Layout
- Appendix C - Existing Elevations
- Appendix D - Proposed Elevations
- Appendix E - Floor Plans

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

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

In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL

1. By virtue of its additional height and bulk and cumulative increase in floor area over that of the original dwelling, the proposed enlargement of the roof would result in a disproportionate addition over and above the size of the original bungalow at Huston Cottage, contrary to saved policy GB4 of the Royal Borough of Windsor and Maidenhead Local Plan (incorporating alterations adopted June 2003). The proposal therefore represents inappropriate development within the Green Belt that would harm its openness and it is not considered that very special circumstances exist that clearly outweigh this harm. The proposal is therefore contrary to saved policies GB1, GB2 and GB4 of the Local Plan and Section 9 of the National Planning Policy Framework.
2. The proposed infilling of the roof at Huston Cottage will result in a contrived and incongruous built form that would be detrimental to the character of the host dwelling and the appearance of the street scene along Moneyrow Green, contrary to policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan and Section 7 of the NPPF.

Site Location

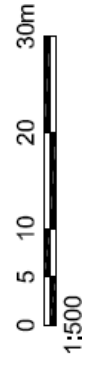


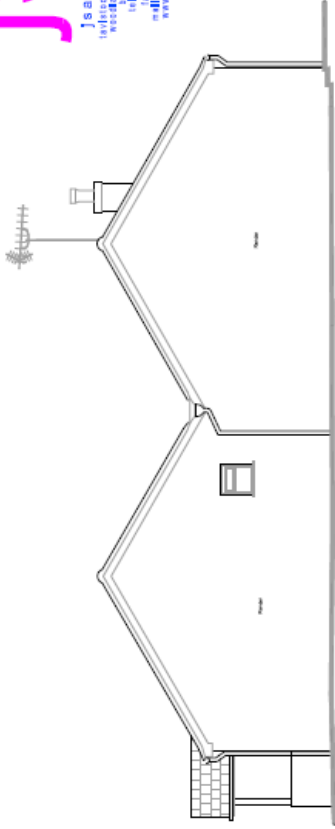




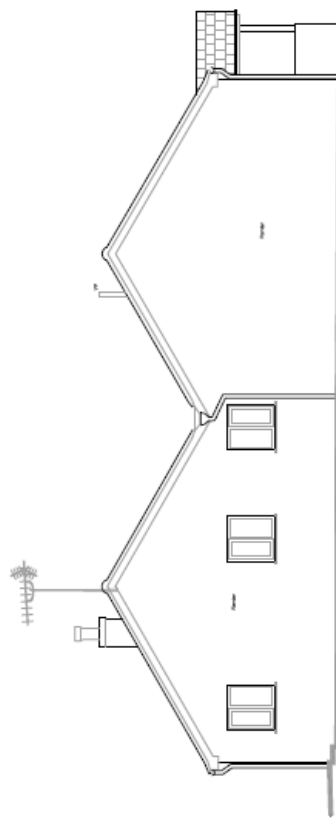
Key

- New Glazing
- New Roof
- Existing Roof

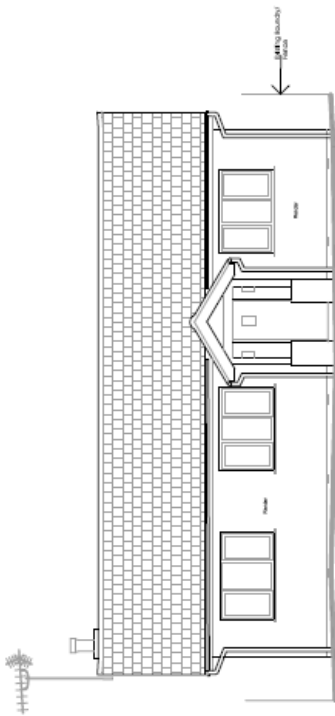




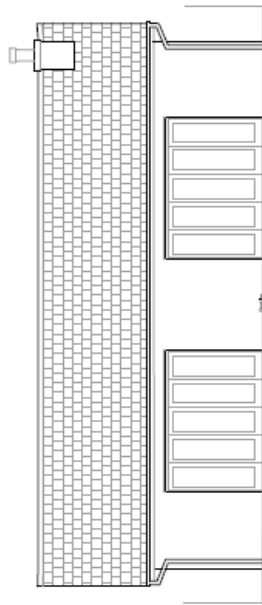
East Elevation



West Elevation

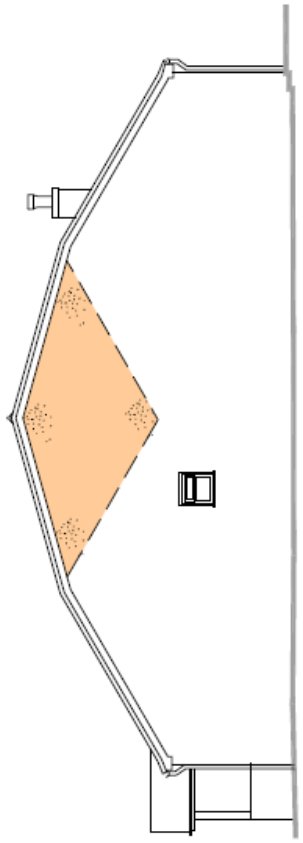


Front Elevation

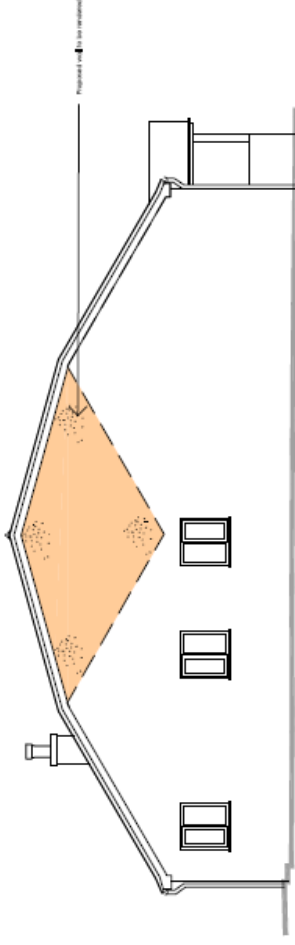


Rear Elevation

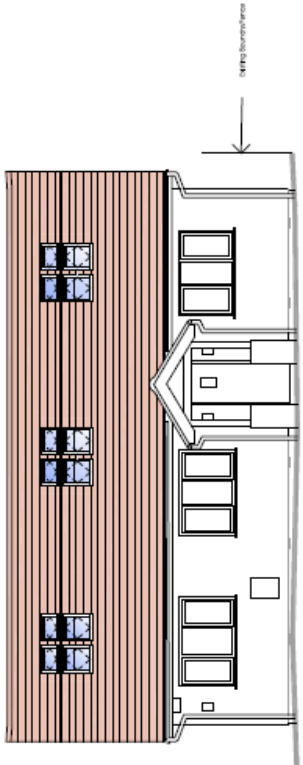




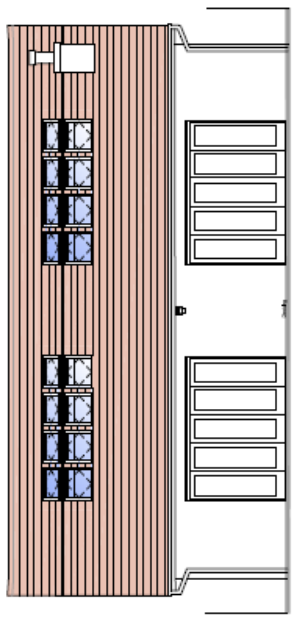
East Elevation



West Elevation



Front Elevation



Rear Elevation

- Key
- New Cladding
 - New Roof
 - New Rendered Wall



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Planning Appeals Received

20 September 2016 - 12 October 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

Ward:

Parish: Bray Parish
Appeal Ref.: 16/60083/REF **Planning Ref.:** 16/01201/FULL **PIns Ref.:** APP/T0355/D/16/3158107
Date Received: 20 September 2016 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of detached garage and alterations to driveway
Location: **Katura Fifield Road Fifield Maidenhead SL6 2NX**
Appellant: Mr Arvydas Kolelis **c/o Agent:** Mr Peter M Salmon Camber Broad Lane Bracknell Berkshire RG12 9BY

Ward:

Parish: Cookham Parish
Appeal Ref.: 16/60084/ENF **Enforcement Ref.:** 16/50256/ENF **PIns Ref.:** APP/T0355/C/16/3157195
Date Received: 20 September 2016 **Comments Due:** 1 November 2016
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice, without planning permission the erection of a building.
Location: **Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead**
Appellant: Mr Samuel Driver **c/o Agent:** Mr Tony Kernon Kernon Countryside Consultants Greenacres Barn Purton Stoke Swindon Wiltshire SN5 4LL

Ward:

Parish: Maidenhead Unparished
Appeal Ref.: 16/60085/NONDET **Planning Ref.:** 16/00321/FULL **PIns Ref.:** APP/T0355/W/16/3154520
Date Received: 22 September 2016 **Comments Due:** 27 October 2016
Type: Non-determination **Appeal Type:** Written Representation
Description: Construction of 6 x apartments and 4 x dwellings following demolition of existing dwelling.
Location: **33 Cannon Court Road Maidenhead**
Appellant: Nascot Homes Ltd **c/o Agent:** Mr Nicholas Cobbold Bell Cornwell Partnership Oakview House Station Road Hook Hampshire RG27 9TP

Ward:

Parish: White Waltham Parish
Appeal Ref.: 16/60087/REF **Planning Ref.:** 16/01347/FULL **PIns Ref.:** APP/T0355/D/16/3157641
Date Received: 6 October 2016 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: First floor side extension.
Location: **Westwood House Walgrove Gardens White Waltham Maidenhead SL6 3SL**

Appellant: Mr Ian Affleck **c/o Agent:** Mr Freddy Felix Studio Felix Ltd 14 Mellor Close Walton On Thames KT12 3RX

Ward:
Parish: White Waltham Parish
Appeal Ref.: 16/60089/REF **Planning Ref.:** 16/00971/FULL **Plns Ref.:** APP/T0355/W/16/3156047

Date Received: 11 October 2016 **Comments Due:** 15 November 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of garage (retrospective)
Location: **New Farm New Farm Fishery Drift Road Maidenhead SL6 3ST**
Appellant: Mr Roy Keates **c/o Agent:** Miss Lottie Burgess Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Hurley Parish
Appeal Ref.: 16/60090/COND **Planning Ref.:** 16/01753/FULL **Plns Ref.:** APP/T0355/W/16/3156065

Date Received: 11 October 2016 **Comments Due:** 15 November 2016
Type: Appeal against conditions imposed **Appeal Type:** Written Representation
Description: Single storey rear extension
Location: **Honey Lane Farm Honey Lane Hurley Maidenhead SL6 6RG**
Appellant: Mr Nick Evans **c/o Agent:** Mr Tom McArdle Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Bray Parish
Appeal Ref.: 16/60091/NONDET **Planning Ref.:** 16/01090/FULL **Plns Ref.:** APP/T0355/W/16/3155315

Date Received: 12 October 2016 **Comments Due:** 16 November 2016
Type: Non-determination **Appeal Type:** Written Representation
Description: Alterations and extension to roof to provide additional habitable accommodation, amendments to fenestration and demolition of existing conservatory
Location: **Longlea Fifield Road Fifield Maidenhead SL6 2PG**
Appellant: Mr Rowen Atkinson - Atkinsons Private Nursing Homes **c/o Agent:** Mr Paul Devine Left City Ltd Storey B/2 160 West George Street Glasgow G2 2HG



Appeal Decision Report

6 September 2016 - 12 October 2016

MAIDENHEAD

Appeal Ref.: 16/00011/REF **Planning Ref.:** 15/03550/PDXL **Plns Ref.:** APP/T0355/X/15/
3143755

Appellant: Mr And Mrs O Gooch **c/o Agent:** Mr P Mackrory 17 Bissley Drive Maidenhead SL6 3UX

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

Description: Single storey rear extension no greater than 6m depth, 4m high and eaves height of 2.5m

Location: **62 Portlock Road Maidenhead SL6 6DZ**

Appeal Decision: Dismissed **Decision Date:** 6 September 2016

Main Issue: In the Inspector's opinion, the house has two side elevation walls - the wall that forms the side elevation of the house and the outer side elevation of the outrigger and the wall that forms the inner side elevation of the outrigger. The outrigger is part of the original house and the enlarged part would extend beyond the wall that forms its inner side elevation. Although it would not exceed 4 metres in height or have more than a single storey, the enlarged part would have a width greater than half the width of the original house, since it is proposed to demolish the outrigger and construct an enlargement that would be the full width of the house. Limitation (j) would therefore be infringed.

Appeal Ref.: 16/60072/REF **Planning Ref.:** 15/02671/FULL **Plns Ref.:** APP/T0355/W/16/
3150215

Appellant: Leon Tusz Developments Ltd **c/o Agent:** Mr Jake Collinge - JCPC Ltd 5 Buttermarket
Thame Oxfordshire OX9 3EW

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

Description: Erection of two buildings comprising 7 x 1-bed units with access, parking and amenity space

Location: **31 - 33 Belmont Road Maidenhead**

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

Main Issue: The appellant's position is that the proposed development of seven 1-bedroom flats would generate some 18.8 trips, which would be similar to the level of trips to the extant planning permission for two 3-bedroom houses. The trip figure has been arrived at by using TRICS data. The Council was of the opinion that the proposal would generate between 14 and 28 movements per day based on the Council's SPD for Planning Obligations and Developers' Contributions to Infrastructure and Amenity Requirements 2014. However, the Planning Inspector considered that this document is for calculating developer contributions rather than assessing highway safety and therefore afforded limited weight. Moreover, whilst the Council's SPD may have some basis in TRICS data, it is much less refined than the TRICS data put forward by the appellant. Due to the rudimentary nature of the Council's evidence it was not agreed that the proposed development would generate materially more trips than the approved scheme and consequently harm highway safety.

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ENFORCEMENT REPORT – FOR DECISION

Recommendation by the Head of Planning

ENFORCEMENT ACTION: Remove from the Land the metal container in the approximate position shown with the blue coloured cross on the attached plan.

Reference and Site:

16/50256 – Land between Lightlands Lane and Strande View Walk and Strande Lane, Cookham.

Contravention:

Without planning permission the carrying out of building operations, namely the siting of a metal container on the land.

Person(s) responsible:

Mr Samuel James Driver

Relevant Planning and Enforcement History:

Reference	Description	Decision
16/01289	Certificate of lawfulness to determine whether a moveable poultry shed is lawful.	Refused 14.06.16.
15/02564	Construction of a log cabin for occupation by an agricultural worker in connection with the operation and management of an egg laying poultry farm to be established on the holding for a temporary period of 3 years.	Refused 18.02.16.
15/02565	Erection of one purpose built poultry shed elevated on a raised platform for the keeping of up to 1750 egg laying chickens including a separate integral egg packing room at one end of the building.	Refused 18.02.16.
15/02567	The erection of one purpose built poultry shed elevated on a raised platform for the keeping of up to 1350 egg laying chickens.	Refused 18.02.16.
15/02749	The erection of a general purpose portal framed agricultural storage building for the keeping of hay and straw and a bulk feed storage hopper.	Refused 18.02.16.
16/50203	Without planning permission the erection of a building	Enforcement Notice issued (subject to appeal ongoing)

Site and Surroundings:

The site is largely an open field located to the east of Lightlands Lane. Open land lies to the north and north-west, while Strande View is to the south-west and Strande Lane to the south. The site is currently occupied by three timber chicken sheds, a timber shed on wheels, a building to house chickens, along with timber posts and wire fencing enclosing the public right of way that crosses the site close to the eastern boundary.

The site is enclosed by established hedgerows and trees. A line of protected oak trees crosses the field from east to west about 30 metres north of the southern boundary. The site is located in the Green Belt and in an area where there is a high probability of flooding (Flood Zone3).

History:

1. Following a complaint to the Council regarding the siting of a metal container on the land in July this year enforcement officers attended the site and discussed the matter with Mr Driver. It was suggested to the officers that the container was to be used in connection with the agricultural unit.
2. Officers formed the opinion that the development was permitted development under Part 4 Class A of the Town and Country Planning (General Permitted Development) Order 2015.
3. Following the erection of a metal framed building on the land it was the Council's opinion that planning permission was required and not liable to be granted and therefore enforcement action was taken to demolish this. The erection of the building is a material consideration in determining the metal container being permitted development or not.
4. On 27 September 2016 the enforcement team wrote to Mr Driver inviting him to remove the metal container within 14 days.
5. A compliance visit confirms the container remains in situ.

Note: Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 2015 states:

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Development not permitted

***A.1 Development is not permitted by Class A if—
(a) the operations referred to are mining operations, or
(b) planning permission is required for those operations but is not granted or deemed to be granted.***

It is the opinion of the enforcement team that at the time the container was sited on the land it was considered to be compliant with Part 4, Class A of the Order. **However, following the erection of the building (subject to the ongoing appeal) the container is now in breach of A.1 (b).** It is officer opinion that the container, for the purposes of the Part 4, Class A, is a building and is being used in connection with the operations, including but not limited to, egg processing from chickens being housed in a building that requires planning permission.

Comments:

The reasons for taking formal enforcement action and addressing each potential ground of appeal are set out below.

Ground (a) – that planning permission should be granted.

Main issues and policies relevant to the planning merits.

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

	Policy
Local Plan	F1 & GB1

Development within the Green Belt

The site is located within the designated Green Belt where only specific types of development are considered to be appropriate. The container is being used in connection with the agricultural use of the land; the erection of buildings for agricultural purposes is appropriate in principle and therefore the proposal is considered to comply with Section 9 of the NPPF and Policy GB1 of the Local Plan.

Development within the area liable to flood

The site is located in the functional flood plain, Flood Zone 3b, where water has to flow or be stored in times of flood. Only water-compatible uses and essential infrastructure (listed in Table 2 of the Technical Guidance to the NPPF), that has to be there, should be permitted in this zone. As the building is neither water-compatible nor classed as essential infrastructure it should not be permitted on this site.

Ground (b) – that the breach of control alleged has not occurred.

An Enforcement Officer has visited the site and noted the metal container is on the land as a matter of fact.

Ground (c) – that there has not been a breach of planning control.

To determine if development has occurred officers refer to Section 55 of the Act, which defines development as follows:

*“(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
(1A) For the purposes of this Act “building operations” includes—
(a) demolition of buildings;
(b) rebuilding;
(c) structural alterations of or additions to buildings; and
(d) other operations normally undertaken by a person carrying on business as a builder.”*

In order to qualify as 'building operations' for the purposes of the Act, operations must relate to a building. The term 'building' in section 336(1) of the 1990 Act has a wide meaning, including any structure or erection. The case law is clear in concluding that the definition of 'building' should be interpreted to include structures which would not ordinarily be described as buildings.

The metal container is of a size which is significant in planning terms. It may be capable of movement but it would have a permanent character. The fact that the metal container may be capable of being moved is not determinative in establishing permanence. The length of time that the metal container would remain *in situ* is sufficient to be of consequence in the planning context, and that degree of permanence is a clear indicator that, for the purposes of the 1990 Act, the metal container can be described as a building for development control purposes.

Officers refer to an Appeal Decision by Diane Lewis BA (Hons) MCD MA LLM MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government, Colin Bruton against an Enforcement Notice issued by Sevenoaks District Council. APP/G2245/C/08/2072696. The appeal decision establishes that a shipping container, as a matter of fact and degree, is a structure and therefore a building within the meaning of section 336(1). Accordingly, its installation is a building operation that is defined by Section 55 of the Act.

Ground (d) – that at the time the Enforcement Notice was issued it was too late to take enforcement action against the matters stated in the Notice.

The metal container was first placed on the land in July 2016.

Ground (f) “that the steps required by the notice are excessive and that lesser steps could remedy any injury to amenity that has been caused”.

The requirements of the Notice are the minimum the Council can stipulate to ensure the breach of planning control, and resulting injury to the flood zone, is remedied. Any lesser steps would continue to cause harm.

Ground (g) – that the time given to comply with the Notice is too short.

7 days is a reasonable period of time for the requirements of the Notice to be complied with. The development is a metal container and can be loaded on to a lorry, therefore no specialist contractor or plant is required to carry out the requirements of the Notice.

Recommendation:

ENFORCEMENT ACTION:

- a. Remove from the Land the metal container in the approximate position shown with the blue coloured cross on the attached plan.

The period of compliance shall be 7 days from when the Notice becomes effective.

The reason for serving the Notice is as follows:

The metal container has been erected on land that lies within the functional flood plain (Flood Zone 3b), and is a type of development not permitted in this flood zone. The building would impede the

flow of flood water, reduce the capacity of the flood plain to store flood water and increase the number of people or properties at risk from flooding. It is therefore contrary to saved policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and to advice contained in National Planning Policy Guidance on flooding and paragraphs 100 to 103 of the National Planning Policy Framework, March 2012.

Report prepared by planning enforcement and action recommended by:

Jenifer Jackson,
The Council's authorised officer on behalf of Royal Borough of Windsor & Maidenhead.
Town Hall, St Ives Road,
Maidenhead, Berkshire, SL6 1RF
Date: 11 October 2016

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