

NOTICE
OF
MEETING



MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 18TH JANUARY, 2017

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT 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, 10 January 2017

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

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

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

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AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the part I minutes of the meeting of 19 December 2016.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Borough Planning Managers 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 - 74
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		75 - 76
6.	<u>PLANNING ENFORCEMENT REPORT</u> To receive the above reports.		77 - 88

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 MANAGEMENT PANEL

19.12.16

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

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

Also Present: Councillors Diment and Saunders.

105/15 APOLOGIES FOR ABSENCE

No apologies for absence received.

106/15 DECLARATIONS OF INTEREST

Councillor Burbage declared an interest in item 6 as he knew the applicant very well so would leave the room for that item. Also a Member of Bray Parish Council.

Councillor Love declared a personal interest in item 6 as he had known the applicant.

Councillor Smith declared an interest in item 5 as his wife worked at Holyport College in the admissions department.

Councillor Saunders declared an interest in two applications, items 1 and 2, he is the Chair of the Cookham Parish Council Planning Committee, Cookham Society Member and an active advisor of the Poundfield society.

Councillor Stretton declared a personal interest as she used to ride her pony there as a child and her mother raised a lot of money in the seventies to keep the Poundfield site.

Councillor Walters declared a personal interest as he was a Member of Bray Parish Council.

Councillor Wilson declared a personal interest in item 5 as he was a Member of Bray Parish Council.

107/15 MINUTES

The minutes of the meeting on 23 November 2016 were **Unanimously Agreed**.

108/15 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 *16/01411/FULL	<i>Erection of 4 No. dwellings with associated access works, public open space, car parking and</i>
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<p>Land To North And East of Cookham Nursery School Station Hill Cookham Maidenhead</p>	<p><i>landscaping to include on site parking area for nursery staff and additional parking for the residents of Roman Lea.</i></p> <p>The Officers recommendation to refuse the application was put forward by Councillor Kellaway and seconded by Councillor Clark.</p> <p>A named vote was carried out.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Ed Millard, Objector, Mr Dick Scarf, Cookham Society and Councillor Andrew Nye, Cookham Parish Council).</p>
<p>Item 2 *16/02300/FULL</p> <p>Open Space Between Terrys Lane And Poundfield Lane Cookham Maidenhead</p>	<p><i>Erection of 28 x dwellings with associated works.</i></p> <p>The Officers recommendation to refuse the application was put forward by Councillor Kellaway and seconded by Councillor Clark.</p> <p>A named vote was carried out.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Ed Millard, Objector, Mr Dick Scarf, Cookham Society and Councillor Andrew Nye, Cookham Parish Council).</p>
<p>Item 3 *16/02730/FULL</p> <p>Land To Rear of Stable Cottage Poundfield Lane Cookham Maidenhead</p>	<p><i>Erection of dwelling with detached double garage.</i></p> <p><u>ITEM WITHDRAWN</u></p>
<p>Item 4 *16/03011/FULL</p> <p>17 Castle Hill Maidenhead SL6 4AD</p>	<p><i>Demolition of existing dwelling and replacement with 12no. apartments and modifications to existing gatehouse (retained as a 1-bedroom dwelling), associated parking and landscaping.</i></p> <p>The motion to defer the item for one cycle was put forward by Councillor Stretton and seconded by Councillor Walters. This was to allow for a site visit, further legal advice on the highways and further investigation on the heritage of the Gatehouse.</p> <p>A named vote was carried out, ten councillors (Councillors Burbage, Clark, Coppinger, Hunt, Kellaway, Love, Sharp, Smith, Stretton and Walters) voted for the motion and Councillor Wilson voted against the motion.</p>

	<p>The PANEL VOTED that the application be DEFERRED for one cycle for further investigation.</p> <p><i>(Speakers: The Panel was addressed by Mr Stephen Pyne and Mrs Emma Robertson, Objectors and Mr Thomas Rumble, Applicants Agent).</i></p>
<p>Item 5 *16/03184/ADV</p> <p><i>Holyport College Ascot Road Holyport Maidenhead SL6 3LE</i></p>	<p><i>Consent to display one double-sided non-illuminated monolith sign at the site entrance.</i></p> <p>The PANEL VOTED UNANIMOUSLY that the application be DEFERRED and DELEGATED as per the officer's recommendation in the update report.</p> <p><i>The Officers recommendation to defer and delegate the application was put forward by Councillor Walters and seconded by Councillor Coppinger.</i></p>
<p>Item 6 *16/03346/FULL</p> <p>White House 66 And Land At White House 66 Altwood Road Maidenhead</p>	<p><i>Erection of new dwelling with new access onto Altwood Road and new front brick boundary wall and railings, new pedestrian entrance and landscaping following removal of existing timber fence at White House, 66 Altwood Road.</i></p> <p>The PANEL VOTED that the application be APPROVED subject to conditions, against the officer's recommendation.</p> <p>The panel considered that the railings improved the setting of the Listed Building and would also have the benefit of opening the site up more allowing the public to visually enjoy the Listed Building more. These were considered to be public benefits that outweighed the less than substantial harm that the proposed house would have on the setting of the Listed Building.</p> <p>Conditions were delegated to the Head of Planning but were to include appropriate tree conditions including tree protection and non dig driveway, as well as a condition securing the implementation and retention of the railings and removal of PD rights and all standard conditions.</p> <p><i>A named vote was carried out, six councillors (Councillors Coppinger, Hunt, Kellaway, Love, Sharp and Smith) voted for the motion and four councillors voted against the motion (Councillors Clark, Stretton, Walters and Wilson).</i></p> <p><i>(Speakers: The Panel was addressed by Mr Paul Butt, Applicants Agent).</i></p>

109/15 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

18th January 2017

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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.	16/02277/FULL	Recommendation	PERM	Page No.	11
Location:	The Lawns Guest House 6 Boyn Hill Avenue Maidenhead SL6 4ER						
Proposal:	Change of use from C1 (guest house) to C3 (residential) to provide 7 x 2 bed and 1 x 1 bed flats with two storey rear extension, alterations and extension to roof to provide additional habitable accommodation with amendments to fenestration.						
Applicant:	Mr Joyce - Doanne Ltd	Member Call-in:	Not applicable	Expiry Date:	6 December 2016		
<hr/>							
Item No.	2	Application No.	16/03011/FULL	Recommendation	PERM	Page No.	23
Location:	17 Castle Hill Maidenhead SL6 4AD						
Proposal:	Demolition of existing dwelling and replacement with 12no. apartments and modifications to existing gatehouse (retained as a 1-bedroom dwelling), associated parking and landscaping						
Applicant:	Mr Murray	Member Call-in:	Not applicable	Expiry Date:	27 January 2017		
<hr/>							
Item No.	3	Application No.	16/03214/FULL	Recommendation	PERM	Page No.	45
Location:	94 - 96 High Street Maidenhead						
Proposal:	Erection of 3 storey building comprising retail and 8 x 1 bedroom apartments following demolition of existing retail units.						
Applicant:	Magna Group	Member Call-in:	Not applicable	Expiry Date:	23 January 2017		
<hr/>							
Item No.	4	Application No.	16/03360/FULL	Recommendation	PERM	Page No.	59
Location:	Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA						

Proposal: Extension of existing building by altering second floor and adding third and fourth floor and penthouse floor, change of use from offices to create 7 no 1 bed and 7 no 2 bed apartments with gym and management office at basement level with external alterations (amendments to planning permission 16/00909/FULL)

Applicant: Mackenzie (Marlow Road) Ltd **Member Call-in:** Not applicable **Expiry Date:** 20 February 2017

Planning Appeals Received

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Planning Enforcement Report

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

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18 January 2017

Item: 1

Application No.:	16/02277/FULL
Location:	The Lawns Guest House 6 Boyn Hill Avenue Maidenhead SL6 4ER
Proposal:	Change of use from C1 (guest house) to C3 (residential) to provide 7 x 2 bed and 1 x 1 bed flats with two storey rear extension, alterations and extension to roof to provide additional habitable accommodation with amendments to fenestration.
Applicant:	Mr Joyce - Doanne Ltd
Agent:	Mr Peter Thomas
Parish/Ward:	Boyn Hill Ward
If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk	

1. SUMMARY

- 1.1 This scheme proposes the conversion and extension of an existing 12 bedroomed guest house to form 7 no. 2 bedroomed flats and 1 no. 1 bedroomed flat. This attractive Edwardian house, which has already had some extension to it, stands on a corner plot within an established residential area of the town, with parking and garden areas on three sides.
- 1.2 The development proposal has taken heed of the Council's pre-application advice and has been further revised/augmented as a response to officer requests for additional information and amended detailing during the course of the planning application process. The scheme would have no adverse impact on highway safety, would provide satisfactory living conditions for future users and existing neighbours and would compliment its surroundings architecturally and in landscaping terms.

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

2. REASON FOR PANEL DETERMINATION

- As this scheme proposes to create more than two new residential units, 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 comprises 0.09 hectares of land on the north east side of the junction of Boyn Hill Avenue and Boyndon Road, with two vehicular accesses on the Boyn Hill Avenue frontage. This Edwardian villa has accommodation over three floors (two storeys and roof space) and benefits from a basement. Parking is currently at the front and side of the house.
- 3.2 The site is bordered to the north and east by residential units in the form of more modern two storey houses, with the major land use in the area being older residences. Other uses in the locality include a small hotel and restaurant, a day nursery and a former Local Authority Education centre.
- 3.3 Boyn Hill Avenue and Boyndon Road have no parking restriction except for double yellow lines around the junction itself. Both roads are of comfortable width to allow on-street parking.
- 3.4 Plots are route-bordered by brick walls or timber board fencing with hedges over-growing. Occasional or lines of trees mark the back edge of the pavement, stand within the highway verge or pavement, or are evident from the public view in garden areas.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
99/34092/FULL	First floor rear extension and two-storey side extension.	Approved 29.10.1999.
93/00584 /FULL	Two storey side and single storey rear extensions and extended rear roof dormer.	Approved 17.06.1993.
87/00498/FULL	Change of use from bedsitters to bed and breakfast.	Approved 16.10.1987.

- 4.1 Full planning permission is sought for the alteration and extension (of two storeys and roof space) of the existing guest house building to form 8 new flats, with new access and parking arrangements.
- 4.2 The submission is supported by an ecology report, which concludes that the building and its curtilage are unlikely to host a bat population or provide other wildlife habitat.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework 2012 sections 4, 6 and 7.
- 5.2 The scheme is considered to comprise sustainable development, for which there is a simple presumption in favour expressed in the NPPF. There are no material considerations that indicate otherwise.

Royal Borough Local Plan

- 5.3 The planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Trees
DG1, H8, H9, H10, H11	P4, T5, T7	N6

These policies can be found at:

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

Other Local Strategies or Publications

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

- RBWM Parking Strategy 2004

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:
- The principle of the development
 - The provision of appropriate and good quality housing
 - Impact on character and amenities of the area
 - Highway and movement safety and convenience

Principle of development

- 6.2 There is no policy position expressed in the existing Local Plan which would prohibit the loss of visitor accommodation from the town. Furthermore the increase in the number of residential units in this location is supported.

Housing

- 6.3 Residential development of this type and size of units (small flats) accords with the objective of Local Plan Policy H8. The scale, form and architectural detailing of the proposed alterations and extension of the building have been designed to compliment the appearance of this attractive house and at the same time make efficient use of the space available. The living spaces formed will be comfortable, with access to gardens and adequate storage. The scheme design satisfies the expectations in Policy H10 of attractiveness and safety.
- 6.4 The size of the plot and the number of units proposed fall below the thresholds (0.5 ha and 15 units) for requirements for the provision of affordable housing on the site.

Impact on character and amenity

- 6.5 The new extension and alterations to the existing building would reduce the number of upper floor habitable room windows on the site with an aspect towards neighbouring properties. New windows proposed would not enable overlooking of either Shrubland or Svanevik by virtue of the recommended condition 11 relating to obscured glazing and opening mechanism restriction. Proposed roof lights are to have a minimum cill height above floor level of the rooms served of 1.7 m, so precluding a view across and down onto neighbouring properties. With the revisions made to the scheme the form of the resultant building would not dominate or cut natural daylight from its neighbours, and would sit comfortably in the street scene. Important existing trees and boundary greenery on the site or on the highway verge to the south currently contribute to the pleasant appearance and biodiversity of the area. These trees would remain, and can be augmented by new landscape planting. The scheme is considered to comply with the design, amenity and landscaping standards expected in Policies H10, DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

Highways and movement

- 6.6 Adequate car parking provision is shown within the site to meet the Council's standards for this size and number of new residential units. The change of use of the site from a 12-bedroomed guest house with owner's accommodation to 8 individual flats is considered unlikely to result in an increase in traffic such that it would cause danger or inconvenience to other highways users or nearby householders. The alterations to the vehicular accesses from Boyn Hill Avenue (to close the two existing points and open a single entry point central to the frontage) are welcomed, and the opening of new vehicular and pedestrian accesses onto Boyndon Road is acceptable.
- 6.7 One comment from a member of the public noted that the presently unlimited on-street parking makes Boyndon Road a popular place, resulting in problems of vehicles parking too close to driveway openings. The writer feels that the creation of a further driveway as proposed could worsen the existing pressure, and consideration is requested of time limiting the on-street parking in Boyndon Road, to make it less attractive as a free car park. This point has been referred to the Highway Authority. Given that the development proposal accords with the Council's on-site parking provision expectations, it is not considered appropriate that the suggested parking limitation be a matter for condition or obligation on any planning permission granted.
- 6.8 Cycle parking is to be accommodated in the basement of the building for 7 of the flats, with an edge ramp on the staircase to allow wheeled access. A separate cycle store in the rear garden will serve the rear ground floor flat (which will not be accessed from the southern side of the building).

- 6.9 Refuse and recycling collection vehicles will be able to load waste from the site conveniently: the bin store arrangements shown next to the Boyndon Road boundary, with a new pedestrian gate, are acceptable.
- 6.10 With regard to pedestrian, cycle and vehicular access to the property, the scheme enables safe and convenient movement to and around the building, would improve the vehicular access arrangements for Boyn Hill Avenue by increasing the distance between the driveway and the road junction. On compliance with the suggested conditions, the proposal is considered to accord with Policies H10, T5, T7 and DG1 of the Local Plan.

Ecology

- 6.11 As the proposed scheme would involve works to the roof of an established building, the existing structure has been inspected for bat habitation. The submitted report noted that no evidence of bat activity was found, and concluded that because of its construction (including previous alteration and improvement) the structure offered limited opportunity for bat habitat. For completeness, trees and other vegetation on the site were also assessed: again, no evidence was found of bat use, and the site accorded low potential for roosting or foraging for protected bat species. As noted above, for their contribution to the character and biodiversity of the area, these trees will be retained.

Other Material Considerations

Housing Land Supply

- 6.12 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 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 5 year supply of deliverable housing sites.
- 6.13 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 dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development would be £20,000 on the basis of a net increase of 200 sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The occupiers of 6 properties adjoining or near to the site were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 21st October 2017.

One letter was received raising the following points:

Comment		Where in the report this is considered
1.	The change of use and some alterations seem to be acceptable.	Para 6.2.
2.	The scheme will increase traffic.	Para 6.6.
3.	On street parking is a problem that will be made worse by the new access onto Boyndon Road.	Para 6.7.
4.	On-street parking should be time limited.	Para 6.7.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objection subject to the submission and approval of further details of car parking, cycle storage and access construction, and the pre-occupation implementation of these facilities and refuse/recycling storage. Standard informatives.	Paras 6.6 – 6.10 and recommended conditions and informatives.
Environmental Protection	No objections.	

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years of the date of the planning permission. Reason: in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990
2. No development shall commence until details (including specification, colour, texture and finish as appropriate) of the materials to be used for all external surfaces and elements of the development (including brick, mortar, bond pattern, pointing finish, render, timber cladding, roof tile and other roof covering, window dressings, fenestration, doors, rainwater goods boundary enclosures and external lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the area in accordance with national and local planning policy as set out in Policies H10 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and advice contained on the NPPF 2012.
3. No development shall take place until drawings (elevations, plans and sections) at a scale of not less than 1:20, or 1:50 as appropriate, of full architectural detailing of the following matters have been submitted to and approved in writing by the Local Planning Authority: fenestration (including reveals, dressings, glazing bar profiles, opening mechanism) doors, rainwater goods, vents, steps, retaining walls, and porch canopy. The development shall be completed in accordance with the approved details and so maintained thereafter. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the area in accordance with national and local planning policy as set out in Policies H10 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and advice contained on the NPPF 2012.
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 development shall take place and no clearance of existing materials or vegetation on the site shall commence until details of measures to prevent damage to the four trees (at the south western corner of the site, on the eastern boundary of the site to the south of the building, on the adjoining property Scrublands, overhanging the eastern boundary of the site to the north of the building and on the grass verge fronting the site onto Boyn Hill Avenue) in accordance with BS 5837 2012, have been submitted to and approved in writing by the Local Planning Authority. The details will describe measures to protect these plants from harm arising from construction and or storage activities on the site, within a schedule and timetable of operations. The development shall be carried out in accordance with the approved schedule and timetable. Reason: To ensure the protection of important vegetation on or bordering the site which contributes to the character and appearance of the area in accordance with national and local planning policy as set out in Policies DG1, N6 and N7 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating Alterations adopted 2003) and in the NPPF 2012.
6. 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.
7. No development shall commence until details of the construction and layout of the new accesses onto Boyn Hill Avenue and Boyndon Road have been submitted to and approved in writing by the Local Planning Authority. No new residential unit shall be first occupied until the vehicular access for it has been completed in accordance with the approved details, and the access shall be so retained for the duration of the occupation of the unit. Reason: To secure appropriate access to the development, in the interests of highway safety and convenience, in accordance with national and local planning policy and guidance as set out in Policies H10 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and advice contained in the NPPF 2012.
8. The existing accesses from Boyn Hill Avenue to the site of the development shall be stopped up and abandoned immediately upon the new access on this frontage being first brought into use. The footways and verge shall be re-instated before the development is first occupied in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Reason: To secure appropriate access to the development, in the interests of highway safety and convenience, in accordance with national and local planning policy and guidance as set out in Policies H10 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and advice contained in the NPPF 2012.
9. No part of the development hereby permitted shall be first occupied until the parking provision shown on the approved plans has been completed in accordance with those details. The parking spaces shall be so retained for the duration of the occupation of the development. Reason: To secure adequate facilities for the traffic to be generated by the residents of the dwelling, in the interests of the safety of all highway users, in accordance with Policies T5, T7, H10 and DG1 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003), the Council's adopted Parking Strategy, and advice contained in the

NPPF 2012.

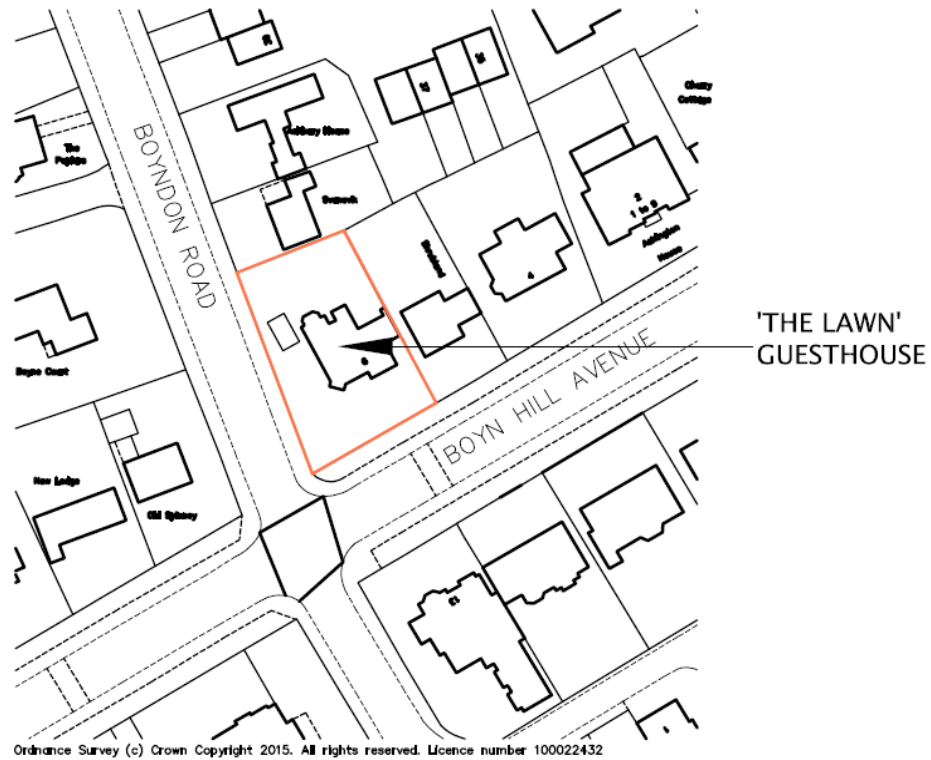
10. No part of the development hereby permitted shall be first occupied until the covered and secure cycle storage facilities, including the stair ramp, as shown on the approved plans have been provided. The storage facilities shall be so retained for the duration of the occupation of the development. Reason: To secure adequate facilities for the site, in accordance with Policies T5, T7, H10 and DG1 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003), and advice contained within the NPPF 2012.
11. The first floor east facing windows, to serve the en-suite bathrooms for flats 4 and 6, shall be finished in obscured glazing, shall have a top-hung opening mechanism and shall be so retained for the duration of the occupation of the development. Reason: To protect the residential amenity of the adjoining dwelling.
12. The development shall be carried out in accordance with the plans, documents and reports listed as approved at the end of this notice. Reason: To clarify the development permitted.

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 Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

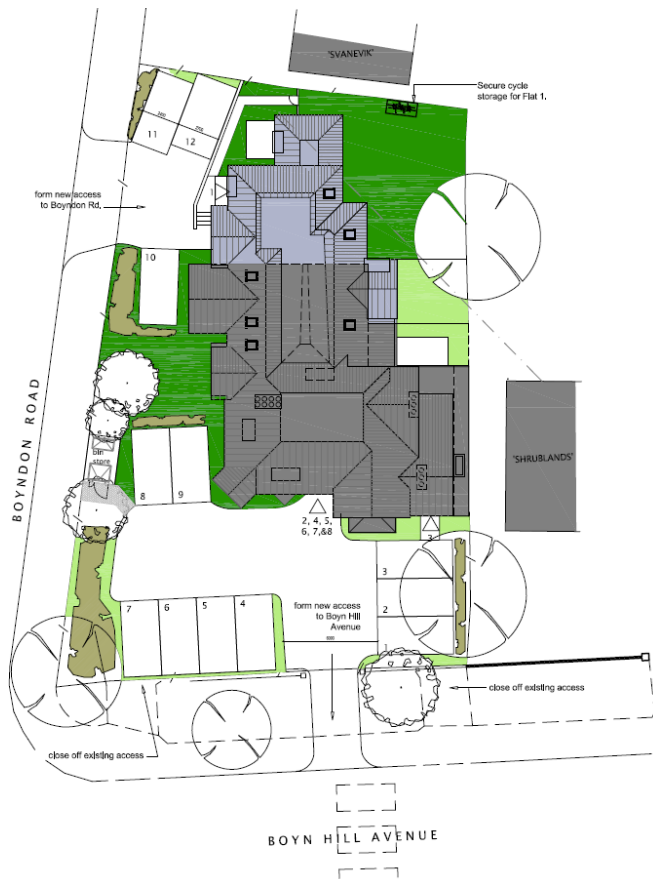
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Appendix A (not to scale)



LOCATION PLAN

1:1250

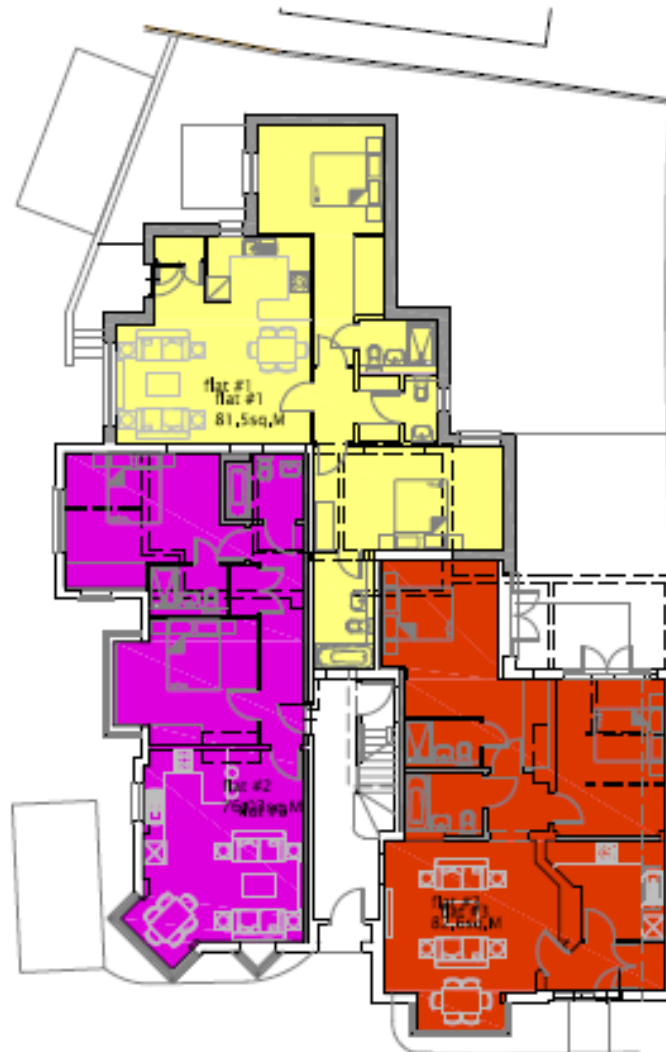


Appendix B (not to scale)



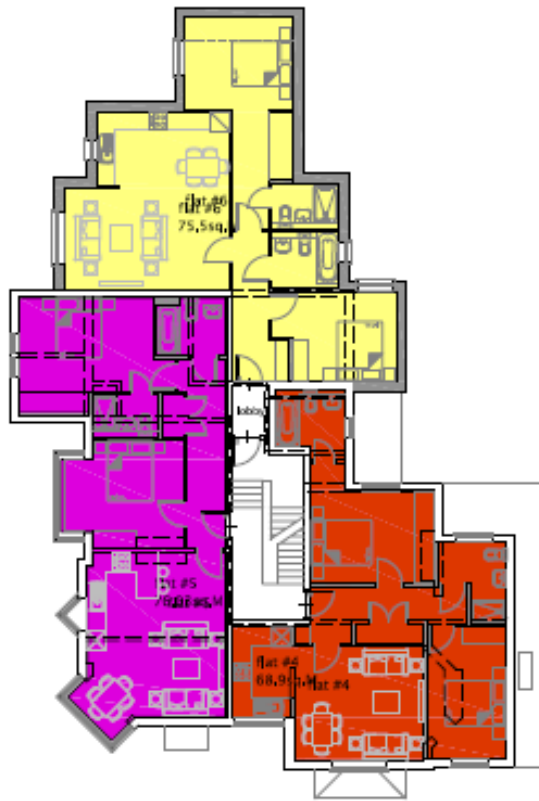


THE LAWN
Proposed North Elevation (Facing Swanerik) 1:100



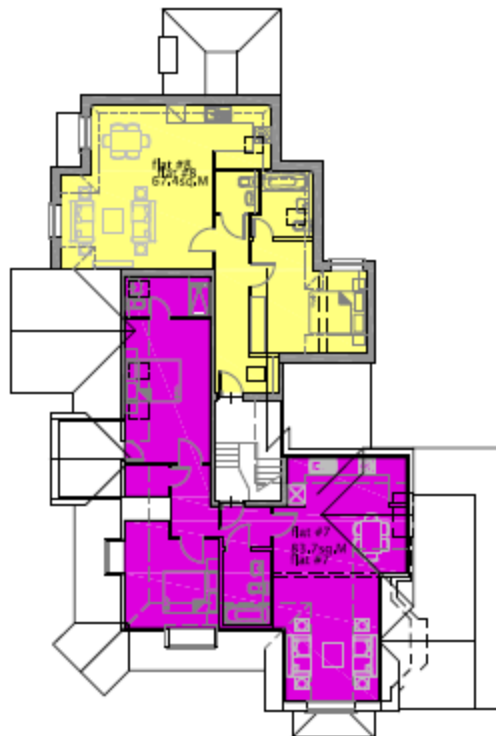
PROPOSED GROUND FLOOR PLAN 1:100

THE LAWN, BOYN HILL AVENUE, MAJENHEAD



PROPOSED FIRST FLOOR PLAN 1:100

THE LAWN, BOYN HILL AVENUE, MAIDENHEAD



PROPOSED SECOND FLOOR PLAN 1:100

THE LAWN, BOYN HILL AVENUE, MAIDENHEAD

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

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18 January 2017

Item: 2

Application No.:	16/03011/FULL
Location:	17 Castle Hill Maidenhead SL6 4AD
Proposal:	Demolition of existing dwelling and replacement with 12no. apartments and modifications to existing gatehouse (retained as a 1-bedroom dwelling), associated parking and landscaping
Applicant:	Mr Murray
Agent:	Mr T Rumble
Parish/Ward:	Maidenhead Unparished/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 This item was deferred at the last Maidenhead Development Control Panel meeting to allow a members site visit to take place, more information to be provided on the contribution of the Gatehouse to Castle Hill Conservation Area and the position as to the rights of access to 17 Castle Hill along Folly Way. The previous report is as detailed below with the previous panel update report included for completeness. The expanded assessment on the contribution of the Gatehouse to Castle Hill Conservation Area can be found at paragraph 6.5 and 6.9 of this report. At the time of writing the Local Planning Authority have sought legal advice on the access to 17 Castle Hill along Folly Way, which will be reported in an update.
- 1.2 The redevelopment of the site for housing would boost the Borough's supply of housing and be of clear benefit.
- 1.3 The loss of no. 17 and the partial demolition of The Gatehouse are not considered to result in harm to Castle Hill Conservation Area provided that the replacement building and alterations to The Gatehouse preserves or enhances its special character. The new building will be substantial in size but following negotiation and amendments to the form, design and detailing it will assimilate well into its surroundings. The bulk and mass will be 'broken up' through its form and the use of a stepping arrangement to the facades, architectural features and materials. Its appearance would also reflect Castle Hill Conservation Area and wider locality with a good level of detailing throughout the facades. It is therefore considered to preserve the character and appearance of the area. The extension to the Gatehouse is considered to be in keeping with its character as a gatehouse and folly.
- 1.4 The new building and Gatehouse extension has been sited and designed to ensure it will not significantly affect the living conditions of existing occupiers of neighbouring properties. While an increase in use of Folly Way which is over and above the existing situation, the number of trips is not considered to result in a materially harmful level of noise and disturbance to justify refusal.
- 1.5 There would be an increase in vehicular movements along Folly Way, which is a shared surface. Folly Way ranges from 5.94m to 6.0m wide and based upon the Borough's design standard a 4.80m path can be used as a shared surface, while National Guidelines from Department of Transport in Manual for Streets states that a 4.10m wide path is sufficient for two cars to pass. As such, it is considered that Folly Way is acceptable in respect of highway safety and flow in this respect. Parking meets the adopted, maximum parking standards of the Council.
- 1.6 The proposal is considered acceptable in relation to trees, ecology, sustainable drainage, archaeology.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the 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, measuring 0.1 hectares, is located on the east side of Grenfell Road and south Castle Hill (A4). The site currently comprises of a detached, two-storey single family dwelling house in an arts and crafts style, dating from the 1920s. To the southwest of the site is a Gatehouse, dating c.1890, which is castle-like in appearance with arches across the main entrance. This building contains a self-contained flat. Neither buildings are listed, but both lie within the Castle Hill Conservation Area. There are also a number of listed buildings on the opposite (north) side of Castle Hill including no. 2, 4, 7 and 9 Castle Hill.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the demolition of the existing house and erection of a new two-storey building with accommodation in the roof space, comprising of 12 x 2-bed residential flats. Communal amenity space for the flats would be located to the east, fronting onto Castle Hill, while a parking area providing 13 car parking and turning spaces would be located to the west of the building. The access to the site is via the existing vehicular access onto Grenfell Road via Folly Way. It is intended to reinstate the former pedestrian gateway onto Castle Hill at the south eastern corner of the site. The proposal also includes the refurbishment of the existing Gatehouse, which is currently a 1-bedroom dwelling. This includes the removal of the first floor level which extends across the access and an extension to the Gatehouse to the north-west.

4.2

Reference	Proposal	Decision
11/01242/FULL	First floor side and single storey side extensions to The Gatehouse.	Approved - 01.07.2011.
13/02836/CAC	Consent to demolish a boundary wall within a conservation area.	Approved - 18.11.2013.
13/02784/FULL	Rebuilding of existing first floor structure over gate entry and ground floor and first floor side extensions.	Approved – 18.11.2013.
13/00701/FULL	Four dormer windows to loft conversion	Approved - 15.04.2013.
11/01242/FULL	First Floor side and single storey side extension the Gatehouse.	Approved – 01.07.2011.
10/00542/FULL	Four dormer windows to loft conversion	Approved – 10.05.2010.
00/35116/FULL	Single storey rear extension, installation of two no. dormer windows to side elevation, two storey bay window to front elevation and erection of a front porch.	Approved – 03.04.2000.
99/34207/FULL	Single storey and two storey rear extension, and two storey front bay window.	Approved – 24.08.1999.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

National Planning Policy Framework Sections 6, 7, 11 and 12

Within settlement area	Highways and Parking	Trees
DG1, CA2, LB2, ARCH3, ARCH4, H10, H11, Plan NAP4	P4, T5, T7	N6

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 Parking Strategy which can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning
- Conservation Area Map which can be found at:
https://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Design and Appearance
- iii Amenity for Neighbouring Properties
- iv Highway and Parking Issues
- v Other Material Considerations

Principle of Development

6.2 The aim to significantly boost the supply of housing represents a key element of national planning policy, as set out at NPPF paragraph 47, and in this context the net gain of housing within an urban area would be a clear benefit of the scheme and therefore acceptable in principle, subject to other considerations.

Design and Appearance

6.3 The NPPF requires development to be of good design and take the opportunity for improving the character and quality of an area and the way it functions. Development should optimise the potential of the site to accommodate development and respond to the local character and history of local surroundings and should be visually attractive. Local Plan policy H10 and H11 require new residential schemes to display high standards of design and landscaping in order to create attractive safe and diverse residential areas and where possible to enhance the existing environment. 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. Furthermore, as the site is located in Castle Hill Conservation Area policy CA2 is relevant and requires the retention of any buildings that contribute to the distinctive character of the conservation area; new development to enhance or preserve the character of appearance of the area; and new buildings and extensions to be of a high design which is sympathetic in terms of siting, proportions, scale, form, height, materials and detailing to adjacent buildings and the area in general.

- 6.4 Located within Castle Hill Conservation Area, 17 Castle Hill and the Gatehouse are designated Heritage Assets. To accord with paragraph 128 of the NPPF an assessment on the impact to the heritage asset to establish the level of harm is required. In this case, while no. 17 Castle Hill is an attractive buildings and make a positive contribution to Castle Hill Conservation Area it is not considered to be of any particular architectural or historic interest. As such the total loss of no. 17 Castle Hill is not considered to result in harm to Castle Hill Conservation Area provided that the replacement building preserves or enhances its special character, which is assessed in paragraph 6.6 to 6.12.
- 6.5 The stone castle folly (no. 19 Castle Hill) was built in 1897 by Edwin Hewitt and the folly is identified in the Castle Hill Conservation Area Statement as being an important building and, as such, makes a strong contribution to the character of the Conservation Area. It is considered that the folly formed part of the Grenfell Estate. The extensive grounds of Grenfell Estate has since been subdivided and developed, but part of the boundary of the original grounds is still in evidence today with the stone boundary wall and gatehouse complete with crenulations. The Gatehouse therefore makes a positive contribution to Castle Hill Conservation Area in this respect. Around 2011 the upper floor section of the Gatehouse collapsed following removal of dense ivy which had grown around the Gatehouse, and it was reported that at the time of a site visit from Planning Officers and Conservation Officers in 2013 the upper floor section no longer existed. The upper floor section, however, has since been rebuilt under planning permission 13/02784/FULL. The main Gatehouse building would be retained and, while the form of the arch over the entrance would be lost, the extended building would still read as a Gatehouse given its location and as a folly given its design, most notably the crenulations. As such, the proposal in this respect is considered to preserve the character of the conservation area.

Pattern of Development and Density

- 6.6 The buildings in the area predominately comprise a mixture of detached houses, mews and terrace houses, and multi-storey residential blocks. In general these multi-storey blocks are modern, but sit within the pre-existing curtilage of their predecessors. In this context the redevelopment of the site for a block of flats is not considered to be unduly out of keeping. It is also considered that the proposed footprint of the new building is proportionate to the plot. There is no objection to the 'c' shape which is considered to be an efficient use of space and would also help break-up visual mass and bulk. In respect of bulk and mass there would be sufficient space around the building so as not to appear overly cramped within the site. The communal amenity space is located to the north-east edge of the site fronting Castle Hill and the proposal seeks to retain the existing boundary treatment that partly comprises of trees and mature vegetation, which is welcome given the existing green edge along this road. As such, the proposed pattern of development and density sufficiently preserves the character of Castle Hill Conservation Area and wider locality.

Building Design

- 6.7 As originally proposed there were concerns over the building's height, wall dormers, narrow width gables, and tall windows. This resulted in a vertical emphasis, resulting in a building that appeared disproportionately tall, which would have been at odds with the prevailing horizontal emphasis that characterises buildings within the locality. Following negotiation a revised scheme was submitted that reduced the overall height by 0.6m and the eaves were lowered by approximately 1m. The dormers were also re-sited so that they sit within the roof slope, widened and with shorter windows. These alterations results in more balanced proportions and harmonious appearance. The proposal still incorporates a crown roof. While there are examples within the wider locality, it is considered that crown roofs are not particularly characteristic of the area, but given its 'c' shape and the pitch the crown roof and its bulk is not considered to be overly prominent in this case.
- 6.8 There is a more defined style on the north side of Castle Hill with the older houses within the Conservation Area being in a Classical style. The character to the south is more difficult to categorise but appears to be in the style of Victorian architecture. As originally submitted the general style of the proposed building appears to be in the style of arts and crafts which is

considered to be appropriate with the Victorian character of this part of Castle Hill Conservation Area. The revised plans included detailing such as horizontal banding, which reinforces the more horizontal emphasis to the building when compared to the submitted drawing. A stronger, more imposing porch to reflect those within the Castle Hill Conservation Area and wider area has also been included. Given that architectural detailing is fundamental to achieving a high quality arts and crafts building that would preserve/enhance the character of the conservation area and wider locality, it is recommended that such detailing and details of all external materials be secured by conditions 2 and 4.

- 6.9 In relation to the Gatehouse, it is considered that the scale of the first floor extension is not disproportionate or out keeping with the host, and the design would be appropriate as it would still read as folly, notably the crenulations. The ad-hoc placement, size and style of windows are also considered to be acceptable given the existing ad-hoc appearance which forms part of its character. Details of materials and architectural detailing would be secured by conditions 2 and 4.

Streetscene and Setting

- 6.10 While the scale of the new build is substantially larger than the existing dwelling, it is not considered to be unduly obtrusive or intrusive from Castle Hill or Folly Way. The building is set back from the public highway, and the 'c' shape, stepped façade and architectural detailing including gables and bay windows is considered to sufficiently break up visual bulk and mass. It is also noted that the site is not particularly prominent within the Castle Hill streetscene, which is a main thoroughfare, given the changes in ground level between the site and public highway and existing screening from the brick wall and mature vegetation along the Castle Hill boundary. As it traverses the area from east to west, Castle Hill roadway lies in a cutting, and as a result front gardens and houses stand at a considerable height above the road. The boundary wall and vegetation along Castle Hill, which provides substantial screening from Castle Hill, is also considered to be a key feature of Castle Hill Conservation Area and proposed to be retained.
- 6.11 The proposal is considered proportionate to the plot and the space around the building is considered to provide an adequate setting for the proposed building. The proposal incorporates a lawn area and proposes to retain the existing wall and mature vegetation along the north-east and southern boundary. This is considered to provide an acceptable interface with Castle Hill, makes a positive contribution to Castle Hill Conservation Area, and would not harm the setting of the Listed Buildings opposite. Details of landscaping and its maintenance can be secured by condition 7.
- 6.12 Overall, the proposal is considered to meet the aims and objectives of the NPPF and Local Plan policies DG1, CA2, H10 and H1, and in reaching this conclusion the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Castle Hill Conservation Area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbouring Amenity

- 6.13 Core Principle 4 of the NPPF seeks to secure a good standard of amenity for existing and future occupants, while Local Plan policy H11 states that new development will not be permitted if it causes damage to the amenity of the area.

Castle Hill Terrace

- 6.14 The road separates the site from properties on the northern side of Castle Hill at Castle Hill Terrace with a separation distance of approximately 22m. At this distance the proposal would not significantly harm the outlook from these houses or lead to an unacceptable loss of daylight/sunlight or privacy.

19 Castle Hill

- 6.15 There is a separation distance of approximately 15m between the nearest proposed elevation, and 19 Castle Hill. Due to the 'c' shape the nearest elevation is also the narrowest and angles

away from the shared boundary, the house at no. 19 and their main garden area. As such it is not considered to significantly harm the outlook for this neighbouring property or result in undue loss of daylight/sunlight or loss of privacy.

118A Grenfell Road

- 6.16 The proposal is not considered to result in undue loss of amenity to this property in terms of loss of light, visual intrusion or loss of privacy given the separation distance of approximately 11m from the nearest proposed elevation to the shared boundary and the pitched roof, double garage and link extension at no. 118A to the front of the property and along the shared boundary.

Lavender and Jasmine Cottage, Folly Way

- 6.17 Lavender and Jasmine Cottage is separated from the site by Folly Way, which measures approximately 3.5m in width, while the proposed building is offset from the shared boundary with Folly Way by approximately 6.5m at its closest point, but due to the shape and orientation of the building the mass and bulk would recede from this closest point to a distance of approximately 11m. Therefore, while there would be an increase in presence of built development when seen from Lavender and Jasmine Cottage it is not considered that the proposal would result in undue visual intrusion or loss of daylight/sunlight to these neighbouring properties. In terms of privacy, there are new windows which would face Lavender and Jasmine Cottage but given that these windows would face the front of Lavender and Jasmine Cottage, the 6.5 to 11m separation distance from the shared boundary and Folly Way, it is not considered to result in an undue loss of privacy.

Castle Mews

- 6.18 The existing first floor to The Gatehouse sits over the entrance way to the site and extends approximately 3.5m along the shared boundary with no. 8 Castle Mews. It is proposed to remove the existing first floor over the entrance and extend approximately 5.8m further along the boundary with no. 8 Castle Mews at first floor level. The proposed extension would enclose an approximate 2.3m gap that currently exists between the end of the existing first floor at the Gatehouse and the front elevation of no. 8 Castle Mews but this is not considered to be unduly harmful to neighbouring amenity in terms of visual intrusion or loss of light as the additional mass subtend a 45 degree angle taken from the mid-point of the nearest window. The extension also stops short of the first floor side window to the flank elevation at no. 8 and would not extend across it. No rear windows are proposed that would look directly into this neighbouring site.
- 6.19 Local residents have raised concerns over the increase in noise and disturbance to the properties forming Castle Mews as their rear windows and gardens back onto Folly Way. The rear garden from the rear of the houses to the rear boundary measures approximately 6.7m in depth. The proposal would result in an increase in use of Folly Way with a potential to generate between 48 and 96 vehicular trips per day. While this is an increase over the existing situation, the number of trips is not considered to result in a materially harmful level of noise and disturbance to justify refusal.

Highway and Parking Issues

Access

- 6.20 Local Plan policy T5 states that all development proposals shall comply with adopted highway design standards. Concerns were raised by local residents over the creation of a 'crossroad' on Grenfell Road as Folly way is opposite Boyn Hill Avenue. The visibility at the access for vehicles and pedestrian with Folly Way and Grenfell Road are as existing and are acceptable. Furthermore, National Guidelines from Department of Transport in Manual for Streets consider that 'crossroads' minimise diversion from desire line for pedestrians when crossing the street and they make it easier to create permeable and legible street networks.
- 6.21 Concerns have also been raised by local residents over the intensification of use of Folly Way and the potential for conflict between vehicles and pedestrians, and vehicles travelling in the

opposite direction. A typical development of this size has the potential to generate between 48 and 96 vehicular trips per day. Folly Way ranges from 5.94m to 6.0m wide and is a shared surface (a path without a defined footway but shared by both pedestrian and motorist). Based upon the Borough's design standard a 4.80m path can be used as a shared surface, while National Guidelines from Department of Transport in Manual for Streets states that a 4.10m wide path is sufficient for two cars to pass, whilst a 4.80m width is sufficient for a large vehicle and a car to pass. As such, it is considered that Folly Way is acceptable in respect of highway safety and flow in this respect.

Parking and Servicing

- 6.22 Local plan policy requires development to meet adopted parking standards, while policy T7 seeks to ensure that development makes appropriate provision for cyclists. The development comprises of 12 x 2-bed flats and retains the existing 1-bed unit at the Gatehouse. With reference to car parking spaces, the proposal meets the adopted parking standards of the Council with 13 spaces. The Borough's current Parking Strategy 2004 is a maximum standard with no allowance given for visitor/delivery parking space. In terms of cycle parking, two cycle storage facilities are proposed at the site. Further details to show that adequate cycle parking can be accommodated within the two proposed stores and approval of such details can be secured by condition 11.
- 6.23 Waste and recycling stores are also proposed at the site. To ensure the stores can accommodate the adequate number and sizes of bins further details can be secured and approved by condition 12. Currently the refuse collection for 17 Castle Hill and the residential properties in Castle Mews are undertaken by refuse vehicles reversing along Folly Way from Grenfell Road. This development proposes no change to the current refuse servicing, and given that this is the existing arrangement it is not considered to warrant refusal on this basis. In relation to delivery vehicles, the size of vehicles associated with online deliveries range between 5.0 and 6.4m and turning of these vehicles can be accommodated within the proposed turning area within the site.

Impact on Local Highway Infrastructure

- 6.24 Given the number of trips that the development is likely to generate the development would not have a severe impact on the local highway infrastructure. It complies with paragraph 32 of the NPPF.

Other Material Considerations

Archaeology

- 6.25 Paragraph 132 of the NPPF states that in determining planning applications, Local Planning Authorities should take into account the significance of a designated heritage asset and great weight should be given to the asset's conservation. Local plan policy ARCH3 states that planning permission would not be granted for proposals likely to adversely affect archaeological sites and areas of high potential unless adequate evaluation enabling the full implication are understood, while ARCH4 states that where elevation of a site demonstrates the presence of archaeological remains which do not merit permanent in situ preservation, provision should be made for an appropriate level of archaeological investigation excavation, recording and off-site preservation / publication.
- 6.26 The application site lies within an area of archaeological potential as evidenced by Berkshire Archaeology's Historic Environment Record (HER). The remains of Castle Hill Roman Villa is recorded as lying less than 150m to the west of no. 17 Castle Hill, however the precise details of the location and extent of the villa are unclear. Archaeological evidence for a Roman building has however certainly been found since at 161 Grenfell Road. In addition, to the east of No. 17 Castle Hill, the HER notes prehistoric remains were discovered when the railway cutting for the branch line from Maidenhead to Marlow was constructed. The proposals provide for new development outside of the footprint of the existing dwelling and this has the potential to impact on important buried remains. In view of the archaeological potential of this site and in accordance with planning policy, it is therefore recommended that if planning permission is granted this should be subject to condition 8 to secure the implementation of a programme of archaeological works,

which may comprise more than one phase of investigation, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority. This condition is necessary to make the development acceptable.

Sustainable Drainage

- 6.27 As the proposal is for more than 10 units, and a major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate. In this case, the information submitted for the design principle and sustainable drainage techniques, in particular the use of infiltration, are acceptable. Further details on the management regime have been provided including confirmation that maintenance arrangements would be managed by a private management company. Implementation and maintenance can be secured by condition 14.

Trees

- 6.28 The garden area to the eastern side of the site is predominately grassed with a mixture of trees and shrubs around its periphery. As the site lies within a conservation area the trees are protected by the provision in section 211 of the Town and Country Planning Act 1990, while Local Plan policy N6 states the where practicable plans for new development should retain suitable trees and include proposed landscaping and appropriate tree planning. Where the amenity value of trees outweighs the justification for development, planning permission may be refused. An Arboricultural Report has been submitted which contains a Tree Survey and Arboricultural Impact Assessment which shows 3 trees to be removed within the site (trees no. 17, 27 and 30) and 8 trees along the eastern boundary to allow for the restoration of the pedestrian access to Castle Hill (trees no. 1 to 6, 18 and 19). These trees have been categorised as grade 'c', which are classified as trees of low quality with limited merit, low landscape benefits and no cultural value. As such, their loss is considered acceptable. Removal of the trees within the site will have no material effect upon the public views, and it is proposed that the trees along the eastern boundary are replaced. Replacement trees can be secured by condition 6. The proposed building utilises the existing footprint and therefore been designed to impact on existing trees. The means of tree protection can be secured by condition 5. It is therefore that there is an acceptable impact on trees.

Ecology

- 6.29 An ecology walk-over survey was undertaken at the site in April 2016 to determine the existence and location of any ecological valuable areas and any evidence of protected species. The site, dominated by buildings and amenity grassland is considered overall to be of low ecological value and no evidence of badgers, bats or amphibians were recorded.

Housing Land Supply

- 6.30 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 relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.31 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 dwelling(s) would also weigh in favour of the development.

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 in line with the Council's Charging Schedule. The required CIL payment for the proposed development would be £100 per square metre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

19 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 23 November 2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 27 October 2016.

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

Comment		Where in the report this is considered
1.	Inadequate access for the intensification of use due to the increase in number of vehicles and insufficient width leading to an increase in chance for conflict between opposite travelling vehicles, and between vehicles and pedestrians as Folly Way is also a footpath and rear gates of Castle Mews back onto Folly Way with no segregation.	Para. 6.20 - 6.24.
2.	Insufficient parking leading to increase in parking pressure in nearby streets, no turning area for dustbin lorry, no provision for delivery vehicle parking.	Para. 6.22 - 6.23.
3.	Impact on local infrastructure.	RBWM have adopted its Community Infrastructure Levy (CIL) and the application is CIL liable. CIL is a levy that local authorities can charge on new development in their area. The money raised can be used to fund a wide range of infrastructure such as transport schemes, schools and open space. See paragraph 7.1.
4.	Loss of an attractive property (no. 17) and the arch to the Gatehouse is in keeping with the character of the area and should be kept.	Para. 6.4 – 6.5.
5.	The proposal would result in a substantial building that will harm the character and appearance of the conservation area. A flatted development and proposed density is out of keeping with the area.	Para. 6.6 - 6.12.
6.	Loss of privacy due to increase in number of windows and number of windows at an elevated height that overlook neighbouring properties. Loss of privacy due to loss of screening from existing trees / vegetation.	Para. 6.13 – 6.18.
7.	Loss of light and visual intrusion to neighbouring properties due to siting, height and bulk of proposal.	Para. 6.13 – 6.18.
8.	Noise and disturbances to rear gardens and bedrooms at Castle Mews properties due to intensification of use and vehicles entering and leaving the development. Concerns over the type of future residents leading to more increase in movements late at night / early morning.	Para. 6.19.
9.	Noise, disturbance from construction / construction vehicles.	Can be controlled by a Construction Management Plan, and Environmental Protection. Recommended that informatives in relation to dust and smoke controls, and hours or construction.
10.	Loss of trees and vegetation.	6.28.

11.	Lack of affordable / social / key worker housing.	Local Plan policy H3 requires Affordable Housing provision for sites of 0.5HA or for schemes proposing 15 or more net additional dwellings. The site measures approximate 0.15HA and the scheme is for 12 apartments and the retention of an existing residential unit at the Gatehouse following the demotion of no.17. As such, policy H3 is not applicable.
12.	Land ownership/ right of way / private covenant issues.	Legal advice sought and advice will be reported in an update.
13.	Impact on property prices.	Not a material planning consideration.
14.	No objection subject to confirmation in writing by the applicant that costs connecting no.19 to the mains system will be covered by the applicant and that there will be no disruption to the egress of sewerage and waste water from no. 19 during the construction of the new development.	Private matter between the applicant and occupants/owners of no. 19 Castle Hill and therefore not a material planning consideration.
15.	Previous planning applications for a bungalow were refused in 1967 and 1972 due to access issues.	Planning proposals are assessed on its own merits and current planning policies. Highway issues are addressed in para. 6.20 – 6.21 of main report.

Other consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	To incorporate 12 apartments in the proposed block it is necessary to construct three storeys, which results in an overbearing, visually intrusive structure due to its height and bulk. Furthermore, despite the retention of the mature trees on the boundary, the new building will be visible from Castle Hill. The proposal should be reduced to 8 apartments in a two storey block. The number of parking spaces should be retained at 12 - giving 1.5 per apartment, rather than 1.0 as proposed.	6.6 to 6.12, 6.22.
Conservation Officer	No objections to the loss of the existing house or part of the gatehouse. The amended scheme for the flatted development is considered to be a sufficient improvement, particularly the reduction in height and alterations to the dormers so that they sit within the roofslope and above the eaves. The inclusion of stronger porches are welcomed as they are considered to be a feature within the Castle Hill Conservation Area.	Para. 6.3 to 6.12.
Tree Officer	No objection subject to conditions relating to tree protection, tree retention / replacement and landscaping scheme.	Para. 6.28 and conditions 5, 6 and 7.
Berkshire Archaeology	No objections subject to a condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation as the site is located within a area of archaeological potential.	Para. 6.25 to 6.26 and condition 8.

Environmental Protection	Situated south west to the site is unknown filled ground. Therefore in the event that unexpected soil contamination is found after development has begun, development must be halted and reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.	Condition 13.
Local Highway Authority	No objection subject to conditions relating to a construction management plan, provision of vehicle parking spaces in accordance with approved drawings, cycle parking and refused bin storage.	Para. 6.20 - 6.24 and conditions 9, 10, 11 and 12.
Lead Local Flood Authority	Further information on the maintenance of the drainage features is required before approval.	Para. 6.27 and condition 14.

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2, H10
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 take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of windows (including surrounds), doors, down pipes, gutters, vents, soffits, eaves, cornices, ridge details to roofs, chimneys, porches, balustrades, bands of materials, decorative timber cladding and any other decorative features have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2
5. 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.

6. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority gives its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

7. 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.

8. No development, other than demolition to ground level (i.e. excluding the grubbing out of foundations) shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works, which may comprise more than one phase of investigation, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority

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

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

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

10. No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

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

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

parking of cycles in association with the development at all times.

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

12. No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
13. In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.
14. The approved surface water drainage system contained in the Drainage Assessment by C & A Consulting Engineers Ltd dated 2 June 2016 and email from Woolf Bond Planning dated 14 November 2016 shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.
Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development and that the risk of flooding is not increased.
15. No further window(s) shall be inserted at first floor level or above in the south elevation(s) of the building without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
16. 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 applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00, Saturday 08.00-13.00, No working on Sundays or Bank or Public Holidays
3. The applicant and contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE):

London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

4. 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 – Site Location Plan



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Scale @ A4 1:1,250



Appendix B - Proposed Site Layout



Coventry Design Associates

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 TITLE: Proposed ground and first floor plans

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 DATE: DEC 2016

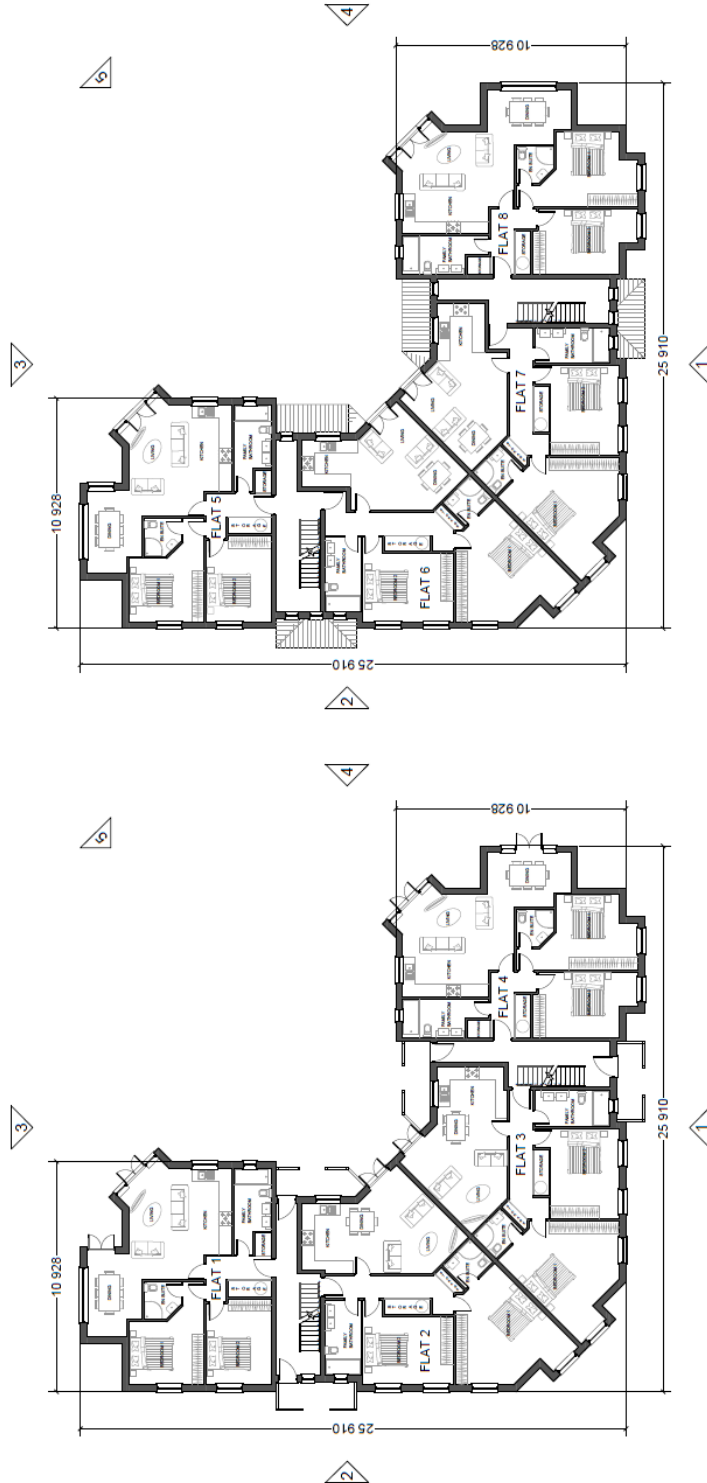
DRG No: 013351

03b

GROSS INTERNAL AREAS

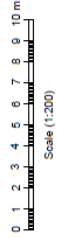
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- FLAT 2 - 84.00m²
- FLAT 3 - 84.00m²
- FLAT 4 - 78.00m²
- FLAT 5 - 78.00m²
- FLAT 6 - 83.00m²
- FLAT 7 - 83.00m²
- FLAT 8 - 78.00m²

GENERAL NOTE: HAS BEEN GENERATED USING SURVEY DATA FROM OTHERS. TO AVOID ISSUES RESULTING FROM DISCREPANCIES, CHECK ALL DIMENSIONS AND FEATURES FOR EXISTING FEATURES SHOULD BE ACQUIRED OR CHECKED ON SITE.



FIRST FLOOR PLAN

GROUND FLOOR PLAN



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 Fax: (0) 20 8941 1466
 www.coventry-design.co.uk



17 Castle Hill, Maidenhead - SL6 4AD

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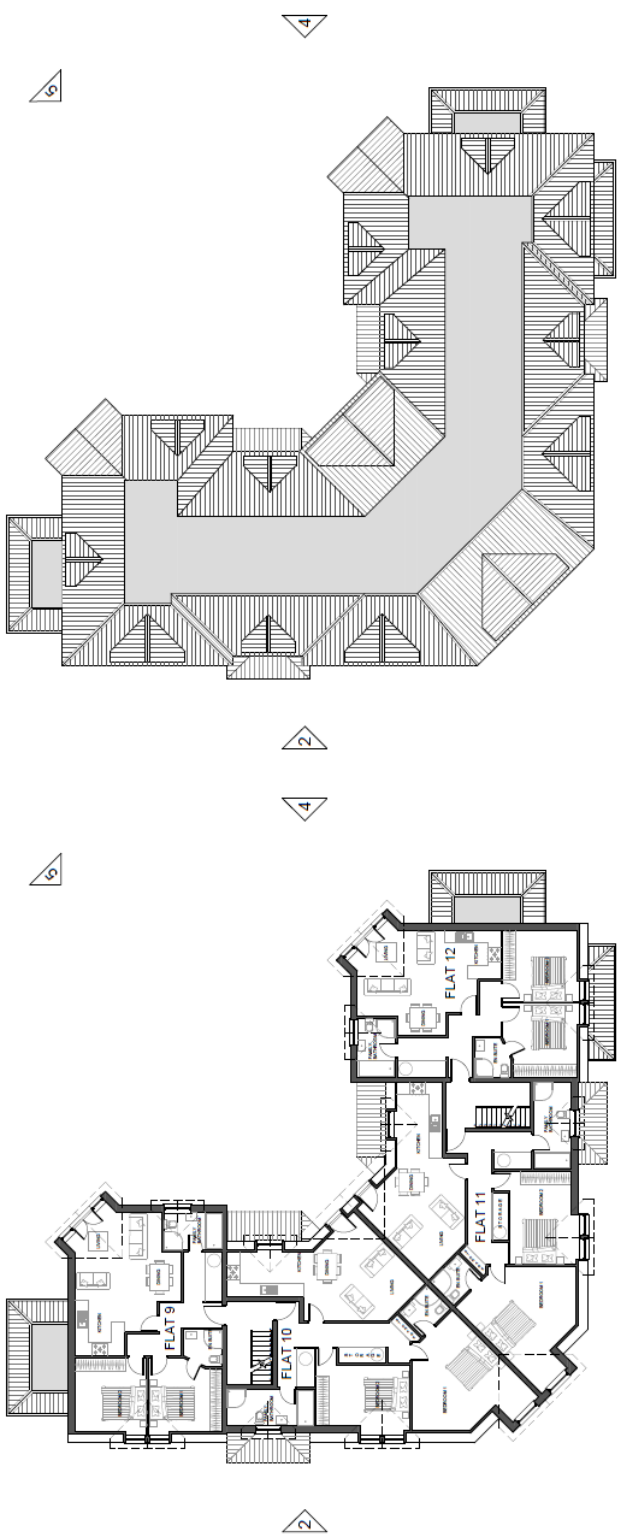
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 TITLE: Proposed second floor and roof plans

SCALE: 1:200 @ A3
 DATE: DEC 2016

DRG No: 013351
04b

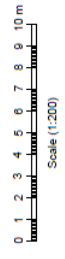
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 FLAT 10 - 85.00m²
 FLAT 11 - 85.00m²
 FLAT 12 - 67.00m²

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ROOF PLAN

SECOND FLOOR PLAN



CD A
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17 Castle Hill, Maidenhead - SL6 4AD

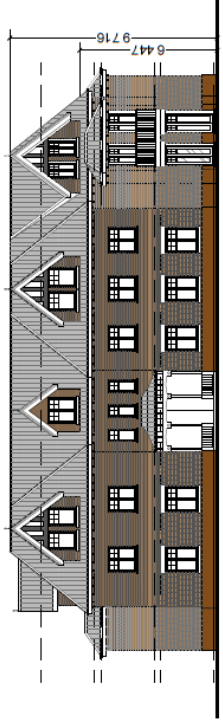
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PROJECT: 17 Castle Hill, Maidenhead - SL6 4AD
 TITLE: Proposed elevations 1, 2, 3 and 4

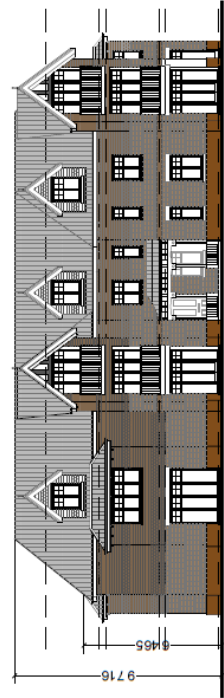
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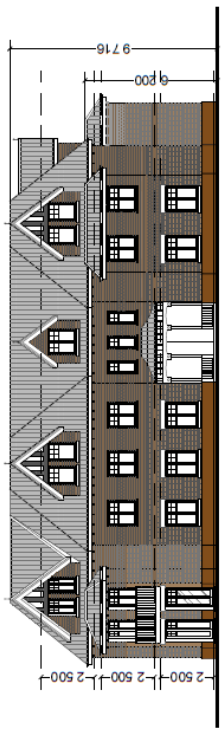
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ELEVATION 2



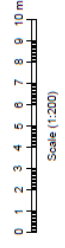
ELEVATION 4



ELEVATION 1



ELEVATION 3



17 Castle Hill, Maidenhead - SL6 4AD

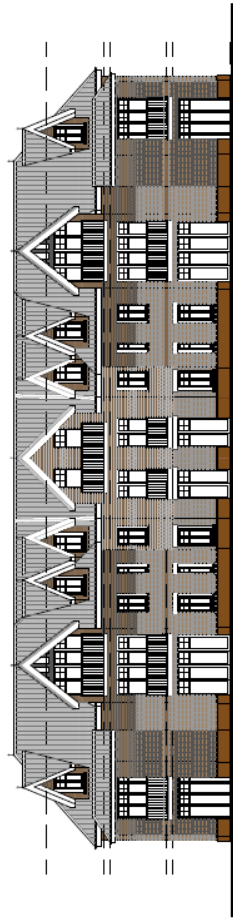
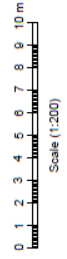
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PROJECT: 17 Castle Hill, Maidenhead - SL6 4AD
TITLE: Proposed elevation 5

SCALE: 1:200 @ A3
DATE: DEC 2016

DRG No: 013351
14a



ELEVATION 5

17 Castle Hill, Maidenhead - SL6 4AD

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

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18 January 2017

Item: 3

Application No.:	16/03214/FULL
Location:	94 - 96 High Street Maidenhead
Proposal:	Erection of 3 storey building comprising retail and 8 x 1 bedroom apartments following demolition of existing retail units.
Applicant:	Magna Group
Agent:	Mrs Emily Temple - Pegasus Group
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk	

1. SUMMARY

- 1.1 This scheme proposes the demolition of this modern two storey retail building, and its replacement with a three storey building accommodating retail use on the ground floor with 8 one-bedroomed flats above. The scheme would bring this vacant plot back into beneficial social and economic use and contribute positively to the character and appearance of the Conservation Area and the vitality of the town centre as a whole.
- 1.2 The scheme would have no adverse impact on highway safety, would provide satisfactory living conditions and retailing facilities for future users and would comprise sustainable development in all other respects. Subject to fulfilment of investigatory and architectural detailing conditions requirements, the proposals would preserve the Conservation Area.

It is recommended the Panel authorises the Head of Planning:	
1.	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.
2.	To refuse planning permission if an undertaking to secure the preclusion on future residents obtaining parking permits has not been satisfactorily completed by 10th February 2017 for the reason that the proposed development would not create sustainable travel.

2. REASON FOR PANEL DETERMINATION

- 2.1 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 occupied for A1 use by a 2 storey building (currently vacant) with a small service yard at the rear accessed from West Street.
- 3.2 The site is located within a predominantly commercial area with ground floor retail and associated uses, with upper floors being a mix of retail, ancillary storage, offices and apartments.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03989/FULL	Extension of first floor and additional second floor to provide 6 apartments, retail space and new	Approved 16.03.2015.

	shopfronts.	
14/03988/FULL	Extension of first floor and additional second floor to provide 8 apartments, retail space and new shopfronts.	Approved 16.03.2015.
14/01229/FULL	Extension of first and second floors to provide 2 residential flats and alterations to shopfront (no. 96).	Approved 17.06.2014.
13/01640/FULL	Change of use from retail A1 to financial services A2 or restaurant/café A3.	Approved 30.07.2013.

- 4.1 Full planning permission is sought for the demolition of the existing modern brick and concrete building comprising two retail units (mainly single storey, with a small flat roofed upper floor extension) and the construction of a three storey replacement building in a classical style, with a new glazed shopfront, finished in brick on the upper floors, with a plain tiled roof.
- 4.2 The two ground floor shops would amalgamate to create a single unit and remain as A1 use (retail). Separate access to the new flats above would be provided via staircases from both the (time-restricted) pedestrianised High Street (at the western side of the frontage) and from the rear of the units, where bin stores and cycle racks for the residential units would also be provided.
- 4.3 Fine detailing of the materials and profiles of the elevations have not been provided, but the designs indicate a high street façade on the ground floor of a glass shopfront which would be articulated with a simple stall riser, toplight and vertical glazing bars, a central glazed entrance with fanlight and a panelled fascia. On the first and second floors the elevations would comprise brickwork, with contrasting plat band, parapet and cills, sash windows with rubbed brick and keystone arches and a pitched tiled roof would sit behind the parapet. To the rear the same materials would be employed, with simpler detailing, together with the addition of railings to edge the terraces that are proposed to serve the two first floor flats in this part of the building.
- 4.4 Full planning permission has previously been granted (14/03988) for an extension scheme resulting in a building of similar envelope and appearance, also with retail space on the ground floor and eight single bed or studio flats above, and for a further scheme (14/03989) providing ground floor retail space, first floor retail storage and six flats. The current scheme has been submitted as it is understood that the approved schemes cannot be implemented owing to the structural weakness of the existing building. The new scheme also revises the layout, circulation, cycle storage and roofscape of the scheme for eight units.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 1, 2, 4, 6, 7 and 12
- 5.2 The scheme is considered to comprise sustainable development, for which there is a simple presumption in favour expressed in the NPPF. There are no material considerations that indicate otherwise.

Royal Borough Local Plan and Maidenhead Town Centre Area Action Plan

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

	Relevant Policies
RBWM Local Plan	NAP3, DG1, CA2, ARCH3, ARCH4, SF1, H6, H8, H9, H10, T5, T7, IMP1
Maidenhead Town Centre Area Action Plan	MTC1, MTC4, MTC7, MTC12, MTC14

These policies can be found at:

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

Other Local Strategies or Publications

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

- Maidenhead Town Centre Conservation Area Appraisal July 2016
- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

- 5.5 The proposed development is considered to accord with the development plan for the area. There are no material considerations that indicate otherwise.

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The principle of the development, supporting the vitality and prosperity of the town centre
- ii The provision of appropriate and good quality housing
- iii The preservation and enhancement of heritage assets
- iv Highway and movement safety and convenience
- v The provision of appropriate strategic infrastructure

Principle of development in the Town Centre

- 6.2 The scheme retains and seeks to make more attractive the commercial offer on the site, which forms part of the Primary Shopping Frontage within the Primary Shopping Area. The development accords with the terms of Policy MTC7 of the Maidenhead AAP, and with guidance in section 2 of the NPPF, both of which expect developments to strengthen the viability and vitality of the retail heart of the settlement.
- 6.3 The introduction (almost certainly re-introduction, historically) of residential uses on the upper floor of a built form in this central location re-enforces the viability of the development and brings custom, supervision and diversity to the site, rounding its land-use to include night-time occupation.

Housing

- 6.4 Residential development in the town centre is supported and encouraged under Policy H6 of the Local Plan and Policy MTC12 of the Area Action Plan. The type and size of the units proposed (small flats) accord with the objective of Local Plan Policy H8, and their design satisfies the expectations in Policy H10 of attractiveness and safety, with a separate access for residents from the commercial parts of the proposed building (which also meets the expectations of Local Plan Policy DG1).

Heritage Assets

- 6.5 The site lies in a prominent and busy location within the Maidenhead Town Centre Conservation Area, and has been identified as having potential for archaeological interest, as it has frontage onto the main medieval street in the town. One of the core principles of the NPPF notes that planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. The significance of a heritage asset can be evaluated in terms of the archaeological, architectural, artistic or historic interest of itself and of its setting.
- 6.6 The Heritage Impact Assessment submitted with the planning application does not refer to below ground heritage. The opportunity to undertake archaeological investigation was not taken when

this part of the town underwent considerable redevelopment during the 20th century and therefore relatively little knowledge is available on the archaeology of the site from existing sources.

- 6.7 Historic England's Good Practice Advice on Managing the Historic Environment – Note 2 states (paragraphs 30 and 31) that some heritage assets “*will currently hold only archaeological interest, in that nothing substantial may be known about this site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection. For sites with archaeological interest, whether designated or not, the benefits of preserving them are a material consideration when considering planning applications for development.*” The NPPF, at paragraph 128, notes that where a development site has potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and/or a field evaluation. Policies ARCH 3 and ARCH4 of the Local Plan also require investigation and recording of sites proposed for development where these have buried heritage potential. While it is possible that no substantial archaeology on the site will have survived its C20th redevelopment, the recommended condition relating to archaeological investigations post demolition but pre-construction should furnish appropriate information, and secure (in situ or by record as necessary) any significant heritage asset discovered on the site.
- 6.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when dealing with a planning application therein. Advice in the NPPF (paragraphs 128 and 129), requires that an applicant should describe the significance of any heritage assets affected by the proposed development, and should set out how it would affect the significance of the same. The application was accompanied by a Heritage Impact Assessment which addressed these requirements in relation to the Conservation Area.
- 6.9 The NPPF underlines the desirability of new development making a positive contribution to local character and distinctiveness (para 131). Policy CA2 of the Local Plan requires that in Conservation Areas any development should enhance or preserve the character and appearance of the area, while new buildings should be of a high design standard, sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general.
- 6.10 The form, function and indicated detailing of the proposed development compliments and improves its context. The High Street does not only comprise historic, traditional buildings, as many plots including those neighbouring the site are now occupied entirely by modern units, or have been altered to present as such, within the retained street pattern of the medieval town core. Because of this variety (in materials, building heights, plot widths and building periods) there is no fixed architectural style to which the new development should adhere. The choice of a three storey frontage, of similar eaves height to other buildings nearby, is an appropriate scale of enclosure to the street, and the classical detailing of the building (provided this is correctly done) is acceptable for the site, as reference to one of many different periods of the evolution of built form along this main town thoroughfare.
- 6.11 The site will amalgamate two plots to provide a single floor area of retail space. Although this will result in the loss of ground floor definition of the formerly separate plots on this site (which are likely to reflect the medieval plot definitions) the physical evidence of the built form on the site has already been lost. The address will still bear witness to the history of the site.
- 6.12 Having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, officers have concluded that the proposals satisfy the requirements and expectations of the NPPF and Local Plan advice and guidance.

Highways and movement

- 6.13 The site has no parking associated with it currently, and proposes none. If a residential parking permit scheme is introduced in Maidenhead town centre in the future, the occupiers and future successors in title of the site should not be entitled to a residential parking permit and this matter should be confirmed within a legal agreement. The scheme does indicate 8 cycle storage spaces for the apartments in a secure location at the rear of the ground floor. Given the central

location of the site, within very easy access to employment, to commercial and community services, and to public transport links, then cycle-only provision is acceptable. The applicant has been asked to provide further details of how the cycle storage indicated on plan will work, or to increase the space shown by means of an amended plan, in response to the comments from the Highways Officer. Any update to the proposals will be reported to the Panel.

- 6.14 The refuse storage facilities shown for both the residential units and the retail facilities are acceptable. Deliveries to the shop units can be made at the rear of the property via West Street or from the front outside the pedestrian-only hours restriction.
- 6.15 With regard to pedestrian, cycle and vehicular access to the property, the scheme enables safe and convenient movement to and around the building, would increase the casual supervision of public spaces from the residential units, and would assist in modal shift from car-borne to public and unpowered transport means. The proposal is considered to comply with Policies H10, T7 and DG1 of the Local Plan, and Policy MTC 14 of the Area Action Plan.

Infrastructure provision

- 6.16 The CIL regime adopted by the Council supersedes the need to make a Section 106 Agreement to cover the types of infrastructure set out in the Regulation 123 List that would normally be expected to be provided for developments of this nature (including, for example, facilities for education, health, transport, sport and recreation, flood defence and other matters). Although CIL is payable generally on retail and housing development in the Borough, not all types of development will need to pay it. Levy rates are based on the financial viability of different types of development. Those considered to be on the margins of viability have been given a nil rate. Hence rates have been set at £0 charge for residential units within the Maidenhead AAP area, and £0 charge for all retail provision other than large retail warehouses.
- 6.17 The proposed development has been assessed in relation to the Council's adopted Local Plan Policy IMP1, relating to the provision of strategic infrastructure. According to the adopted CIL regime and charging schedule no CIL payment needs to be made.

Other Material Considerations

Housing Land Supply

- 6.18 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 housing applications should be considered in the context of this presumption, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.19 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.
- 6.20 The applicant has been requested to supply details, including noise emissions and means of attenuation, for any air conditioning extraction units that will be mounted on the building to service the ground floor retail space or the apartments. If received these details will be evaluated and reported to the Panel. Otherwise this matter can be safeguarded through the recommended condition 9. No vehicle parking for the residential units is proposed, nor is any additional floor area or intensification or change of use of the existing A1 retail operation. No air quality management issues therefore arise from this scheme. The requirements of Policy NAP3 of the Local Plan can be satisfied.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 07.11.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 17.11.2016.

No letters were received supporting or objecting to the proposed development.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection.	6.6 – 6.13.
Highway Authority	Site is in a sustainable location where zero parking is acceptable. Future occupiers will not be entitled to a residential parking permit, should such a scheme be introduced. Space for cycle parking indicated appears to be too small. No objection in principle, subject to the imposition of conditions to secure: <ul style="list-style-type: none"> • Construction management plan • Cycle parking details and standard highways informatives.	6.14 and recommended conditions and informatives.
Berkshire Archaeology	The site lies on the frontage of the main medieval street. It is estimated that nearly $\frac{3}{4}$ of the area of archaeological potential within the historic core of the town will have been destroyed in the C20 redevelopments, and opportunities now for investigation on the High Street are particularly rare. Recommends condition to secure a scheme of post demolition, pre-construction archaeological investigation.	6.6 – 6.8 and recommended conditions and informatives.
Environmental Protection	Recommends conditions to secure: <ul style="list-style-type: none"> • Plant noise and maintenance • Maximum boundary noise levels and containment • Commercial and delivery vehicle movements • Acoustic insulation (against aircraft noise) • Contaminated land and standard environmental protection informatives. 	6.17 – 6.18 and recommended conditions and informatives.

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years of the date of the planning permission. Reason: in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. No development on the site shall take place, other than demolition to ground floor level of the existing structures (but not including the removal of floor slabs), until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation, the content of which shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with Berkshire Archaeology. The WSI shall be informed by and take account of the details of proposed demolition and foundation design. Reason: to secure an appropriate investigation and record of the archaeological resource of the site, in accordance with national and local planning policy and guidance, as set out in the NPPF, Historic England's Good Practice Advice on Managing the Historic Environment Note 2 and

Policies ARCH 3 and ARCH4 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

3. No development shall commence until details (including specification, colour, texture and finish as appropriate) of the materials to be used for all external surfaces and elements of the development (including brick, mortar, bond pattern, pointing finish, render, stone, roof tile and other roof covering, window dressings, fenestration, doors, railings, rainwater goods, shopfront and external lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the Conservation Area, in accordance with national and local planning policy as set out in Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained on the NPPF 2012.
4. No development shall take place until drawings (elevations, plans and sections) at a scale of not less than 1:20, of full architectural detailing of the following matters have been submitted to and approved in writing by the Local Planning Authority: shopfront, fenestration (including reveals, dressings, glazing bar profiles, opening mechanism) doors, railings, rainwater goods, parapet and plat band profiles, vents and pigeon-deterrent measures. The development shall be completed in accordance with the approved details and so maintained thereafter. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the Conservation Area, in accordance with national and local planning policy as set out in Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained on the NPPF 2012.
5. The development shall be completed in accordance with the measures (to secure sustainable design and construction) that are set out in the approved Design and Access Statement referenced October 2016/ETE/BNL.0880, and shall be so maintained thereafter. Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the works in accordance with local and national planning policy and guidance as set out in Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead AAP and the Council's Supplementary Planning Document 'Sustainable Design and Construction' and advice contained in the NPPF 2012.
6. No development shall be commenced until details, set out in plans and statements shall have been submitted to and approved in writing by the Local Planning Authority which demonstrates how the scheme will a) comply with Lifetime Homes standards to provide accessible, inclusive, flexible and sustainable accommodation, and b) include measures to minimise the risk of crime. The residential or commercial elements of the development shall not be first occupied until the scheme has been completed in accordance with the approved measures and details relevant to the identified use, and these measures shall be retained for the duration of the occupation of the development. Reason: in the interests of planning for an ageing population and creating a safe and secure environment in accordance with national and local planning policy and guidance as set out in Policies DG1 Of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, MTC4 of the Maidenhead Area Action Plan 2011, the Royal Borough of Windsor and Maidenhead-adopted SPD "Planning for and Ageing Population" 2010 and the NPPF 2012.
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 plant, equipment, machinery or vents, or housing for any of these items, shall be installed or erected on or adjoining any surface outside the external envelope of the building hereby permitted until details of its location, appearance and operations (including noise and fumes emissions) have been submitted to and approved in writing by the Local Planning Authority. Any plant, equipment, machinery or vents shall be completed only in accordance with the approved details and shall be so retained for the duration of the occupation and use of the development. Reason: In the interests of the amenities of nearby residences, in accordance with Policy NAP3 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.
9. No development shall be commenced until details of covered and secure parking/storage spaces for 8 cycles (one space to be allocated to each of the residential flats) has been submitted to and approved in writing by the Local Planning Authority. No residential flat shall be first occupied until the cycle space for it has been completed in accordance with the approved details, and the spaces shall be so retained for the duration of the occupation of the residential flats. Reason: To secure adequate facilities for the site, in accordance with Policies T5, T7 and DG1 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003), Policy MTC14 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained within the NPPF2012.
10. No residential flat or retail area shall be first occupied until the recycling and refuse storage facilities for it, shown on the approved drawings, have been completed in accordance with those drawings. These facilities shall be retained for these purposes for the duration of the occupation or use of the residential and/or retail elements of the development. Reason: To secure appropriate facilities for the development in the interests of the prudent management of waste and of the amenity of the locality, in accordance with the terms and conditions of local and national planning policy, as set out in Policy IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
11. In the event of any contamination of soil or groundwater within the site being discovered during its development the Local Authority shall be contacted immediately. No further demolition, archaeological investigation or construction activities shall continue on the site until such time as a procedure for addressing the contamination is agreed upon with the Local Authority in consultation with appropriate regulating bodies. In this event, development shall only continue if in accordance with the agreed procedure. Reason: To ensure the control of surface or underground waters in accordance with Policy NAP4 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003) and of the NPPF 2012.
12. The development shall be carried out in accordance with the plans, documents and reports listed as approved at the end of this notice. Reason: To clarify the development permitted.

Informatives

1. This planning permission is governed by and should be read and implemented together with the terms of an Agreement, between the applicant and the Local Planning Authority, made under Section 106 of the Town and Country Planning Act 1990, relating to parking matters, and dated xxth XXXX 2017.
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 cost of repairing damage to the footway or grass verge arising during building operations.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel. 01628 796801 at least four 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 applicant is advised to contact the Council's Environmental Protection Team prior to the commencement of the development with regard to matters of the control of pollution, including noise, light, asbestos, fumes and other extracted emissions, dust, smoke and contaminated land.

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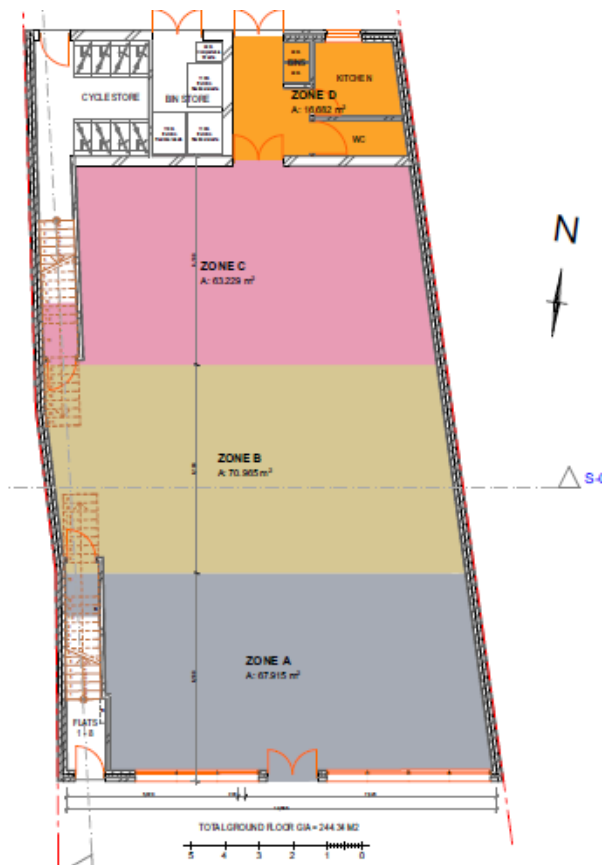
Appendix A (not to scale)

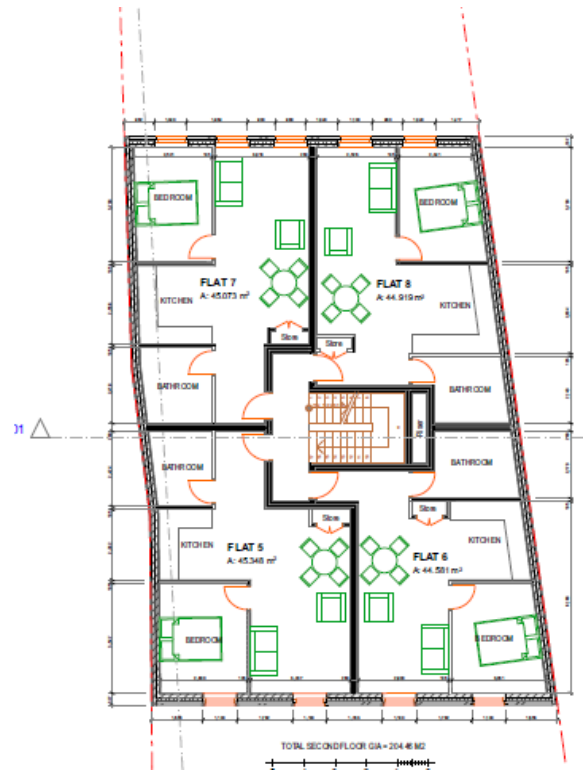
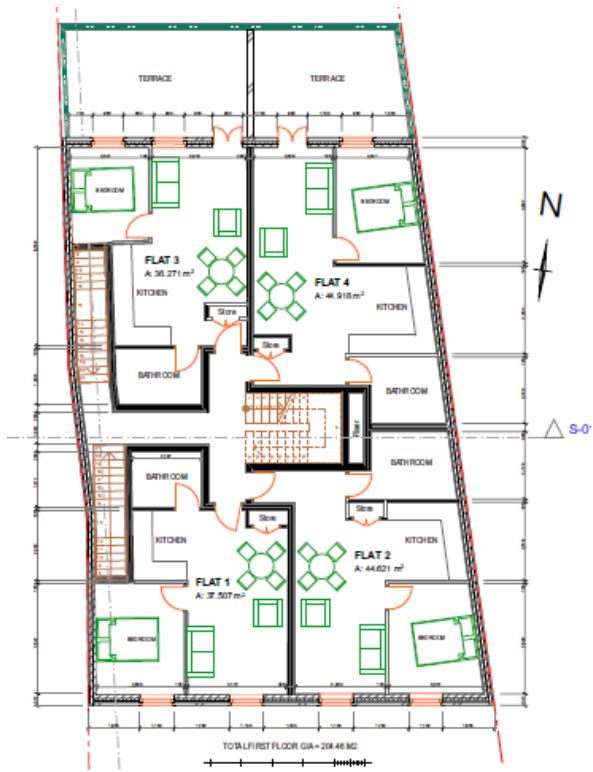


Site Location

1:4

Appendix B (not to scale)







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

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18 January 2017

Item: 4

Application No.:	16/03360/FULL
Location:	Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA
Proposal:	Extension of existing building by altering second floor and adding third and fourth floor and penthouse floor, change of use from offices to create 7 no 1 bed and 7 no 2 bed apartments with gym and management office at basement level with external alterations (amendments to planning permission 16/00909/FULL)
Applicant:	Mackenzie (Marlow Road) Ltd
Agent:	Mr Matt Taylor
Parish/Ward:	Maidenhead Unparished/Belmont Ward
If you have a question about this report, please contact: Alex Jelley on 01628 796046 or at alex.jelley@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposals represent a form of development that is consistent with the recent approval on the site for conversion to residential development. Though the mix of dwelling types has been altered, along with the number (from 12 to 14), it is considered that the resultant development will be in accordance with the NPPF, the Development Plan, and no material planning considerations indicate against approval.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the 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 application property is a three storey office building located on the east side of Marlow Road, some 65m north of the A4 roundabout, which adjoins Maidenhead Town Centre on one side (forming part of the inner ring road). The front elevation of the building has a conventional two storey height with the third storey having been contained within a mansard. Since the previous application was determined works have begun to remove elements of the property, and as such the mansard element is no longer in situ. There is no vehicular access from Marlow Road, which instead benefits from an attractive forecourt garden. Vehicular access is provided to the rear, via The Crescent, and benefits from 11 parking spaces and a small degree of landscaping.
- 3.2 To the north of the application site is a 4-storey residential development. To the south is Thames House an office development of substantial proportions that rises to a height roughly equivalent with the proposed development. Across Marlow Road to the east is an office building housing the Commonwealth Graves Commission, which is a substantial property, built in a modernist style. To the west are the rear gardens of The Crescent, which is an attractive residential street which benefits from a mixture of housing types, styles and sizes.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application seeks to create 7 x 1 bed and 7 x 2 bed apartments with gym and management office in the basement level and external alterations. The external alterations would, among minor changes, include the extension of the existing building by altering the second floor and adding a

third, fourth and penthouse floor. It is, therefore, effectively an amended version of the previous planning application (16/00909/FULL), with an increased number of apartments.

Ref	Description	Decision and Date
06/01875/FULL	Extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Refused 04.10.2006. Appeal allowed 23.05.2007.
07/02320/FULL	Extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Refused 24.10.2007. Appeal allowed 11.08.2008.
10/02260/FULL	Renewable of permission 07/02320 for the extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Approved 03.11.2010.
13/01104/FULL	Extension of the existing office by rebuilding the second floor and adding a third floor and fourth floor, alterations to front and rear entrances to allow for disabled access, rear light well and alterations.	Approved 03.07.2013.
13/03121/NMA	Non-material amendment to planning permission 13/01104 to alter front and rear fenestration and install Juliet balconies.	Approved 15.11.2013.
15/01662/NMA	Non-material amendment to planning permission 13/01104 to increase the width of the new front entrance ramp resulting in the removal of the planter and addition of a gas meter enclosure.	Approved 29.06.2015.
15/01988/CLAS SO	Change of use from offices (B1) to 7 no. residential flats (C3).	Approved 17.08.2015.
15/02596/FULL	Extension of existing building by altering existing second floor and adding a third and fourth floor, change of use from offices to 10 x 2 bed and 1 x 1 bed flats with external alterations to building.	Approved 30.11.2015.
16/00909/FULL	Alterations to second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2 bed, 1 x 1 bed and 1 x 3 bed flats with external alterations (Part retrospective).	Approved 17.06.2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

National Planning Policy framework Section 4, 6 7 and 11.

Royal Borough Local Plan and Maidenhead Town Centre Area Action 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

Maidenhead Area Action Plan Policies – MTC1, MTC4, MTC12 AND MTC14.

These policies can be found at:

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

5.3 Other strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Highways Design Guide - view at:
http://www.rbwm.gov.uk/graphics/Highway_Design_Guide.pdf

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The Principle of Development
- ii Design and Character
- iii Residential Amenity
- iv Highways
- v Other material planning considerations

The Principle of Development

- 6.2 The extant permission for extension and creation of 12 apartments, together with the previously approved change of use under Class O of the GDPO (16/00909 and 15/01988) effectively establish the principle of the change of use and extension of the property to a scale similar to that which is proposed here.
- 6.3 Furthermore, the property adjoins residential development to the north and west, and with no policies within the Development Plan restricting the loss of commercial space on this site, it is considered that the proposals are acceptable in principle.

Design and Character

- 6.4 The proposed massing, design and materials palate is considered to be in keeping with the prevailing character of the surrounding area. The proposal is very similar to the extant permission (16/00909) in terms of design – with only minor alterations to the massing and design at fourth and fifth floor. Specifically the resultant building would be slightly shorter (aside from the lift shaft), but the fifth floor would protrude a little further to the east, west and south. The impact at street level when viewed from the west side of Marlow Road would be marginal, and even less significant when viewed from the east side of the carriageway. The extant permission would enable a similarly proportioned and designed development. Thus, given the extant permission, the proposal on balance is not considered to be contrary to the requirements of the Development Plan with regard to matters of design and character.

Residential Amenity

- 6.5 By virtue of the positioning of the site in relation to the surrounding properties there would be no loss of residential amenity as a result of the proposed development. The shadow cast by the resultant building would extend to the north, but not in such a way as to impact upon the light enjoyed by the occupants of that apartments in that building.
- 6.6 Equally, the location of the proposed windows means that no loss of privacy would occur. Views out to the rear would look towards residential properties on The Terrace, but these would be at a distance that no unreasonable impact would be felt. The windows to the front would overlook Marlow Road. Any views to the north into the adjoining residential complex would be very acute – and would not impact on privacy in any way.
- 6.7 Though no amenity space is provided on the site for the residents of it, this is not considered to be an issue due to the sustainable location of the site, and particular due to the proximity of public open space to the east.

Highways

- 6.8 The proposals would incorporate 14 secure bicycle storage spaces to the front, accessed off Marlow Road. This is considered to be sufficient to accommodate the needs of the development. Furthermore, by locating them to the front of the site, this should ensure a level of active frontage that would otherwise be absent.
- 6.9 The total number of parking spaces to be provided has not been altered since the extant permission was considered – remaining at 12. However, the number of lettable apartments has increased to 14, which means that two apartments would not benefit from parking space. However, there has been a change to the make-up of the apartments, with less 2 and 3 bed flats proposed, and more 1 bed flats proposed. As such it is reasonable to assume that the parking requirements of the proposal would be equal to, or less than, that of the previous scheme. Given the location of the site adjacent to a main arterial route that benefits from bus routes, walkable connections to the town centre and train station and the bicycle storage facilities discussed above, it is considered that delivering just less than one parking space per unit is acceptable in this instance.
- 6.10 The Highway Team was consulted on the application and made the following comments regarding the level of parking:

“Parking is prohibited on Marlow Road and The Crescent is controlled by single and double yellow lines as well as time limited waiting restrictions.

With the extant consents, in each case it was proposed to provide and allocate car parking to the rear of the premises, at a ratio of 1 space per flat. This amended application proposes to retain the quantum of parking spaces as previously approved (i.e. a total of 12), which means not all of the new flats would have a vehicle parking space, if these are to be allocated.

As the site is within 800m walking distance of the main Maidenhead railway station (it is about 600m), it is stated in the Planning, Design & Access Statement dated October 2016 (which accompanied the planning application) that this level of parking is acceptable and in accordance with the Council’s Parking Standards.

No parking strategy has been submitted with the planning application explaining how these 12 car parking spaces would be allocated and managed in order to meet future demand and also to minimise any future parking disputes. Furthermore, it should be noted that if a residential parking scheme is introduced along The Crescent at some time in the future, the occupiers of these flats would not necessarily be entitled to any residential parking permits.

Against this background, it is considered that the 12 car parking spaces should be retained for communal use in association with the proposed development and not be allocated (that is; not sold or let separately) to any of the 14 individual flats.”

- 6.11 Subject to conditions 4 which relates to the communal nature of the parking spaces, and a construction management plan condition 3, the Highways Team have no objection to the proposals.

Other Material Considerations

- 6.12 The Lead Local Flood Authority (LLFA) was consulted on the application and sought additional information with regards to any infiltration techniques to be used for surface water management. The existing site is finished in a non-permeable surface, which covers the entirety of the rear plot – as such it is considered likely that the proposals would result in a net improvement with regards to surface water drainage, given that it will be resurfaced in permeable block pavements. The applicant has subsequently submitted a drainage strategy and the LLFA have confirmed that the proposals are acceptable.

Housing Land Supply

- 6.13 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 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 5 year supply of deliverable housing sites.
- 6.14 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 dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application site is located with the Maidenhead Area Action Plan Area where there is a £0 charge rate.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

31 occupiers of adjoining properties were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 30/11/2016. No letters of support or of objection were received.

Statutory consultees

Consultee	Comment	Where in the report this is considered
RBWM Highways	No Objection subject to conditions relating to parking spaces and construction management plan.	6.9 – 6.12.
LLFA	Raised issue relating to infiltration techniques and surface water management. The applicant submitted further details and the LLPA confirmed no objection subject to development in accordance.	6.12.
Environmental Protection	No objection.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and Elevation drawings
- Appendix C - Previous Approved Elevations

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by

the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

3. 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.

4. No part of the development shall be occupied until the vehicle parking spaces have been provided in accordance with the approved drawing. These spaces hereby approved shall be retained for communal parking in association with the development and shall not be allocated to any individual residential unit.

Reason: To reduce the likelihood of roadside parking which could be detrimental to the flow of traffic and highway safety, and also to minimise any future parking disputes. Relevant policies - Local Plan P4, 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 thereafter 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 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 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.

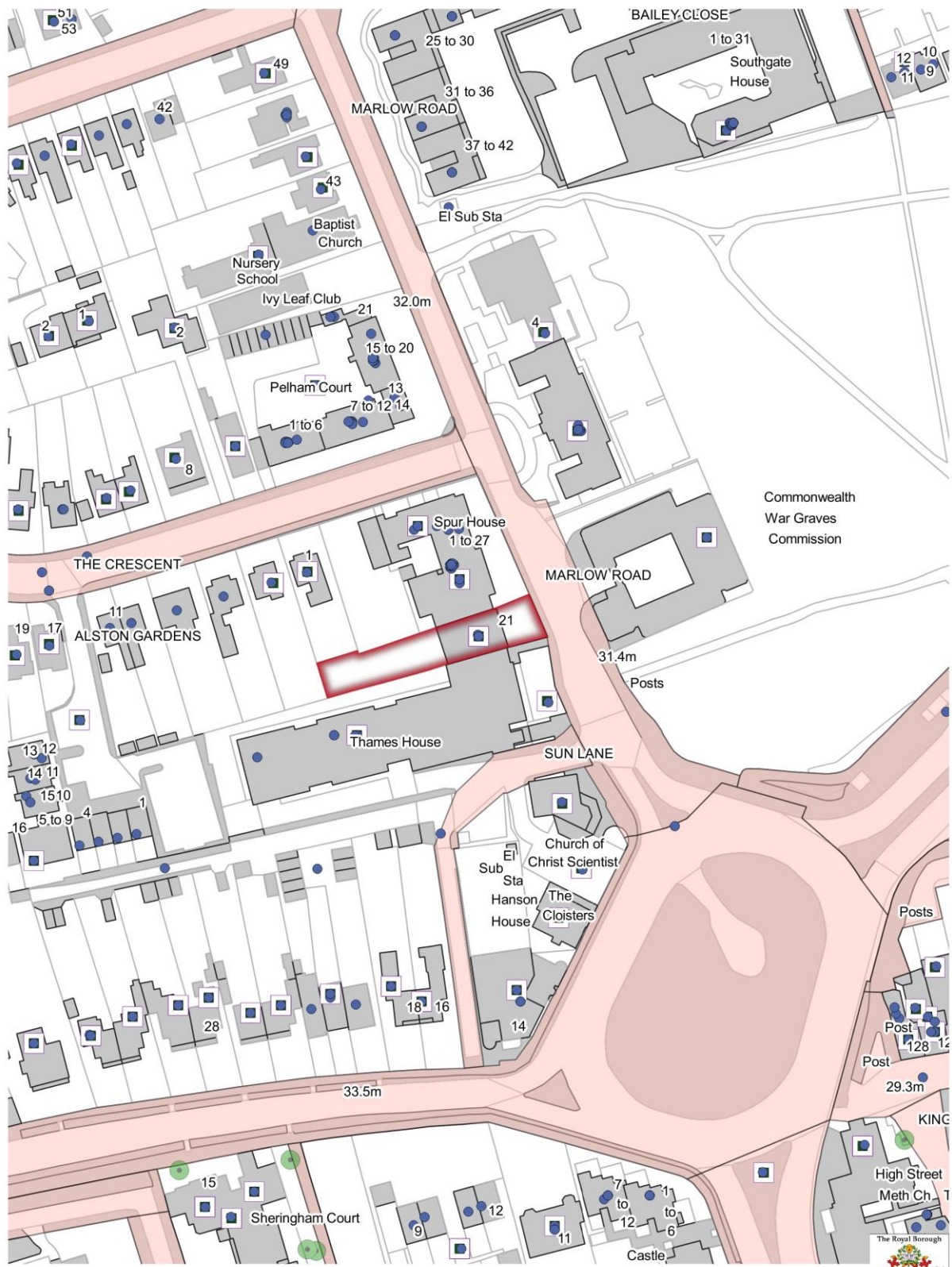
7. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

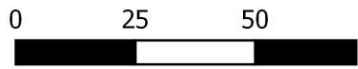
Informatives

1. 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. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
4. No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

Appendix A – Site Location Plan and Site Layout



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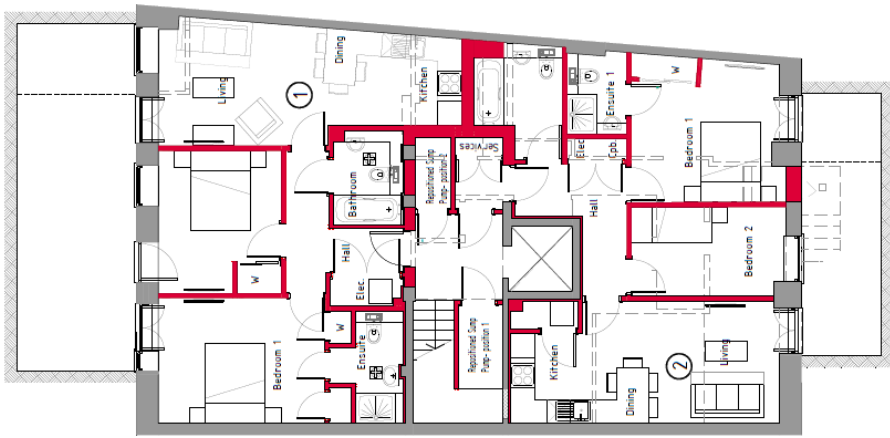
Scale @ A4 1:1,250



Appendix B –Proposed Plans and Elevations



Ground Floor Plan



Basement Floor Plan

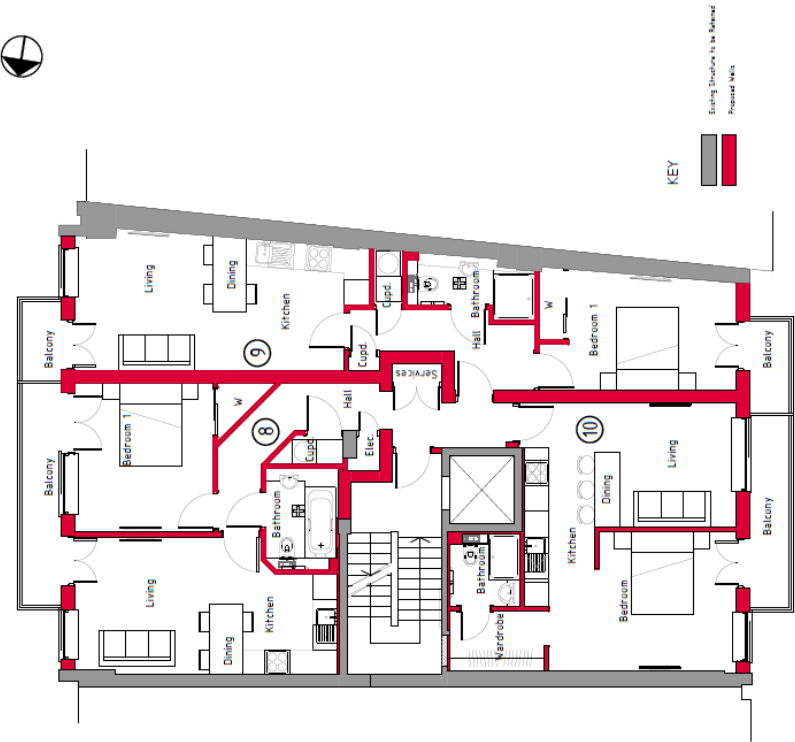
KEY

- Existing Structure to be Retained
- Proposed Walls
- Outline of Furniture
- Unexcavated Area

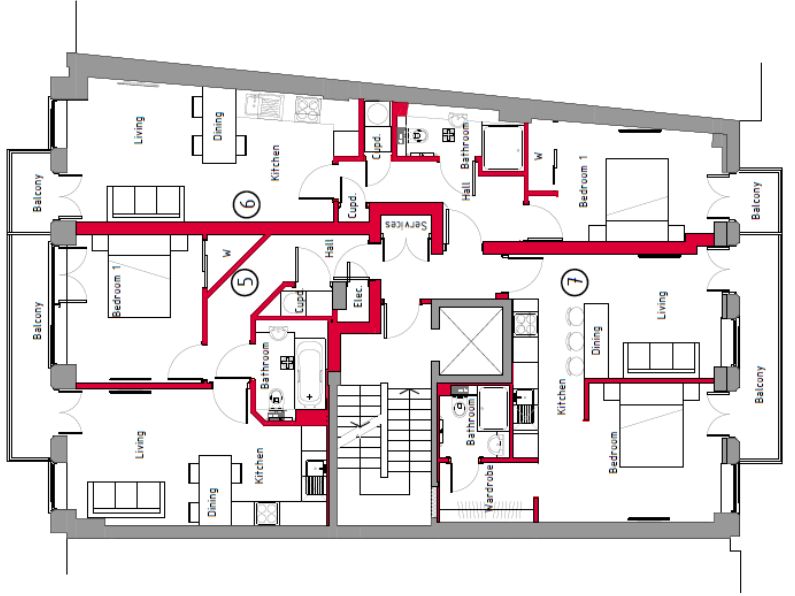


- Project: 211 Marlow Road, Maidenhead
- Client: JSA
- Drawn: JSA
- Checked: JSA
- Date: 03/10/15

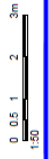
Maidenhead, Maidenhead
211 Marlow Road, Maidenhead
Proposed Basement & Ground Floor Plan



Second Floor Plan



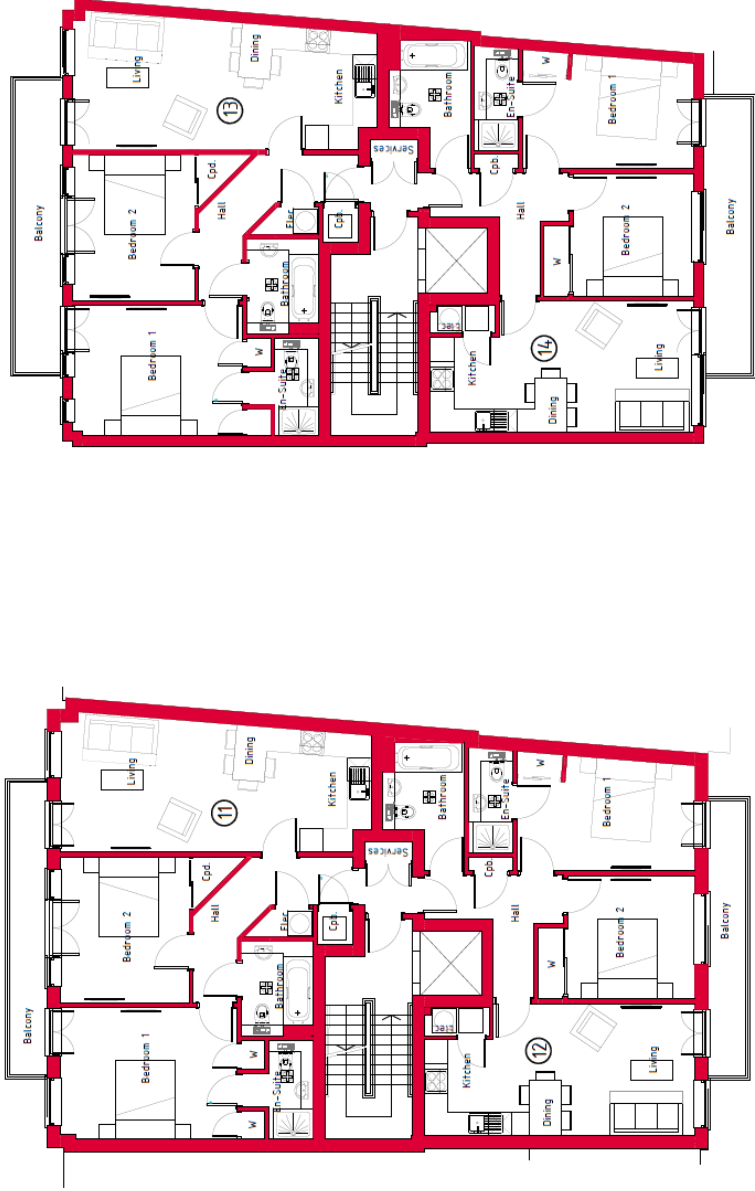
First Floor Plan



MMJM
 Project: Mackenzie Homes, Westsidehead
 Location: 1528th Ave
 Date: 02/2016
 Drawn by: CG

█ Existing Structure to be Retained
 █ Proposed Work

█ Mackenzie Homes, Westsidehead
 █ Proposed First & Second Floor Plan



KEY



Proposed Walls

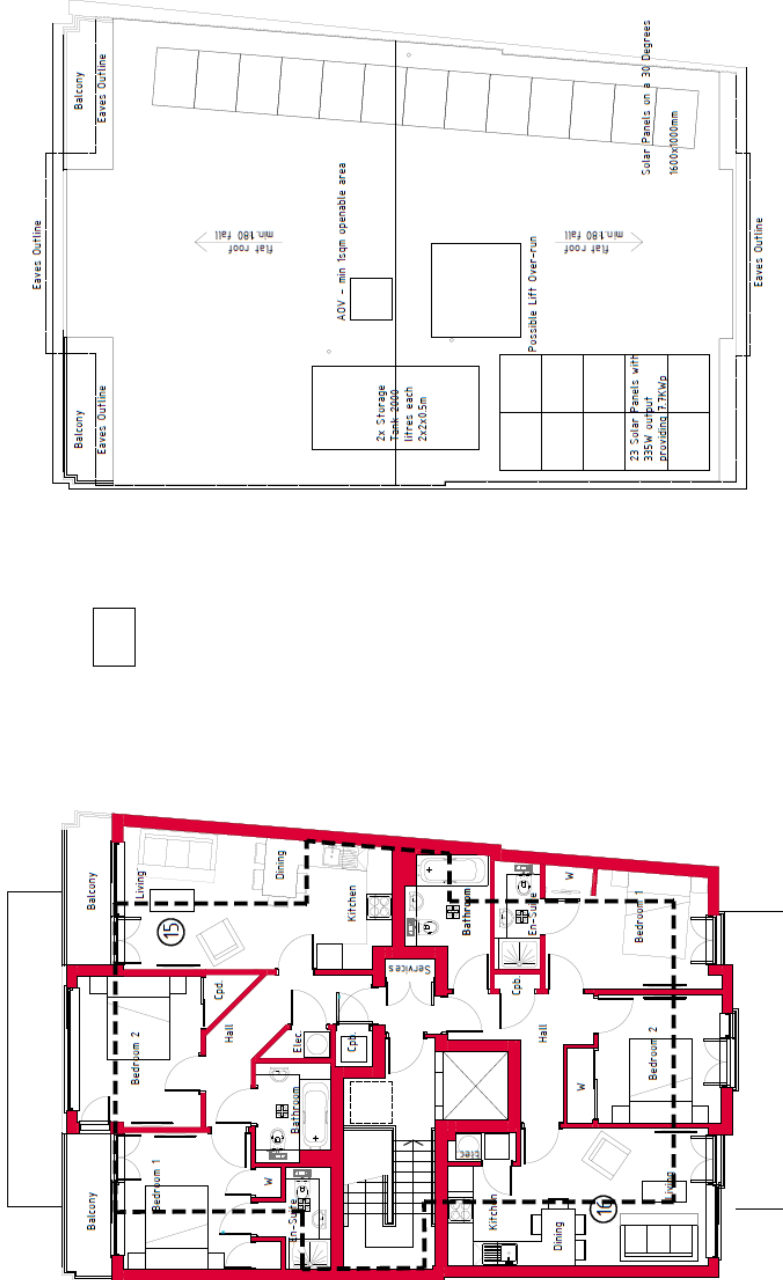
Fourth Floor Plan

Third Floor Plan



1:250
 Project: M&K Homes
 211, Manor Road, Walsdenhead
 15500A
 Date: Oct 2016
 Drawn by: D.C.

M&K Homes
 211, Manor Road, Walsdenhead
 15500A
 Date: Oct 2016
 Drawn by: D.C.



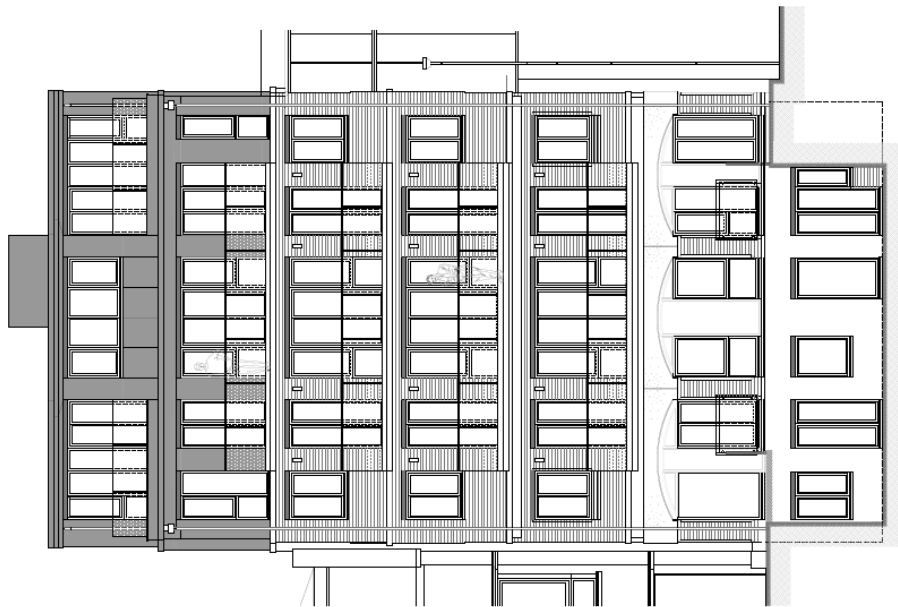
Fifth Floor Plan

Roof Plan

Prepared by: JSA ARCHITECTS
 Checked by: JSA ARCHITECTS
 Date: 15/08/2024

MECHANISMS HOMES
 21, Marlow Road, Maidenhead
 Proposed Fifth Floor & Roof Plan

Scale: 1:50
 Checked by: D.G.



Front Elevation



Rear Elevation

Front Elevation



Rear Elevation

Key Plan scale 1:500

Key

- █ Existing Foot Print
- █ New Footing



■ Multiple House, Mainhead
 ■ Project
 ■ Date
 ■ Drawn by
 ■ Checked by

■ Detail
 ■ Project
 ■ Date
 ■ Drawn by
 ■ Checked by

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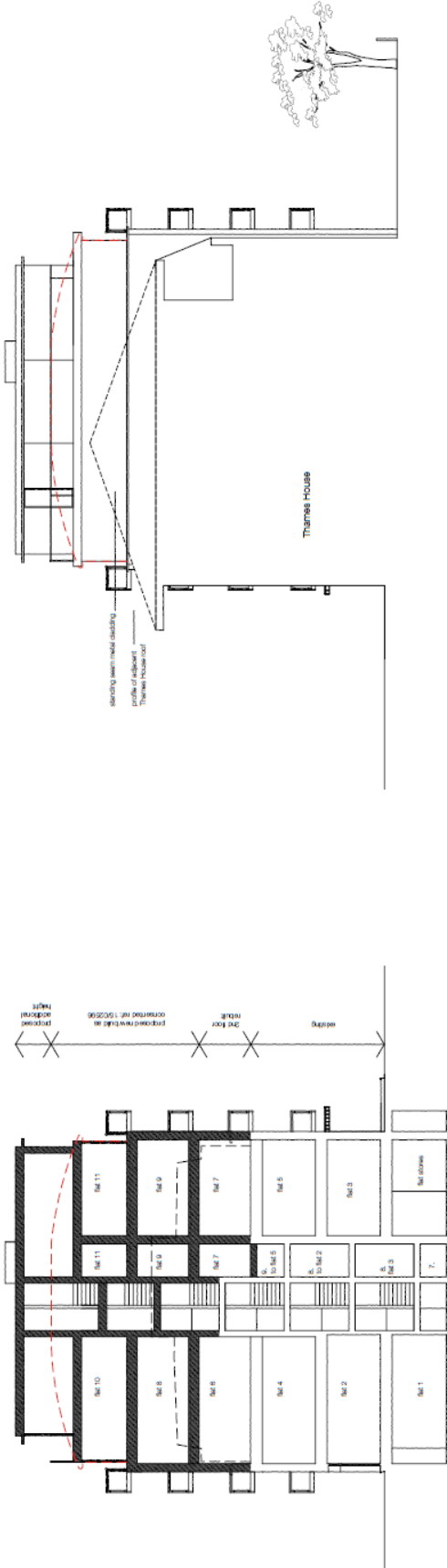
Appendix C – Previous Approved Elevations (16/00909/FULL)



PROPOSED FRONT ELEVATION (east)

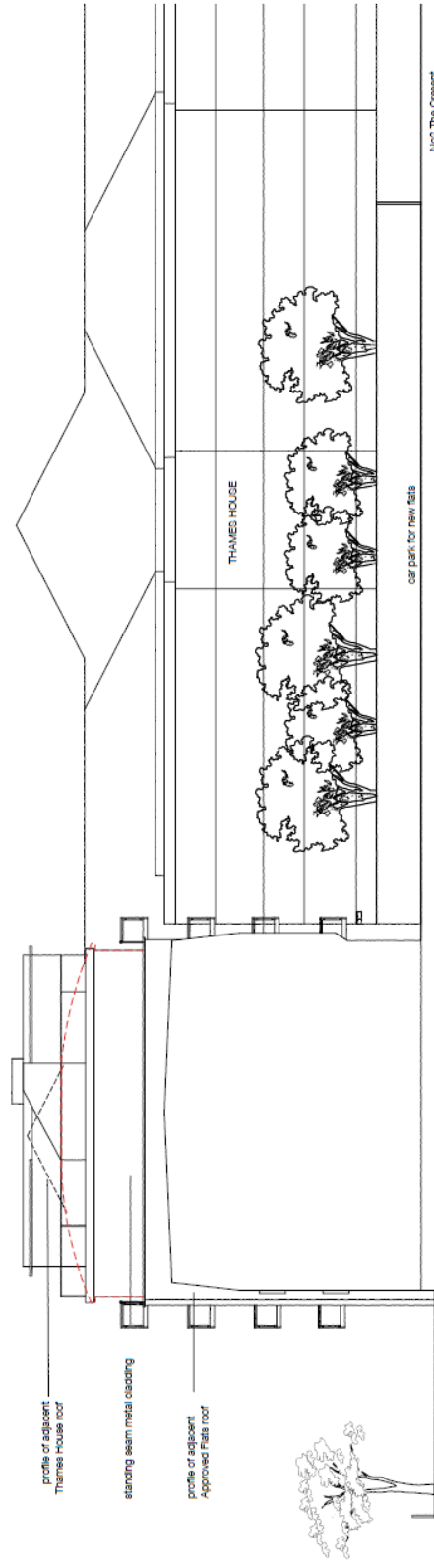


PROPOSED REAR ELEVATION (west)



PROPOSED LONGITUDINAL SECTION

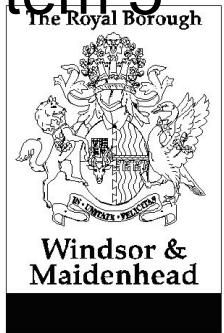
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE



MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

Planning Appeals Received

10 December 2016 - 5 January 2017

MAIDENHEAD

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

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

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

Ward:
Parish: Cookham Parish
Appeal Ref.: 16/60105/REF **Planning Ref.:** 16/02235/FULL **Plns Ref.:** APP/T0355/D/16/3162229
Date Received: 14 December 2016 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Erection of detached car port.
Location: **Mount Lodge Spring Lane Cookham Dean Maidenhead SL6 6PW**
Appellant: Mr Glenn Draper Mount Lodge Spring Lane Cookham Dean Maidenhead SL6 6PW

Ward:
Parish:
Appeal Ref.: 16/60106/PRPA **Planning Ref.:** 16/02649/TPO **Plns Ref.:** ENV/3161802
Date Received: 15 December 2016 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast-track
Description: (T1) Lime tree - Fell.
Location: **2 Endfield Place Maidenhead SL6 4NZ**
Appellant: Mrs Caroline Grant 2 Endfield Place Maidenhead SL6 4NZ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 16/60107/REF **Planning Ref.:** 16/01063/VAR **Plns Ref.:** APP/T0355/W/16/3164407
Date Received: 15 December 2016 **Comments Due:** 19 January 2017
Type: Refusal **Appeal Type:** Written Representation
Description: Two-year extension of prior limited period permission [12/02226] for siting of temporary buildings (two workshops, office buildings and stores) with external display of cars for sale within the site boundary, and ancillary parking, for a motor vehicle dealership as approved under planning permission 14/00158 without complying with condition 1 (timescale) to extend timescale for a further 2 years.
Location: **Nene Overland Stafferton Way Maidenhead SL6 1AY**
Appellant: Mr Anton DeLeeuw c/o **Agent:** Mr Brian Gatenby Get Planning Ltd 63 Cedar Road Sutton Surrey SM2 5DJ

Ward:
Parish:
Appeal Ref.: 16/60109/REF **Planning Ref.:** 16/02536/FULL **Plns Ref.:** APP/T0355/D/16/3162433
Date Received: 29 December 2016 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder

Description: Part two/part single storey side and part two/part single storey rear extensions following demolition of conservatory and outbuildings.

Location: **27 Redriff Close Maidenhead SL6 4DJ**

Appellant: Mr Asheed **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5ET

Ward:

Parish: White Waltham Parish

Appeal Ref.: 16/60110/REF **Planning Ref.:** 16/02059/FULL **Plns Ref.:** APP/T0355/D/16/3161134

Date Received: 29 December 2016 **Comments Due:** Not Applicable

Type: Refusal **Appeal Type:** Householder

Description: Single storey side extension, rear dormer to facilitate a loft conversion, 1 No. rear roof light and alterations to fenestration.

Location: **3 Willant Close Maidenhead SL6 3NL**

Appellant: Mr N Collett **c/o Agent:** Ms Nicola Broderick NMB Planning Ltd 124 Horton Road Datchet Slough SL3 9HE

Ward:

Parish:

Appeal Ref.: 17/60002/REF **Planning Ref.:** 16/02515/FULL **Plns Ref.:** APP/T0355/D/16/3165153

Date Received: 4 January 2017 **Comments Due:** Not Applicable

Type: Refusal **Appeal Type:** Householder

Description: Two storey front, side and rear extensions, first floor rear extension, rear dormer and 2 No. side roof lights to facilitate a loft conversion and alterations to fenestration

Location: **8 Chiltern Road Maidenhead SL6 1XA**

Appellant: Mr M Aslam **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:

Parish: Cookham Parish

Appeal Ref.: 17/60005/REF **Planning Ref.:** 16/02164/CLAS SM **Plns Ref.:** APP/T0355/W/16/3163513

Date Received: 4 January 2017 **Comments Due:** 8 February 2017

Type: Refusal **Appeal Type:** Written Representation

Description: (Class Q) Change of use from an agricultural building to a dwellinghouse (C3) and associated operational development

Location: **Pump House Kennel Lane Cookham Dean Maidenhead**

Appellant: Copas Farms **c/o Agent:** Miss Emma Thomas Pike Smith And Kemp Rural The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

ENFORCEMENT REPORT

Recommendation to panel

ISSUE AN ENFORCEMENT NOTICE - ACTION BE TAKEN:

Enforcement Notice requirements

- i. Cease the use of land as a Stud Farm and Commercial Livery
- ii. Cease the use of land for residential purposes
- iii. Remove all good and chattels from the land used in connection with the unauthorised use, including, but not limited to, horse boxes and the metal container.
- iv. Remove all horses from the land that are kept in connection with the Stud Farm and Commercial Livery
- v. Remove the caravan / mobile home from the land

The period of compliance shall be 2 months from the date of this Notice

Reference and Site:

16/50097 – Land at Fairview Stables, Darlings Lane, Maidenhead, SL6 6PB

Contravention:

Without planning permission the material change of use of the land from the keeping of horses for recreational use, including stabling and grazing of horses, and training and exercising of horses in the approved ménage

to

A commercial stud farm and livery with residential occupation

Person(s) responsible:

- Ms Marjolein Russnak-Johnston – Fairview Stables, Darlings Lane, Maidenhead, SL6 6PB
- Mr Robert Johnston - Fairview Stables, Darlings Lane, Maidenhead, SL6 6PB

Relevant Planning History:

Application 425297 – Retention of internal access road and replacement of lean-to to existing stables. Approved 4 December 1991.

11/00231/FULL - Restoration and enlargement of existing manege with post and rail fencing and a step jump. Approved 18 March 2011

Site and Surroundings:

The site is located on the western side of Darlings Lane with the land further west of the site is open countryside. The site has the benefit of planning permission for a ménage and a stable building conditioned that no commercial activity takes place and no more than six stables. On the eastern side of Darlings Lane are residential units. The land is within the Green Belt.

History:

In 2012 the Enforcement Team investigated an unauthorised business use taking place on the land. The investigating officer noted the following:

I visited the site and met the owner, Minnie, for a prearranged meeting to discuss the office use in one of the barns. I met the owner and she directed me inside the barn next to the access track. She lead me into a tack room and through a door which leads into a small office. I noted two desks, a PC, a phone and a printer. I asked the owner what the office was used for. She stated that it was used in connection with the running of the site, which is a livery, to take bookings, keep records, order supplies and to carry out horse riding analysis with horse riding students. I stated that we had been advised that a recruitment agency called Go Partnership was operating from the office. She stated that she works part time for Go Partnership on a free lance basis. I asked if this involved clients coming to her office. She stated that the only people who came to her office were horse riding students. She explained that most of her time is spent on running the livery and she does her recruitment work in a number of locations including her home.

No enforcement action was recommended and the file closed.

In 2014 the Enforcement Team investigated an alleged breach of planning control for the siting of horseboxes and a shipping container, being used for storage of residential items. Following a site visit and discussions with the occupant it was noted by the investigating officer that the owner identified 2 of the structures as being mobile horse shelters and the container was being used for the storage of household items. Officers notes:

Fairview stables did no appear to have an electric gate, new stable, storage container or other works occurring on site. The adjacent stable did have electric gates, a storage container and new stables so I moved across to this site. I met the owner who refers to herself as Minnie and her partner. She claims that the electric gates are approved and that the stable blocks brought on to the land are temporary structures as they are on sleds. A storage container is located to the rear of the site which contains their household belongings. The reason given for this is that they spend 6 months of the year in France and have decided to rent out their property. The temporary stables have been provided both for the purposes of housing the horses whilst the main stables is rebuilt as it has become structurally unsound and then to provide room to expand at a later date.

No enforcement action was recommended and the file closed.

Following a planning application for re-development of the site in the spring of 2016 it was apparent that the temporary horse shelters (boxes) and shipping container remained on the land. It was also alleged a mobile home was being used for residential purposes.

The Council served a Planning Contravention Notice on 30 March 2016 and a further Planning Contravention Notice on 14 July 2016. The response to the notices identifies that the loose boxes

and caravan (mobile home) remain on the land as does the storage container, however, the storage container is now used (allegedly) to store horse feed. The structures were stated to have been brought on to the land in 2014 and the container in 2012. The notice also stated that the current use of land was a Stud Farm and Livery.

Following discussions with the planning agent it has since transpired that the information that has been supplied in the Planning Contravention Notice dated 14 July 2016 is contradictory to the new evidence supplied, namely the two structures and when these were brought on to the land. It is now alleged that these were brought on the land in 2011 and would be immune from enforcement action, if they were considered operational development.

Officers must now conclude that the information in the Planning Contravention Notice is misleading. Paragraph 2 within the warning section of the notice states that it is an offence, knowingly or recklessly, to give information in response to the notice which is false or misleading in a material particular. It is officer opinion the information supplied was done so knowingly and the Council now may invite the land owner to the Council Offices for an interview under PACE conditions for an alleged offence under Section 171D (5).

It has been alleged in the Planning Contravention Notice that the land has been used as a Stud Farm and Livery with occupation since 2009 by the current owners and the use since 1995. This information is contrary to that supplied as part of the planning application submitted in 2011 (11/00231) and refers to the period of time covered by the questions within the PCN. As such the information supplied within the PCN is unreliable. It is the Council’s view that the last authorised use of the land was that detailed in the 2011 application i.e *“equestrian land for the stabling , grazing and training of exercise horses”* This use would not include a stud farm and livery nor the siting of a caravan for residential purposes. Furthermore, the introduction of the caravan for residential use in 2016 constitutes a material change of use of the site. The effect of this is that there has been a material change of the use of the planning unit within the past year. As such the current use as a Stud Farm and Livery and siting of a caravan for residential occupation is unauthorised.

Assessment of expediency

The reasons for taking formal enforcement action are set out below.

In deciding if the matter is expedient to take enforcement the Local Planning Authority has considered The Royal Borough of Windsor and Maidenhead Planning Enforcement Policy (Adopted April 2016), the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and the National Planning Policy Framework (NPPF).

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

<i>Issue</i>	<i>Local Plan Policy</i>	<i>Compliance</i>	
Acceptable impact on Green Belt	GB1, GB2 and GB7		No

The change of use and the siting of goods and chattels have an impact on the openness of the green belt. The land benefits from a stable block to facilitate the lawful recreational use and the proliferation of mobile temporary structures is deemed inappropriate use of land within the Green Belt and it is the Local Planning Authority's opinion that the use is by definition an inappropriate use in the green belt. It is therefore the Local Planning Authority's opinion that taking enforcement action is the only way to remedy the breach of planning control and thereby the harm to the Green Belt. Any lesser steps would result in the harm to the Green Belt continuing. It is therefore right and proportional for the Authority to take such action as recommended.

REPORT PREPARED BY:

Jenifer Jackson

Head of Planning



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