

NOTICE
OF
MEETING

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 5TH JULY, 2017

at

7.00 pm

in the

DESBOROUGH SUITE - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DAVID BURBAGE (CHAIRMAN)
COUNCILLOR DEREK WILSON (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, MAUREEN HUNT, RICHARD KELLAWAY,
PAUL LION, PHILIP LOVE, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

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

Karen Shepherd
Democratic Services Manager
Issued: Tuesday, 27 June 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

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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 6 June 2017.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm		9 - 118
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		119 - 122
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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

06.06.17

PRESENT: Councillors David Burbage (Chairman), Derek Wilson (Vice-Chairman), Clive Bullock, Maureen Hunt, Mohammed Ilyas, Richard Kellaway, Paul Lion, Hari Sharma and Adam Smith.

Officers: Victoria Gibson (Development Management Team Manager), Mary Kilner (Head of Law and Governance) and Shilpa Manek (Clerk).

Also Present: Councillor Coppinger

142 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Love and Sharp. Councillors Ilyas and Sharma were substituting.

143 DECLARATIONS OF INTEREST

Councillor Burbage declared an interest as he is a member of Bray Parish Council.

Councillor Mrs Hunt declared a prejudicial interest in item 3 and would leave the room for the item.

Councillor Ilyas declared an interest in item 2 as Ward Councillor but had attended the meeting with an open mind.

Councillor Kellaway declared a personal interest in item 3 as he was one of the Council representatives on the Maidenhead Town Partnership and Partnership for the Rejuvenation of Maidenhead (PRoM).

Councillor Sharma declared a prejudicial interest in item 2, so would speak and then leave the room.

Councillor Smith declared a prejudicial interest in item 5 as he is a governor at Riverside Primary School. Councillor Smith would not take part in discussions.

Councillor Wilson declared a personal interest in item 3 as he was one of the Council representatives on the Maidenhead Town Partnership and Partnership for the Rejuvenation of Maidenhead (PRoM). Councillor Wilson is also a member of Bray Parish Council.

144 MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 10 May 2017 be approved.

145 PLANNING APPLICATIONS (DECISION)

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

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

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

<p>Item 1 17/01292/FULL</p> <p>Hedsor Cottage 11 Maidenhead Court Park Maidenhead SL6 8HN</p>	<p>Erection of detached dwelling following demolition of existing garage and annexe.</p> <p style="text-align: center;">THIS ITEM WAS WITHDRAWN</p>
<p>Item 2 16/03138/FULL</p> <p>Land At 29 Cranbrook Drive Maidenhead</p>	<p>New dwelling following demolition of existing extension and garage at No. 29 Cranbrook Drive.</p> <p>Councillor Ilyas put forward a motion to refuse the Officer's recommendation. This was seconded by Councillor Bullock. The proposed dwelling due to its scale, height and closeness to the side boundaries of the site would detrimentally impact the open nature of the estate and harm the amenities of the neighbouring property by reason of its overbearing impact. The harm identified would not be significantly and demonstrably outweighed by the benefits of the additional dwelling.</p> <p>A Named Vote was carried out.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be REFUSED, against the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Alison Lee, Objector and Antonia Lewis, Applicant).</p>
<p>Item 3 17/00680/REM</p> <p>Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonnade High Street Maidenhead</p>	<p>Reserved matters (Landscaping) for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m2 of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762/OUT and varied by 15/04274/VAR [varied as follows: without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed].</p> <p>The Officers recommendation to permit the application was put forward by Councillor Wilson and seconded by Councillor Smith. The proposal is contrary to Local Plan Policies H10 and H11 and NPPF Para 64</p>

	<p>Core Principle 4 of the NPPF.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be PERMITTED as per the officer's recommendation.</p>
<p>Item 4 17/01102/FULL</p> <p>Huston Cottage Moneyrow Green Holyport Maidenhead SL6 2ND</p>	<p>Installation of 7 No. dormer windows.</p> <p>Councillor Hunt put forward a motion to refuse the Officer's recommendation. This was seconded by Councillor Burbage. Whilst the overall floor space is significant the infill nature of the proposal i.e. not raising roof line or extending the footprint and small size of the dormers results in a scheme which is not considered disproportionate to the original dwelling house.</p> <p>Conditions</p> <ol style="list-style-type: none"> 1. Time 2. Materials 3. Remove Pd rights Class B 4. Liaise with applicant regarding obscuring glazing to front windows. <p>The PANEL VOTED UNANIMOUSLY that the application be APPROVED, against the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Karl Stannard, Applicant).</p>
<p>Item 5 17/01224/FULL</p> <p>Riverside Primary School And Nursery Donnington Gardens Maidenhead SL6 7JA</p>	<p>Provision of 2 additional classrooms.</p> <p>The Officers recommendation to defer and delegate the application was put forward by Councillor Wilson and seconded by Councillor Bullock.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be DEFERRED AND DELEGATED as per the officer's recommendation subject to no new material objections being received by 13th June 2017.</p>

146 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

147 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 7.00 pm, ended at 7.50 pm

Chairman.....

Date.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

5th July 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.	16/01292/FULL	Recommendation	REF	Page No.	11
Location:	Hedsor Cottage 11 Maidenhead Court Park Maidenhead SL6 8HN						
Proposal:	Erection of detached dwelling following demolition of existing garage and annexe						
Applicant:	Mrs Hock	Member Call-in:	Cllr Diment	Expiry Date:	13 July 2016		
<hr/>							
Item No.	2	Application No.	16/03934/FULL	Recommendation	REF	Page No.	25
Location:	34 - 36 Laggan Road Maidenhead						
Proposal:	Construction of 2x two storey semi-detached dwellings and 4x two storey three bed dwellings with associated access, landscaping and parking following demolition of 34 and 36 Laggan Road.						
Applicant:	Mr Waraich	Member Call-in:	Not applicable	Expiry Date:	16 March 2017		
<hr/>							
Item No.	3	Application No.	17/00786/VAR	Recommendation	DD	Page No.	37
Location:	Land South of Horwoods Yard Green Lane Maidenhead						
Proposal:	Variation of Condition 27 (under Section 73) to substitute amended plans for those plans approved to allow for the lowering of the outdoor green and associated external alterations, and variation of pre-commencement Conditions 4 (hard and soft landscape works), 7 (details of the proposed drainage and services), 22 (Bio-Diversity Enhancements), 23 (security measures) so that details are approved for the construction of an indoor bowling green and clubhouse with associated facilities and construction of outdoor bowling green and green-keepers store with car parking and associated landscaping approved under 15/02135/FULL.						
Applicant:	Desborough Bowling Club	Member Call-in:	Not applicable	Expiry Date:	31 July 2017		
<hr/>							
Item No.	4	Application No.	17/00817/FULL	Recommendation	REF	Page No.	51

Location: Kingfisher Cottage Spade Oak Reach Cookham Maidenhead SL6 9RQ
Proposal: Replacement dwelling following demolition of existing dwelling
Applicant: Mr Backshall **Member Call-in:** Cllr Saunders **Expiry Date:** 17 May 2017

Item No. 5 **Application No.** 17/00879/FULL **Recommendation** PERM **Page No.** 63
Location: Pinkneys Green Youth And Community Centre Blenheim Road Maidenhead SL6 5HE
Proposal: Single storey front extension, provision of 2x additional parking space
Applicant: Mr Warwick **Member Call-in:** Not applicable **Expiry Date:** 17 May 2017

Item No. 6 **Application No.** 17/01107/FULL **Recommendation** PERM **Page No.** 71
Location: RBWM Boulters Lock Car Park Lower Cookham Road Maidenhead SL6 8JT
Proposal: Construction of a new community centre for use by the Hindu Society of Maidenhead and the wider community, to include associated parking, bin storage and cycle store
Applicant: Mr Malhotra **Member Call-in:** Cllr Adam Smith **Expiry Date:** 6 June 2017

Item No. 7 **Application No.** 17/01220/FULL **Recommendation** PERM **Page No.** 91
Location: Cox Green School Highfield Lane Maidenhead SL6 3AX
Proposal: Two storey new build teaching block with ancillary works.
Applicant: Mrs Longworth-Kraft **Member Call-in:** Not applicable **Expiry Date:** 1 June 2017

Item No. 8 **Application No.** 17/01442/FULL **Recommendation** REF **Page No.** 109
Location: 130 - 132 Clare Road Maidenhead
Proposal: Construction of out buildings.
Applicant: Mr Rehman **Member Call-in:** Cllr Claire Stretton **Expiry Date:** 8 June 2017

Appeal Decision Report **Page No. 119**

Planning Appeals Received **Page No. 121**

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 1

Application No.:	16/01292/FULL
Location:	Hedsor Cottage 11 Maidenhead Court Park Maidenhead SL6 8HN
Proposal:	Erection of detached dwelling following demolition of existing garage and annexe
Applicant:	Mrs Hock
Agent:	Not Applicable
Parish/Ward:	/Maidenhead Riverside Ward

If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk

1. SUMMARY

- 1.1 The Local Planning Authority took the decision to grant planning permission for the erection of a detached dwelling following the demolition of the existing garage and annex and creation of a new vehicular access at Hedsor Cottage on 6 July 2016. A Judicial Review was undertaken and the application has been reverted back to the Council for determination following a Consent Order, dated 7 March 2017, to quash the grant of planning permission as the Council failed to apply relevant paragraphs 101 – 103 of the NPPF in determining the planning application. The Consent Order is available on the Council's website.
- 1.2 The submitted Flood Risk Assessment fails to properly take into account climate change when assessing which Flood Zone the site falls within. The LPA is therefore unable to assess whether the Sequential Test is met, and if passed whether the Exception Test is required and whether the proposal meets the requirements of paragraph 103 of the NPPF.
- 1.3 The proposal is considered acceptable in terms of impact on character and appearance, impact on neighbours, and highway safety and parking.

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

- | | |
|----|--|
| 1. | The submitted Flood Risk Assessment does not provide a suitable basis for an assessment of flood risk arising from the proposed development as it fails to properly take into account climate change. The proposal is therefore contrary paragraphs 101, 102 and 103 of the NPPF and Local Plan policy F1. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Diment due to concerns over bulk, scale and positioning of the development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This application comprises of a large plot containing a large two-storey detached dwelling, which is set further back into the plot than the adjacent houses, with a single-storey triple garage and adjoining outbuilding sited to the front of the main house. In accordance with flooding data provided by the Environment Agency (EA) and the Council's Strategic Flood Risk Assessment (SFRA), the site is situated within a residential area which is located in Flood Zone 2 and 3a. This designation does not take into account climate change allowances. The boundary of Maidenhead Settlement cuts across the rear garden of the site, with Green Belt to the west.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00609/FULL	Part two part single storey rear extension with new front porch and associated alterations	Approved – 07.04.2014
14/03999/FULL	Erection of detached dwelling following demolition of existing garage and annexe and creation of new vehicular access	Refused – 11.03.2015
93/00857/FULL	Change of use of agricultural land to residential	Approved – 31.03.1993
93/00854/FULL	Detached single storey building to house swimming pool	Refused – 28.12.1993
92/00795/FULL	Single storey extension to garage to form garden and pool store	Approved – 01.04.1992
91/00869/FULL	Pitched tiled roof to existing garage	Approved – 31.03.1991
87/00874/FULL	Erection of two storey front extension	Approved – 10.11.1987

- 4.1 The proposal for a new detached dwelling following the subdivision of the existing plot and demolition of the existing garage and annex is the same as the previously refused scheme under 14/03999/FULL, which was refused on the grounds that it would lead to an unacceptable risk to people in the event of a flood.
- 4.2 This application was granted planning permission, on the basis that flood mitigation can be sufficiently provided and local knowledge is that there is not a flood issue in this area and the maps held by the Environment Agency are wrong having not been updated to reflect the Jubilee River effect. The application has been reverted back to the Council for determination following a Consent Order (7 March 2017) to quash the grant of planning permission as relevant paragraphs 101 – 103 of the NPPF were not correctly applied in determining the planning application. The application has to now be freshly considered.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7 and 10.
- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Royal Borough Local Plan

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

Borough Local Plan: Submission Version

Within settlement area	Flood Risk
SP1, SP2, SP3, HO5, IF1	NR1

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Flood Risk
- iii Character of the Area
- iv Impact on Neighbours and Future Occupiers
- v Highway Safety and Parking
- vi Other Material Considerations

Principle of Development

6.2 The site is situated within an established residential area within Maidenhead. Development in such areas is acceptable in principle provided that the provisions of the NPPF and Local Plan policies can be satisfied.

Flood Risk

6.3 The submitted Flood Risk Assessment (FRA) and addendum does not comply with the requirements as set out in the NPPF and National Planning Practice Guidance (NPPG) as it fails to take into account climate change when assessing which Flood Zone the site falls within. It therefore does not provide a suitable basis for an assessment to be made on the flood risk arising from the proposed development.

6.4 Furthermore, the LPA is unable to assess whether the Sequential Test is met, and if passed whether the Exception Test is required and whether the proposal meets the requirements of paragraph 103 of the NPPF.

6.5 In the absence of an acceptable FRA the proposal is contrary to paragraphs 101, 102 and 103 of the NPPF and Local Plan policy F1.

Character of the Area

6.6 Maidenhead Court Park is an attractive residential area which is characterised by detached dwellings set within relatively modest to large plots with landscaped frontages which gives a spacious, verdant appearance. In terms of the style of dwellings there is a mixture of bungalows, two storey dwellings to two and a half storey dwellings ranging from Edwardian style to later twentieth century suburban housing.

6.7 The left side of Maidenhead Court Park from No's 3 to 17 is sited approximately line within one another with the exception of Hedsor Place and Redlands Cottage which are set significantly further back from the road. The new dwelling would be sited fronting Maidenhead Court Park to the front of Hedsor Place and in the gap between no. 9 and no. 13 Maidenhead Court Park, approximately in line with these two adjacent properties. While the proposal would result in a tandem development, due to its siting to the front it is considered that the new house would read as a continuation of the prevailing building line along this section of Maidenhead Court Park and therefore acceptable in this case. Following subdivision, the resultant plot for the existing house at Hedsor Place would still be large in size and comparable with plot within the locality. The plot for the proposed house would be smaller, but the house is not considered to be cramped being offset from the boundaries, with over 150sqm of amenity space to the rear and there would be sufficient space to accommodate soft landscaping along its frontage. If recommended for approval a landscaping scheme could be secured by condition to mitigate the loss of existing greenery to the front of Hedsor Place and maintain the existing verdant character of the street. The space between the new house and shared flank boundary with no. 9 Maidenhead Court Park would be narrower than the prevailing gaps between buildings along this section of Maidenhead

Court Park, but it is considered that the 1.5m gap and hipped roof would maintain the sense of space between buildings and present visual terracing. The scale of the proposal and the lower eaves design is considered to result in a dwelling that sits comfortably between both the existing neighbours, which comprises of a two storey and two and half storey dwelling.

- 6.8 In terms of the design of the dwelling, it incorporates similar features to that of Hedsor Place with the roof design and double fronted gables.
- 6.9 For these reasons the proposed dwelling is considered to be of a high quality design that would be in keeping with the character and appearance of the area in accordance with Local Plan Policies DG1, H10 and H11 and the provisions of the NPPF in this respect.

Impact on Neighbouring Amenity and Future Occupiers

- 6.10 The proposed dwelling would be sited approximately in-line with no. 9 and 13 Maidenhead Court Park and would not extend significantly further forwards or rearwards of these adjoining houses. It is therefore not considered to result in a significant loss of light to or visual intrusion when viewed from their rear and front windows or neighbouring gardens. It is noted that no. 9 Maidenhead Court has a number of ground-floor and first-floor side windows on the northwest elevation. On the ground floor there is a window serving a kitchen, but as this kitchen window is north facing and not the only source of natural light or outlook with another kitchen window on the southwest elevation, this relationship is considered acceptable. The remaining ground floor windows serve non-habitable rooms. With regards to the first-floor, the proposal dwelling would not intrude through a 25 degree taken from the mid-point of these side-facing windows and therefore unlikely to result in an undue loss of light or visual overbearing to the detriment of neighbouring amenity. With regards to no. 13 Maidenhead Court Park there are no side window to the main house on the southeast elevation, with only a high level, ground floor window serving the adjoining garage. As this is a non-habitable room, the proposal is not considered to result in undue harm to neighbouring amenity in this respect.
- 6.11 A first floor window is proposed on the southeast elevation of the proposed house which would face no. 9 Maidenhead Court Park. However, this would serve an en-suite and if it had been recommended for approval a condition could be attached to any permission granted to ensure that the window was obscurely glazed and non opening to a level of 1.7m above finished floor level. Windows to the front and rear elevation are not considered to result in an undue loss of privacy which materially differ or add to existing levels of overlooking. Concerns have been raised over loss of privacy from a proposed balcony, but no balcony is shown on the proposed floor plan or elevations (drawing ref: D1418/PL02 B and D1418/PL03 A). A distance of 24 metres would be maintained between Hedsor Place and the proposed dwelling from front to rear which would be considered sufficient to prevent any issues in respect to overlooking and loss of privacy.
- 6.12 The proposed dwelling would be of an appropriate size, there would be sufficient levels of natural light to serve the main living area and an appropriate level of private amenity size. It is considered that the proposed redevelopment would provide a good living environment for future occupiers.
- 6.13 Concerns were also raised over undue levels of smell from the proposal given its proximity to the neighbouring house at no. 9, but given that it is one unit and its residential nature it is not considered that the proposal would generate unreasonable levels of smell or other disturbances such as noise. Overall, the proposal is considered to meet the aims and objectives Core Planning Principle 4 of the NPPF.

Highway Safety and Parking

- 6.14 Maidenhead Court Park is an adopted residential street which is approximately 6.0m wide and subject to a local 30mph speed restriction. There is a 2.2m wide footway adjacent to the proposed access point and a 2.0m wide verge and 1.3m wide footway opposite. The existing dwelling (Hedsor Place) has an in-out drive arrangement. It is proposed to utilise the centrally located access point to serve the new development and construct a new access further to the north in order to serve Hedsor Place. The proposed access to the existing and proposed house

would achieve stopping sight distances of 2.4 x 43 metres each way, in compliance with the principles as set out in Manual for Streets, and so there are no objections in terms of visibility. The redundant southernmost access point would need to be stopped up for use by vehicles and the adjoining footway/verge crossover reinstated, which could be secured by condition.

- 6.15 The proposed car parking layout for the proposed house would provide adequate parking and turning facilities for two cars which would meet the Council's adopted Parking Standards for a 3-bed house. In addition, while the proposal involves the loss of garages for Hedsor Place, sufficient parking and turning would be retained for the existing 4-bed dwelling to the front of the house.
- 6.16 The proposed development would result in an increase in 6-12 vehicle movements per day, but would not be substantial enough to have a negative impact on highway safety and the local road network.
- 6.17 Overall, the proposal is considered to meet the aims and objectives of Local Plan policy P4 and T5.

Other Material Considerations

Trees

- 6.18 The proposal would result in the loss of a tree, but it is not protected and not considered to contribute significantly to visual amenity. As such there are no objections to its loss.

Contaminated Land

- 6.19 The site is located on old gravel pit however there is no objection to the development subject to a condition if minded to approve in the event that unexpected soil contamination is found after development has begun.

Precedents

- 6.20 Concerns have been raised over the lawful status of the garage and annex and the precedence of build development in this location. Attention has also been drawn by local residents to planning applications within the locality to support their objection. The lawfulness of the garage and annex is a separate issue to this application, and the proposed house is assessed on its own merits.

Housing Land Supply

- 6.21 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.22 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However having regard to the 'tilted' balance requested by paragraph 14 of the NPPF it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, in particular flood risk for the reasons in paragraph 6.3 – 6.12.

Borough Local Plan: Submission Version

- 6.23 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, The

Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The required CIL payment for the proposed development would be £100 per sqm based upon the chargeable residential floor area.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were originally notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 2.06.2016.

17 letters of objection were originally received including 3 letters reiterating concerns, summarised as:

	Comment	Where in the report this is considered
1.	Out of character within the streetscene and wider locality due to the smaller plot size following subdivision; inconsistent siting with the uniform building line / there is no consistent building line and therefore attempts to unify it would be harmful; excessive bulk and poor design of the house; incongruous spacing between building; and lack of front garden with little space for planting contrary to the existing verdant character.	Para. 6.6 – 6.9
2.	Overdevelopment of the site resulting in a cramped development. Density is too high and out of keeping with low density locality.	Para. 6.7
3.	Increase in flood risk, no safe access or egress, application has previously been refused on this basis.	Para. 6.3 – 6.5
4.	Dominant and overbearing, overlook to neighbouring property, smells from new residential property would result in harm to neighbouring amenity	Para. 6.10 – 6.13
5.	Loss of a tree, loss of existing greenery / vegetation to the front of Hedsor Place.	Para. 6.7 and 6.18
6.	Sited on an old gravel pit, raising concerns over land contamination.	Para. 6.19
7.	Additional drive and insufficient parking, resulting in on-street parking, would be detrimental to character and highway safety.	Para. 6.14 – 6.17
8.	Need for housing - local policies should not be disregarded in light of NPPF. Development would not make a significant contribution to housing need. Maidenhead is already building housing to meet demand.	Para. 6.21 – 6.22
9.	Inaccurate streetscene, and objector has produced an alternative streetscene for consideration.	Officers do not rely on streetscenes in assessing the merits of a proposal.
10.	Loss of view of Hedsor Place which is an attractive building.	Not a material planning consideration

11.	Precedent for tandem development, planning applications for similar development has been refused.	Each application must be considered on its own merits
12.	Garages and annex are not authorised, and the garage and annex should not set a precedent for build development in this location.	Each application must be considered on its own merits
13.	Issues relating to party wall, damage neighbouring properties / foundations.	Not a material planning consideration

Following the Consent Order, 15 occupiers were re-notified. 23 letters were received. Below are additional concerns not covered by summary above:

Comment		Where in the report this is considered
1.	Application should not have been allowed to continue after the High Court Judgement.	The application has been reverted back to the Council for determination by the High Court. The application has not been withdrawn by the applicant, and the application does not fall under any of the criteria outlined in Section 70B of the Town and Country Planning Act 1990 (as amended).
2.	High Court agrees that the proposal is inappropriate development in a flood plain and out of keeping with the environment	A judicial review is the process of challenging the lawfulness of decisions of public authorities, and was not a comment on the merits of the decision.
3.	The SHLAA (Appendix D) dates from 2014 and only provides an illustration of some of the available sites at the time of writing. On this basis the Sequential Test has not been met.	The Sequential Test has not been met on the basis of paragraph 6.3 – 6.5.
4.	As a result of higher finished floor levels, the proposed building would be taller than neighbouring houses which would be overbearing and overly dominant.	No external changes proposed to the proposed dwelling as originally submitted.
5.	Inadequate re-consultation.	Statutory consultation has been undertaken.

Other Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objections to the proposal in the absence of an acceptable FRA in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF). In particular it fails to demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for	Para. 6.3

	<p>climate change caused by the proposed development and if so that it can be mitigated. As there will be an increase in built footprint on site, floodplain compensation must be provided on a level for level, volume for volume basis. This is necessary to prevent the new development reducing flood plain storage and displacing flood water.</p> <p>It is for the Local Authority to determine if the Sequential Test has to be applied and whether there are other sites available at lower flood risk.</p> <p>On the understanding that the proposal development has passed the Sequential Test, the proposal should be appropriate flood resilient and resistant. The applicant should demonstrate that a satisfactory route of safe access and egress is achievable.</p> <p>In accordance with paragraphs 101 to 104 of the National Planning Policy Framework (NPPF), you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required' This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test.</p>	
Maidenhead Civic Society	Harm to streetscene, obscuring view of attractive existing house, break in building line, tandem development.	Para. 6.6 - 9
Environmental Protection	No objection subject to condition related contaminated remediation in the event that unexpected soil contamination is found after development has begun, and informatives relating to dust and smoke control and hours of construction.	Para. 6.19
Local Highway Authority	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. HA03A (new & altered access to be provided as per approved drawing numbered D1418/PL01) 2. HA9A (parking/turning layout as per Drwg. No. D1418/PL01) 3. The existing southernmost access point to the site shall be stopped up and abandoned for use by vehicles immediately the new access arrangements being first brought into use. The adjoining footway and verge shall be reinstated <p>In addition, it is recommended that the following highway informatives be attached to any planning consent:</p> <ol style="list-style-type: none"> 1. HI04 (highway licence for new northern access; central access alterations and stopping up of southern access works) 2. HI06 (recovery of costs re: any damage caused to footways/verges) 3. HI07 (recovery of costs re: any damage caused to the public highway) 	Para. 6.14 – 6.17

9. APPENDICES TO THIS REPORT

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

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

In this case the issues have not been successfully resolved.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

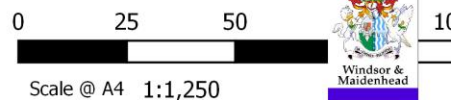
- 1 The Flood Risk Assessment does not provide a suitable basis for an assessment of flood risk arising from the proposed development as it fails to properly take into climate change. The proposal is therefore contrary paragraphs 101, 102 and 103 of the National Planning Policy Framework (2012) and policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).

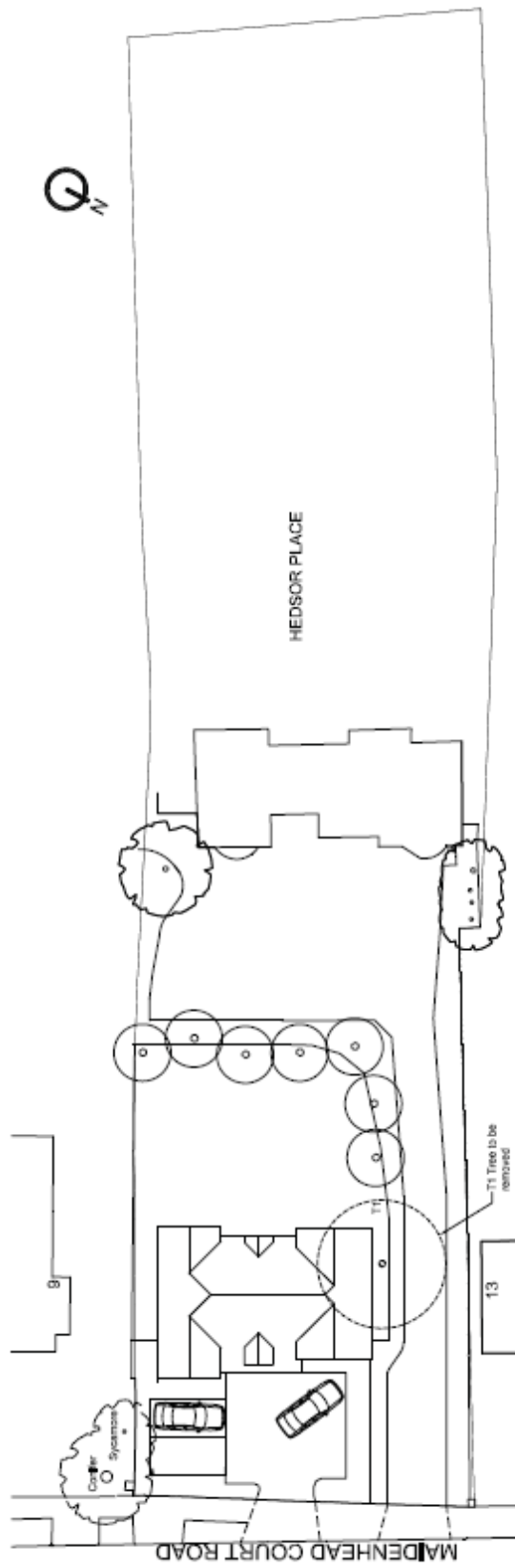
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Appendix A



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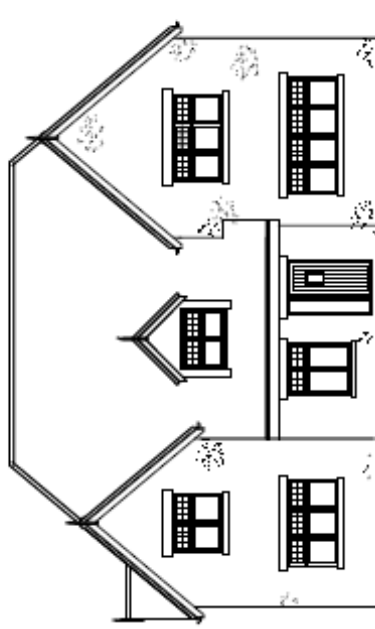


Site Plan
Scale 1:250

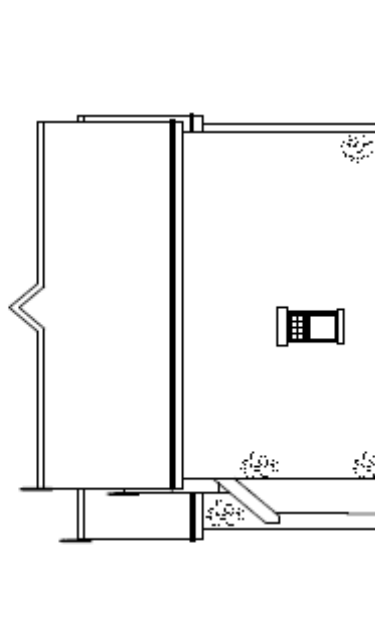
FOR PLANNING
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 Title: PROPOSED BLOCK PLAN
 Drawing Number: D1418/PL01
 Date: NOV '14
 Status: AN AS STATED AT 100mm long
 Revision:

Artichoke
 Architectural Developments Limited
 71, Cliver Hill Road, Windsor, SL4 4DE
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 info@artichoke.co.uk

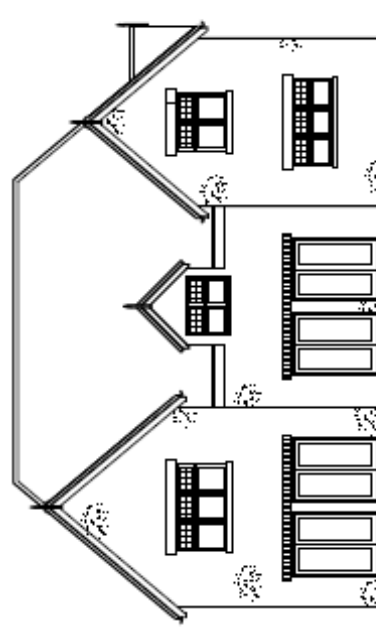




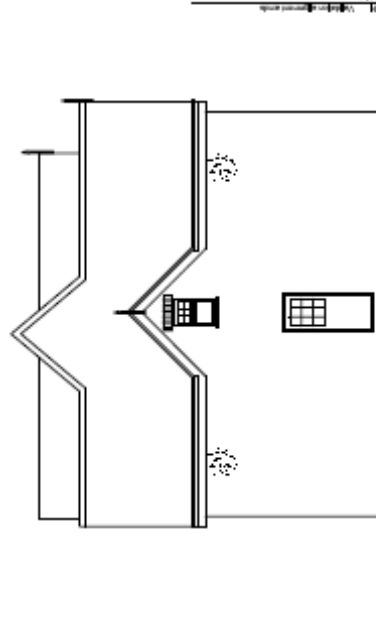
PROPOSED FRONT ELEVATION Scale 1:100



PROPOSED SIDE ELEVATION Scale 1:100



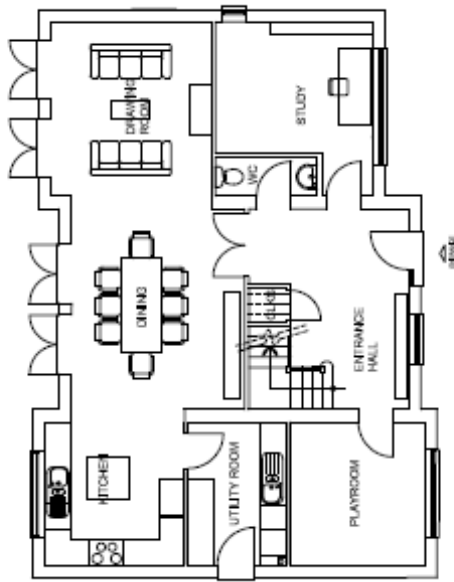
PROPOSED REAR ELEVATION Scale 1:100



PROPOSED SIDE ELEVATION Scale 1:100

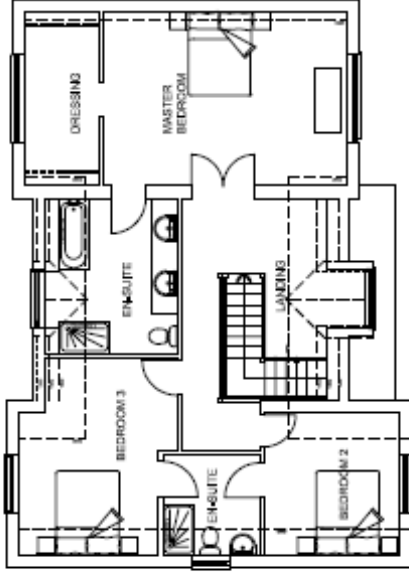
FOR PLANNING
 Project: LAND AT HEDSOR PL,
 11 MAIDENHEAD
 COURT PARK, SL6 8HN
 Title: PROPOSED
 ELEVATIONS
 Drawing Number: D1418/PL03
 Date: NOV '14
 Scale: A1
 Drawn: AN
 Checked: SEE DRGS
 Project Manager: A3
 File Path: 2014/11/03/03.plg

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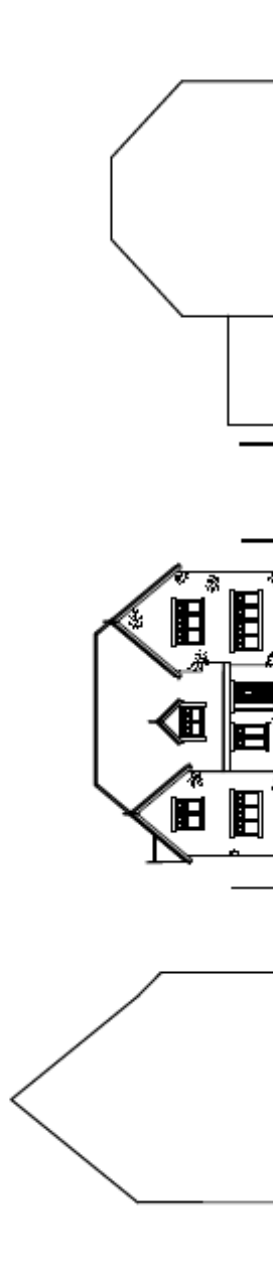
PROPOSED GROUND FLOOR PLAN

Scale 1:100



PROPOSED FIRST FLOOR PLAN

Scale 1:100



INDICATIVE STREET SCENE

Scale 1:200



Project: LAND AT HEDSOR PL
11 MAIDENHEAD COURT PARK, SL6 8HN

Title: PROPOSED PLANS & STREET ELEVATION

Drawing Number: D1418/PL02

Scale: B

Date: NOV '14

Author: AN AS STATED AS

Info: For details, 100m long

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 2

Application No.:	16/03934/FULL
Location:	34 - 36 Laggan Road Maidenhead
Proposal:	Construction of 2x two storey semi-detached dwellings and 4x two storey three bed dwellings with associated access, landscaping and parking following demolition of 34 and 36 Laggan Road.
Applicant:	Mr Waraich
Agent:	Mr M Alam
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward

If you have a question about this report, please contact: Laura Ashton on 01628 685693 or at laura.ashton@rbwm.gov.uk

1. SUMMARY

- 1.1 Due to the scale, form and positioning of the proposed replacement semi-detached dwellings as well as the introduction of a vast area of hard standing and in the absence of any meaningful planting to mitigate this impact, the proposals represent a form of development that is inconsistent with the prevailing character of Laggan Road, fails to contribute in a positive way and will be harmful to the character and appearance of the surrounding area. As such the proposals fail to accord with saved policies DG1, H10 & H11 of the Local Plan.
- 1.2 As a result of insufficient separation distances the proposed development introduces a grain and pattern of development that is out of character with the site's suburban context contrary to saved policies DG1, H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.3 The proposed development fails to provide acceptable amenity standards to the future occupiers of the development. The occupiers of plot 3 in particular will experience unacceptable levels of privacy in their garden and overbearing impacts. This is due to the proposed semi-detached houses being set on higher ground and the separation distance of just 10 metres between the rear elevation of the semis and the boundary with plot 3. The development proposals are subsequently contrary to saved policies H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.4 Due to insufficient back to back separation distance, the proposed development will have an unacceptable impact on both the existing occupiers of 8-12 Savoy Court when considering impacts on privacy and sense of enclosure contrary to saved policies H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.5 The site is located in Flood Zone 2 where a Sequential Test is required to demonstrate that there are no alternative suitable development sites available in areas at a lower risk of flooding. It is considered that the application does not pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development. The proposals are therefore contrary to paragraph 101 of the NPPF.
- 1.6 The application fails to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site. As such the proposals represent a form of development that would be contrary to Policy N6 of the Local Plan.
- 1.7 The applicant has failed to demonstrate to the satisfaction of the Local Lead Flood Authority that the proposals will not increase the risk of surface water flooding either on the site or in its locality contrary to paragraph 103 of the NPPF.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The scale, form and positioning of the proposed replacement semi-detached dwellings along with a vast area of hard standing are harmful to the character and appearance of the area.
2.	Insufficient separation distances introduces a grain and pattern of development that is out of character with the site's suburban context
3.	The proposed development fails to provide acceptable amenity standards to existing occupiers of 8-12 Savoy Court
4.	The proposed development fails to provide acceptable amenity standards to the future occupiers of the proposed terrace
5.	It is considered that the application does not to pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development.
6.	The application fails to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site.
7.	The applicant has failed to demonstrate to the satisfaction of the Local Lead Flood Authority that the proposals will not increase the risk of surface water flooding either on the site or in its locality.

2. REASON FOR PANEL DETERMINATION

- 2.1 This application is to be determined by the panel due to the request of Councillor Majeed.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located to the north of Maidenhead and within a short walking distance of a number of local amenities. The application site consists of Nos. 34 – 36 Laggan Road, which are a pair of semi-detached dwellings on the eastern side of the highway. This particular part of Laggan Road loops off the main part of the highway, in the form of a cul-de-sac, and benefits from a distinct street scene character comprising semi-detached two storey dwellings fronting on to the highway. The cul-de-sac is opposite an area of public open space. Each of the dwellings benefits from off street parking and most of the front gardens have been hard-surfaced for that purpose. The existing dwellings on site benefit from substantial rear garden space which slopes downwards to the east. The rear half of these gardens are within Flood Zone 2. The existing dwellings address the street and form the centre piece of the street scene on entering the cul-de-sac. A landscaped central reservation highlights the symmetry of the cul-de-sac.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is set out in the table below

Ref	Description	Decision
12/90235 /PREAP P	Demolition of 34 and 36 Laggan Road to provide 6 dwellings	Advice Given
15/03100 /FULL	Erection of 2no two storey semi-detached dwellings and a 2.5 storey block of 8no apartments with associated access, landscaping and parking following demolition of 34-36 Laggan Road	Refused

- 4.2 This application seeks permission for the construction 2x two storey semi-detached dwellings and 4x two storey three bed dwellings with associated access, landscaping and parking following demolition of 34 and 36 Laggan Road.

MAIN POLICIES RELEVANT TO THE DECISION

5. National Planning Policy Framework

- 5.1 The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 5.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to-date Development Plan.
- 5.3 Section 6 of the NPPF states that in order to significantly boost the supply of housing across the country, LPAs should identify a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of up to 20% where there is a persistent under delivery of new housing.
- 5.4 Section 7 of the NPPF establishes that LPAs, when determining planning applications, should ensure that development:
- Will function well and add to the overall quality of the area
 - Establish a strong sense of place
 - Optimise the potential of the site to accommodate development
 - Respond to local character
 - Reflect the identity of local surroundings and materials
 - Is visually attractive as a result of good architecture and appropriate landscaping.
- 5.5 The NPPF and NPPG make clear that good design is fundamental to planning. Paragraph 58 of the NPPF explains that in order to achieve the Government’s objective of securing good design, planning decisions should ensure that developments (inter alia) “function well and add to the overall quality of the area” and create “attractive and comfortable places to live”. The NPPF also, at paragraph 53, invites local authorities to consider setting policies to resist the inappropriate development of residential gardens where development would be harmful. There is therefore a presumption against the development of gardens where demonstrable harm can be identified. The NPPG explains that LPAs should take design into consideration and should refuse permission for development of poor design.

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1		No
Acceptable impact on appearance of area	DG1, H10, H11		No
Maintains acceptable level of privacy for nearby residents	H10, H11	Yes	
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11	Yes	
Acceptable impact on highway safety	T5	Yes	
Sufficient parking space available	P4	Yes	
Acceptable impact on highway safety	T5	Yes	
Trees and development	N6		No

Does not increase flood risk	F1		No
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Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)

Relevant policies: SP1, SP2, SP3, HO2 and HO3, NR1, NR2, EP3, EP4 and IF7. Given the status of the BLP these policies can only be given limited weight. This document can be found at: <http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.7 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 Strategic Flood Risk Assessment - 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

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

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

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 Flood Risk
- v Design and Character
- vi Parking/Access
- vii Trees
- viii Other material planning considerations

The Principle of Development

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that local planning authorities (LPA) determine planning applications in accordance with an up to date Development Plan and in conjunction with the National Planning Policy Framework (NPPF) and Guidance (NPPG). There are no planning policies that restrict the type of development proposed from taking place per se, and as such it is considered that the proposals are acceptable in principle.

6.3 There are, however, a number of relevant policies (as identified in Section 5, above) which relate to the following key issues.

Design and Character

- 6.4 The proposals would, in effect, punch a hole in the building line along the east of Laggan Road and replace the existing semi-detached dwellings. Two new properties would front Laggan Road - located towards the northern half of the site frontage with an access road leading to the rear towards the southern half of the site. A terrace containing 4 new dwellings is proposed to be located to the rear of the site. The replacement dwellings at the front of the site are not considered to be suitable in terms of their impact on the street scene due to their scale and positioning. Laggan Road benefits from a distinct character, and the proposals would adversely impact upon this. The existing dwellings in the cul-de-sac are uniform in their style, form and positioning and the spaces between them create a clear rhythm and symmetry. The new dwellings would interrupt the symmetry, rhythm and the uniformity in scale and separation that are currently positive attributes when considering the established character of the area. This is considered to be harmful.
- 6.5 Whilst it is acknowledged that the frontages of most of the properties in the cul-de-sac are hard surfaced, to provide off street parking, there is currently a glimpse down the side of 34 Laggan Road to the landscaped garden to the rear. The proposals, due to the formation of the new access and parking area, will lead to a vast new area of hard surfacing being clearly visible from the public realm. This coupled with a lack of space for compensatory planting is also considered to be harmful to the character and appearance of the area. New development would normally be expected to provide some form of betterment in this respect, the scheme fails to do this.
- 6.6 In addition, due to the separation distances described below the proposals are considered to represent over-development of the site that introduces a grain of development and separation that is out of character with its suburban context.
- 6.7 The Design and Access Statement refers to other examples of development within the wider area that they suggest have set a precedent for back land development. Firstly, each application needs to be taken on its merits – and while those developments were considered to represent a suitable form of development, this proposal does not. Secondly, and in relation to that point, those developments have not interrupted a clear building line within their respective street scenes through the removal of existing buildings.

Residential Amenity

- 6.8 The proposed terrace has a rear to rear separation distance of between 17.5 and 19 metres with the terrace that forms 8-12 Savoy Court. This level of separation is considered to be unacceptable in a suburban context and will lead to a sense of increased enclosure and loss of privacy when considering the occupiers of 8-12 Savoy Court. This level of separation is synonymous with over-development and would lead to unacceptable amenity standards for existing and future occupiers in this instance. The occupiers of plots 3 and 4 of the proposed terrace and 12 and 10 Savoy Court will be particularly affected.
- 6.9 There is specific concern regarding the amenity of the future occupiers of the terraced property when considering levels of privacy and overbearing. Due to the proposed replacement pair of semi detached properties being set on higher ground and there being just 10 metres separation between the rear elevation of the semis and the boundary with plot 3, plot 3 will experience an unacceptable level of overlooking into their rear garden from the bedroom window of plot 2. This is considered to be harmful to their amenity.
- 6.10 Again due to the replacement semis being located on higher ground, and its ridge line being two metres higher than that of the terrace block and the separation distance of just ten metres, the semis will have an oppressive and overbearing impact when viewed from the garden of plot 2.
- 6.11 The relationship between the replacement semi-detached properties and the proposed new terrace is considered to be poor and will be harmful to the amenity of future occupiers. Planning permission should be refused on this basis.

Flood Risk

- 6.12 The site is located partly in Flood Zone 2 which is an area at medium risk of flooding. The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. The NPPF seeks to direct development away from areas that are the most at risk of flooding. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst a Sequential Test has been prepared by the applicant and submitted in support of this planning application the test is not considered to have been passed. In this instance the discounting of a number of the sites assessed are not considered to be justified.
- 6.13 Notwithstanding the limitations of the Sequential Test, given that the site is located in Flood Zone 2 and the proposals are for a “more vulnerable use” then an Exceptions Test is not required. A flood risk assessment has been submitted with the application which demonstrates that the development does not increase the risk of flooding for either properties or people.

Parking/Access

- 6.14 The previous application for residential development on the site was refused partly due to the proposals having an unsuitable access width, parking and turning space. The applicant has submitted sufficient information to remove those concerns from these proposals, and the Highways Team have recommended that the application is acceptable in highways terms, subject to conditions (relating to access construction, a construction management plan, parking and turning, cycle parking and refuse bin provision).

Trees

- 6.15 The site benefits from a number of trees both along its boundary. The Tree Team was consulted on the application and recommended refusal based on insufficient and inaccurate information having been submitted.
- 6.16 Though additional time was provided via an extension of time to enable the applicant to overcome these concerns, the applicant has not been able to do so. As other concerns exist with the proposals, it has not been possible to agree another extension of time, and as such it is considered to represent a reason for refusal of this application.

Other Material Considerations

Surface Water Drainage

- 6.17 The proposals would involve permeable pavements and soakways incorporating infiltration techniques. The Local Lead Flood Authority was consulted on the application and raised concerns about the effectiveness of what is proposed. They advised further assessments be undertaken and information submitted. Though the time limit for the application was extended to enable further work to be done, the applicant has not been able to overcome the concerns within this time. Given other concerns exist with the application, it is not considered prudent to further extend the time of the application, and as such the proposals are considered to be contrary to adopted policies that seek to protect the environment from negative impacts on surface water flooding as a result of new development.

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 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.

6.19 It is acknowledge that this scheme would make a contribution to the Borough’s housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

6.20 Local Authorities are expected to work positively and pro-actively with applicants when determining planning applications. In this instance the site cannot be developed without replacing the existing semi-detached dwellings and installing an access road. It is unlikely that this could be achieved without harm to the character and appearance of the area and there are a number of other issues that would require addressing. Subsequently, amendments have not been pursued on this occasion.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £27,020.

8. CONSULTATIONS CARRIED OUT

8.1 14 occupiers were notified directly of the application.

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

8.3 1 letter was received objecting to the application, summarised as:

Comments		Where in the report this is considered
1.	Detrimental impact on residential amenity	6.8 - 6.11
2.	Unsuitable Design/detrimental impact on character	6.4 - 6.7
3.	Detrimental impact on highway network	6.12

Consultee Responses

Consultee	Comment	Where in the report this is considered
LLFA	Objection – insufficient information submitted re soakways and permeable pathways	6.17
Tree Team	Objection - Detrimental impact on existing trees within and adjoining the site	6.15 – 6.16
Maidenhead Civic Society	Objection - Design/Character	6.4 – 6.11
Environmental Protection	No objection	Noted

9. RECOMMENDATION

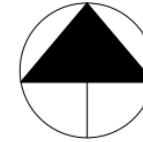
Refuse planning permission for the following reasons(s):

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site Layout
- Appendix C – Street Elevations & Sections

11. REASONS RECOMMENDED FOR REFUSAL

- 1 Due to the scale, form and positioning of the proposed replacement semi-detached dwellings as well as the introduction of a vast area of hard standing, in the absence of any meaningful planting, the proposals represent a form of development that fails to contribute in a positive way and will be harmful to the character and appearance of the surrounding area. As such the proposals fail to accord with saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) adopted June 2003.
- 2 As a result of insufficient separation distances the proposed development introduces a grain and pattern of development that is out of character with the site's suburban context contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003
- 3 Due to insufficient separation between the proposed terrace, 8-12 Savoy Court and the replacement semi-detached dwellings, and the replacement dwellings being set on higher ground; the proposed development fails to provide acceptable amenity standards to the future occupiers of the proposed terrace when considering privacy levels, sense of enclosure and overbearing impacts contrary to saved policies H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and NPPF Core Principle 4.
- 4 Due to insufficient back to back separation distance, the proposed development will have an unacceptable impact on both the existing occupiers of 8-12 Savoy Court when considering impacts on privacy and sense of enclosure contrary to saved policies H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and NPPF Core Principle 4 .
- 5 Part of the site is located in Flood Zone 2 where a Sequential Test is required to demonstrate that there are no alternative suitable development sites available in areas at a lower risk of flooding. It is considered that the application does not to pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development. The proposals are therefore contrary to saved policy F1 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and paragraph 101 of the NPPF.
- 6 The applicant has failed to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site. As such the proposals are considered to represent a form of development that would be contrary to Policy N6 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003.
- 7 The applicant has failed to demonstrate to the satisfaction of Local Lead Flood Authority that the proposals would not increase the risk of surface water flooding on site or in the local area and subsequently fails to accord with paragraph 103 of the NPPF.



Location Plan 1:1250

Appendix B

34



AT DRAWINGS TO READ IN CONJUNCTION WITH CONSTRUCTION SPECIFICATION.

Do not Scale. Use figured dimensions only. Subject to site survey and all necessary consent. All dimensions to be verified by user and any discrepancies, errors or omissions shall be the responsibility of the user. Work commences this drawing is to be read in conjunction with all other relevant materials.



07 888 658 416

plan@dezine4u.co.uk

Client:
Mr I & Z Waraich

Project:
34 - 36 Laggan Road
MAIDENHEAD

Drawing:
Site Layout

Dwg Nc: ZWLM-PL-101-B

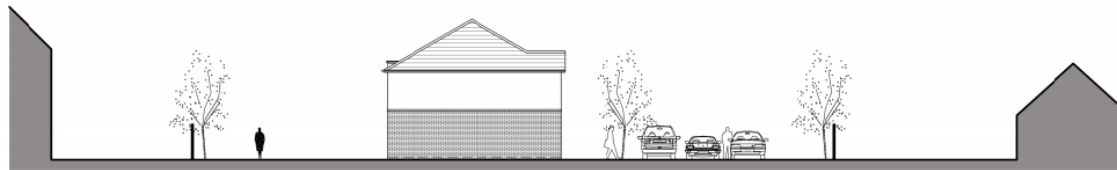
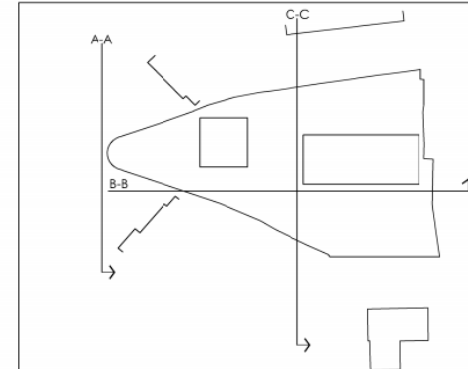
Scale: 1:200

Date: AUG 2016

Appendix C



Street Elevation A-A



Section C-C



Section B-B

ALL DRAWINGS TO READ IN CONJUNCTION WITH CONSTRUCTION SPECIFICATION.



07 888 688 416

plan@dezine4u.co.uk

Client:
Mr I & Z Waraich

Project:
34 - 36 Laggan Road
MAIDENHEAD

Drawing:
Street Elevations
Site Sections

Dwg Nc: ZWLM-PL-403

Scale: 1:200

Date: JUNE 2016

Do not Scale. Use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all relevant documents.

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 3

Application No.:	17/00786/VAR
Location:	Land South of Horwoods Yard Green Lane Maidenhead
Proposal:	Variation of Condition 27 (under Section 73) to substitute amended plans for those plans approved to allow for the lowering of the outdoor green and associated external alterations, and variation of pre-commencement Conditions 4 (hard and soft landscape works), 7 (details of the proposed drainage and services), 22 (Bio-Diversity Enhancements), 23 (security measures) so that details are approved for the construction of an indoor bowling green and clubhouse with associated facilities and construction of outdoor bowling green and green-keepers store with car parking and associated landscaping approved under 15/02135/FULL.
Applicant:	Desborough Bowling Club
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks consent for the variation of Condition 27 (approved drawings) of approval 15/02135/FULL which granted consent for the 'Construction of indoor bowling green and clubhouse with associated facilities and construction of outdoor bowling green and green-keepers store with car parking and associated landscaping'.
- 1.2 The alterations proposed to the approved plans are to lower the outdoor Bowling Green to the natural ground level of the site with associated alterations to the ramps and steps within the site, potentially reducing any loss of flood storage capacity. It is also proposed to remove the protruding flat roof previously proposed to the north elevation that contained a mezzanine level. The overall height of the building has also been reduced by approximately 200mm.
- 1.3 Officers are still awaiting comments from the Environment Agency and Lead Local Flood Authority on whether the proposed lowering of the Bowling Green is acceptable. It is therefore recommended that if these comments are not received before the Panel meeting, that the decision on this amendment is delegated to the Head of Planning.
- 1.4 The application additionally seeks to discharge a number of pre-commencement conditions. The details submitted are considered to address the requirements of the conditions and it is recommended that these are amended to ensure the development is carried out in accordance with the submissions.

It is recommended the Panel Defer and Delegate approval of the application with the conditions listed in Section 10 of this report subject to no adverse comments being received from the Environment Agency and Lead Local Flood Officer in respect of the alterations to the level of the bowling green and drainage details contained within Condition 7 or from the National Planning Casework Unit.

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 site is roughly triangular in shape and approximately 1.6ha in size located to the South East of Maidenhead Town Centre. The site lies to the East of Green Lane. Green Lane is accessed off the junction of Forlease Road/Stafferton Way (Link Road).
- 3.2 Green Lane serves some residential properties, allotments and a waste transfer station. At the end of the road, vehicular traffic is precluded from accessing the public open spaces of Braywick Nature Reserve/Braywick Park. Only pedestrians and cyclists can gain access into these public open spaces from Green Lane. A footpath that runs to the south of the York Stream links Green Lane to Stafferton Way.
- 3.3 A chain link fence and chestnut pale fencing runs along the majority of the western boundary and primarily in front of, but also straddling the boundary is a mix of hedges, overgrown scrub and ivy and there are some trees. There are gaps in the vegetation which give clear views into the site from the adjoining public footpath. Beyond this boundary is Green Lane which has hedges and trees along its length and for this section it is mainly laid to a gravel track so has a less formal feel – this is the pedestrian and cycle route into Braywick Nature Reserve/Braywick Park. Further west is allotments and the sewage treatment works. The southern boundary is a mix of hedges/trees, with gaps in the vegetation that give views from the adjoining public footpath. Beyond the southern boundary is the Braywick Nature Reserve which contains footpaths, one of which borders with the application site. The Nature Reserve contains a mix of vegetation primarily trees. The eastern boundary is a mix of hedges and trees. Beyond this is the York Stream and the further to the east are houses and to the South East is Oldfield Primary School. To the North of the site is the waste transfer station which has a metal fencing on the boundary with the application site.
- 3.4 On the whole the site has a verdant feel but it has been colonised with planting that is commonly found with disturbed ground. There are a mix of grasses, scrub, hedges and shrubs. The land is higher on the Green Lane side and there appears to be a gradual slope downwards from North to South to the middle of the site before rising slightly to the South boundary. The South West corner of the site has an untidy appearance with some dumped materials.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Application 15/02135/FULL granted consent for the ‘Construction of indoor bowling green and clubhouse with associated facilities and construction of outdoor bowling green and green-keepers store with car parking and associated landscaping’.
- 4.2 A variation of condition 27 (approved drawings) is sought to substitute the approved plans as follows:

Plan	Approved drawing under 15/02135	Amended plan
Proposed site layout	11106-PL04 E	11106-PL04 G
Proposed building layout	11106-PL05	11106-PL05 B
Proposed elevations	11106-PL06 B	11106-PL06 C
Proposed elevations	11106-PL07 A	11106-PL07 B
Landscape plan	n/a	LP01
Planting Plan	n/a	PP01

The amendments proposed to the approved plans are

- The lowering of the outdoor bowling green to ground level.
- Removal of the flat roof section previously approved to the north elevation
- Overall building height reduced by approximately 200mm
- Ramps and stairs around the site amended to suit new levels

Everything else remains as approved within application 15/02135/FULL.

- 4.3 The current consent (15/02135/FULL) was granted with a number of pre-commencement conditions. This application provides information pursuant to the following conditions to address the information required by these and avoid the need for further pre-commencement conditions.

Information has been received pursuant to:

- 1 Condition 4 (Landscaping)
- 2 Condition 7 (drainage)
- 3 Condition 22 (biodiversity enhancements)
- 4 Condition 23 (security)

Ref.	Description	Decision and Date
15/02135	Construction of indoor bowling green and clubhouse with associated facilities and construction of outdoor bowling green and green-keepers store with car parking and associated landscaping	Approved

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

	Green Belt	High risk of flooding	Protected Trees	Highways /Parking issues
Local Plan	GB1, GB2	F1	N6	DG1, T5, P4

These policies can be found at

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

Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)

Relevant policies: SP3, SP5, NR2, NR3, EP3, and IF7. Given the status of the BLP these policies can only be given limited weight. This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 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

Section 73 amendment

- 6.1 Section 73 of the Town and Country Planning Act (as amended) (this variation application) specifically excludes the reconsideration of issues other than those covered by the conditions that are the subject of this application. There have been no changes in planning policy or other material considerations that require matters such as the principle of development, impact on the green belt, impact on the vitality of the town centre, access and highway safety, and impact on neighbouring properties to be considered as part of this amendment application.
- 6.2 The Draft Borough Local Plan policies relevant to this application - SP5 (Green Belt), TR3 (Maidenhead Town Centre), NR1 (Flood risk and waterways), NR2 (Trees, woodlands and hedgerows), NR3 (Nature Conservation), IF7 (community facilities), have been reviewed and given that the context and content of these policies is similar to that of the Adopted Local Plan and NPPF, these policies are not considered to materially alter the previous decision in respect of these issues.
- 6.3 The original consent proposed that the outdoor Bowling Green be raised out of the flood plain in a similar manner to that of the main building i.e. on a raised concrete box with voids beneath to allow floodwater to move through the site without increasing flooding elsewhere. As a result of this arrangement, it meant that the green would not be affected in the event of a flood. During the design review process, it was concluded that the risk of the green being damaged in a flood event was such that it did not justify the complex engineering position previously suggested and it was decided that the outdoor green be installed at ground level.
- 6.4 This alteration and the updated flood risk assessment are currently being reviewed by the Lead Local Flood Authority and Environment Agency, and it is recommended that if the comments are not received before Panel, that members defer the decision on this matter to the Head of Planning.
- 6.5 It is proposed to delete the previously approved flat roof element on the northern elevation which contained a mezzanine level. No objection are raised to these alterations and it is considered that this change enhances the proposed design and appearance of the building. As a result of these amendments, the entire roof of the proposed building has been lowered by approximately 200mm, which is welcomed within the setting and no objection is raised to this amendment.

Pre-commencement planning conditions

- 6.6 When consent was granted a number of pre-commencement conditions were included within the decision. As a result of the detailed design review process, more detailed information is now available and has been submitted with this application.
- 6.7 Condition 4 (landscaping)
This condition sought details of both hard and soft landscape works proposed for the site. These are detailed on the Landscape Plan LP01 and Planting Plan PP01. The details have been reviewed by the Councils Arboricultural Officer and are considered to meet the requirements of the condition. It is therefore recommended that this condition be amended to reference these approved plans and ensure that the landscaping be carried out in accordance with these drawings.
- 6.8 Condition 7 (drainage)
This condition requires details of the proposed drainage and services to be submitted to the Council. The Arboricultural Method Statement and Technical Note to Flood Risk Assessment & Drainage Statement provide details of the location of the services and drainage. The Councils Arboricultural Officer raises no objection to the location of the drainage and services proposed. The Council are still waiting for comments from the Lead Local Flood Authority (LLFA) and it is recommended that the decision on these details is delegated to the Head of Planning once available.
- 6.9 Condition 22 (Biodiversity enhancements)
This condition requires details of biodiversity enhancements on the site and a management plan to be submitted.

6.10 A Biodiversity Management Plan has been received to reflect the alteration of proposals. The Management Plan details the biodiversity features which are to be included within the development proposals including hedgerows and trees, a grassland buffer zone and hibernacula. The details include the creation, management and monitoring of these features for the first five years, with a review following this time period. The Councils Ecology Officer has reviewed these details and it is recommended that the condition be varied to ensure that the development is carried out in accordance with the details within the Biodiversity Management Plan.

6.11 Condition 23 (security)

This condition requires details of security measures to protect vehicle access, car park and the building to be submitted. The site plan (CHQ.15.11106-PL04 Rev G) details the security measures proposed for the site. These are considered sufficient to ensure the long term security of the site.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

32 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 23rd March 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 23rd March 2017

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

Comment		Where in the report this is considered
1.	Concern over traffic generation along Green Lane from residents, bowling club users, lorries and allotments.	These issues were considered as part of the previous application and the scheme was approved. Given the nature of the alterations, these will not affect the highway network.
2.	Concern with lack of parking along Green Lane since introduction of yellow lines	This is not relevant to the consideration of this application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comments received to date.	
Lead Local Flood Authority	No comments received to date.	

Other consultees

Consultee	Comment	Where in the report this is considered
Ecology	Condition 22 states <i>"No development shall commence until details of biodiversity enhancements on the site and</i>	Noted

	<p><i>a management plan to ensure the continued habitats for existing and new fauna and flora shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved biodiversity enhancements and the management plan shall be complied with for the duration of the development.</i></p> <p>The application seeks to alter the proposal and revise the site layout. The alteration does not encroach into any part of the buffer zone including the reptile mitigation area and no other impacts on ecological features have been identified by the applicant's ecologist.</p> <p>A Biodiversity Management Plan has been amended to reflect the alteration of proposals. The Management Plan details the biodiversity features which are to be included within the development proposals including hedgerows and trees, a grassland buffer zone and hibernacula. The details include the creation, management and monitoring of these features for the first five years, with a review following this time period. As long as the Biodiversity Management Plan is carried out in its entirety, it is recommended that Condition 22 is discharged.</p>	
Berkshire Buckinghamshire Oxfordshire Wildlife Trust	Condition 22 of planning permission for 15/02135/FULL required the submission of details of biodiversity enhancements and a management plan prior to commencement of works. The applicant has submitted a Biodiversity Management Plan author David Arthur Associates dated February 2017 in fulfilment of this planning condition. BBOWT is satisfied that the submitted document is sufficient to comply with planning condition 22, and recommends that the measures recommended therein are implemented in full.	Noted
Trees	So long as the tree protection measures and hard and soft landscape, and tree planting elements are carried out in strict accord with the submitted plans, No objection is raised.	Noted

8. APPENDICES TO THIS REPORT

- Appendix A - Site layout
- Appendix B – Building Layout
- Appendix C - Elevations

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced before the 23rd September 2019.
Reason: To accord with the provisions of Section 73 and 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (or any Act or Order revoking or re-enacting that Order with or without modification) the building hereby permitted shall be used only as indoor and outdoor bowling green and associated ancillary uses, and shall

not be used for any other purpose.

Reason: To control the future use of the building in the interests of the Green Belt, mindful of the very special circumstances which have been demonstrated to enable the Local Planning Authority to grant permission for the development. Relevant Policies: Local Plan - GB1, GB2

- 3 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.

- 4 The hard and soft landscape work shall be carried out in accordance with the details shown on drawings LP01, PP01 and 11106-PL04 Rev G unless otherwise agreed in writing with the Local Planning Authority. 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.

- 5 The development shall be carried out in accordance with the recommendations in the Arboricultural Method Statement by David Archer Associates, Feb 2017.

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 shown to be retained in the approved Arboricultural Method Statement by David Archer Associates, Feb 2017 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written consent of the local planning authority. Any tree shown to be retained that is removed without consent, or is dying or is severely damaged or is diseased within 5 years from the completion of the development hereby permitted shall be replaced with tree(s) of an appropriate size, species and planted in the same place unless otherwise agreed in writing by 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

- 7 The drainage runs and services shall be installed in accordance with the details contained within the Arboricultural Method Statement, Feb 2017 and thereafter maintained as such unless otherwise agreed in writing with the Local Planning Authority .

Reason: To ensure the protection of trees identified for retention at the site and to ensure new planting is not compromised. Relevant Policies - Local Plan DG1, N6

- 8 The development shall be carried out and maintained in accordance with the details of the levels as shown in the list of approved plans at the end of the Decision Notice. There shall be no further alterations to the levels of the site.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and in the interests of the character and appearance of the area. Relevant Policy - Local Plan F1, DG1.

- 9 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2015 prepared by Golder Associates, the approved plans listed at the end of the Decision Notice and the following mitigation measures:

- (1) Finished floor levels shall be set no lower than 24.11 metres AOD;
- (2) Void spaces and openings shall be no lower than 23.61 metres AOD; and,
- (3) Undercroft void space and openings shall remain open, free and maintained from all blockages, debris and storage for the lifetime of the development. Nothing shall be stored in the undercroft area.

Reasons: To prevent an increase in flood risk. Relevant Policy - Local Plan F1

- 10 The surface water control measures shall be carried out in accordance with the Drainage Statement by Golder Associates (Ref. 10514100075.532/B.1) and Technical Note to Flood Risk Assessment and Drainage Statement (L00952 Ver 1.0 Feb 2017) and the drainage system shall be maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be constructed in accordance with the approved details and subsequently maintained, and the management and maintenance plan shall be implemented for the duration of the development.
Reason: To reduce the rate of surface water run-off in order to minimise the risk from flooding.

- 11 Prior to installation of external lighting details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented as approved and thereafter the lighting shall be maintained as operational. The scheme shall include the following:
- i) The proposed design level of maintained average horizontal illuminance for the site.
 - ii) The proposals to minimise or eliminate glare from the use of the lighting installation.
 - iii) The proposed hours of operation of the lights.

No further external lighting shall be installed at the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and in the interests of biodiversity. Relevant Policy - Local Plan DG1 and to meet with the Core Planning Principles 4 and 7, and paragraph 118 of the National Planning Policy Framework (NPPF).

- 12 The rating level of the noise emitted from any plant and equipment shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night dependent upon the operating hours of the proposed plant and equipment) by at least 10dB(A). The noise levels shall be determined 1m from the nearest existing or proposed noise-sensitive premises/residential premises. The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'..
Reason: To protect the amenity of the residential development and surrounding residential development and to accord with the Local Plan Policy NAP3 and NPPF paragraphs 109, 118 and 123.

- 13 Prior to first use of any plant, details of air conditioning units, refrigeration and cooking extraction/filtration system (to include position, appearance and sound levels) shall have been submitted to and approved in writing by the Local Planning Authority. Such plant shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect the amenities of the area. Relevant Policy - Local Plan NAP3.

- 14 The use hereby permitted shall only operate between the hours of 0830 - 2330 Monday to Saturday and 0900 - 2200 Sunday, Bank Holiday and Public Holiday.
Reason: To control the intensity of the use in the interests of the rural character of the area and in the interests of the living conditions of occupiers of the neighbouring properties. Relevant Policy - Local Plan - DG1 and to meet with the Core Planning Principle 4 of the NPPF.

- 15 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

- 16 No development shall commence until a Construction Environmental Management Plan to control the environmental effects of all construction activities for that part of the development, and containing all relevant Codes of Construction Practice, has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall include details of the strategy, standards, control measures and monitoring effects of the construction process and shall include:

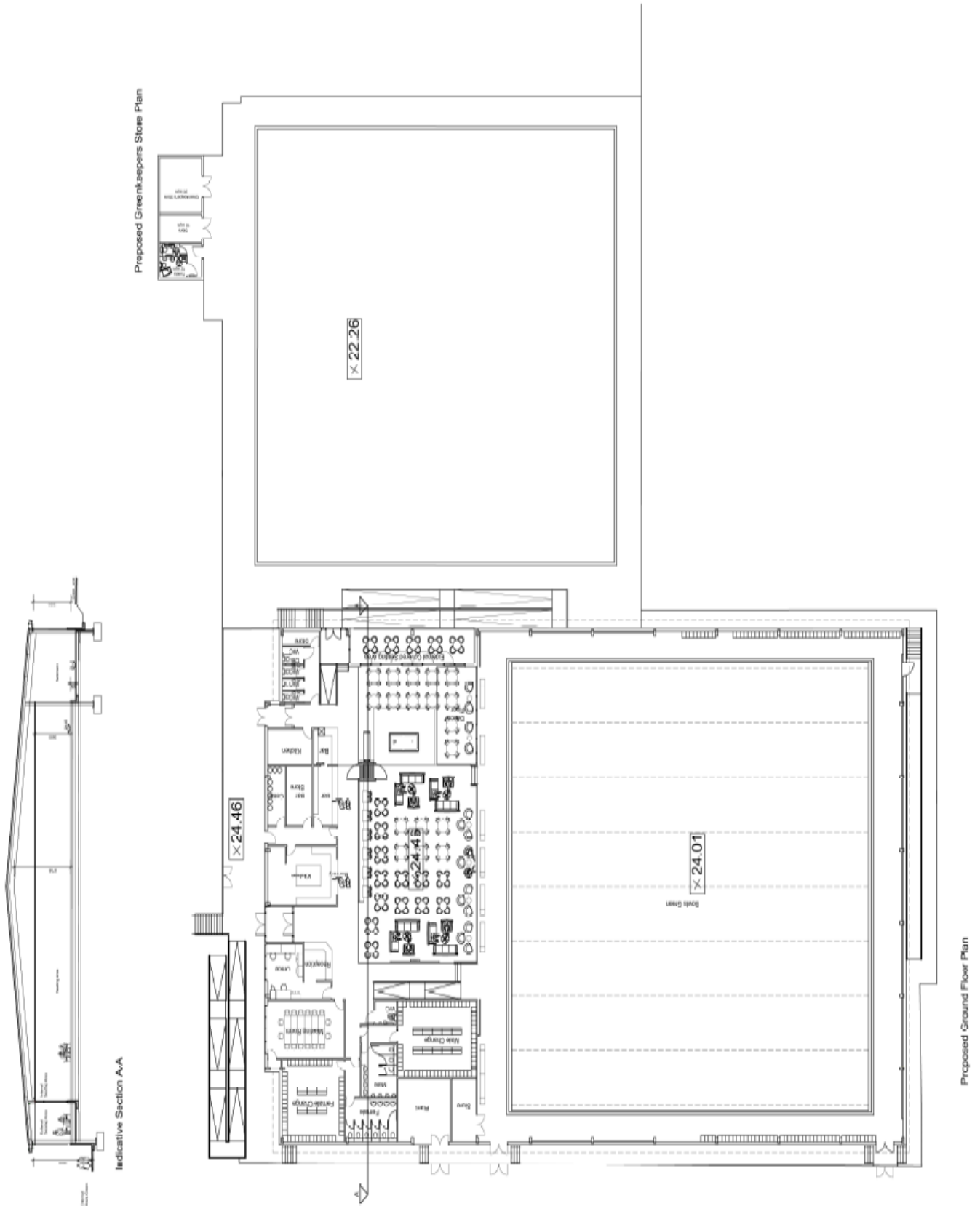
- i) hours of working and periods of the year
- ii) access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel measures for construction workers
- iii) site layout and appearance, including measures to manage the visual impacts during demolition and construction
- iv) site security arrangements, including hoardings and other means of enclosure
- v) health and safety
- vi) piling methods
- vii) foundation design
- viii) measures to control dust
- ix) details of the means of storage, disposal and removal of spoil waste arising from the excavation or construction works
- x) construction waste arising from the development that will be recovered and reused on the site or on other sites, and a Site Environmental Management Plan
- xi) measures to control noise
- xii) protection of areas of ecological sensitivity
- xiii) methods for bankside water margin works
- xiv) details of temporary lighting

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, water quality) and amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan DG1, NAP3, NAP4, T5, T7, ARCH2, GB2.

- 17 No part of the development shall be brought into first use until vehicle parking, turning space and emergency access bay has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 18 No development shall commence until details of the size of the coach vehicles that would access the site have been submitted to and approved in writing by the Local Planning Authority. Only the approved size of coach vehicles shall access the site.
Reason: In the interests of highway safety and convenience. Relevant Policies - Local Plan P4, DG1.
- 19 No development shall commence until full details of the off-site highway improvements consisting of the footbridge to Green Lane as shown on drawing no. CHQ.15.11106-PL04 Rev E and the priority working for the Green Lane bridge, including overrun areas to Green Lane, as shown on drawing no. 09 Rev C, including a scheme for the long term maintenance of the footbridge, have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the off-site highway works shall be carried out.
Reason: In the interests of highway safety and convenience. Relevant Policies - Local Plan P4, DG1.
- 20 No development shall commence until details of the barrier across the access to the development have been submitted to and approved in writing by the Local Planning Authority. The barrier shall be installed prior to first use of the development and therefore maintained as operational in accordance with the approved details.
Reason: In the interests of highway safety and convenience. Relevant Policies - Local Plan P4, DG1.
- 21 The on-site reptile translocation shall be carried out in accordance with the 'Land to East of Green Lane, Maidenhead - Reptile Survey and Mitigation Strategy' by David Archer Associates dated June/July 2015. The reptiles shall be translocated in accordance with the approved details and the new habitat retained thereafter.
Reason: To protect the reptiles on the site and in accordance with a Core Planning Principle 7 and paragraph 118 of the NPPF.

- 22 The development shall be carried out in accordance with the biodiversity enhancements and details contained within the Biodiversity Management Plan (Report reference SET1297_03 Feb 17) and LP01 unless otherwise agreed in writing with the Local Planning Authority. The approved biodiversity enhancements and the management plan shall be complied with for the duration of the development.
Reason: To maintain the continued habitats for existing and new fauna and flora accord with the Core Planning Principle 4 and paragraph 118 of the NPPF.
- 23 The security measures detailed within drawing 11106-PL04 Rev G shall be installed on site, and thereafter maintained for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure a safe and secure environment. Relevant Policies - Local Plan DG1
- 24 No development shall commence until a site investigation is carried out and detailed remediation scheme is prepared to determine the nature and extent of any contamination present to bring that area to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or an subsequent amendment or re-enactment of this Act) in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved details prior to the commencement of development, other than any development required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation carried out must be produced, submitted to, and approved in writing, by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4.
- 25 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately in writing to the Local Planning Authority. Prior to any further works in the affected area, an investigation and risk assessment, remediation scheme and verification report must be undertaken which will be the subject of the approval in writing by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4.
- 26 Prior to occupation a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan shall have effect from first use of the development and shall be implemented for the lifetime of the development.
Reason: To help safeguard the users of the site in the event of a flood. Relevant Policy - Local Plan F1.





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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 4

Application No.:	17/00817/FULL
Location:	Kingfisher Cottage Spade Oak Reach Cookham Maidenhead SL6 9RQ
Proposal:	Replacement dwelling following demolition of existing dwelling
Applicant:	Mr Backshall
Agent:	Mr Jake Collinge
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward

If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal is for a replacement dwelling, which would be materially larger than the existing house to be demolished. It therefore represents inappropriate development which, by definition, is harmful to the Green Belt. Due to its scale, height, mass and bulk it would also result in the actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt namely 'to assist in safeguarding the countryside from encroachment'. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal.
- 1.2 The proposal is considered to pass the Sequential Test, but fails the Exception Test as the scheme proposes the use of voids to mitigate the flood risk. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
- 1.3 There is no harm to character of the area, amenity, highway safety and an acceptable level of parking has been provided.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt, would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment', and would be harmful to actual openness of the Green Belt. No Very Special Circumstances have been demonstrated that clearly overcomes the harm to the Green Belt and any other harm.
2.	The proposal does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere through the use of voids as flood compensation.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Saunders due to absence of local objections from the Cookham Parish Council and others.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal is for the erection of a contemporary style, detached, two-storey house raised approximately 1.9m above the existing ground level following the demolition of the existing bungalow. The application site shares a vehicular access from Spade Oak Reach with the neighbouring property, Linger In.

Ref.	Description	Decision and Date
13/02260/FULL	Proposed demolition of existing dwelling and erection of a replacement 3 bedroom detached dwelling	Withdrawn - 23.09.2013
16/01449/FULL	Replacement dwelling	Withdrawn - 04.11.2016
16/03986/PDXL	Single storey rear extension no greater than 8.0m depth, 3.2m high and an eaves height of 3.2m	Prior Approval Not Required - 30.01.2017
17/00204/CPD	Certificate of lawfulness to determine whether the proposed side extensions are lawful.	Permitted - 24.02.2017

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework (NPPF) Sections 6, 7, 9, 10 and 11

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

Royal Borough Local Plan

	Highways and Parking
GB1, GB2, GB4, DG1, N1, N2, F1	P4, T5

These policies can be found at

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

Borough Local Plan: Submission Version

SP1, SP2, SP3, SP4, SP5, NR1, IF1

Supplementary planning documents

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

- Cookham Village Design Statement

More information on these documents can be found at:

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- Interpretation of F1
- Landscape Character Assessment
- Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Design and Appearance
- iv Highway Safety and Parking
- v Impact on Neighbouring Amenity
- vi Other Material Considerations
- vii Planning Balance and the Case of Very Special Circumstances

Green Belt

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

6.3 In this case the proposal is for a replacement dwelling, following the demolition of the existing. Therefore, the key question is whether the proposed dwelling is materially larger than the one it replaces. The original dwelling measures approximately 95sqm in floorspace while the proposed dwelling measures approximately 250sqm, which equates to an approximate 163% percentage increase from the original. Furthermore, while floorspace is a guiding factor it is also necessary to consider height, form, bulk and mass. In this case the proposed dwelling would be a maximum height of 8.4m in comparison to 5.2m for the existing, 17m in depth compared to 8.2m, and 13m in width compared to 12m. Therefore it is considered that the proposal would result in a materially larger dwelling than the one it replaces and therefore inappropriate development in the Green Belt.

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

proposal is by definition substantially harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. In terms of actual openness the proposal is considered to be materially larger than the existing house on the site. Furthermore, together with the increase in width and depth, the proposed house would erode the opportunity for views around it and between the dwelling and the neighbouring properties. It is therefore considered that there would be a reduction in openness.

- 6.5 It is acknowledged that the existing dwelling could be extended under permitted development by a further 128sqm as demonstrated by proposals under 16/03986/PDXL and 17/00204/CPD. Given the modest size of the existing dwelling, it is considered that this fall-back position has a reasonable expectation of being implemented should this application fall. It is also noted that 3 outbuildings would be demolished as part of the proposal, which equates to approximately 30sqm. However, while floor area is a guiding factor, the proposed dwelling would be a maximum of 8.4 metres in height compared to the existing house which is a maximum of 6.5 metres in height. The proposals under 16/03986/PDXL and 17/00204/CPD would be single storey and measure 3.2m in height. As such, the mass and bulk of the proposed house would be more substantial than the existing house and additional under 16/03986/PDXL and 17/00204/CPD which and therefore would have a greater adverse impact on the Green Belt's openness. The fallback position is therefore given limited weight as consideration weighing in favour of the proposal.
- 6.6 By reason of inappropriateness, encroachment into the countryside and loss of openness in accordance with paragraph 88 of the NPPF, weight against the proposed development is substantial. Permission for such development will not be given except in Very Special Circumstances (VSC). VSC to justify the development will not exist unless the harm by reason of inappropriate and any other harm is clearly outweighed by other considerations. The case of VSC is assessed in paragraphs 6.22 – 6.24.

Flood Risk

- 6.7 The proposal is sited in Flood Zone 3b where there is a high risk of flooding and the NPPF requires the following tests to be applied.

Sequential Test

- 6.8 Paragraph 101 of the NPPF aims to steer new development to areas with a lower probability of flooding through a Sequential Test. As the proposal is for the demolition of the existing house and erection of a replacement dwelling, it is considered that the Sequential Test is passed 'de facto' as finding an alternative site is not likely to be a realistic option.

Exception Test

- 6.9 Paragraph 102 of the NPPF states that if it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. It is noted that Table 3 of the NPPG indicates that more vulnerable development is inappropriate in Flood Zone 3b and should not be permitted. However, as the proposal is for a replacement dwelling and would not introduce development where there is currently none, it is considered that the application of the Exception Test would be appropriate in this particular instance. This has been agreed by the Environment Agency (EA). To pass the Exception Test the development must provide wider sustainability benefits to the community that outweigh flood risk and the applicant should demonstrate, through a site specific Flood Risk Assessment (FRA) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.
- 6.10 The applicant is proposing an energy efficient and sustainable development, utilising sustainable materials during the construction process where possible and incorporating renewable energy generation and power storage techniques with the intention of the property being self-sustaining as well as feeding power back to the grid. It is acknowledged that this would be a betterment in

comparison to the existing dwelling. However, the benefits to the community are not of such substance as to outweigh the flood risk of the site.

- 6.11 In relation to being safe for its lifetime, the FRA originally submitted failed to properly take into account the effect of climate change when assessing flood risk, there were inconsistencies with the FRA, and the submitted drawings did not demonstrate the proposed development will be constructed in accordance with the FRA. A revised FRA and section drawing was subsequently submitted to address these deficiencies. The revised FRA fails to demonstrate safe access or egress for the existing dwelling but it is noted that there is no safe access or egress from the existing dwelling and so it is not considered reasonable to refuse the proposal on this basis. It is, however, considered reasonable that applicants investigate how risk associated with flood risk can be reduced where possible. In this respect, the finished floor levels of the development are required to be set 300mm above the 1% annual probability flood level with an appropriate allowance for climate change. The revised FRA and section demonstrates that the finished floor levels of the development will be set no lower than 28.11m above Ordnance Datum, which is considered acceptable in this respect. In terms of floodplain compensation the FRA states that the proposed building would be raised on pier foundations with a floodable void space beneath for a 1 in 100 year plus climate change flood event. However, the supporting text to Policy F1 of the Local Plan advises that the use of pier foundations (voids) will not be acceptable as a means of overcoming an objection to a proposal on the grounds of loss of flood storage capacity on the basis any opening may be prone to being blocked by debris which would impede the free flow of water. As such, it has not been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The proposal therefore fails the Exception Test, and accordingly the proposal is contrary to paragraph 102 of the NPPF.

Flood Risk Assessment

- 6.12 Following a Sequential Test, and if required the Exception Test, paragraph 103 of the NPPF states that a Local Planning Authority should, informed by a site-specific FRA, ensure proposal demonstrates that the most vulnerable developments within the site is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location, and development is appropriately flood resilient and resistant, any residual risk can be safety managed and priority is given to sustainable drainage (SUDS). The whole of the site falls within Flood Zone 3b and therefore cannot be located in an area within the site at a lower flood risk. Flood resilient and resistant measures are covered in paragraph 6.12. As such, it is considered that the proposal is contrary to paragraph 103 in addition to paragraph 102 of the NPPF. With regard to residual risk the FRA states that an evacuation plan should be prepared, while SUDS should include sealed below ground systems such as modular storage or rainwater harvesting and flow control designed to restrict runoff to watercourses. Given the underlying soils and potential high groundwater levels, infiltration techniques will likely not be feasible.

Design and Appearance

- 6.13 The site lies within an Area of Special Landscape Importance, the Setting of the River Thames, and the Council's Landscape Character Assessment identified Spade Oak Reach as an area of 'Settled Farmed Floodplain' with the river edge having a diverse and natural character which is often quiet and remote in character. Paragraph 10.2 of the Cookham Village Design Statement (VDS) states that the properties of Spade Oak Reach, which has extended from the historic core of the Cookham settlements, were originally weekend retreats for boat owners and of simple build. This acknowledged their seasonable use and flood risk. To an extent these have now been replaced by more durable homes. The Landscape Character Assessment states that the character of these developments of these houses is largely unsympathetic to the local vernacular and leads to a chaotic composition of materials and buildings styles. In general it is considered that the dwellings on Spade Oak Reach are mixed in appearance, but still on the whole modest in size. The Cookham VDS advises that replacement development should in general avoid having a greater impact on the riverside environment than the existing and key consideration should be scale and bulk of the proposal. In assessing the suitability, regard should be had to the size of the existing building, the nature of the surrounding area including the character of nearby properties.

- 6.14 The Landscape Character Assessment notes the openness of the river in Cock Marsh, where Spade Oak is located. The Cookham VDS further states that riverside properties should not be overbearing within their plot and the retention of views between properties are particularly important to the character of the area. To retain these views the Cookham VDS recommends that a minimum of 1.5m or one sixth of the plot width to each side of a property, whichever is greater, should be kept open as a minimum. Properties should also be set well back in their plots where possible, providing for generous green spaces between the river and the property.
- 6.15 In this context, while larger than the existing dwelling, it is considered that the scale, bulk and mass of the proposed house would not overly dominant in the street and riverside scene. The proposal is of a contemporary style incorporating large glazed sections set in walls to the front (river) and rear (Spade Oak) with larch cladding to all elevations. The first floor accommodation has been set into the roof with Velux roof lights providing daylight. It is considered this simple contemporary approach to the design is sufficiently in keeping with the character of Spade Oak, the River Thames and wider locality. In relation to views between properties, the proposal is offset from the flank boundaries by 1.5m to the Niche and 8m to Linger In, and a 10m set back from the riverside. There proposal, therefore accords with the Council's Landscape Character Assessment, Cookham Village Design Statement, and Local Plan policies DG1, N1 and N2.

Highway Safety and Parking

- 6.16 Spade Oak is a private Road that is accessible off Winter Hill. In relation to parking a 4 bedroom dwelling would require the need for 3 parking spaces: whilst no plan has been submitted to show how this would be laid out or how it relates to the shared access arrangements with Linger In it is considered that there is sufficient room on site to accommodate this number of vehicles. Should permission be granted then this could be covered by a condition requiring a plan to be submitted; any hardstanding to be laid should be permeable material.
- 6.17 In terms of cumulative trips, given the proposal is for a replacement dwelling it is unlikely that there would be a significant change in vehicular activity. It is therefore considered that there would not be any significant impact on local highway infrastructure to warrant refusal.

Impact on Neighbouring Amenity

- 6.18 Core Principle 4 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of buildings.
- 6.19 Due to the form, scale and offset from the shared boundary of the proposal, it is not considered to result in undue visual intrusion or loss light to 'Linger In'. Due to the height of the ground floor, the proposed front door and two windows would be at least 2.8m above the ground floor, facing the 'front' garden of 'Linger In' and view would be possible over the fence along the shared boundary, which is approximately 1.8m in height. However, this neighbouring garden is relatively open to Spade Oak with limited privacy as a result. Furthermore, the landing deck at top of the stairway is limited in size so would not serve as usable amenity space and it also noted that one of these windows would serve a utility room (a non-habitable room) while the other would be a secondary window to the kitchen. As such, the proposal is not considered to result in undue loss of privacy to this neighbouring dwelling. It is also noted that the proposed obscure glazing to limit views into Linger In, would not unduly compromise the living conditions of the proposed dwelling. Therefore, if the scheme were considered acceptable obscure glazing to these windows can be secured by condition.
- 6.20 The proposed dwelling would be sited approximately in line with 'The Niche' and would not project significantly forwards or rearwards of the existing dwelling at this adjoining site. It would extend across flank windows on the east elevation of 'The Niche' but these comprise of a small, high-level window to a Shower Room at first floor level, and a window serving a study on the ground floor. The shower room is considered to be non-habitable rooms, while the study has a front facing window. As such, the proposal is not considered to result in undue loss of the visual intrusion or loss of light to the detriment of neighbouring amenity. In relation to privacy, the study

window is located such that there is inter-looking between it and the proposed side window to bedroom 2. However, bedroom 2 would also have a front facing windows. If the scheme were considered acceptable a condition could be imposed to seek obscure glazing to the secondary window to bedroom 2 located in the side (west) elevation to avoid a loss of privacy.

Other Material Considerations

Borough Local Plan: Submission Version

- 6.21 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

Planning Balance and the Case of Very Special Circumstances

- 6.22 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). Therefore the main issue is whether by reason of inappropriateness and any other harm is clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development.
- 6.23 No case of VSC has been put forward and no case is apparent. A comparison of the application scheme against other developments in the Green Belt within the Borough has been included within the Design and Access Statement, but each application has to be assessed on its own merits and what has been consented previously is not a precursor for proposals which do not comply with the Development Plan or National Planning Policy. To accept this as VSC as such would be to acknowledge that a precedent may have been set generally for replacement dwellings which can be materially larger than the original dwelling without making a case for VSC and therefore weaken local policies designed to protect the Green Belt.
- 6.24 The NPPF requires a balancing exercise of benefits against harm. Substantial weight is given against the development by reason of its inappropriateness, conflict with the purpose of the Green Belt, and harm to openness. Significant weight is also given against the proposal in terms of flood risk through its failure to pass the Exception Test. There is no harm to character, amenity and an acceptable level of parking provision and no harm to highway safety, but compliance with Local Plan policies DG1, P4 and T5 is a requirement and would have to be met unless there are material considerations otherwise. On balance, the proposal would result in substantial and demonstrable harm that is not outweighed by its benefits.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

Other consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	No objection	Noted
Environment Agency	No objection subject to condition that the development is carried out in accordance with the revised FRA, including the mitigation, and cross section plan showing voids and flood levels.	Para. 6.7 – 6.12
Environmental Protection	No objection subject to informative relating to dust and smoke control, and hours of construction.	Noted.
Local Highway Authority	No objections to the proposal subject to a condition relating to the submission and approval of a construction management plan and parking layout.	Para. 6.16 – 6.17

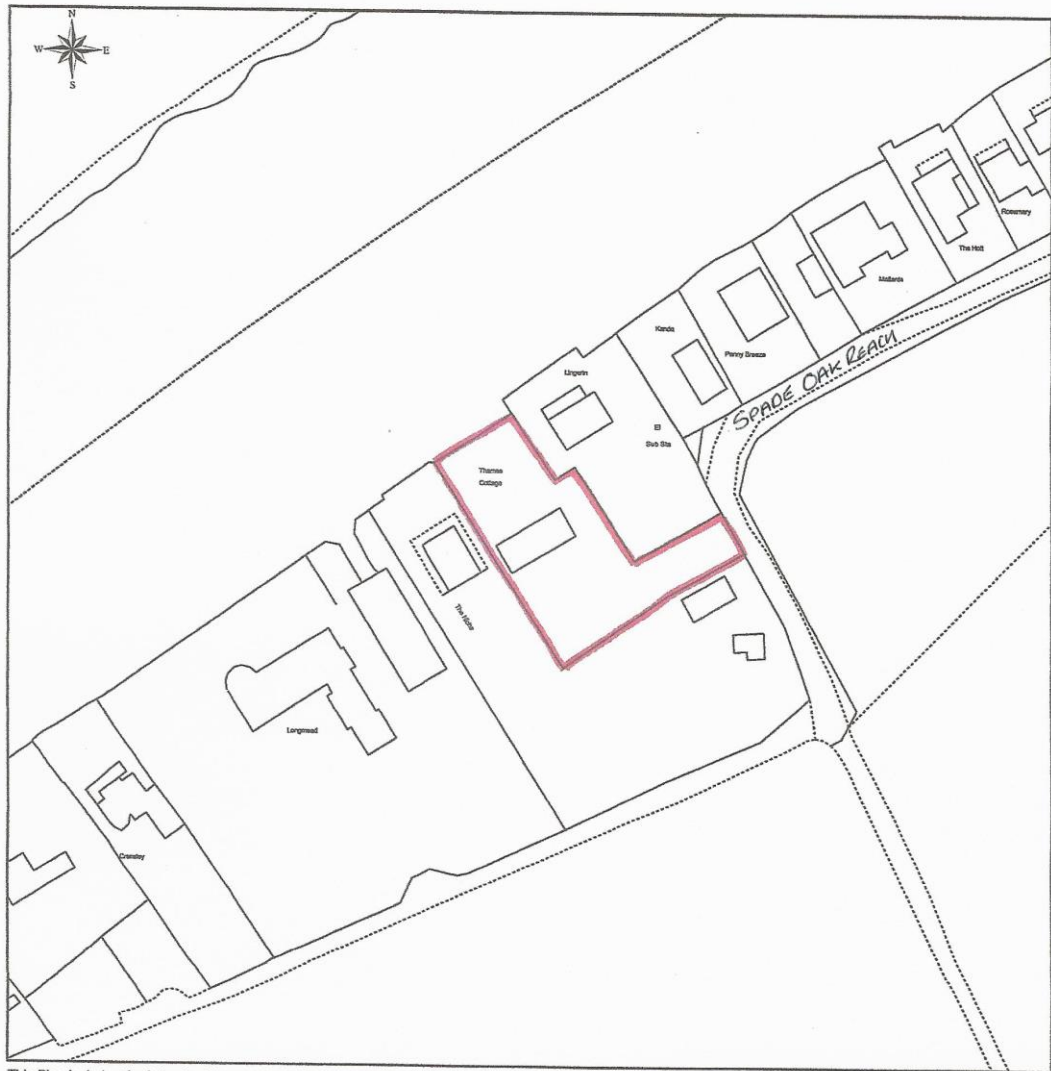
9. APPENDICES TO THIS REPORT

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

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and the applicant has failed to demonstrate that Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and saved Policies GB1 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
- 2 Due to its scale, height, mass and bulk the proposal would result in actual loss of openness across the site to the detriment of the representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt. This is contrary to paragraph 79 and 80 of the National Planning Policy Framework, and Policies GB1, GB2 (a), GB3, of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).
- 3 The proposal does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).

Appendix A – Location Plan and Site Layout



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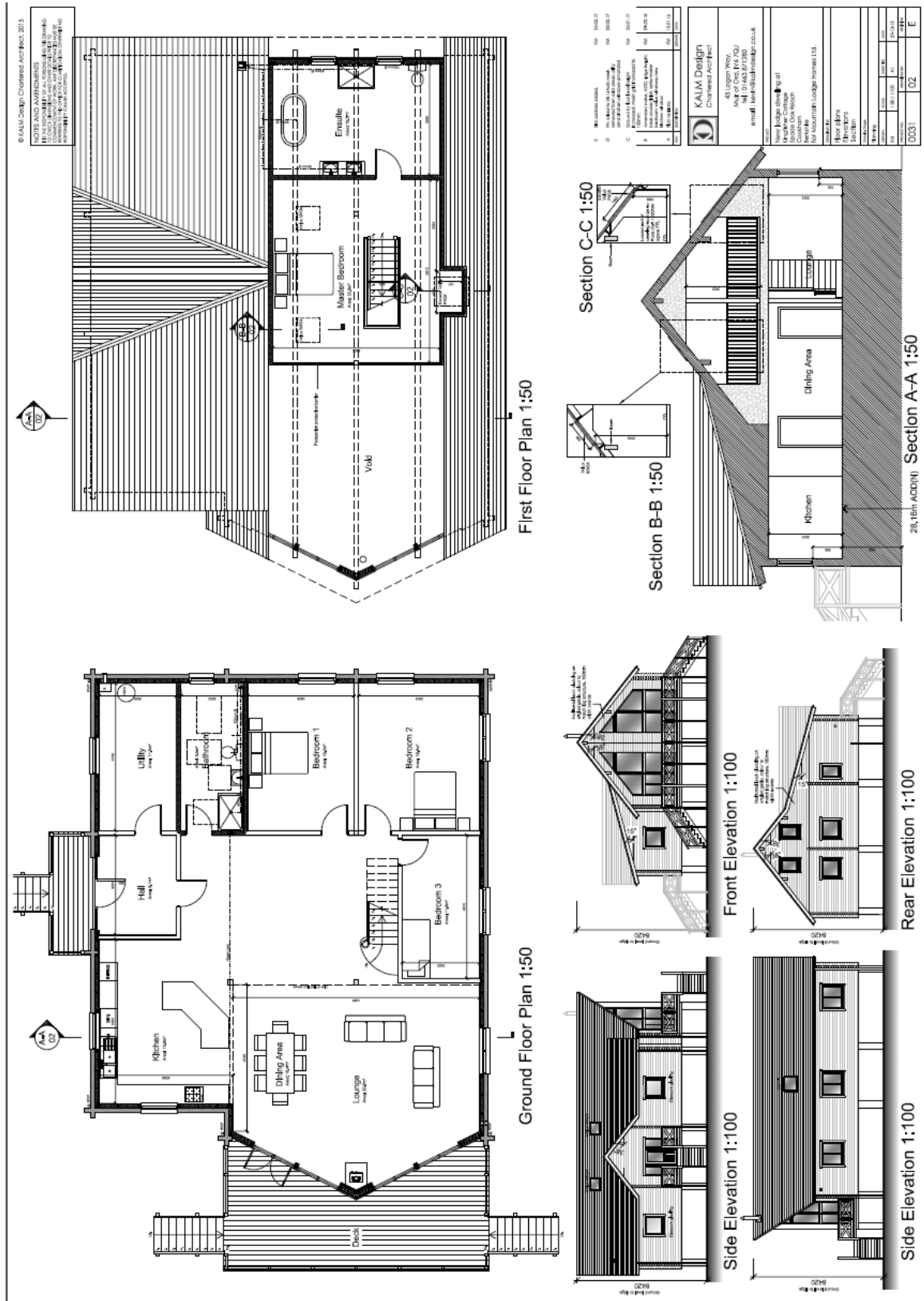


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Appendix B – Proposed plans and elevations



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 5

Application No.:	17/00879/FULL
Location:	Pinkneys Green Youth And Community Centre Blenheim Road Maidenhead SL6 5HE
Proposal:	Single storey front extension, provision of 2x additional parking space
Applicant:	Mr Warwick
Agent:	Mr John Wren
Parish/Ward:	Maidenhead Unparished/Pinkneys Green Ward

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

1. SUMMARY

- 1.1 The proposal seeks permission for a small front extension to an existing community centre, together with two additional parking spaces. The development is in keeping with the host building and will not detract from the visual amenities of the area. In addition, the development is set well away from nearby residential properties and as such will not adversely affect residents living conditions. The parking on site complies with the Council's adopted parking standards.

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 relates to an existing single storey community building located on the east side of Blenheim Road, Maidenhead. The building sits at a lower level than the road and is served by a small car parking area.
- 3.2 The area is predominantly residential in character with dwellings located to the north, south and west of the site. Courthouse County Primary School is located to the west.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal seeks planning permission for a single storey front extension, approximately 9.8m wide, 6m deep and 3.4m high. The extension will square-off the existing building at the front. In addition, a further two parking spaces to the east corner of existing car park are being applied for
- 4.2 There is no planning history relevant to the consideration of this application.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 7 and 8.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1	P4, T5

These policies can be found at

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

Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)

Relevant policies: SP3, IF2. Given the status of the BLP these policies can only be given limited weight. This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on this document can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the character and appearance of the area;
- ii The impact on neighbouring properties; and
- iii Parking provision.

The impact on the character and appearance of the area

6.2 The application site is located within a built-up area of Maidenhead, where there is relatively high density of development with predominantly open frontages. The existing community centre building is approximately 10m back from the edge of the footpath along Blenheim Road and sits at a lower level by approximately 1m.

6.3 The proposed extension would essentially square-off the existing building at the front, matching the height of the front part of the building, as well as the design and scale. The proposed extension will not harm the character and appearance of the area.

6.4 The existing parking area on the south side of the car ark will be extended to provide the two additional spaces. These will not detract from the visual amenities of the area.

The impact on neighbouring properties

6.5 The proposed extension will be approximately 25m away from the nearest residential property, on the opposite side of Blenheim Road and at a lower level as described above. The scale of the extension is also small. Given the separation distance involved, siting at a lower level and small scale, the extension will not cause any loss of light or privacy to, or appear overbearing when viewed from, neighbouring residential properties

6.6 The addition of two parking spaces will not lead to a material difference in traffic movements and therefore will not cause any undue disturbance in the locality.

Parking provision

- 6.7 The Council's Parking Strategy (May 2004) document sets out a maximum provision of 1 space per 30m² for Community Centre use. The development proposal will see the existing Community Centre increase from 370m² to 427m², two additional parking spaces are to be provided on site making a total of 13 compliant with the Council's standards.
- 6.8 The Highway Authority has no objections to the proposal subject to the parking being in accordance with the submitted plan (condition 3) The HA has suggested conditions in relation to cycle provision and refuse storage but these are considered disproportionate and unnecessary to the scale of the development being proposed, and it is therefore recommended that these are not imposed.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

10 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2nd May 2017.

No letters of representation have been received.

Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions.	6.7 and 6.8
Environmental Protection	Recommends informatives relating to smoke and dust control and permitted hours of construction.	Section 10.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C - Elevations
- Appendix D – Floor plan

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

- 3 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.

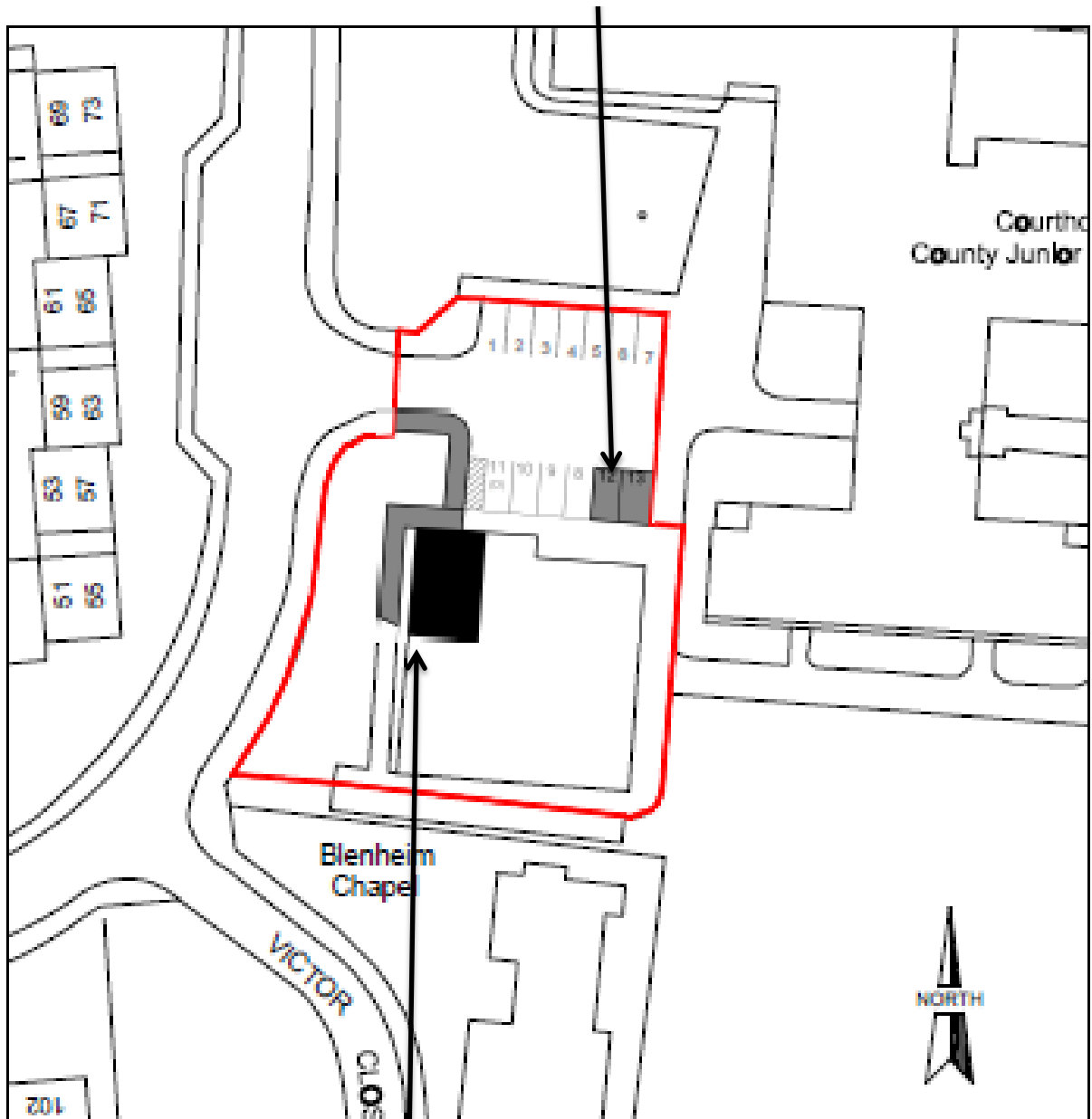
Informatives

- 1 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: 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.
- 2 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.
- 3 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00, Saturday 08.00-13.00. No working on Sundays or Bank Holidays.



Location Plan

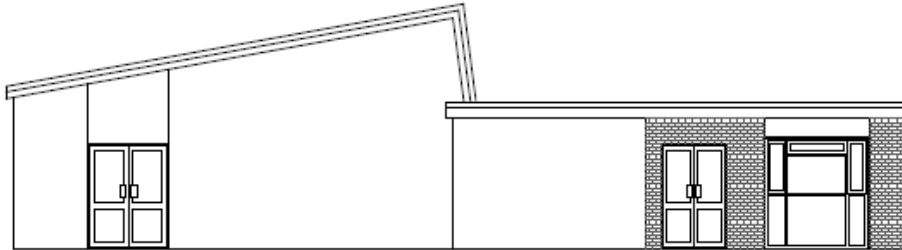
Proposed additional parking



Site Plan - Proposed

Proposed front extension

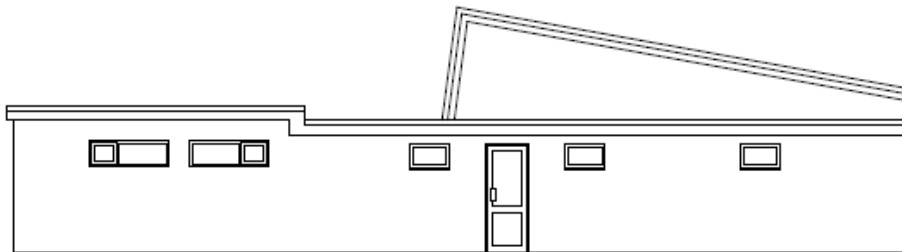
Proposed elevations



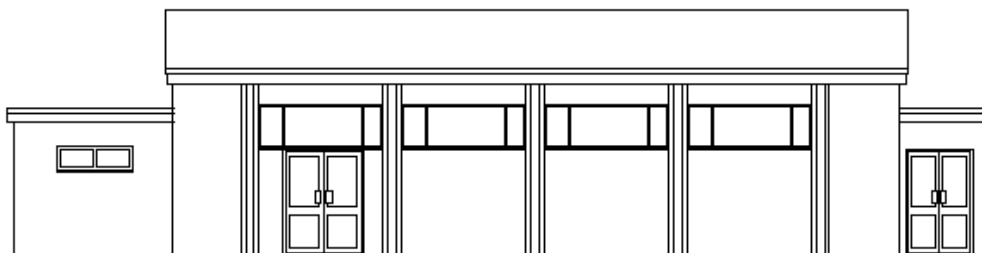
LH Elevation - Proposed



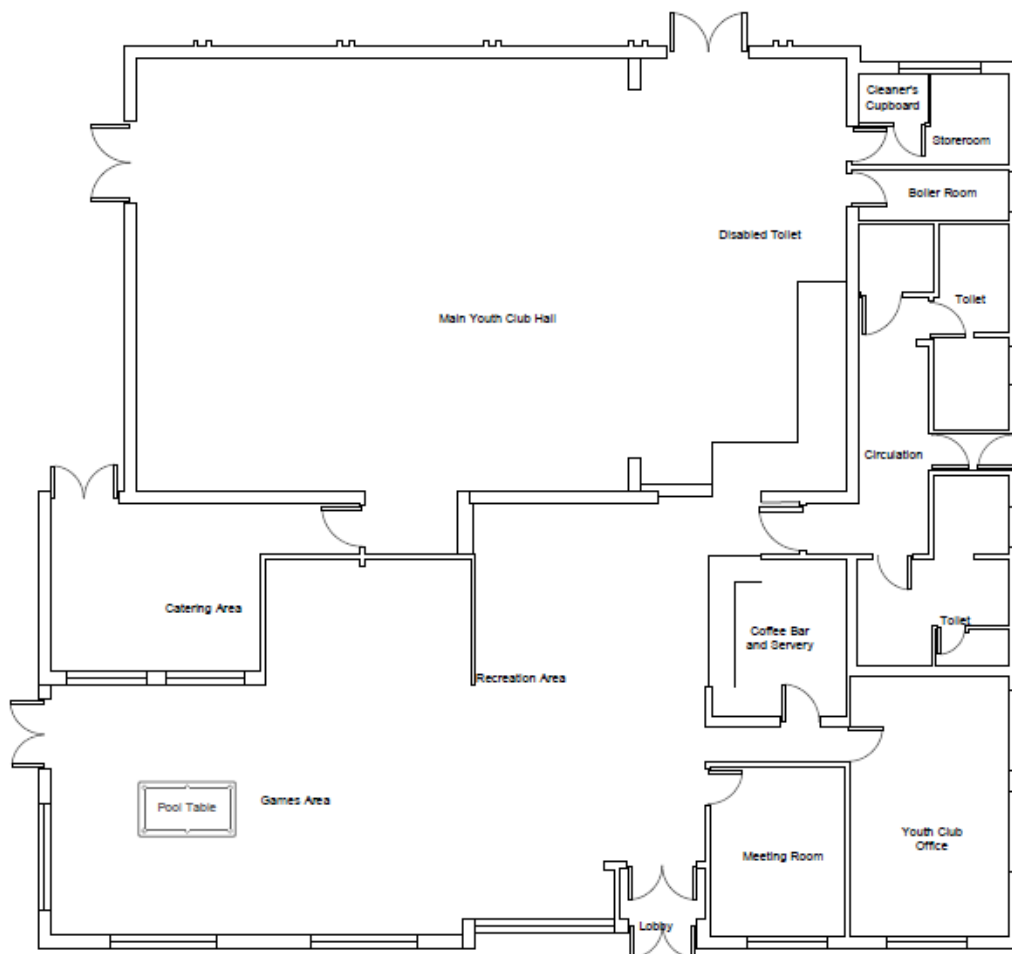
Front Elevation - Proposed



RH Elevation - Proposed



Rear Elevation - Proposed



Floor Plan - Proposed

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 6

Application No.:	17/01107/FULL
Location:	RBWM Boulters Lock Car Park Lower Cookham Road Maidenhead SL6 8JT
Proposal:	Construction of a new community centre for use by the Hindu Society of Maidenhead and the wider community, to include associated parking, bin storage and cycle store
Applicant:	Mr Malhotra
Agent:	Mrs Sujata Sharma
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward

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

1. SUMMARY

- 1.1 The principle of the development is acceptable and supported by adopted local and national planning policies. The application site is located in Flood Zone 3 but is considered to pass the Sequential Test subject to further information being submitted by the applicant. It is not required to pass the Exception Test. The development will be suitably flood resilient and resistant and will not increase the flood risk elsewhere. Parking provision is sufficient and the development will not harm the character and appearance of the area, nor the living conditions of nearby residents. With appropriate conditions the proposal has an acceptable impact in respect to trees, archaeology and ecological matters.

It is recommended the Panel Defers and Delegates to the Head of Planning that planning permission be granted subject to the additional ecological surveys, referred to in paragraph 6.35, together with acceptable mitigation strategies where required, in addition to the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor. A. Smith, in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a roughly square, 0.1 hectare, vacant piece of land located to the west of Lower Cookham Road, Maidenhead. It is a largely overgrown, undeveloped area with a number of boundary trees.
- 3.2 The site is accessed via the Boulters Lock public car park to the south and is surrounded by residential properties on the remaining three boundaries. Located to the west are individually designed detached properties fronting Boulters Lane, with 'Elmwood' sharing its rear (east) boundary with the site. The rear gardens of properties located on Lock Avenue are to the north and a row of four terraced properties are to the east within Horsham Reach.
- 3.3 The application site is within the built-up area of Maidenhead, approximately 80m outside of the Maidenhead Riverside Conservation Area. It is also within an area where there is a high probability of flooding, Flood Zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission to construct a new community centre for use by the Hindu Society of Maidenhead and the wider community, with associated parking, bin storage and cycle store.

- 4.2 The building would be roughly T-shaped and positioned towards the west side of the site. It would include a main hall (108sq.m), small kitchen, office and toilets. Entrance into the building would be from the east side. The hall would be provided with 10 parking spaces: 6 spaces along the south boundary adjacent to the existing public car park and four towards the east boundary. A cycle store and bin store would be provided within the site, with the remaining areas landscaped.
- 4.3 The proposed building is 16.8m wide (at its widest point) and 20m long, and will be raised on piers above the ground so that at its highest point, (the top of the main hall), it will be 6.6m above ground level.
- 4.4 At its closest point, the building will be 27m from properties in Horsham Reach, 21m from properties in Lock Avenue and 29m from the rear elevation of 'Elmwood' in Boulters Avenue.
- 4.5 The Hindu Society of Maidenhead (HSM) was formed over 25 years ago as a social, cultural and religious organisation for Hindus living in and around Maidenhead. Meetings of the society are currently held once a month at Tippets Hall at St Pirans School, Maidenhead. The information submitted with the application advises that the proposed building will be used by members of the HSM and shared with other community groups and organisations. The centre will be used for a number of different purposes and activities, but on a day to day basis it is anticipated that its use will be low key and very much like a church hall. The applicants suggest the use of the building would be between 0900- 1400 and 1700-2000hrs, with daily attendance to be of the order of 20-25 persons per day (but not necessarily at the same time).
- 4.6 The centre will be used for religious purposes, but in the Hindu religion there is no specific time for worship or communal prayer, rather it is an event for the individual. In addition, members will congregate twice a year to celebrate Shivratri (in mid-March) and Diwali (in late October). However, the size of the hall is too small for an Indian Wedding, which traditionally requires large venues for high numbers of guests.
- 4.7 The Hindu faith will not allow any meat or alcohol to be permitted on to the site. The kitchen facility proposed will be for reheating pre-cooked food, prepared by members off site to enable the sharing of food, which is a strong part of the Hindu culture that the society wishes to continue
- 4.8 The Council is aware that the HSM has been actively looking for a permanent site in Maidenhead for a number of years. In 2013, the society submitted an application for a Hindu temple and community centre at the former Agnes Haywood Nursery School site at 29 Lincoln Road Maidenhead (reference 13/02101). The application was considered by the Planning Panel but refused due to insufficient parking.
- 4.9 In terms of the current site, a previous and similar application was submitted under reference 16/03176, but was withdrawn. There is no other planning history relating to the site relevant to the consideration of this proposal.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections: 7 (Requiring good design), 8 (Promoting healthy communities), 10 (Meeting the challenge of climate change, flooding and coastal change, and 11 (Conserving and enhancing the natural environment).

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flooding	Trees
DG1, CF2.	P4, T5.	F1	N6

These policies can be found at

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

Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)

Relevant policies: SP1, SP2, SP3, NR2, EP3, EP4 and IF2 and IF7. Given the status of the BLP these policies can only be given limited weight. This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on this document can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM 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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development;
- ii Flooding;
- iii Parking provision;
- iv The impact of the proposal on the character and appearance of the area;
- v The impact on the living conditions of nearby residents;
- vi The impact on trees;
- vii Archaeology;
- viii Ecological matters;

The principle of development

6.2 The application site is located within the built-up area of Maidenhead wherein the principle of development is acceptable. In addition, paragraph 69 of the NPPF supports the provision of cultural facilities and services to meet local needs. Local Plan Policy CF2 also supports the provision of new community facilities provided there is adequate access and parking together with adequate access and facilities for people with disabilities.

- 6.3 While the principle of development is acceptable, the proposal is required to be considered against other relevant development plan policies.

Flooding

- 6.4 The site is located within an area where there is a high probability of flooding, Flood Zone 3. In such areas, paragraph 101 of the NPPF requires the 'Sequential Test' to be passed. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 6.5 In terms of providing evidence that there are no other "reasonably available sites appropriate for the proposed development" in a lower flood zone, applicants, (where they are required to pass the Sequential Test), often refer to the Council's Strategic Housing Land Availability Assessment (SHLAA), which lists potential alternative sites that may be available and appropriate. However, while the sites may be available to the landowner / promoter, they may not be available to an alternative developer for a number of reasons and/or they may not be appropriate for the proposed development. The main difficulty for applicants for new community type developments face is that they often can not afford the prices being asked for the land, especially when the land has a residential value, such as the sites being promoted in the SHLAA.
- 6.6 The Planning Authority is aware that the HSM has been looking for a suitable site within Maidenhead for a number of years and the difficulties of finding such a site. However, no details of site search exercises have been submitted with the application to demonstrate that there are no alternative sites in Maidenhead with a lower probability of flooding, as required to pass the Sequential Test. The applicants have therefore been requested to submit this information and details of this will be presented in an update to the Panel.
- 6.7 The proposal is not required to pass the 'Exception Test', because the proposed development is classed as being 'less vulnerable', (as set out in Table 2: Flood risk vulnerability classification and Table 3: Flood risk vulnerability and flood zone 'compatibility' in National Planning Policy Guidance: Flood Risk and Coastal Change, revision 06.03.14.).
- 6.8 Paragraph 103 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, it can be demonstrated that the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, and it gives priority to the use of sustainable drainage systems.
- 6.9 The submitted Flood Risk Assessment (FRA) indicates that levels at the site range from 24.00m AOD in the west and south and 24.50m AOD along the eastern boundary. The site is located 90m to the west of the River Thames and the derived 1 in 100 (1.0%) annual probability plus allowance for climate change flood level is 24.94m AOD. Accordingly, the finished floor level of the proposed development will be set at 25.24m AOD, which provides a 300mm freeboard above the derived 1 in 100 (1.0%) annual probability plus allowance for climate change. This will be above the 'higher central' allowance flood level of 25.14m AOD and will ensure that the building is suitably flood resilient and resistant.
- 6.10 The design of the community centre incorporates a suspended floor set on columns with a void space below the building. This will ensure that it does not detrimentally impact flow routes or reduce the available floodplain storage over the site, either of which could potentially cause an increase in flood levels on-site or elsewhere, in the event of a flood. The design of the building on columns minimizes the loss of flood storage for all flood events to the volume occupied by the columns. As it is not possible to provide level-for-level compensation for the lost storage volume (displaced by the columns) as the whole site is within the extreme event floodplain, it is proposed to lower the existing ground level below the building at the base of the freely floodable void to the level of the lowest ground within the footprint to provide an overall net increase in floodplain storage across the site. This scheme will increase flood storage across the site by 28m³.

- 6.11 In general, this planning authority does not permit the use of piers / columns to create voids underneath a building as a way of mitigating loss of flood storage and impedance of flood water. This is because it is extremely difficult for the authority to ensure that all voids underneath buildings are kept clear, i.e. it is unenforceable. However, although the running of the site will be managed by the applicant, as it is a community building that adjoins one of the Councils public car parks, monitoring of the voids should be straight forward. Subject to an acceptable management plan, to include the maintenance of the voids, and as with other community centres, (such as the approved Islamic Centre in Holmanleaze), it is considered that an exception can be made in this case to allow the use of piers as a means of mitigation, thus ensuring the development will not increase the flood risk elsewhere.
- 6.12 As part of the mitigation measures of any new development, it is necessary to consider and incorporate safe access arrangements to ensure the users of the development are safe in times of flooding and can achieve access/egress to/from the wider area safely. The site is located within an Environment Agency(EA) Flood Warning Area for the River Thames at Maidenhead, Bray, Dorney, Windsor and Eton, and it is proposed that the users of the facility subscribe to the EA Flood Warning service as part of a Flood Risk Management Plan prepared for the proposed development. In the event of a predicted flood, events can be cancelled and the proposed community centre can be vacated and secured.
- 6.13 The NPPF recognises that flood risk and other environmental damage can be managed by minimising changes in the volume and rate of surface runoff from development sites. It recommends that priority is given to the use of Sustainable Drainage Systems (SuDS) in new development, this being complementary to the control of development within the floodplain. RBWM is the Lead Local Flood Authority on surface water drainage for planning applications and require a surface water drainage strategy for all 'Major' applications. As the proposal is classified as 'Minor' development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, a surface water drainage strategy is not required. However, the applicant has advised that a surface water drainage strategy utilising infiltration will be incorporated into the design following confirmation of the ground conditions at the detailed design stage.
- 6.14 To minimise residual risks to users, such as climate change and other uncertainties, floor levels of proposed building will be set a minimum of 300mm above the derived 1 in 100 (1.0%) annual probability plus allowance for climate change flood level, in accordance with EA and RBWM requirements. The FRA advises that sensitivity testing against estimates of the new EA climate change guidance confirms that floor levels are still above the climate change flood levels for the range under consideration. A Flood Risk Management Plan will be prepared post-planning to outline the procedures for before, during and after a predicted flood event. The community centre can be secured and vacated on receipt of a Flood Warning. Accordingly any residual risk can be satisfactorily managed for the lifetime of the development.
- 6.15 The EA has no objections to the proposal subject to conditions in respect to site storage capacity and the finished floor level (conditions 4 and 5 respectively). Subject to the submission and approval of a Flood Risk Management Plan (covered by condition 6), the proposal complies with Policy F1 of the Local Plan and section 10 of the NPPF.

Parking provision

- 6.16 The site is accessed via Boulters Lock Car Park, which provides approximately 87 spaces. The proposed development will have a mixed D1 (place of worship) and D2 (community centre) use.
- 6.17 Based on the Borough's current Parking Strategy, a D2 use of the building generates a demand for 9 spaces, (based on a parking standard set at 1 space per 30m², the total floor area of the building being 260sq.m). A D1 use would attract a demand for 11 spaces, (1 space per 10m² open hall). The assessment excludes the store, dining area, foyer and office. The scheme provides 10 spaces, 1 space short of the Borough's maximum standard.

- 6.18 A Ministerial Statement published in March 2015 to supplement paragraph 39 of the NPPF advises: *“Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.”*
- 6.19 Although the development’s parking provision is 1 space short of the Borough’s maximum standard, the Highway Authority has advised that it would be difficult to sustain a refusal at an appeal on a shortfall of 1 space.
- 6.20 A number of objectors have raised concerns about the potential impact of the development leading to parking on roads surrounding the site, citing existing problems during the Spring and Summer months when the public car park is often full. However, it is important to acknowledge that the proposal is only one space short of the adopted maximum parking standard where it is for a place of worship only. Not only is the building predominantly a community centre, where it would comply with the Council’s maximum parking standard, but its users are equally entitled to park in the adjacent car park as with other members of the public. The parking problems in the Spring and Summer months already exist and a lack of one space with the development would not have a material impact on this to justify refusal of permission. The applicant has made clear that although the centre will be used for religious purposes, the Hindu religion does not involve congregations for worship or communal prayer. Although members will congregate twice a year to celebrate Shivratri and Diwali, these occur around mid-March and late October respectively, when the public car park is less full.
- 6.21 The Highway Authority has no objections to the proposal subject to conditions relating to parking as per the approved plan, submission of details of the cycle store, and refuse storage as per approved plan (see conditions 7, 8 and 9).

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

- 6.22 The area is characterised by predominantly residential properties but these vary considerably in scale and design. Essentially, the proposed community centre, although raised above the ground will be lower than the neighbouring dwellings it will sit behind and as such will not appear dominant in the area. Indeed the building will be largely unseen from the surrounding roads.
- 6.23 Being a community facility the proposed building is not expected to be designed as a dwelling, but is required to be of a high standard of design and use high quality materials. Key characteristics of the area should also be maintained. In this case, the building has been designed to ensure that it is fit for purpose, while keeping its scale and bulk to a minimum. Due to the building being raised above the ground, the materials proposed are to be light both in terms of weight and appearance, and this can be controlled by way of a planning condition (condition 2). The building would sit comfortably in the plot, being a minimum of 4m off the side boundary, with grassed areas and landscaping contributing to a more spacious feel to the development. Overall, it is not considered that the proposal will harm the character and appearance of the area.

The impact on the living conditions of nearby residents

- 6.24 At its closest point, the building will be 27m from properties in Horsham Reach, 21m from properties in Lock Avenue and 29m from the rear elevation of ‘Elmwood’ in Boulters Avenue. Given these separation distances and the height of the building (which ranges from 4.5m to 6.6m), the community centre will not have an overbearing impact when viewed from these neighbouring properties. In addition, no loss of sunlight or daylight will occur as a result of the proposed development.
- 6.25 In terms of potential overlooking and loss of privacy issues, the only aspect from the main hall will be facing the public car park. On the west side, it is proposed that there will be one side window and door to the kitchen and a high level window to the toilets. The high level window will not cause any loss of privacy and the other window and kitchen door would be over 30m from

the rear of 'Elmwood' behind a row of existing and proposed trees. Another high level window is proposed on the north elevation, together with doors to a plant room; these will not result in any loss of privacy to properties along Lock Avenue. The dwellings in Horsham Reach have comparatively short rear gardens at approximately 12m. In terms of numbers 6 and 7 Horsham Reach these will face towards the east elevation of the main hall of the community centre, where no openings are proposed. With regard to numbers 8 and 9 Horsham Reach these will face towards the entrance to the building and the office window, approximately 18m from the shared boundary. In addition, further tree planting is proposed along this east boundary and within the grassed area to the front of the entrance. Overall, it is not considered that the proposal will cause loss of privacy to any of the neighbouring properties.

- 6.26 The Environmental Protection Officer has been consulted in respect to potential noise disturbance and odours from the kitchen. No objections have been raised subject to the imposition of planning conditions in respect of noise emission controls, noise containment and details of ventilation and filtration systems to be installed in the cooking area, (as set out in conditions 10, 11 and 12).

The impact on trees

- 6.27 The application involves the removal of five trees from the boundaries of the site, comprising three groups of trees (mainly Cypress, Elms and Sycamores) and two individual trees (an Oak and a Sycamore). All of these trees have been assessed as either being of a low quality or young and do not positively contribute to the visual amenity of the area. The removal of these trees is therefore considered acceptable.
- 6.28 A Robina located in the north-west corner of the site is of a moderate quality and will be retained. Additional tree and hedge planting is proposed along the boundaries and within and around the development. Subject to conditions in relation to tree protection and landscaping, the proposal is considered acceptable in terms of its impact on trees, (covered by conditions 13 and 14).

Archaeology

- 6.29 Although this is a small scale proposal, there are archaeological implications as evidenced by Berkshire Archaeology's Historic Environment Record (HER). When the immediately adjacent Horsham Reach development was constructed in 2002, archaeological monitoring identified a prehistoric feature within the site. Pottery and struck flint suggested the feature dated to the Neolithic or Bronze Age periods (3,500 – 1,000 BC). This prehistoric feature was recorded in the west of the site, close to the application site.
- 6.30 The Middle Thames Valley is rich in evidence for prehistoric settlement, burial and agriculture. To the north and south of Maidenhead, archaeological excavations have demonstrated the richness of buried prehistoric remains on the gravel terraces of the River Thames, a location that was favoured for settlement throughout prehistory and into the Roman period. For example excavations in 2010 at White Place Farm, Cookham, revealed a possible Early Bronze Age (2,000 – 1,700 BC) inhumation burial and later Iron Age (600 – 100 BC) and Roman settlement remains. Excavations at Weir Bank Stud Farm, Bray, recorded a Middle Bronze Age (1,500 – 1,000 BC) settlement, while recent excavations at Bray Triangle recorded Neolithic and Bronze Age features, alongside rare evidence for Mesolithic (8,000 – 5,000 BC) antler working. There is no reason why the gravel terraces of the built up area of Maidenhead should not also conceal similar important prehistoric remains.
- 6.31 This site at Boulters Lock Car Park therefore has archaeological potential. In view of the potential impacts of the development proposal on below ground deposits, a programme of archaeological work is merited should the application be permitted. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should *'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

- 6.32 Should the Panel be minded to approve the application, it is recommended that a condition (No 15) requiring a programme of archaeological works in accordance with a written scheme of investigation be submitted to and approved by the local planning authority prior to commencement of development.

Ecological matters

- 6.33 An ecological walk-over survey was undertaken at the application site, with particular attention paid to the presence of badgers, bats and amphibians and reptiles. The submitted ecological report sets out the survey's findings.
- 6.34 No evidence of badger activity was recorded on the site. There are no buildings or mature trees present that could provide roosting opportunities for bats. However the Council's ecologist has advised that the site provides good foraging and commuting habitat for bats and that it currently experiences low levels of lighting. Light spill from the proposed development has the potential to disturb roosting, commuting and foraging bats as well as other mammals and invertebrates. It is therefore recommended that a sensitive lighting strategy be implemented across the development to minimise the negative impacts of lighting, and this is covered by condition 17.
- 6.35 There are no ponds on the site itself. The site search revealed no species of amphibians or reptiles. However, the Council's ecologist has advised that there appears to be at least four potential habitats within 250m of the application site that have the potential to support Great Crested Newts. In addition, the Council's ecologist has advised that having undertaken a site visit the grassland and scrub mosaic is of a structure to support reptiles. As these are protected species further surveys are required to be undertaken and where necessary, a mitigation strategy submitted and approved, prior to determination of the application. If required, the mitigation strategy is covered by condition 18.
- 6.36 The trees and scrub have the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1982 as amended. The applicant's ecologist has provided information with regards to the timing of vegetation removal and protective measures with regards to breeding birds.
- 6.37 Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."* The applicant has suggested a number of ecological enhancements at the site including planting native species or species with a known value to wildlife and installing a number of bird and bat boxes on the new building and/or retained trees. Planning condition 19 is recommended in section 10 of this report to secure this.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

90 occupiers were notified directly of the application.

The planning officer posted 3 notices advertising the application at the site on 2nd May 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 27th April 2017.

29 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	This is good for future generations.	6.2
2.	This facility will enhance the lives of local citizens.	6.2
3.	This will bring together a diverse group of people.	6.2

4.	The Hindu population has contributed a great deal in all aspects to the wider community in Maidenhead. It is important that we have a place to congregate and build upon our community work through this centre.	Noted
5.	It will promote a better understanding of the Hindu culture by celebrating popular festivals and by inviting the local communities in Maidenhead to participate at such festivals.	6.2
6.	Over the last 50 years the Hindu population has made a positive impact to Maidenhead.	Noted
7.	Maidenhead is a multicultural tolerant place where all are accepted. The community centre would seek to echo these values. It would be a place where anyone is welcome to join which primarily seeks to enhance community relations.	6.2
8.	Many users of the centre would live locally and walk to the centre or use public transport.	Noted
9.	The needs of the Muslim and Sikh communities have been met, but the Hindu society is homeless in RBWM.	Noted
10.	For many years, the Hindu community in Maidenhead has had to travel to Slough and Southall for their meetings, while the needs of other communities have been met locally.	Noted
11.	The community centre will enhance the area.	6.2
12.	Maidenhead appears to be one of the last celebrated towns where ethnic minorities are still struggling to obtain planning permission for a place of their own where they can meet their own community on special occasions. Our MP, Theresa May, has been an honoured guest on several occasions as well as councillors and the Mayor.	Noted
13.	The Hindu's of this town are law abiding citizens who know how to respect the local rules and regulations. We are fully aware to celebrate our culture but at the same time respect the culture of this magnificent country. The Council will never have any complaints about noise and parking.	Noted
14.	Hindu's have a very strong ethos on education and as a community hub will share this ethos.	Noted
15.	The application will not have an impact on parking as there is public parking available.	6.20
16.	This new centre will have many benefits to the local community: Bringing together residents and ethnic minorities to develop inspiring projects for the benefit of all; Encouraging residents in the development of services and activities that encourage unity; working with residents to improve social and economic interaction; supporting local residents in their endeavour for advancement and encouraging volunteering to support local causes.	6.2

1 petition with 1,325 signatures has been received objecting to the proposal.

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

Comment	Where in the report this is considered
1. The building is out of character with the other properties in the area which are residential. This is inappropriate development and completely out of keeping.	6.22, 6.23
2. Parking is always an issue in Boulters Lock car park and the additional 10 spaces are completely inadequate. On weekends it is often difficult to get a space and the additional use will cause parking problems on neighbouring roads.	6.16 – 6.21
3. This is not the right place for a community centre. There is a very poor bus service to Boulters Lock. This would be much better in the town centre in accordance with parking policies.	Noted

4.	The area where the site is located has limited parking. Customers to Boulters Restaurant and Bar use the public car park as well as visitors to the bridge and island.	6.16 – 6.21
5.	The community centre at its capacity will use the Council car park and at busy times there will be a lack of parking to the riverside.	6.16 – 6.21
6.	If the community centre goes ahead it will affect Boulters Restaurant's business.	Noted
7.	The development will lead to noise and smells.	6.26
8.	Good access to the riverside must be maintained and improved for residents and visitors.	6.16 – 6.21
9.	Some surrounding roads are now only resident-only parking zones.	Noted
10.	The parking survey did not take into account weekends and special events. It was only undertaken on weekdays and not weekends and therefore does not fully reflect the usage of the car park.	6.20
11.	The proposed designated parking is ridiculously insufficient.	6.16 – 6.21
12.	The site is in the flood plain. The development would have an additional impact on the flood plain.	6.4 – 6.15
13.	The proposal goes against the Council's stated policy that community centres should be located in the town centre near to public transport, easily accessible by all.	6.2
14.	There is a huge parking problem in this area.	6.16 – 6.21
15.	Too high density for this residential area and will generate too much noise and disturbance in this quiet residential area.	6.26
16.	Inappropriate use of the land as it is the only land available to the Council to expand the car park.	Noted
17.	Boulters Lock is a major tourist attraction and the car park is heavily used in the summer months.	6.16 – 6.21
18.	This will add further traffic in the area increasing the risk. Will increase congestion in the area and become a real hazard to emergency services. The increase in cars will have a negative impact on cyclists and families with children.	6.16 – 6.21
19.	Will have widespread implications on local residents.	6.24 – 6.26
20.	Will lead to noise pollution. Congregation of large groups of people will inevitably cause noise problems.	6.26
21.	Removal of rubbish is going to be difficult.	Noted
22.	This is positive discrimination against the residents in this area.	Noted
23.	The application states that twice a year there are cultural events such as Diwali and Shivrati. Diwali represents a significant fire risk with bonfires and fireworks.	Noted
24.	Maidenhead Civic Society: Object in principle to the development. The value of the site for development is driven by the willingness of RBWM to grant a right of way over the car park to allow access to the site. Such a site would never normally be considered for development. This location is unsuitable as it is 1.5 miles from the town centre, on an irregular bus route, within 50m of a Conservation Area. Unneighbourly impact on local residents and would be detrimental to the visual amenity of Maidenhead Riverside. It is inconceivable that the Borough can not identify a more central site for the Hindu Society. There is a new foot bridge linking Ray Mill Island with Taplow Riverside, where there is to be a public picnic and leisure area. There is no parking on the Taplow side. The right use for the site is for additional parking. Also security should be improved to reduce the risk of anti-social behaviour and provide Riverside with visitor amenities, such as public toilets.	6.2 – 6.37
25.	This community centre could be co-located with the proposed development to replace the Magnet Leisure Centre, in keeping with the community spirit.	Noted

26.	The case for building a community centre or a place of worship has not been made.	6.2
27.	The choice for the location has not been substantiated. No analysis for alternative locations has been made.	6.5 – 6.6
28.	RBWM has not taken into account future development in the area such as the new bridge over the river.	Noted
29.	The building is contrary to Building Regulations.	Not relevant to this application.
30.	The entrance to the site is very restricted to emergency vehicles due to the entrance barriers.	Noted
31.	Taxi's and minibuses that emit high emissions will be used and have a negative impact on the quality of life of the residents.	Noted
32.	This development should not be allowed in the Green Belt.	This is not in the Green Belt
33.	Totally out of keeping with the demographic of the Boulters Lock Area. Residents in Boulters Lock are being forced to have a building used by a society that is not representative of the area. The intended use is not for local residents – the local community is not predominantly Hindu.	The intended use is for residents of Maidenhead.
34.	Lack of transparency with the proposed use in the planning application.	Noted
35.	The Council will eventually approve the building as they would be scared not to.	Noted
36.	Will cause loss of light to neighbouring properties.	6.24
37.	Disturbance from music, singing, bonfire/firework displays (also a health and safety hazard).	6.26
38.	The reliability of the information supplied by the Hindu Society is in question. They state that the on a day-to-day basis the use will be low key. However, in 2016 it was reported at the Society's meeting that it had held 12 functions in the previous year and attendance at each one was between 60 and 150 people. This casts doubt on the reliability of statements made in their application.	Noted
39.	It should be designated as a place of worship, which requires more parking to be provided.	6.16 – 6.21
40.	A number of properties will be overlooked resulting in significant loss of privacy.	6.25
41.	The Hindu Society has the temerity to suggest that local residents stay indoors during the celebration of Hindu festivals. Is it right, legal or appropriate to ask residents to alter their plans or lifestyles during Hindu festivals?	Nothing in the submissions states this.
42.	This will harm tourism to Maidenhead. It is foolish to spoil the one real draw to Maidenhead.	Noted
43.	How can the Hindu Society say this is the only site cheap enough for them to afford and why did the Council refuse a very much higher offer from the residents.	Noted
44.	Further tarmac would increase the storm water capacity needed in the local system.	6.13
45.	Does not comply with Policy F1 of the Local Plan.	6.4 – 6.15
46.	Too many visitors to the centre will take up public spaces.	6.16 – 6.21
47.	Fails the Sequential Test. A means of escape must also be provided. It also fails the Exception Test.	6.6, 6.7
48.	Detrimental to the Maidenhead Riverside Conservation Area.	The site is outside of the CA
49.	A community centre will damage the rare wildlife that lives in this area	6.33 – 6.37
50.	Economics are not a consideration recognised by the Sequential Test.	They are in as far as they make sites available.

51.	The submitted ecology survey is inadequate.	The survey is sufficient given the nature (vacant & surrounded by development) and small size of the site
52.	If allowed, the development will be in breach of local residents human rights.	Disagree
53.	Letters of support are from people from Norden Farm, Furze Platt and Windsor Road, Bray i.e. not local.	From people who live in Maidenhead
54.	There are so many empty units around Maidenhead within Industrial estates where a community centre could go.	Noted
55.	There are discrepancies between the application and the Hindu Society's own website.	Noted
56.	If allowed this will cause divisions between the Hindu community and local residents.	Noted
57.	Important documents have been omitted from the application, including a community centre needs analysis, an acoustic report and a heritage statement.	None of these documents are required
58.	Does not comply with many policies in the emerging Borough Local Plan.	5.2
59.	The application should not have been validated as it does not provide the relevant level of information.	Disagree
60.	Critical information has not been provided on the website until an advanced stage in the consultation period, therefore the public has not been provided with all the information to comment on.	Noted
61.	The proposal would result in the permanent loss of open space.	Noted

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objections subject to conditions in respect of site storage capacity and finished floor levels.	6.15
Environmental Protection	No objections subject to the imposition of planning conditions in respect of noise emission controls, noise containment and details of ventilation and filtration systems to be installed in the cooking area, (as set out in conditions 10, 11 and 12).	6.26
Highway Authority	The Highway Authority has no objections to the proposal subject to conditions relating to parking as per the approved plan, submission of details of the cycle store, and refuse storage as per approved plan.	6.16 – 6.21
Archaeology	No objection subject to a condition requiring a programme of archaeological works in accordance with a written scheme of investigation be submitted to and approved by the local planning authority prior to commencement of development.	6.29 – 6.32
RBWM Ecologist	Additional surveys required in respect of Great Crested Newts and reptiles, together with acceptable mitigation strategies where appropriate – prior to determination. Recommends conditions in respect of external lighting strategy (to minimise impact on bats and other mammals)	6.33 – 6.37

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Elevations (south and west)
- Appendix C – Elevations (north and east) and layout)

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 No development shall take place until samples of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 The compensatory flood plain storage shall be implemented in accordance with paragraph 6.2.4 of the submitted Flood Risk Assessment (FRA) ref: Hindu Community Centre, Maidenhead/ Project ref: 34951/4001/Rev:B (March 2017, PBA) and FRA- drawing 34951/4001/002Rev A (Appendix D).
Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. Relevant Policy - Local Plan F1.
- 5 The finished floor levels of the development shall be set no lower than 25.24 metres above Ordnance Datum as per paragraph 6.1.3 of the submitted Flood Risk Assessment (FRA) ref: Hindu Community Centre, Maidenhead/ Project ref: 34951/4001/Rev:B (March 2017, PBA) and FRA- drawing 2255/01.
Reason: To reduce the risk of flooding to the proposed development and future occupants.. Relevant Policy - Local Plan F1.
- 6 Prior to occupation, a Flood Risk Management Plan, which shall include a programme of maintenance of the undercroft voids, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the management plan shall be implemented as approved.
Reason: To reduce the risk of flooding. Relevant Policy - Local Plan F1.
- 7 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.
- 8 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 9 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
- 10 The rating level (in accordance with BS4142:2014) from all plant and equipment (collectively) associated with the development shall be lower than the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15minute period).
Reason:To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 11 No development shall take place until details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be maintained in good working order at all times.
Reason:To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 12 No development shall take place until details of ventilation and filtration equipment to be installed in the cooking area have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect the amenities of the area. Relevant Policy Local Plan NAP3.
- 13 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to 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. 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 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.
- 14 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.
- 15 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has first been submitted by the applicant and approved by the Local Planning Authority.
Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric settlement and land use of this part of the Thames Valley. The potential impacts can be mitigated by a programme of archaeological work so as to record and advance understanding

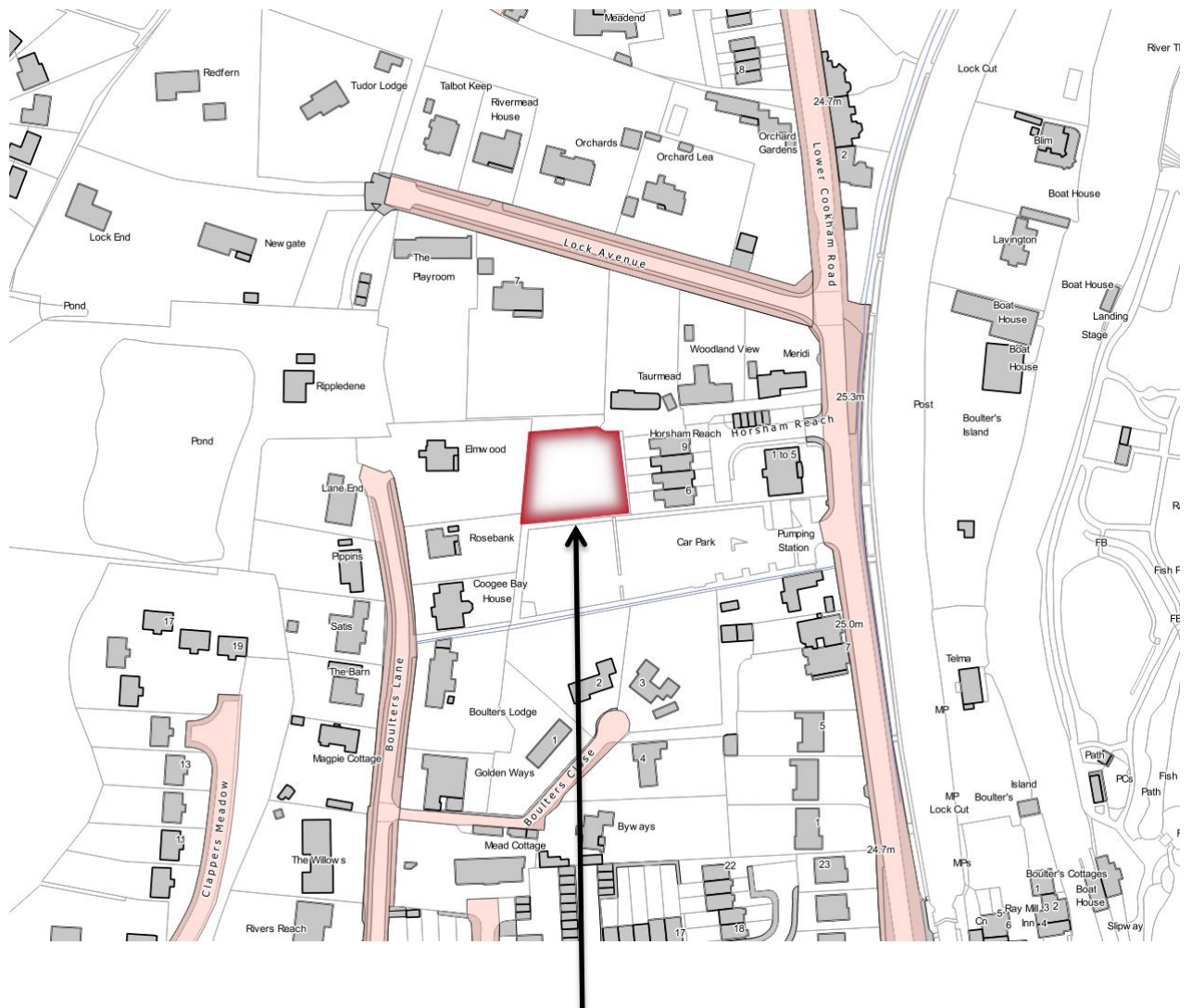
of the significance of any heritage assets in accordance with paragraph 141 of the NPPFI and Local Plan policy ARCH4.

- 16 The building hereby permitted shall only be used during the following times: 0830 to 2300 hours Mondays to Saturdays; and 1000 to 2100 hours on Sundays, Bank Holidays and other public holidays.
Reason:To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 17 Prior to commencement a sensitive external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy is required to include details of the type of lighting to be used with lux levels, timing and direction of lighting. The strategy shall be implemented and maintained as approved.
Reason:To minimise the negative impacts of lighting on wildlife and in the interest of the visual amenities of the area. Relevant Policies - Local Plan DG1 and NAP3.
- 18 Prior to occupation of the development, the Great Crested Newt and Reptile mitigation measures, as set out in the submitted Mitigation Strategy, shall be implemented as approved. The measures shall thereafter be maintained and retained.
Reason: To mitigate the impact on local wildlife.
- 19 Prior to occupation, the biodiversity enhancement measures proposed in the submitted AA Environmental Limited letter, dated 5th September 2016, shall be undertaken in full. The measures shall be retained and maintained thereafter.
Reason: To enhance biodiversity in accordance with paragraph 118 of the NPPF.

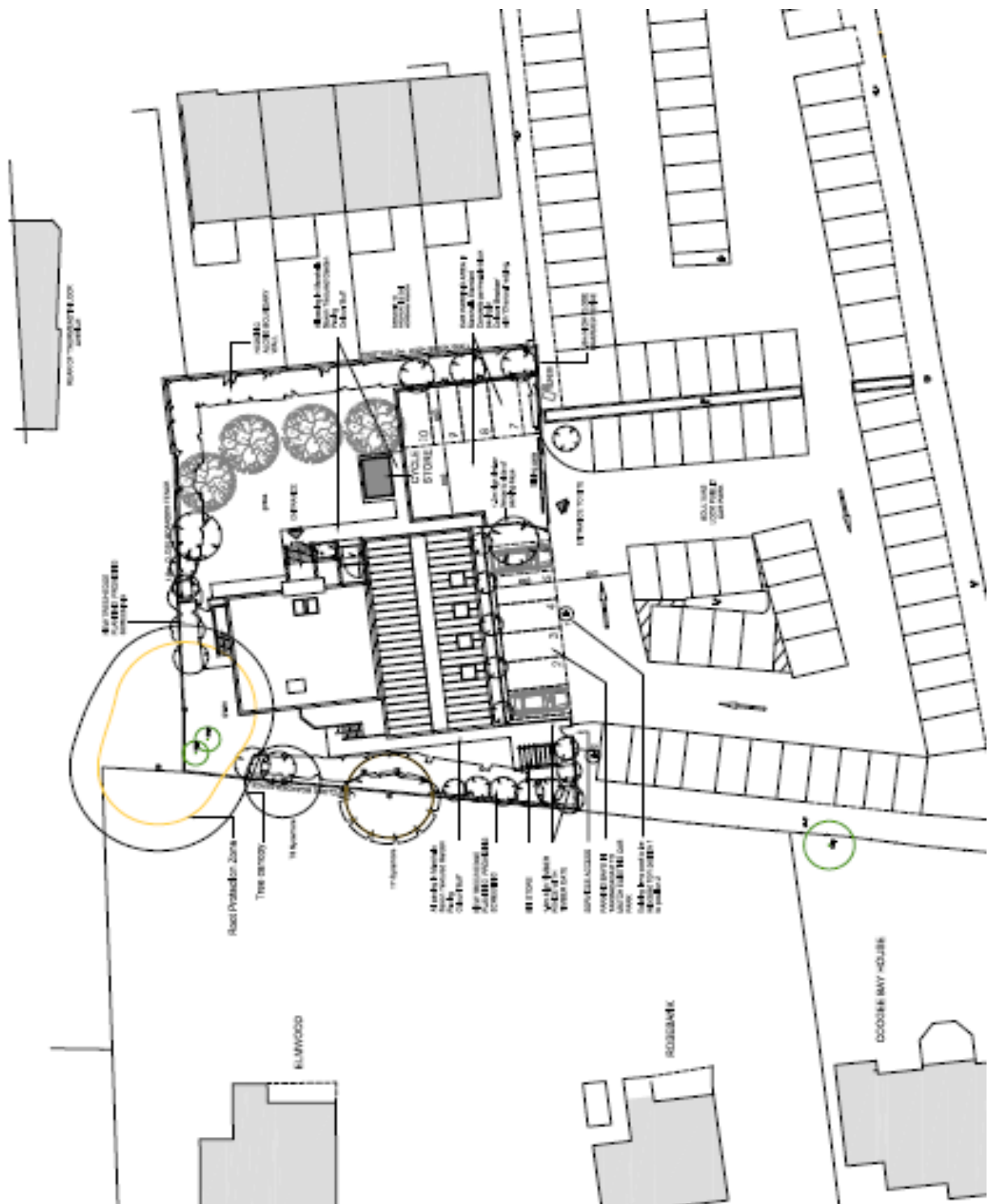
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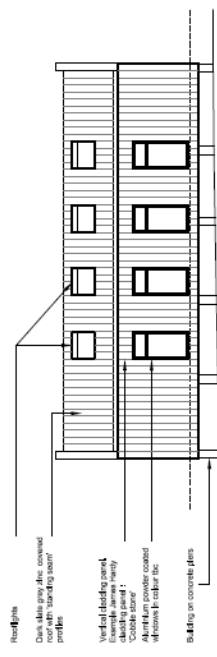
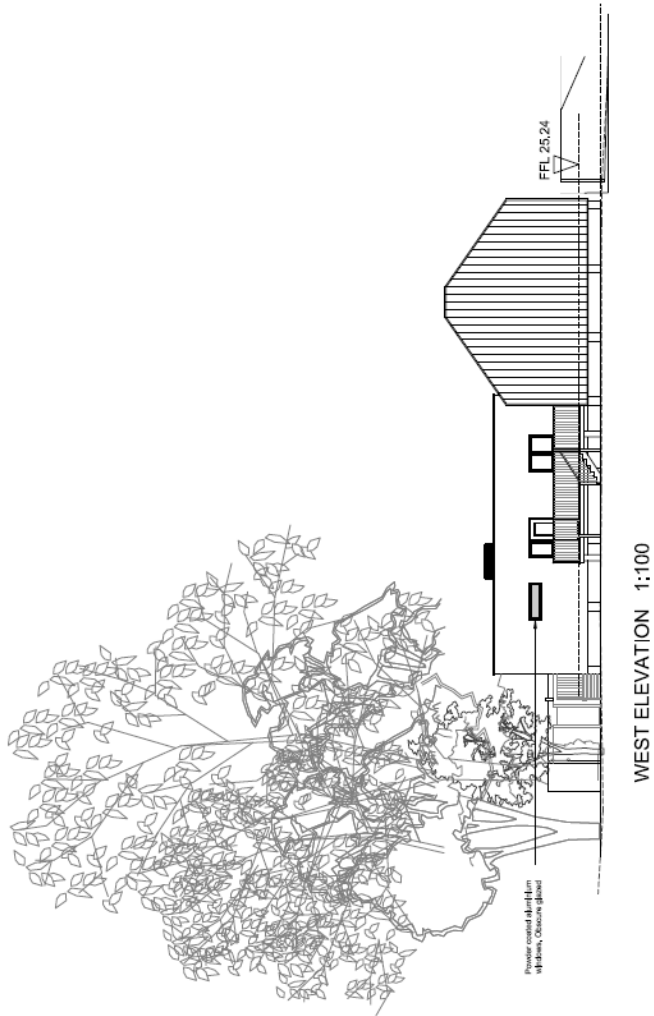
- 1 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: 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.
- 2 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.
- 3 The applicant should be aware the permitted hours of construction working in the Authority are as follows:Monday-Friday 08.00-18.00, Saturday 08.00-13.00. No working on Sundays or Bank Holidays.

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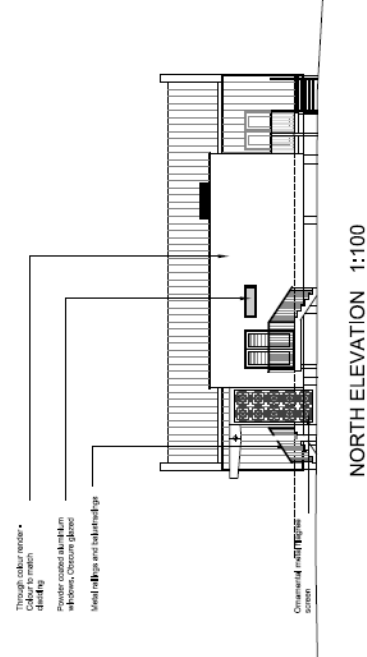


Application site

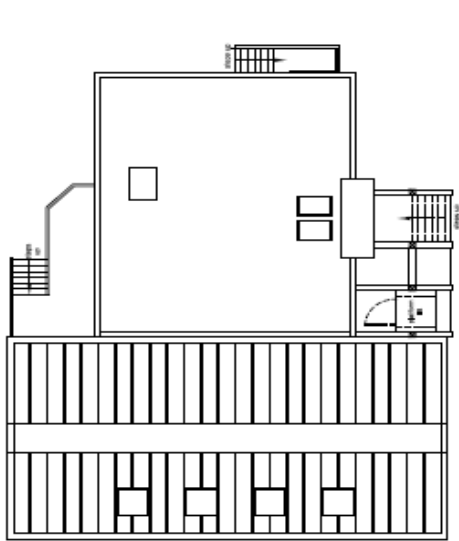
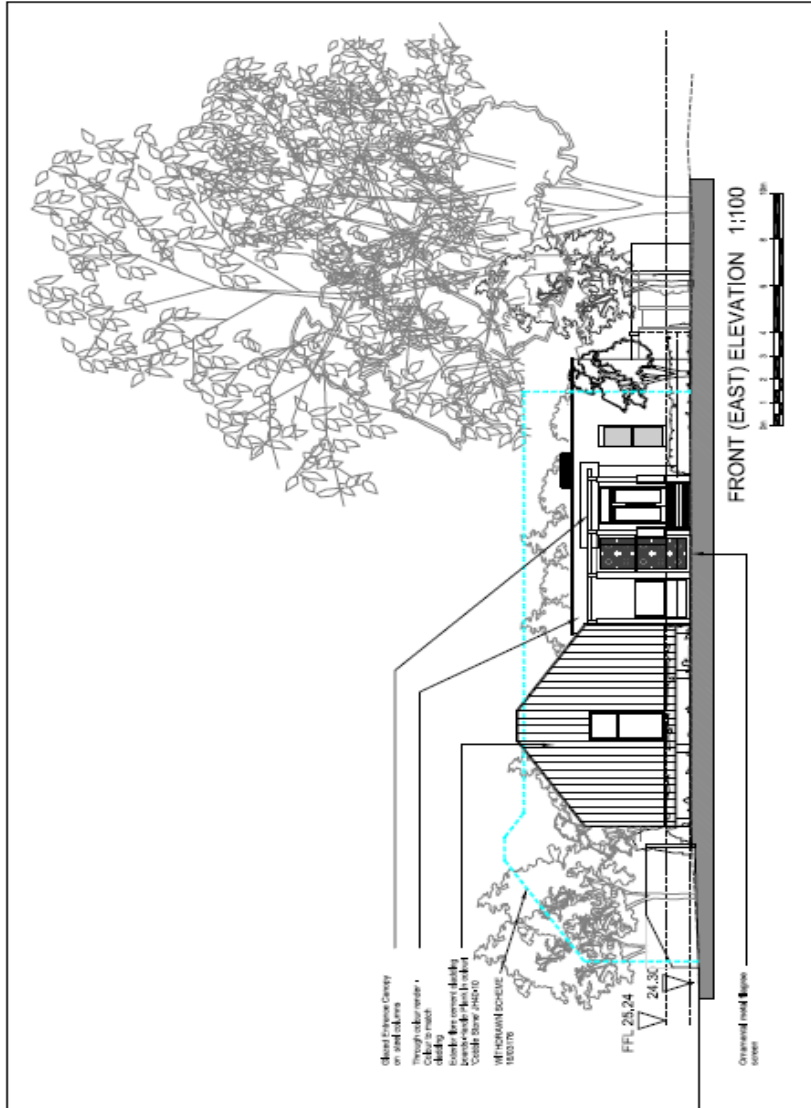




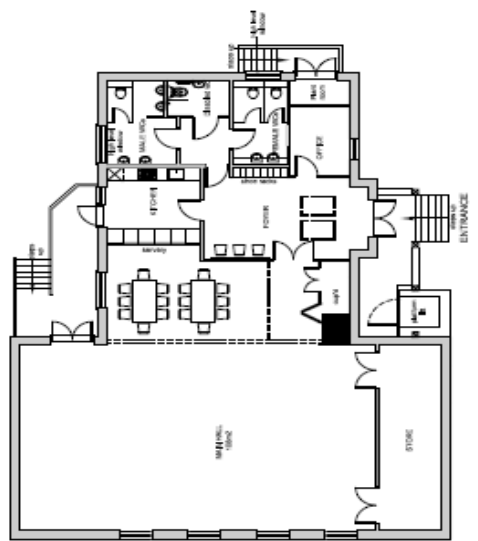
SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100



ROOF PLAN



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 7

Application No.:	17/01220/FULL
Location:	Cox Green School Highfield Lane Maidenhead SL6 3AX
Proposal:	Two storey new build teaching block with ancillary works.
Applicant:	Mrs Longworth-Kraft
Agent:	Mr Karl Harris
Parish/Ward:	Cox Green Parish/Cox Green Ward
If you have a question about this report, please contact: Josh McLean on 01628 685693 or at josh.mclean@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application proposes a new two storey building to accommodate replacement dining and kitchen space, new classroom, storage and office space. The application also seeks the refurbishment of existing school facilities.
- 1.2 It is considered that the proposal is acceptable in terms of its visual impact on the street scene and surrounding area, impact on neighbouring properties, highways, impact on trees and drainage implications.

It is recommended the Panel Defer and Delegate approval of the application subject to the completion of Section 106 agreement to secure the necessary highways improvements.

2. REASON FOR PANEL DETERMINATION

- The Council’s Constitution does not give the Head of Planning delegated powers to determine the application because the Council has an interest in the land.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site, Cox Green School, is located on the southern side of Highfield Lane within the Parish of the Cox Green. The site is located within an established residential area, with a principal railway line to the north and playing fields to the south-east. The parish church is also located adjacent to the site, along with the community centre, public library and leisure centre.
- 3.2 Cox Green School is a co-educational secondary school and sixth form, with academy status. Currently there are 974 students enrolled at Cox Green School between the ages of 11 and 19, with a Planned Admission Number (PAN) of 176.
- 3.3 The existing school buildings consist of a mixture of styles, ages and external materials. The original brick buildings date back to the late 1960s. The main block is two-storeys in height with a pitched roof and single storey flat roofed teaching wing. There are a number of temporary single storey modular classrooms located around the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
16/00077/NMA	Non-material amendment to planning permission 14/03821 to reduce the proposed dining hall, relocate an existing classroom, remove proposed	02.03.2016

	drama store from proposal, reduce the extent of the proposed external works.	
14/03821/FULL	Single storey dining room and drama room extension and a new replacement drama store	12.02.2015
14/00773/FULL	Erection of enclosed canopy to provide all weather seating area	30.04.2014
13/03459/FULL	Single storey extension to canteen and repositioning of glazed canopy	16.01.2014
12/01471/FULL	Installation of new security fencing and gates	23.08.2012
11/01270/FULL	Erection of a translucent air dome to cover 3 tennis courts	12.07.2011
07/03207/FULL	Erection of a shelter	07.02.2008

4.1 The proposal is for the construction of a new two storey building containing new dining facilities and classrooms to replace the existing dining building and adjacent plant/storage spaces. The new building would provide:

1. 293m² dining space;
2. 129m² kitchen/serving space;
3. 1 x 55m² classroom/dining space;
4. Pupil/staff/accessible toilets;
5. 7 x 55m² and 1 x 62m² classrooms;
6. 2 x externally accessed storage space; and
7. 35m² staff office/store.

4.2 In addition, a number of existing school buildings will be refurbished. These works include:

- 1 Conversion of 2 general classrooms and offices into 2 new science labs;
- 2 Conversion of a large general classroom into a faculty room and general teaching room;
- 3 Removal of a partition wall between 2 seminar rooms, to be replaced with a bi-folding wall to allow the area to be used as a general classroom; and
- 4 Conversion of 1 classroom and toilet for the main building block into 2 separate changing rooms.

4.3 The proposal would increase the school by 1 form of entry (1FE), increasing the Planned Admission Number to 206, in order to accommodate a total of 1174 children. The number of staff would also increase, with the school seeking to employ 16 (full time equivalent) new members of staff.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections – Achieving sustainable development and Core planning principles: 4 (Promoting sustainable transport), 7 (Promoting good design) and 8 (Promoting healthy communities).

Royal Borough Local Plan

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

Within settlement area	Improvement of a community facility	Trees	Highways/ Parking issues
DG1	CF2	N6	T5, P4

These policies can be found at

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

Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)

Relevant policies: IF 1, IF 2, and IF 7. Given the status of the BLP these policies can only be given limited weight. This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The principle of development ;
- The impact on the character and appearance of the surrounding area;
- Impact on neighbouring properties;
- Highways and parking issues;
- Trees, landscaping and ecology;
- Drainage; and
- Any other material considerations.

The Principle of development

6.2 Under policy CF2 (Provision of new facilities) of the Local Plan, the Council will permit proposals for the improvement of existing community facilities provided that adequate access and car parking can be provided in accordance with the council's adopted standards and provided adequate access and facilities are provided for people with disabilities.

6.3 Within the submitted Planning Statement, it states that the proposed expansion of Cox Green School forms part of a phased scheme approved by the Cabinet to increase secondary school places throughout the Borough. The scheme is known as the Expansion of Secondary School Provision and is based on the annual School Capacity (SCAP) survey provided by the Borough, which has concluded that there is a lack of secondary school places in the identified areas.

- 6.4 An education statement has been submitted which outlines that Cox Green School is one of six secondary schools in the Maidenhead. The projections show that there are not currently enough places to meet demand. Future projections demonstrate that, based on significant housing growth in the Maidenhead area and larger primary school classes, demand for secondary school places in Maidenhead is expected to grow.
- 6.5 The principle of extending the existing school is considered to be acceptable subject to the matters of access and car parking being adequately addressed. These will be specifically assessed within the report.

Impact on the character and appearance of the site, street scene and surrounding area

- 6.6 Policy DG1 of the Local Plan requires that new developments should promote high quality standards of design, be compatible with the established street scene and use appropriate materials.
- 6.7 The existing character of the site consists of a range of single and two storey buildings of brick construction, with a number of temporary modular buildings. To the west of the site, adjacent to the main block, is a two storey sports facility which is constructed of a mix of brick and metal cladding.
- 6.8 The proposed new building would be located centrally within the site, between the Main School Block and Lower School Block. The building proposed would be two storeys in height with a flat roof, rectangular in footprint and finished with modern panelling and cladding. In addition to the visualisations provided within the Design and Access Statement, the agent has provided a further street scene elevation which illustrates how the proposed building would appear within the site. Taking into account the plans submitted, the proposed scale, massing and height of new building is considered to be acceptable, given that the building will be set back within the site and partially screened by existing buildings located to the front of the site. While the overall footprint of the building is large, its visual impact is considered to be reduced to an acceptable level due to its sitting and screening. It is considered that the proposed building would not appear out of context with the existing school site or surrounding area.
- 6.9 In terms of materials, the proposed palette consists of a translucent Kalwall panel on the ground floor and a grey matt cladding panel on the first floor. This would provide a visual contrast with the existing brick built buildings on the site. However, having taken into account the most recently submitted street scene visualisation; the modern contrast is not considered to be overbearing or obtrusive within the setting of the existing buildings or street scene. It has been agreed with the agent/applicant that there will be further discussions regarding the external materials. Condition 2 has been attached seeking that details of all external materials will be submitted to the Planning Authority for approval.
- 6.10 The proposed conversion and remodelling of existing school facilities will not involve external alterations.
- 6.11 Overall, the proposed development is not considered to have a detrimental impact on the character and appearance of the existing school site, street scene or surrounding area.

Impact on neighbouring properties

- 6.12 The proposed building would retain the side building line and would not project any closer to the neighbouring properties to the east, with the separation of the hard surfaced sports areas unaltered. The side elevation of the new building would be at least 46 metres from the rear boundaries of Fairlea. Given these separation distances it is considered that there would not be any unacceptable loss of outlook from the neighbouring properties or overbearing impact. Furthermore, it is not considered that there would be any unacceptable loss of light or overshadowing to neighbouring properties.
- 6.13 In the first floor side elevation of the proposed building facing east (towards the rear gardens of Fairlea); there is one classroom with two windows. It is considered that given the intervening

distances, there would not be any unacceptable level of overlooking or loss of privacy to the existing properties in Fairlea.

Highways and parking considerations

- 6.14 Highfield Lane is a single carriageway road (approximately 6m-7m wide) and is subject to a 20mph speed limit in the vicinity of the school. Traffic calming is in place with the provision of speed cushions. Footways are present on both sides of the road and a zebra crossing is provided close to the school entrance. Residential properties with dropped kerb crossovers exist on both sides of Highfield Lane. There are no waiting restrictions in place on the north side of Highfield Lane though 'School Keep Clear' markings are in place to prevent waiting at school drop-off and pick-up times (Mon-Fri, 0800-0930 & 1430-1600).
- 6.15 It is not proposed to alter the current access arrangements under the new proposals and the Highways Authority does not raise any concerns regarding the access.
- 6.16 A Transport Statement (TS) has been submitted and reviewed by the Highways Authority. This report identifies that the proposed development will generate demand for 26 car parking spaces more than there is capacity available within the afternoon peak. Additional demand generated within the morning peak can be accommodated within the existing on-street parking capacity of the area. The TS recommends that this additional demand can be mitigated by way of 'soft' Strategic Travel Plan (STP) measures to instigate modal shift and encourage reduced numbers of single occupancy car trips. Taken at face value, the Highways Authority consider that the reduction targets appear realistic and an 'over-spill' of 26 vehicles would seem manageable whilst mitigation measures take effect (and as the school increases in capacity). However, the parking survey data is based on a one day 'snap-shot' and trip estimates based upon 'hands-up' surveys (likely subject to variation) and assumptions based upon shared trips. Whilst it is acknowledged that the methodology appears fair, estimates could be subject to a reasonable amount of variation in practice and careful monitoring will therefore be required to ensure estimates were robust and that STP targets and measures are proving effective at controlling parking 'over-spill'.
- 6.17 Existing refuse collection plans are not expected to be affected by the new proposals.
- 6.18 The Transport Statement predicts that circa 100 – 117 additional movements to arise during the peak drop-off and pick-up periods. Whilst this is not considered prohibitory, intensifying traffic conditions and non-motorised user activity (with aspirations to encourage walking and cycling) will likely impact the efficiency of flow along Highfield Lane – particularly around the existing zebra crossing facility. Turbulent traffic conditions (stop/start, queuing etc.) are expected to increase risk associated with filtering and pupils crossing between queuing traffic etc.
- 6.19 Having reviewed the submitted Transport Statement and consideration of the proposed development, the Highways Authority consider that in order to mitigate the impacts of the proposed development, a Section 106 is required to facilitate the upgrading of the existing zebra crossing (£50,000) and contributions sought towards the monitoring of the STP (£15,000), to include ongoing assessment of the parking situation for three years post completion. In addition they have recommended two conditions relating to access (condition 7) and vehicle parking and turning (condition 8)

Trees, landscaping and ecology

- 6.20 An Arboricultural Impact Assessment has been submitted which assesses any potential impact of trees and landscape from the proposed development. It is noted that there are no TPO trees on site. A total of six individual trees and one tree group were identified on site and were identified as category C value. In order to facilitate the development, it is proposed to remove 2 trees identified as T1 and T2 within the report. It is agreed that the removal of the trees will not have a detrimental impact and the report advises that the loss will be mitigated with new tree planting

during the soft landscaping phase of development. The number of new trees proposed to be planted should exceed those to be removed. The proposed works will not affect the root protection areas of the retained trees on site.

- 6.21 In terms of ecology, a Preliminary Ecological Appraisal and an Internal and External Bat Survey have been carried out. The report concluded that the site is unlikely to have ecological potential, and that the redevelopment will not impact any habitats. The report states that the site has negligible bat potential, however recommends utilising sympathetic lighting. Also, to reduce potential impacts on breeding birds it was recommended that works affecting trees or hedgerows are carried out between September and March.
- 6.22 In summary, the proposed development is not considered to have an adverse impact on existing arboricultural or ecological features on the site and a number of mitigation have been proposed in order to further reduce any potential impact and also to enhance the features on site.

Drainage

- 6.23 A Drainage Statement has been submitted with the application. The report states that in terms of the existing drainage system will remain largely unaltered.
- 6.24 In terms of proposed drainage, the new surface water drainage has been designed to a sustainable urban drainage system (SuDS). The foul water drainage is designed to connect with the existing foul drainage network system

Other Material Considerations

- 6.25 An Energy Report has been prepared and advises that photovoltaic panels will be installed in order to achieve a 10% reduction in energy requirement.

Conclusions

- 6.26 Following an assessment of the material considerations, it is considered that the principle of development is acceptable and the Highways Authority have not raised any significant concerns in relation to access or parking provision, subject to S106 contributions and conditions. The proposed development is considered to be appropriate in terms of the character and appearance of the site and surrounding area and will not have an adverse impact on the residential amenity of neighbouring occupiers.
- 6.27 This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF. In this case the issues have been successfully resolved and the application is recommended for approval subject to the completion of a Section 106 agreement and compliance with the attached conditions.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is not CIL liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

No occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 18 May 2017.

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

Comment		Where in the report this is considered
1.	Inadequate parking provision	6.14 – 6.19
2.	Inadequate contractor/delivery management pan	6.14 – 6.19

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objects on the following grounds: <ol style="list-style-type: none"> 1 Proposal is un-neighbourly in its impact on all shared community services on this site; 2 Insufficient off-road parking; 3 Proposed traffic/parking mitigation measures are overly optimistic; 4 Impact on existing local traffic congestion 	6.14 – 6.19
Highways	No objection subject to conditions and completion of a legal agreement to secure highway works.	
Environmental Protection	No objection subject to conditions	

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- 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 from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until details and samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 The development shall not be occupied 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. The

landscaping scheme shall include replacement tree planting (for trees T1 and T2). 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 DG1

- 4 The development shall be carried out in full accordance with the submitted Arboricultural Method Statement. No works shall commence on site until the erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition.
Reason: In the interests of protecting trees which contribute to the visual amenities of the area. Relevant policies - DG1, N6.
- 5 The precautionary methods of working to safeguard wildlife during the demolition and construction phases, as set out in the submitted ecological reports shall be strictly adhered to.
Reason: In the interests of biodiversity and ecology and paragraph 118 of the NPPF.
- 6 No development shall take place until details of ventilation and filtration equipment to be installed in the commercial cooking area have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect the amenities of the area. Relevant Policy Local Plan NAP3.
- 7 No part of the development shall be occupied until the access has been revised and constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 8 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking and turning facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

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

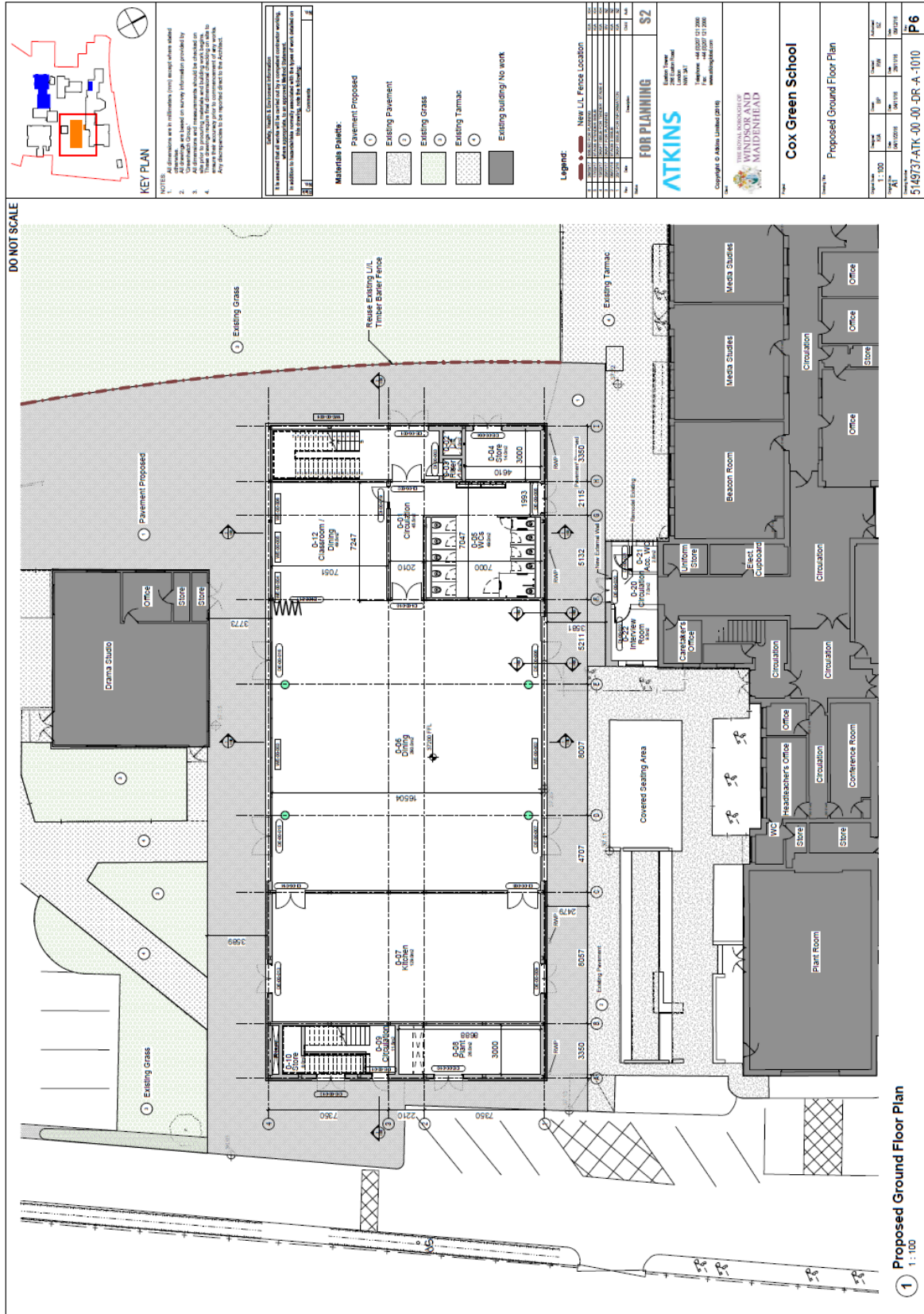
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

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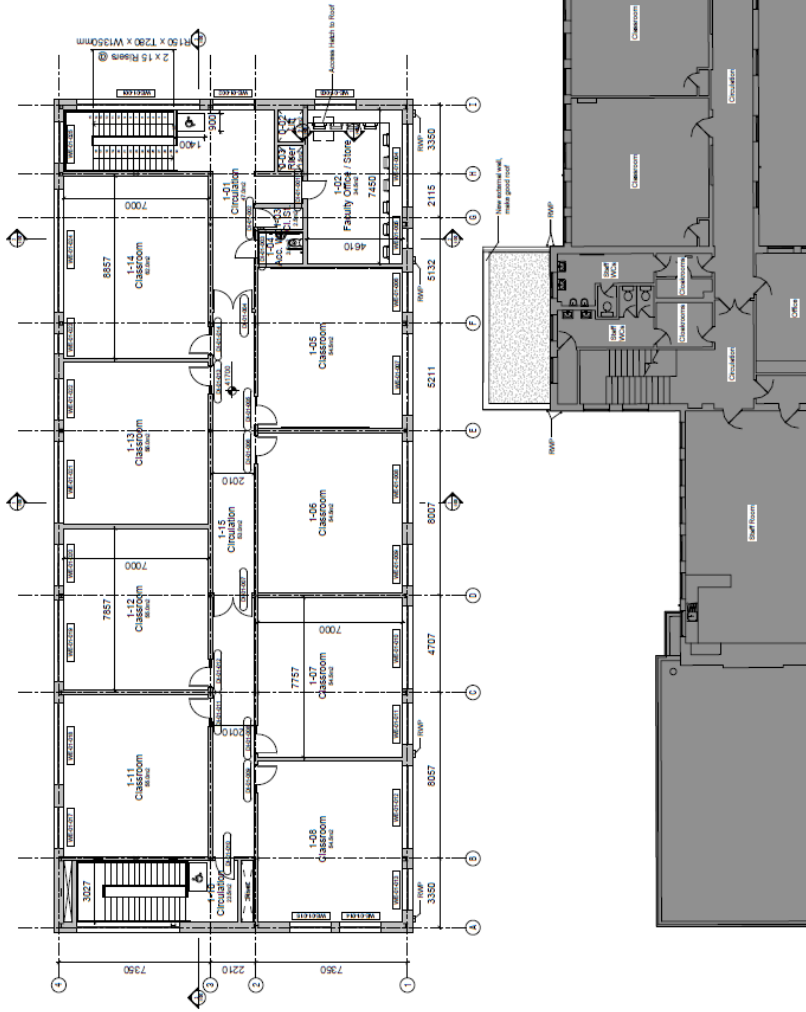
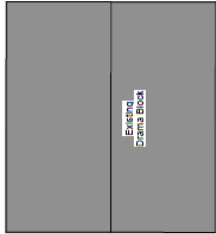
Appendix A – Site Location Plan



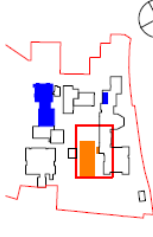
Appendix B – Proposed Plans and Elevations



DO NOT SCALE



1 Proposed First Floor Plan
1:100



KEY PLAN

NOTES: All dimensions are in millimetres (mm) unless where stated.

1. All drawings are based on survey information provided by the client.
2. The client is responsible for ensuring that the proposed construction works are in accordance with the relevant building regulations and any other applicable legislation.
3. The client is responsible for ensuring that the proposed construction works are in accordance with the relevant building regulations and any other applicable legislation.
4. The client is responsible for ensuring that the proposed construction works are in accordance with the relevant building regulations and any other applicable legislation.

NO.	REVISION	DATE
1	ISSUED FOR PERMITTING	15/03/2024
2	ISSUED FOR PERMITTING	15/03/2024
3	ISSUED FOR PERMITTING	15/03/2024
4	ISSUED FOR PERMITTING	15/03/2024
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8	ISSUED FOR PERMITTING	15/03/2024
9	ISSUED FOR PERMITTING	15/03/2024
10	ISSUED FOR PERMITTING	15/03/2024

FOR PLANNING D2

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WINDSOR AND MAIDENHEAD

Cox Green School

Proposed First Floor Plan

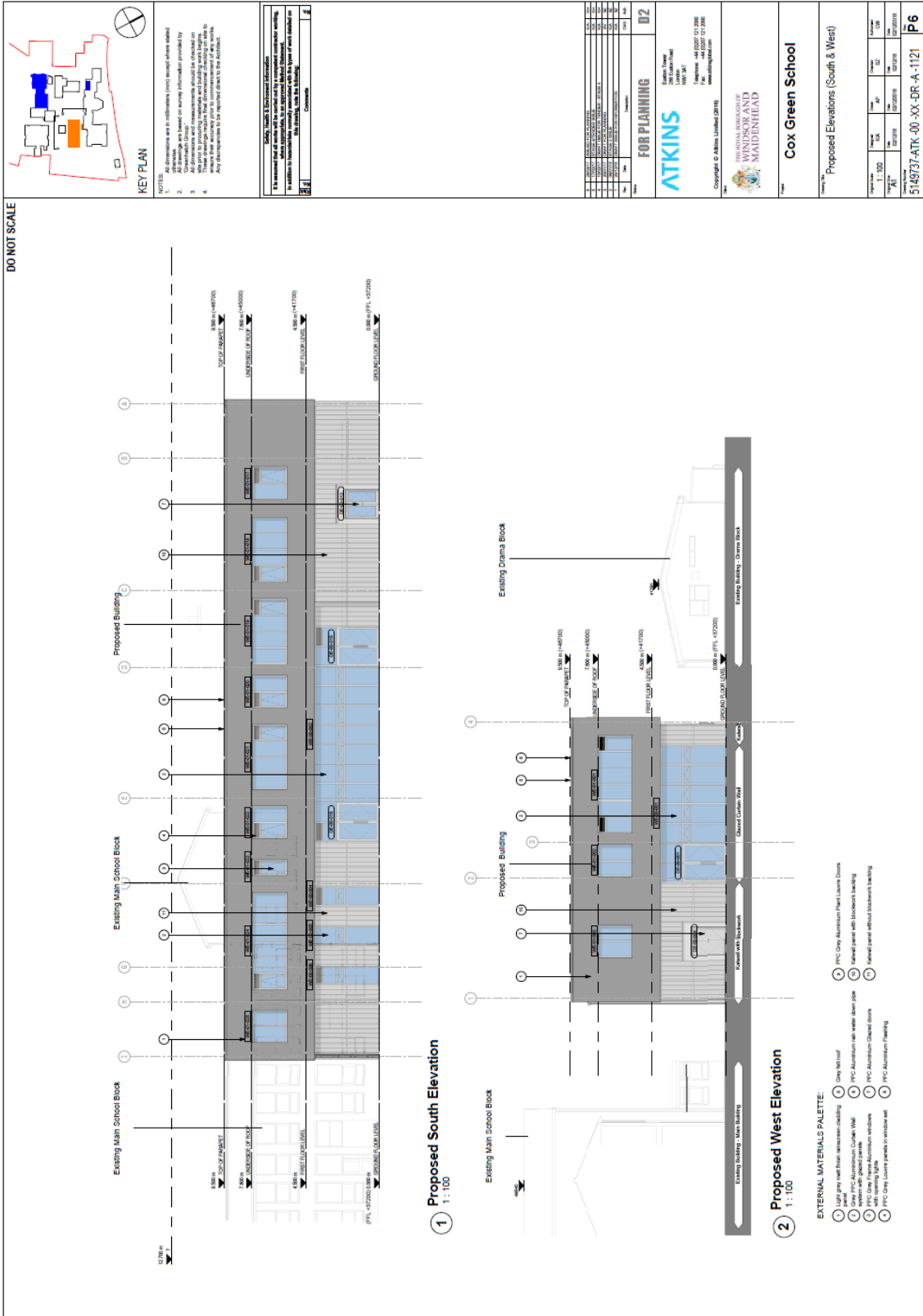
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1:100

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P6

DO NOT SCALE



KEY PLAN

NOTES:

- All dimensions are in millimetres (mm), except where stated.
- Check the location of any proposed or existing information provided by the Council or other relevant authorities.
- Check the location of any proposed or existing information provided by the Council or other relevant authorities.
- Check the location of any proposed or existing information provided by the Council or other relevant authorities.

Any discrepancies to be reported direct to the Architect.

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 System Date: [Blank]
 System Version: [Blank]
 System Status: [Blank]
 System Location: [Blank]
 System Description: [Blank]

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WINNSBORO MAIDENHEAD

Cox Green School

Proposed Elevations (South & West)

5149737-ATK-00-XX-DR-A-1121

P6

1 Proposed South Elevation
1 : 100

2 Proposed West Elevation
1 : 100

- EXTERNAL MATERIALS PALETTE:**
- 1 Light grey wall with horizontal cladding
 - 2 Grey metal roof
 - 3 Grey aluminium panel doors
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 8

Application No.:	17/01442/FULL
Location:	130 - 132 Clare Road Maidenhead
Proposal:	Construction of out buildings.
Applicant:	Mr Rehman
Agent:	Mr Korban Ali
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward

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

1. SUMMARY

- 1.1 The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. The proposal is therefore contrary to Policy DG1 of the Local Plan and Paragraph 64 of the National Planning Policy Framework.
- 1.2 The proposed buildings would be within the root protection areas of two tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. They are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policies DG1 and N6 of the Local Plan.

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

- | | |
|-----------|---|
| 1. | The proposal would harm the character of the area due to the excessive size of the proposed outbuildings. |
| 2. | The proposal would lead to the loss of two mature Poplar trees in the neighbouring garden, which would harm the character of the area. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Claire Stretton, irrespective of the recommendation, due to the concerns of local residents.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is the rear gardens of a pair of semi-detached houses located in Clare Road to the West of Maidenhead town centre. The rear gardens measure some 28m in length and each one is 8.6m in width towards the rear. The site slopes up towards the rear. The site is surrounded by other rear gardens.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of two outbuildings described on the plans as gyms. They would have pitched roofs with ridge heights of 4m, and would measure 8.315m by 8.090m each. They would each contain a WC and an open gym area. They would each have two windows and a double door facing the front of the site, a side window to the WC, and 4 rooflights.

Ref.	Description	Decision and Date
07/00071	Construction of a single storey rear extension (to both properties) and front porch infill (no. 132 only)	Perm. 16.02.2007

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Trees
Local Plan	DG1	N6

These policies can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i impact on the character of the area and neighbouring amenity; and
- ii impact on trees.

Character and amenity

6.2 The surrounding area consists of rear garden areas which are characterised by their openness. There is a small outbuilding at the rear of the garden of no. 134 adjacent to the site. The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. They would measure 4m in height, and each would be approximately 8.3m by 8m. Their footprints, at 67 sqm each, would be larger than the footprints of the houses on the site, which each have a footprint of some 47 sqm. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. Due to the slope of the land up to the site, the buildings will be on higher ground than the houses, and will be overbearing. They would also cause loss of light to the surrounding gardens. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. The proposal is also contrary to Paragraph 64 of the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in which it functions.

Trees

6.3 The proposed buildings would be within the root protection areas of two attractive tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. Although the trees are not protected by Tree Preservation Orders, they are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that

character. It is also contrary to Policy N6 of the Local Plan, which seeks to protect trees with amenity value.

Other material considerations

- 6.4 The buildings proposed are of such a size that they could easily be converted to residential accommodation rather than being used as gyms. Although this is not the subject of the current application, such an eventuality could be a consideration for the current application. It is noted that there is insufficient parking space on the sites to serve any extra bedrooms. However, it is the current application which is under consideration.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.5.2017

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

Comment	Where in the report this is considered
1. Our property is very close to the two very tall Poplar trees and if they become destabilised due to the construction then we will also be affected.	6.3
2. We are concerned that if this proposal of '2 gyms' is accepted then this will start a chain reaction in many back gardens in Clare Road/ Redriff Close.	6.2
3. The application form left blank the response to the question 'Are there any trees or hedges on land adjacent to the proposed development site?' There are 2 very tall Poplar trees at least 30m high in my garden a few feet from the site, and they pre-date housing development.	6.3
4. The size of the 'gyms' is larger than the actual houses in both length and width.	6.2
5. Very limited garden remaining.	6.2
6. No room has been left for maintaining or access gutters or roof or boundary. This is vital. The houses are badly maintained.	Maintenance is not a planning consideration.
7. Neighbours will suffer loss of light to gardens and vegetable patches.	6.2
8. They will be on higher ground and will be overbearing.	6.2
9. No.134 has an outbuilding of an acceptable size and similar size to others in the road, and they could be that size. The plans show it larger than it is.	6.2
10. We are already restricted from sitting in our garden due to the tenants.	Noted
11. Many such gyms are converted for rental purposes. A ploy.	6.4
12. The Council should check for such conversions, as they are a way of avoiding higher Council Tax, and should condition any permissions to prevent conversion.	Noted
13. There is no boundary between the properties. One family owns both properties and they are rented – question why two such large gyms are needed for one family. The size is larger than some gyms in	Noted

	Maidenhead.	
14	Additions must be within reason and scale.	6.2
15	No.130 could be used to access both buildings by future tenants.	6.4
16	Other applications could follow – they are actually large 3 bed bungalows.	6.4
17	Parking is always an issue in Clare Road. These properties do not have off street parking for their many tenants.	6.4
18	<p><u>Maidenhead Civic Society</u> Description does not clarify that this is for two different properties – should be two separate applications.</p> <p>Buildings will be directly beside rear and side boundaries – problems with maintenance.</p> <p>Visually intrusive and will detract from the enjoyment of neighbouring gardens.</p> <p>Ancillary accommodation should not be permitted.</p>	<p>A combined application is acceptable – double fees were submitted.</p> <p>Not a planning matter.</p> <p>6.2</p> <p>6.4</p>

Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	<p>Would lead to the loss of the Poplar trees.</p> <p>They are not worthy of a Tree Preservation Order due to their location, species and condition.</p>	6.3

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site and location plans
- Appendix C – Ground floor plan
- Appendix D - Elevations

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

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

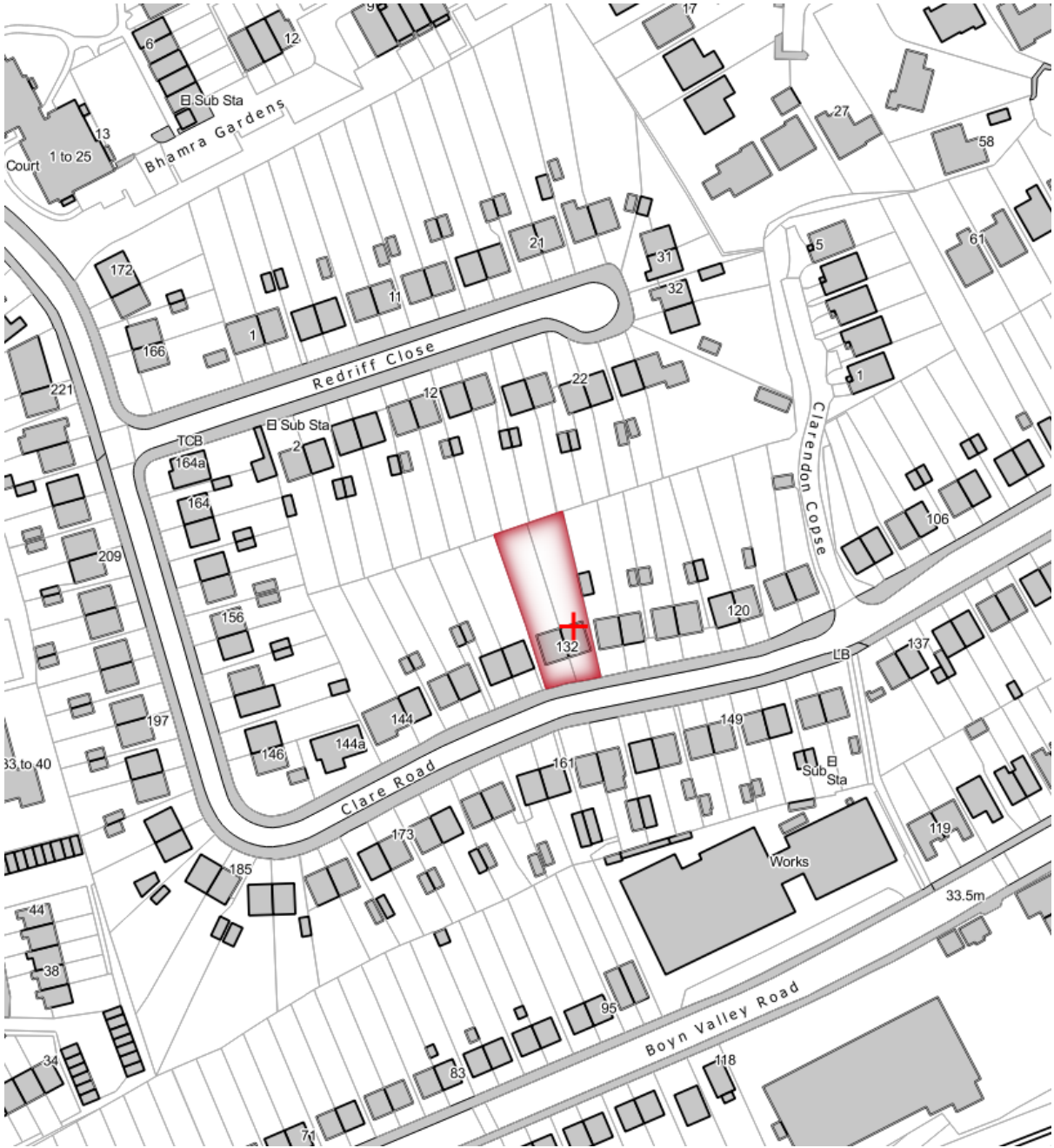
In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

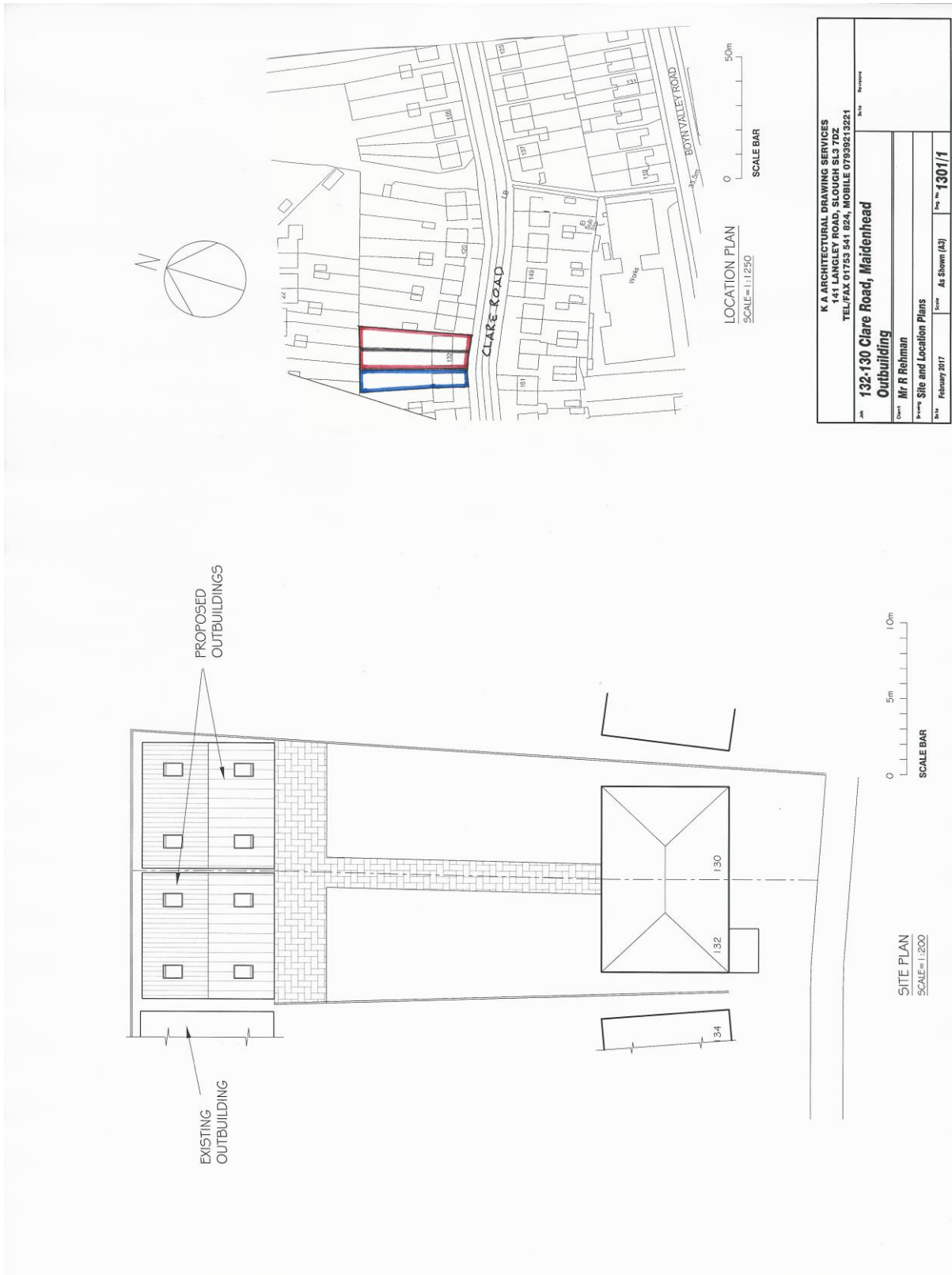
- 1 The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. They would measure 4m in height, and each would be approximately 8.3m by 8m. Their footprints, at 67 sqm each, would be larger than the footprints of the houses on the site, which each have a footprint of some 47 sqm. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. The proposal is therefore contrary to Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. The proposal is also contrary to Paragraph 64 of the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in which it functions.

- 2 The proposed buildings would be within the root protection areas of two tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. Although the trees are not protected by Tree Preservation Orders, they are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. It is also contrary to Policy N6 of the Local Plan, which seeks to protect trees with amenity value.

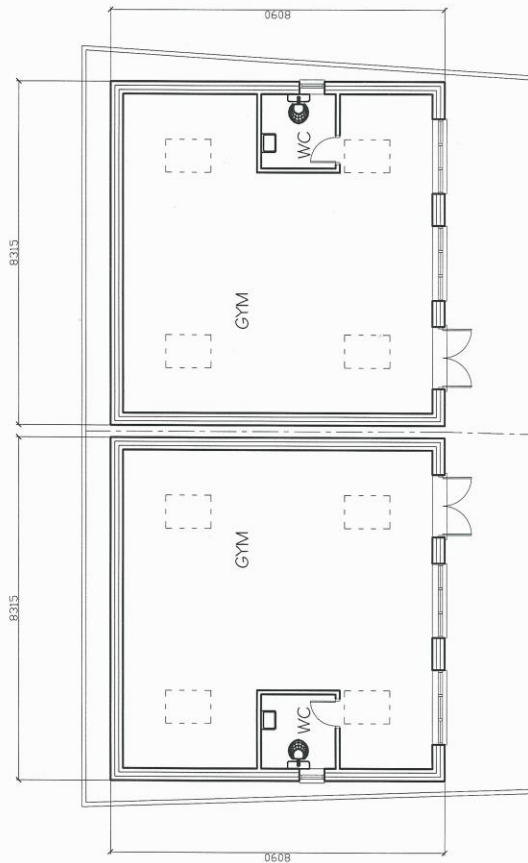
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Appendix A



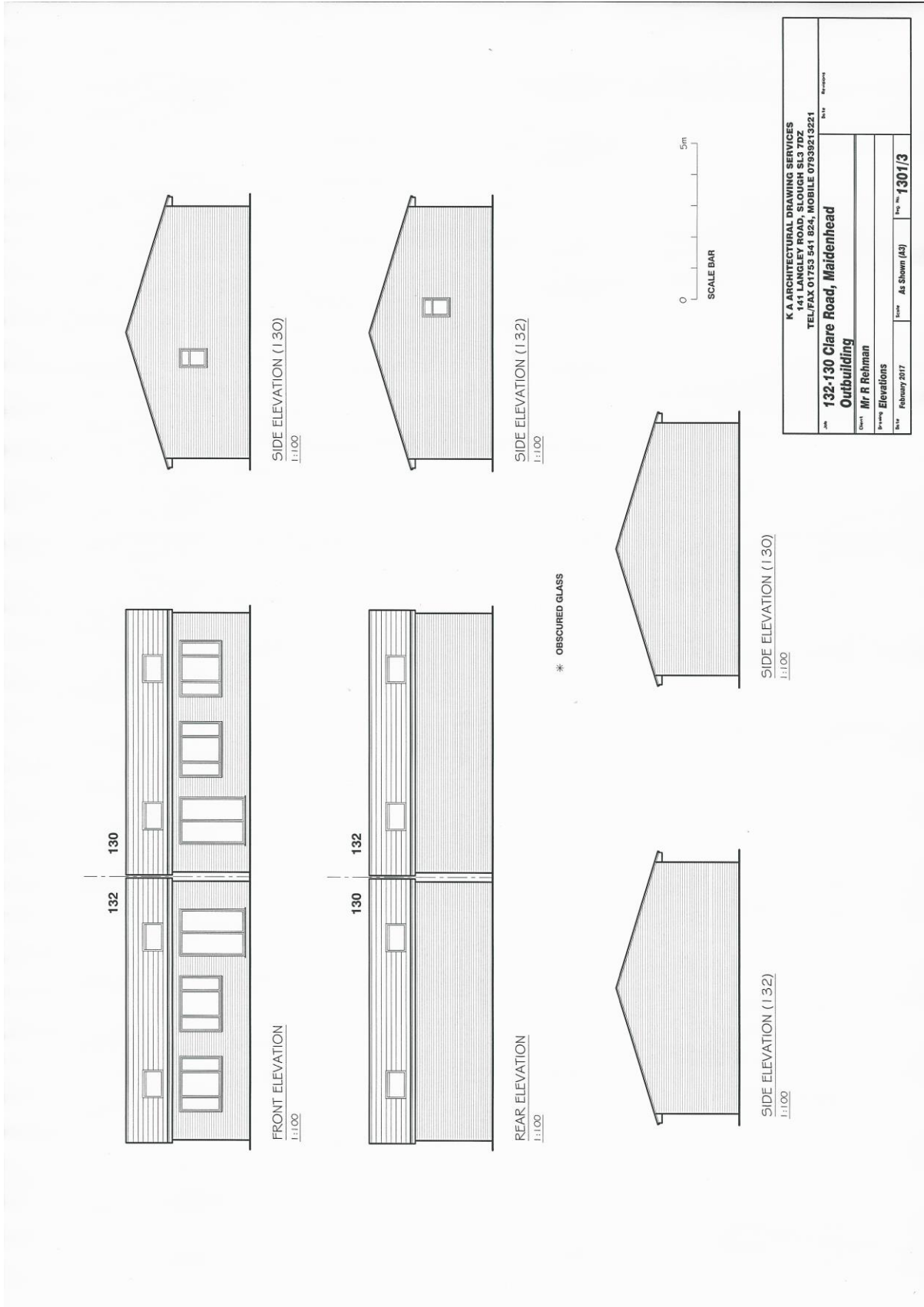
Appendix B



GROUND FLOOR PLAN
1:100



K A ARCHITECTURAL DRAWING SERVICES 141 LANGLEY ROAD, SLOUGH SL3 7DZ TEL/FAX 01753 541 824, MOBILE 07939213221		Date
Job 132-130 Clare Road, Maidenhead Outbuilding	Client Mr R Rehman	Date
Drawn by Ground Floor Plan	Scale As Shown (A3)	Rev No. 1301/2
Date February 2017		



Appeal Decision Report

26 May 2017 - 23 June 2017

www.rbwm.gov.uk



MAIDENHEAD

Appeal Ref.: 16/60112/PRPA **Planning Ref.:** 16/02471/TPO **Plns Ref.:** ENV/3162630
Appellant: Mr And Mrs King **c/o Agent:** Mr Matthew Vaughan Four Seasons Tree Care Ltd 1 Beech Road Thame OX9 2AL
Decision Type: Delegated **Officer Recommendation:** Partial Refusal/Partial Approval
Description: T1 (London Plane); crown reduce by around 25% (circa 3m) from the overall height and radial crown spread.
Location: **6 Astor Close Maidenhead SL6 1XQ**
Appeal Decision: Part Allowed **Decision Date:** 14 June 2017
Main Issue: The appeal is dismissed insofar as it relates to the works originally applied for (30% crown reduction). The appeal is allowed insofar as it relates to the revised specification submitted with the appeal dated 4 November 2016. Namely, the reduction of the crown height by approximately 20% by reducing the overall height by up to 2.5 metres and the radial spread by the same amount of the London Plane protected by the Land at Astor Close Maidenhead Tree Preservation Order, subject to the following conditions: 1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision. 2) All of the aforementioned work shall be carried out in accordance with British Standard BS3998:2010 Tree Work - Recommendations.

Appeal Ref.: 17/60017/NOND ET **Planning Ref.:** 16/02349/OUT **Plns Ref.:** APP/T0355/W/17/316640
Appellant: Mr Jake Collinge
Decision Type: Delegated **Officer Recommendation:** Would Have Refused
Description: Outline application (access) with other matters reserved for the erection of 8 No. detached two storey dwellings with access, parking and amenity space following the demolition of 2 No. existing dwellings.
Location: **20 And 24 Braywick Road Maidenhead**
Appeal Decision: Dismissed **Decision Date:** 13 June 2017
Main Issue: The main issue was the impact of the proposal upon the character and appearance of the area including reference to trees, and taking account of local housing needs, whether any adverse impacts would significantly and demonstrably outweigh any benefits. The character along this part of Braywick Road is "leafy suburban" and there are a number of important trees within the site. While the construction of the dwellings for plots 7 and 8 could be kept outside the canopy spread and Root Protection Areas, the protected oak (T11) would cast a substantial shadow over much of the proposed garden areas for both of these dwellings. The Council could not control domestic activities in the rear gardens and such activities would adversely impact these trees, which contribute to the leafy character of the area. The Inspector found that the scale of development would result in the loss of or damage to important features which contribute to the character and appearance of the area. This would constitute poor design and not comply with local and national planning policy. The harm to the trees significantly outweighs the benefits of the proposal in terms of contributing to the housing supply. The proposal would not be a sustainable form of development.

Appeal Ref.: 17/60043/REF **Planning Ref.:** 16/03423/FULL **Plns Ref.:** APP/T0355/D/
17/3170933

Appellant: S Puri **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane
Windsor Berkshire SL4 5EN

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

Description: Two storey side, first floor side and single storey rear extension (amendment to planning
permission 15/00122).

Location: **37 The Bingham's Maidenhead SL6 2ES**

Appeal Decision: Allowed **Decision Date:** 15 June 2017

Main Issue: The Inspector concluded that the proposal would not harm the character or appearance
of the house or the local street scene. It would therefore accord with the aims of Policies
DG1 and H14 of the Local Plan and the National Planning Policy Framework, to secure
high quality design and to ensure that extensions do not adversely affect the original
property or the street scene.

Appeal Ref.: 17/60044/REF **Planning Ref.:** 16/03680/FULL **Plns Ref.:** APP/T0355/D/17/
3170221

Appellant: Mr A Richards **c/o Agent:** Mr David Bates Domus Design Associates The Gatehouse
Sonning Lane Sonning Reading RG4 6ST

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

Description: Two storey rear extension.

Location: **Willow Place Oakley Green Road Oakley Green Windsor SL4 4PZ**

Appeal Decision: Allowed **Decision Date:** 21 June 2017

Main Issue: The Council stated that this proposal would amount to an increase of 43.5% measured in
terms of floorspace and it appeared to the Inspector that the increase in volume would be
around the same figure. This scale of increase appeared to the Inspector to be generally
reasonable, amounting to a relatively minor addition. In this case, the original house is not
particularly large so the proposed extension is also not overlarge. The narrow plan and set
down of the proposal mean that it would not be overly bulky in comparison to the original
house despite its length. The Inspector concluded that the proposed extension would not
amount to a disproportionate addition over and above the size of the original building. The
proposal is therefore not inappropriate in the Green Belt and accords with paragraphs 87 and
89 of the Framework and LP Policies GB1 and GB4. In these circumstances, there is no
need to consider the impact on the openness of the Green Belt.

Planning Appeals Received

26 May 2017 - 23 June 2017

www.rbwm.gov.uk



MAIDENHEAD

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

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

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

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 17/60060/PRPA **Planning Ref.:** 16/03566/TPO **PIns Ref.:** APP/TPO/T
0355/6155

Date Received: 20 June 2017 **Comments Due:** Not Applicable

Type: Part Refusal/Part Approval **Appeal Type:** Fast track

Description: (T1) Beech - Crown thin by 20% and prune back branches overhanging 9 Greenways Drive to give 3m clearance from roof and guttering.

Location: **10 Greenways Drive Maidenhead SL6 5DU**

Appellant: Mr John Hayes **c/o Agent:** Mr Simon Hawkins Merewood Arboricultural Consultancy Services Gregory Road Hedgerley SL2 3XW

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