

NOTICE
OF
MEETING

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 27TH SEPTEMBER, 2017

at

7.00 pm

in the

COUNCIL CHAMBER - 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,
PHILIP LOVE, DEREK SHARP, 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, 19 September 2017

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

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

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the meeting will be audio recorded, and filmed and broadcast through the online application Periscope. The footage can be found through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		5 - 6
3.	<u>MINUTES</u> To confirm the part I minutes of the meeting of 30 August 2017.		7 - 10
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		11 - 46
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		47 - 48
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 7 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"		

PART II PRIVATE MEETING

ITEM	SUBJECT	WARD	PAGE NO
7.	<u>MINUTES</u> To confirm the part II minutes of the meeting of 30 August 2017. <i>(Not for publication by virtue of Paragraph 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		49 - 50
8.	<u>ENFORCEMENT REPORT UPDATE - 16/50097</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		51 - 72
9.	<u>ENFORCEMENT REPORT - 16/50403</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		73 - 84
10.	<u>ENFORCEMENT REPORT - 16/50077</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		85 - 90
11.	<u>ENFORCEMENT REPORT - 17/50145</u> To consider the above report. <i>(Not for publication by virtue of Paragraph 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>		91 - 96

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues

MEMBERS' 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. 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.***

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

30.08.17

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

Officers: Tony Carr (Traffic & Road Safety Manager), Victoria Gibson (Development Management Team Manager), Victoria Goldberg (Senior Enforcement Officer), Mary Kilner (Head of Law and Governance) and Shilpa Manek

11 APOLOGIES FOR ABSENCE

No Apologies of Absence received.

12 DECLARATIONS OF INTEREST

Councillor Burbage, Kellaway, Love and Wilson declared a personal interest for items 1, 2, 3 and 4 they are Members of PRoM and MTP but were attending with an open mind.

Councillors Hunt and Wilson declared that they knew a former Councillor, Alison Knight who was in the public gallery.

Councillor Stretton declared a personal interest as she is a Member of PRoM.

Councillor Wilson also declared a personal interest as the applicant for Items 1, 2, 3 and 4 was a current Councillor's close relative.

13 MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 3 August 2017 be approved.

14 PLANNING APPLICATIONS (DECISION)

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

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

<p>*Item 1 16/02340/LBC</p> <p>Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR</p>	<p>Consent for replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration.</p> <p>The Officers recommendation to refuse the application was put forward by Councillor Kellaway and seconded by Councillor Smith.</p> <p>All Councillors (Councillors Burbage, Bullock, Hunt, Kellaway, Love, Sharp, Smith, Stretton and Wilson) voted that they would have refused the application.</p> <p>The PANEL UNANIMOUSLY VOTED that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Safian</p>
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	Majeed, Applicant).
<p>Item 2 16/02350/FULL</p> <p>Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR</p>	<p>Replacement of glass conservatory with a three storey rear extension to create 2 x 1 No. bedroom flats and 1 No. studio flat with amendments to fenestration.</p> <p>The Officers recommendation to refuse the application was put forward by Councillor Stretton and seconded by Councillor Hunt.</p> <p>The PANEL UNANIMOUSLY VOTED that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Safian Majeed, Applicant).</p>
<p>*Item 3 16/02352/FULL</p> <p>Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR</p>	<p>Change of use of ground floor from commercial to 2x two bedroom apartments.</p> <p>The Officers recommendation to refuse the application was put forward by Councillor Hunt and seconded by Councillor Sharp.</p> <p>The PANEL UNANIMOUSLY VOTED that the application be REFUSED as per the officer's recommendation.</p> <p>((Speakers: The Panel was addressed by Mr Safian Majeed, Applicant).</p>
<p>*Item 4 16/02354/LBC</p> <p>Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR</p>	<p>Consent for change of use of ground floor from commercial to 2x two bedroom apartments.</p> <p>The Officers recommendation to refuse the application was put forward by Councillor Love and seconded by Councillor Stretton.</p> <p>The PANEL UNANIMOUSLY VOTED that the application be REFUSED as per the officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Mr Safian Majeed, Applicant).</p>
<p>*Item 5 17/01885/FULL</p> <p>157-159 Boyn Valley Road Maidenhead</p>	<p>Construction of 40 apartments, comprising of 1 and 2 bedrooms with ground level car parking following demolition of the existing building.</p> <p>Councillor Love put forward a motion to refuse the Officer's recommendation. This was seconded by Councillor Wilson.</p> <p>The PANEL VOTED UNANIMOUSLY that the application be DEFERRED FOR TWO CYCLES. This would allow time to further negotiate the following issues:</p> <ul style="list-style-type: none"> • Site Visit to be arranged for Panel Members; • To allow the applicant the opportunity to make minor amendments to alleviate concerns and to

	<p>reduce the profile and impact on neighbours and for better parking arrangements to be achieved.</p> <ul style="list-style-type: none"> • To allow for further information to be submitted regarding the overlooking and loss of light to habitable rooms and the difference between this application and the previously approved scheme at 99-103 Boyn Valley Road. <p>(Speakers: The Panel was addressed by Mr Paul Butt, Applicants Agent).</p>
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15 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

16 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 7.00 pm, ended at 8.28 pm

Chairman.....

Date.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

27th September 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.	17/01087/FULL	Recommendation	PERM	Page No.	13	
Location:	McEvoy & Rowley 10A Cordwallis Road Maidenhead SL6 7DG							
Proposal:	Construction of 3 x three bedroom terraced houses following the demolition of the existing warehouse.							
Applicant:	McEvoy Rowley	Member Call-in:	Not applicable	Expiry Date:	23 May 2017			
<hr/>								
Item No.	2	Application No.	17/01227/FULL	Recommendation	PERM	Page No.	25	
Location:	Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonade High Street Maidenhead							
Proposal:	Demolition of part of Hines Meadow car park.							
Applicant:	Shanly Homes Limited	Member Call-in:	Not applicable	Expiry Date:	10 July 2017			
<hr/>								
Item No.	3	Application No.	17/02159/FULL	Recommendation	PERM	Page No.	41	
Location:	15 Ray Drive Maidenhead SL6 8NG							
Proposal:	Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective							
Applicant:	Coghlan Lodges Limited	Member Call-in:	Cllr Adam Smith	Expiry Date:	28 September 2017			
<hr/>								
Appeal Decision Report							Page No.	47
Planning Appeals Received							Page No.	48

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

27 September 2017

Item: 1

Application No.:	17/01087/FULL
Location:	McEvoy & Rowley 10A Cordwallis Road Maidenhead SL6 7DG
Proposal:	Construction of 3 x three bedroom terraced houses following the demolition of the existing warehouse.
Applicant:	McEvoy Rowley
Agent:	Mr Stuart Keen
Parish/Ward:	Maidenhead Unparished/Belmont Ward

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

- 1.1 This application seeks consent for the demolition of the existing warehouse and erection of 3 No. 3 bed dwellinghouses with associated parking.
- 1.2 Given that the site is not located within a designated employment area and the proposed redevelopment contributing to the Councils housing stock, no objection is raised to the loss of the employment use and proposed redevelopment for additional residential units.
- 1.3 Whilst the scheme does present a shortfall of two car parking spaces when considered in the context of the Council Parking standards, it should be noted that such a shortfall has been accepted on other similar redevelopments near to the application site (see section 6.14 of the report). Furthermore, the Ministerial Statement (March 2015) and a recent appeal decision have acknowledged that the Council's parking standards and Policy P4 of the Local Plan is not consistent with the advice of the National Planning Policy Framework (NPPF). Paragraph 39 of the NPPF states that "Local planning authorities should only impose local parking standards for residential and non residential development where there is a clear and compelling justification that it is necessary to manage their local road network"
- 1.4 In the context of this application, the site is reasonably accessible to services and facilities, and provides for the parking of 1 vehicle for each of the houses, plus 1 visitor space. Cordwallis Road is not the subject of on-street parking restrictions and although it is noted from the objections received that there is a high level of on street parking, it is considered that any additional vehicles as a result of this proposal, could park safely outside of the site. Moreover, the scheme presents a benefit in parking provision over the existing use. The current parking provision presents a shortfall of 1.5 car spaces and 1.5 lorry spaces. Coupled with this, there would be a notable improvement in the size and volume of vehicles accessing the site with the loss of the commercial use. Officers therefore consider that in this instance for the reasons given, that there are significant benefits to the parking provision/impact on the surrounding highway network resulting from the scheme, and the proposal is not considered to have a harmful impact on highway conditions and would comply with paragraph 32 of the NPPF.
- 1.5 The proposed design, scale and layout of the development proposed are considered acceptable in the context of the area and in relation to its impact on the surrounding residential occupants.

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

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the northern side of Cordwallis Road and the site is currently used as warehouse storage and offices by McEvoy and Rowley Kitchen and Kitchen Appliance Company. The existing site consists of a single storey pitched roof building and small yard that extends almost the full extent of the site (building depth is 31.5 metres)
- 3.2 Cordwallis Road is a predominantly residential area with the exception of the retail element of McEvoy and Rowley property at No. 2a opposite and doctor's surgery at No. 1. The site is bounded to the north by Cordwallis Industrial Estate, and to the east and west by residential dwellinghouses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application seeks consent for the demolition of the existing warehouse buildings and erection of three dwellinghouses with associated front garden parking.
- 4.2 There is one application of relevance on this site:

Ref.	Description	Decision and Date
15/00382/FULL	Front extension to provide additional storage space, loading bay and sales display area following part demolition of the existing storage unit.	Permitted 16.04.2015

- 4.3 Of relevance also is application 17/01089/FULL which was recently granted consent for the "Change of use from light industrial to warehouse storage with a trade counter, including the formation of new trade counter entrance doors with replacement windows to property and rendered finish to front elevations." This application was submitted by McEvoy and Rowley and is the proposed new location for the operations which are currently on site at No. 10A.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 1 (Building a strong and competitive economy), 4 (Promoting Sustainable Transport), 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design).

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	Employment
DG1, H10, H11	P4, T5	E6, E7

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing mix and type, density	HO2, HO5
Other sites and loss of employment floor space	ED3

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.

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

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:

- Loss of the employment use;
- Density, design, character and appearance of the proposed development;
- Highways and Parking;
- Impact to surrounding residential properties;
- Quality of the residential accommodation proposed.

Loss of employment use

6.2 The site is not located within a designated employment area as defined by the Local Plan. Given such, policies E6 and E7 of the Local Plan would apply to any redevelopment of the site. Policy E6 states that proposals for development or redevelopment for business, industrial or warehousing uses outside the green belt will be acceptable provided that the proposal would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties. The sub text to this policy (paragraph 4.2.21) states that the Council will generally support proposals for the redevelopment of existing business use to alternative uses such as housing, subject to these proposals having no unacceptable adverse impact on locally available employment opportunities and their compatibility with other policies in the Local Plan.

6.3 Policy E7 refers specifically to where industrial firms are considered to be inappropriately located in relation to the adjacent land uses, and states that the Council will favour redevelopment of these sites for alternative uses, more consistent with their surroundings.

- 6.4 In this instance, the existing site is located in the middle of a residential road and at present, the site often has delivery vans and lorries arriving, departing, and parking within the road. Such a use is considered incompatible with the residential character of the area, and it is proposed to relocate the existing business to new premises in Reform Road Industrial Estate. A separate application (17/01089/FULL) was recently granted consent for change of use to allow use by the company.
- 6.5 Given that this site is outside of identified employment areas, predominantly residential in character and the existing business is being relocated to alternative and more suitable premises, it is not considered in this instance that the loss of an employment use on this site would be contrary to the Councils adopted policies. The proposed redevelopment of the site to provide 3 houses is considered acceptable in principle, given that such a use is compatible with the established character of the road and immediate environs, and would contribute to the Boroughs housing stock. The acceptability of the housing in terms of design, scale, impact to neighbours and the highway network, will be assessed in the subsequent paragraphs.

Design, density, character and appearance of the development.

- 6.6 Paragraph 56-68 of the NPPF emphasises the importance that the government attaches to the design of the built environment and states that developments should reflect local distinctiveness. It recommends that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
- 6.7 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. The policy refers to the use of a variety of building types, materials, means of enclosure, surface treatment and landscaping to create visual interest. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area
- 6.8 The Townscape Character Assessment, describes the application site as 'Post War Suburbs (to 1960)', although it is noted that the housing to the west and south is described as 'Victorian and Edwardian suburbs'. Some of the key features of this area, as identified, are the two storey semi detached dwellings and short terraces on regular plots, resulting in a medium density suburb with uniform building line and rhythm. Architectural style is recognised to be unified and simple, using a limited palette of materials and finishes. A similar pattern and style of development is identified within the 'Victorian and Edwardian Suburb' townscapes, with reference made to the uniform rhythm of the facades and building lines.
- 6.9 The development proposed is a terrace of three dwellings, with a pitched roof and small gable detail on the front elevation. The development is proposed to align with the front building line of the properties to the east of the site, to which no objection is raised, and would also be of a height and scale comparable to these dwellings. A 1 metre gap has been maintained to both side boundaries, and the overall siting, scale and design of the development proposed, is not considered to appear unduly cramped or dominant within the plot, and to respect the pattern and scale of surrounding development. The scheme is therefore not considered to have a detrimental impact on the street scene and townscape of Cordwallis Road.
- 6.10 It is noted that the first floor element of the development extends further to the rear than other properties within this part of the road, and this element would be visible from Australia Avenue to the east. At present, given the scale of the existing industrial buildings on the site, this elevation is dominated by industrial style built development, the material palette of which is incongruous to the surrounding area. Therefore, although the development will extend approximately 4.7 metres at two storey level beyond the rear of No. 10 Cordwallis Road, it will result in the removal of the existing industrial buildings on the site, which currently occupy the entire 31 metre length of the site. This is considered to bring an improvement to the appearance of the views of the site from Australia Avenue and street scene in this area as it will re-establish a visual gap between the residential environment and industrial estate to the north.

Highways and Parking

- 6.11 Cordwallis Road is an unclassified road serving a number of commercial premises and residential homes. Four car parking spaces are proposed for the three dwellings, which the highways team have expressed is a shortfall of two spaces when considered against the Council's Parking standards. Notwithstanding such, this does represent an improvement above the existing parking provision on the site which represents a shortfall of 1.5 car spaces and 1.5 lorry spaces.
- 6.12 The Ministerial Statement (March 2015) and a recent appeal decision (APP/T0355/W/16/3166229) for the development of a dwelling at 'Land adjacent to 84 Beech Hill Road, Ascot' have provided updated advice on the application of maximum parking standards. Within the appeal decision, the Inspector acknowledged that the Council's parking standards and Policy P4 of the Local Plan are not consistent with the advice contained within the National Planning Policy Framework (NPPF). Paragraph 39 of the NPPF states that "Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network".
- 6.13 In the context of this application, the site is reasonably accessible to services and facilities, and provides for the parking of 1 vehicle for each of the houses, plus 1 visitor space. Cordwallis Road is not the subject of on-street parking restrictions and although it is noted from the objections received that there is a high level of on street parking, it is considered that any additional vehicles as a result of this proposal, could park safely outside of the site. Moreover, as mentioned in paragraph 6.11, the scheme presents a benefit in parking provision over the existing use. The current parking provision presents a shortfall of 1.5 car spaces and 1.5 lorry spaces. Coupled with this, there would be a notable improvement in the size and volume of vehicles accessing the site with the loss of the commercial use. Officers therefore consider that in this instance for the reasons given, that there are significant benefits to the parking provision/impact on the surrounding highway network resulting from the scheme, and the proposal is not considered to have a harmful impact on highway conditions and would comply with paragraph 32 of the NPPF.
- 6.14 it should be noted that the Council has permitted several schemes within the surrounding roads with a 'shortfall' in car parking provision.
- 14/00380/FULL – 40 Vicarage Road, Maidenhead (road running parallel to the south of the site) – this site proposed the demolition of an existing retail unit and erection of three houses with only 3 car parking spaces. This fell just outside the 800m to the station (sustainable location defining factor), but was approved on the basis that the traffic generated by the site in a commercial use would no longer be present on the road network, and a residential use would be less intensive. The application referred to No. 74 Cordwallis Avenue (referred to next) as a justification also.
 - 14/00016/FULL – 74 Cordwallis Road – Conversion of print works to form 3 x 2 bed flats. There was an identified shortfall of 3 spaces on this site, but as there was a shortfall from the existing print works and in light of an appeal decision at a nearby property here a provision below the standards was accepted, the scheme was approved in spite of highway objections.
 - 07/02912/FULL and 12/01052/FULL – 29-31 Risborough Road (road adjacent to the west of Cordwallis Road, approximately 160 metres from 10A Cordwallis Road) – These applications were for the change of use of a part commercial/part residential property to form 4 (2x1 bed and 2x2 bed) flats. Application 07/02912/FULL was refused and dismissed on appeal on the basis that there was a shortfall of 5 parking spaces. However the Inspector when considering parking issues, considered that given the site was located near to the town centre, the existing site with a significant shortfall in spaces, the relatively small increase in demand for on street spaces would not lead to a significant increase in risk to highway safety and congestion.
- 6.15 Having compared this application to the above applications, the approach applied in the recommendation of this application is consistent, and is furthermore consistent with the more recent appeal decisions and Ministerial Statement.

- 6.16 In terms of visibility splays, these are not altering from existing to which no objection is raised. Cycle and refuse storage is proposed within the rear/front gardens to which no objection is raised.

Impact on the amenities of residential occupiers

- 6.17 With regards to the impact of the proposed development on the amenities of No. 10 Cordwallis Road, as referred to previously, the design of the development is such that it extends beyond the rear of this dwelling by 4.7 metres at first floor level, and then a further 4 metres with a single storey addition. This property has been extended at ground floor level with a single storey extension that extends approximately 4 metres beyond the rear elevation of this dwelling. No. 10 has one opening at first floor level which it is understood serves a bedroom and a further opening at ground floor serving the kitchen/living area. The BRE Daylight and Sunlight test have been applied to these openings and the scheme passes the 45 degree plan and elevation test from the first floor windows and 60 degree test applied to the ground floor openings. By reason of such, the proposed development is not considered to result in an unacceptable loss of light to this occupant.
- 6.18 Furthermore, given the gaps between the proposed development and No. 10, proposed hipped roof built form, and depth of the development, the proposal is not considered to appear unduly overbearing or visually intrusive when viewed from the rear windows/garden of this dwelling, nor is it considered to result in an unacceptable loss of privacy. It is noted that a side facing window is proposed, however this serves a landing and a condition would be added on any consent to ensure that this is non opening 1.7 metres above the floor level of the room and obscurely glazed.
- 6.19 With regards to the impact of the proposal on No. 12 Cordwallis Road, it is noted that this dwelling has two windows at ground floor. The rear facing window serves a living space and side facing window, a kitchen. At first floor, there is one window on the rear wall which serves a bedroom. The BRE Daylight/Sunlight tests have been applied to these windows. With regards to the rear facing first floor bedroom and ground floor living area, the scheme passes the 45 degree plan and elevation test and 60 degree test. With regards to the kitchen window on the side of the outrigger facing the proposed development, the 25 degree test has been applied. Whilst the development does encroach this line, it is considered that in this instance, given the gaps between the existing and proposed buildings and this scheme offering an improvement, by reducing the scale of the development along the boundary with this property, that a refusal on loss of light to this window alone could not be justified.
- 6.20 Similarly, although the massing of the development at first floor has increased from the existing site, its is considered that the scale of the development proposed, and that this offers a visual improvement in terms of the massing of built form is such that the scheme will not appear unduly overbearing or visually intrusive to this occupier.
- 6.21 In terms of the visual impact of the proposed development on the occupiers to the north of the site on Australia Avenue, there would be a distance of approximately 16 metres between the ground floor rear wall of the proposed development the flank wall of No. 38 Australia Avenue. The proposal, by reason of the distance and appropriate design of the development, it is not considered to result in a proposal that would be unduly overbearing to this occupant. Furthermore, given the distance, oblique angles of view and common degree of overlooking which occurs between dwellings within this area, the scheme is not considered to overlook this occupant to an unacceptable degree nor to cause a loss of light/overshadowing.
- 6.22 Overall, the impact of the development on residential amenity is considered acceptable.

Quality of the residential accommodation proposed

- 6.23 With regards to the proposed layout and quality of accommodation proposed, no objection is raised to the internal layout of the unit proposed. The layout of the dwelling is considered acceptable and provides adequate outlook and natural light to the rooms. Furthermore, the garden area is considered to be of ample size to serve the dwelling and would be private and accessible from the main house.

Other Material Considerations

Housing Land Supply

- 6.24 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of 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 5 year supply of deliverable housing sites.
- 6.25 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that 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.
- 6.26 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would also weigh in favour of the development.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

9 occupiers were notified directly of the application and a site notice erected at the front of the site which expired on the 17th May 2017.

7 letters were received objecting to the application, summarised as

Comment		Where in the report this is considered
1.	Concerns with car parking provision proposed. This is considered insufficient for the size of development and will result in more on street parking and congestion.	6.11-6.15
2.	Loss of privacy to no. 38 Australia Avenue and surrounding properties.	6.18-6.21
3.	Scheme presents and overdevelopment of the site and cramped living accommodation.	6.23
4.	Loss of light and overshadowing to No. 12 Cordwallis Road.	6.19-6.20
5.	Design not in keeping with neighbouring and surrounding area.	6.6-6.10
6.	McEvoy currently parks their vans on the site, all of these will be displaced onto the road causing congestion.	The vans will not be parking in the road as the business has relocated to Reform Road Industrial Estate (see 4.3)
7	Noise and disturbance during construction.	This is not a planning matter

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	<p>Having reviewed the application again, it is evident that the proposal does in fact present a benefit in parking provision, with the current parking provision on site presenting a shortfall of 1.5 car spaces and 1.5 lorry spaces. Although we are cautious to not set a precedent below current parking standards it is acknowledged that the proposal does in fact present an improvement to current parking provision on site. We are therefore happy for the site to be recommended for approval.</p> <p>No objections to the cycle and refuse provision proposed.</p>	Noted (see section 6.11-6.16)
Environmental Protection	<p>I refer to the above-mentioned full planning application and would recommend that, should planning permission be granted, the following informative be attached to the consent notice.</p> <p>Informative – Contaminated Land The above property is a former warehouse, which has a potential risk to land contamination. In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>IEH12 - Asbestos It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and safety Executive at Priesley House, Priestley Road, Basingstoke, Hants, RG24 9NW on 01256 404000 for further information and advice.</p> <p>Dust Control Informative (Non-Standard) 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</p>	Noted

	<p>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.</p> <p>The applicant is advised to follow guidance with respect to dust control:</p> <p>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</p> <p>Smoke Control Informative (Non-Standard) 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.</p> <p>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.</p> <p>The applicant should be aware the permitted hours of construction working in the Authority are as follows:</p> <table style="width: 100%;"> <tr> <td>Monday-Friday</td> <td style="text-align: right;">08.00-18.00</td> </tr> <tr> <td>Saturday</td> <td style="text-align: right;">08.00-13.00</td> </tr> <tr> <td colspan="2">No working on Sundays or Bank Holidays.</td> </tr> </table>	Monday-Friday	08.00-18.00	Saturday	08.00-13.00	No working on Sundays or Bank Holidays.		
Monday-Friday	08.00-18.00							
Saturday	08.00-13.00							
No working on Sundays or Bank Holidays.								

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout, plan and elevation drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 Prior to the commencement of any works of demolition or construction a management plan

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

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

- 4 The first floor window(s) in the east and west elevations of the development shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 5 The flat roof area of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 6 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 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 covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 9 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 10 The 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

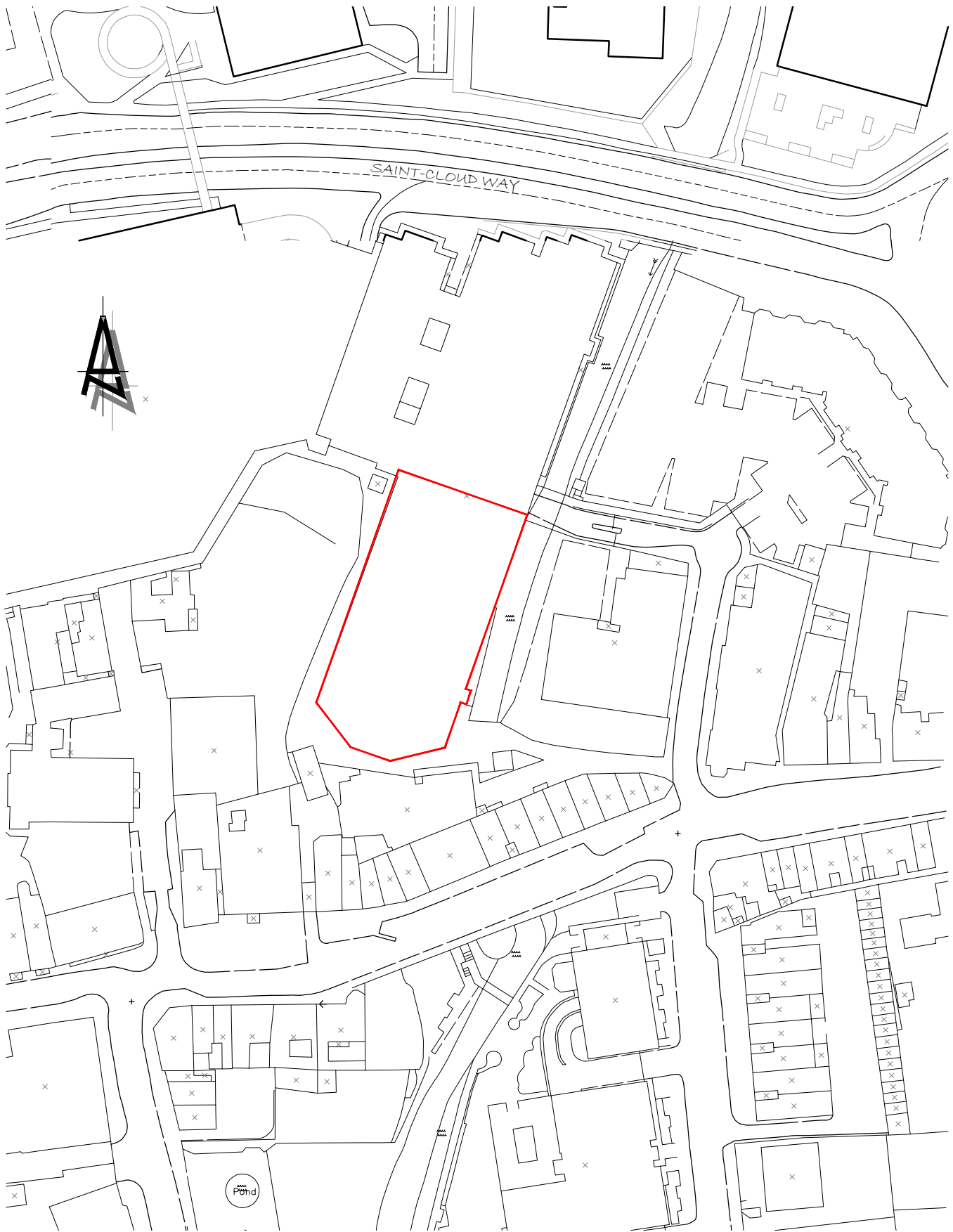
1. The above property is a former warehouse, which has a potential risk to land contamination. In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where

remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

2. It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and Safety Executive at Priestley House, Priestley Road, Basingstoke, Hants, RG24 9NW tel 01256 404000 for further information and advice.
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
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No working on Sundays or Bank Holidays.
4. 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
5. 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.
6. 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.



1:1250 0 20m 40m 60m 80m

SHANLY
HOMES

Drawing Title

Location Plan -

section of multistorey to be demolished

Scale

1:1250

Date

17.03.2017

DWG. NO. 971.PLN.DL01

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

27 September 2017

Item: 2

Application No.:	17/01227/FULL
Location:	Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonnade High Street Maidenhead
Proposal:	Demolition of part of Hines Meadow car park.
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chris.ellera@rbwm.gov.uk

1. SUMMARY

- 1.1 There is an extensive planning permission to this site which establishes the principle for the loss of this part of the car park. The applicants have sought this separate application for the demolition, independent from any planning permission for redevelopment in order to assist in commencing the preparatory works to facilitate in the redevelopment.
- 1.2 Officers have reviewed the application and subject to a resolution and consultation feedback on the highway matters (which will be reported in the Panel update) consider that the proposed works are acceptable in planning terms and comply with the National Planning Policy Framework (2012), The Borough Local Plan (2003) and the Maidenhead Area Action Plan (2011).

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

- The Head of Planning considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 As a whole this area forms the wider site known as 'phase 3' of the Chapel Arches redevelopment currently being undertaken by the applicants. The scheme is immediately adjacent to, but does not include the Chapel Arches Bridge. Phase 1 and 2 are located to the south of the bridge. This site also forms the north eastern part the High Street/ York Stream Opportunity Area as identified in the Maidenhead Town Centre Area Action Plan (2011). Running vertically through the middle of the site are the York Stream and The Green Way.
- 3.2 The 'phase 3' site contains a number of commercial premises including shops, beauticians and takeaways within the building known as The Colonnade which faces out onto High Street and forms part of the designated Conservation Area. These buildings are adjacent to a number of statutory listed buildings including The Bear Hotel (Public House).
- 3.3 This particular application relates to a wing of the Hines Meadow Public Car Park, to the north (rear) of The Colonnade. This wing projects out from the main fabric of the public multi-storey carpark and provides 2 levels of parking (ground and first floor). This building is not within the Conservation Area.
- 3.4 The site is within flood zone 2 and the majority of this part of the multi-storey carpark is within flood zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 This is a new full planning application for the demolition of this wing of Hines Meadow Carpark and to make good on any walls within the existing car park. This is independent of any associated planning application.

4.3 There is extensive planning history to this site, of direct relevance to this application:

Ref.	Description	Decision and Date
12/02762/OUT	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m ² of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm.	Permitted: 21.05.2014
15/03582/REM	Reserved matters (Landscaping) application pursuant to outline planning permission 12/02762 - for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m ² of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm	Permitted: 26.07.2016
15/04219/CONDIT	Details required by condition 9 (remediation scheme for contamination), 12 (green roofs), 13 (biodiversity), 16 (Japanese knotweed), 22 (waste/recycling storage), 28 (external lighting), 36 (acoustic design), 37 (sound insulation), 38 (noise impact), 47 (cycle parking), 48 (highway works), 54 (archaeological work) and 62 (banks to York stream) of planning permission 12/02762 for an outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m ² of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm.	Split decision issued on 10.03.2016. It was determined that insufficient information was submitted to agree the following conditions and these remain outstanding: 9 (contamination) 12 (green roofs) 13 (biodiversity) 22 (waste/recycling storage) 28 (external lighting) 36 (acoustic design), 37 (sound insulation) 38 (noise impact) 48 (highway works)

		62 (banks to York stream)
15/04274/VAR	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m2 of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762 without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed.	Permitted: 31.08.2016
17/00680/REM	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].	Permitted: 07.06.2017
17/01726/FULL	Demolition of the Colonnade and redevelopment of land to the north of Chapel Arches to provide a mixed use scheme comprising 182 apartments, 605qm commercial space, 1030sqm retail and restaurant use (classes A1 and A3), the creation of basement car parking; the erection of a new footbridge over the York Stream and the replacement of the existing vehicular bridge to the existing car park: the creation of new pedestrian links, landscaping and alterations to waterways to create new public	Valid on the 25.05.2017 and currently pending consideration

	realm.	
17/02124/FULL	Demolition of The Colonnade	Valid on the 11.07.2017 and currently pending consideration

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework (NPPF) (2012) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

5.2 This is emphasised in paragraph 14 which states that Local Planning Authorities (LPAs) should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

Royal Borough Local Plan

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

- N6 Trees and development
- CA2 Guidelines on Development affecting Conservation Areas
- LB2 Proposals affecting Listed Buildings or their settings
- NAP4 Pollution of groundwater and surface water
- R14 Rights of Way and Countryside Recreation
- E1 Location of Development
- T5 New Developments and Highway Design
- T8 Pedestrian environment
- P4 Parking within Development
- MTC5 Townscape and redevelopment
- MTC7 Major Development sites
- MTC11 Traffic management and highway improvements
- MTC12 Pedestrianisation
- MTC13 Pedestrian routes
- IMP1 Associated infrastructure, facilities, amenities

Maidenhead Town Centre Area Action Plan (AAP) (2011)

5.4 The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place Making, Economy, People and Movement. The AAP also identifies six sites for specific development.

5.5 Policies of relevance include:

- Policy MTC 1 Streets & Spaces
- Policy MTC 2 Greening
- Policy MTC 3 Waterways
- Policy MTC 4 Quality Design
- Policy MTC 5 Gateways
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA5 High Street/ York Stream Opportunity Area

- Policy IMP2 Infrastructure & Planning Obligations

These policies can be found at

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

Borough Local Plan: Submission Version

- 5.6 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 June to September 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.

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

- 5.7 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

Other Local Strategies or Publications

- 5.8 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment – view at:
 - RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

Positive and Proactive Engagement

- 5.9 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- 5.10 The wider Chapel Arches redevelopment has been subject to extensive discussion between the applicants and the Council (as a whole) and benefits from an extant planning permission.
- 5.11 During the course of the application the Case Officer and the applicants have been in discussions and have accepted additional information to overcome the concerns expressed by the respective consultees.

6 EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- Principle of the demolition and loss of parking

- Impact on the character and appearance of the area and wider setting of the adjacent Heritage Assets
- Highway considerations and Parking Provision
- Environmental Considerations
- Impact on Neighbouring Amenity
- Other considerations

Principle of the demolition of part of the car park

Rational for demolition independent of a full planning application

- 6.2 With reference to the above planning history, the demolition of this car park has, in principle, been agreed as part of the wider redevelopment of this site. This was initially granted under application 12/02762/OUT. It has been established under case law that demolition of existing buildings constitutes as 'commencement' of a planning permission. This application and subsequent reserved matters and S73 applications are subject to a number of pre-commencement conditions many of which relate to construction as opposed to demolition and are still outstanding. This means that the existing 'phase 3' extant planning permissions on this site cannot yet commence.
- 6.3 The applicants wish to undertake the demolition and preparatory works to assist and facilitate in proceeding with works on the 'Chapel Arches' redevelopment (as contractually required by them when the Council gave over the land to them).

Principle for the loss of car parking

- 6.4 The principle of the loss of this wing of Hines Meadow car park has been identified in the AAP (2011) which sets out the principle for the loss of this part of the car park (para 7.82). It is further established through the above planning history of this site. The extant planning permission on this site does not offer any alternative or replacement public car parking provision. It is not considered that there has been any material change in planning policy since this decision which would affect the conclusions previously reached. Nor have conditions on site significantly changed that they would amount to affect the decision previously reached.
- 6.5 Accordingly the principle of the loss of this car park has already been agreed and there is no material change in circumstances which would justify or warrant the revisiting this decision.

Impact on the character and appearance of the area and wider setting of the adjacent Heritage Assets

- 6.6 The application site is well set back from the High Street, with only discreet views offered from the main public road. It is visible from a number of pedestrian walkways and footpaths. However as a whole, this part of the car park is not in an overly prominent position within the Town Centre and is dwarfed by the main scale of the car park and surrounding flatted development to the north.
- 6.7 In purchasing this part of the car park (from the Council) the applicant is also under a contractual obligation to undertake work to complete the redevelopment of this site. Whilst this sits outside of the remit of planning it is worth noting that there is a legal obligation for the applicants to get on and undertake these works to redevelop this and the wider site.
- 6.8 Nonetheless and as this contractual obligation sits outside of the remit of planning, the grant of demolition (not attached to a full planning application) could leave the site open and unoccupied. However as existing the site is a car park and of no visual merit. Given its location, largely enclosed by built form and set back from the streetscene by other buildings, it is not considered that the demolition of the car park would significantly harm the character and appearance of the area nor the streetscene in generally.

- 6.9 The site is adjacent to but not within the Conservation Area and in proximity to a number of listed buildings. The boundaries for the Conservation Area are tightly drawn and terminated to the rear of 'The Colonnade' which is located to the immediate south of this application. However views of this car park from the Conservation Area are limited and in any event the omission of the car park from any limited views will only enhance the setting of the Conservation Area. The Council's Historic Buildings Officer had reviewed the proposal and offered no objection to this application.

Impact on flooding

- 6.10 The site of the proposed demolition lies within flood zone 2 and 3, the latter of which is defined by the National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) as having a 'high probability' of flooding from rivers.
- 6.11 The Environment Agency (EA) has been consulted on this application and has raised objection to this application due to the absence of a Flood Risk Assessment (FRA). They consider that a site-specific FRA must be carried out in such locations in order to assess the flood risk to and from a development site. The EA consider it has not been demonstrated that there will be no increase in flood risk from the demolition works and the construction of the proposed wall and that it has not been demonstrated there will be no increase in flood risk resulting from the infilling of the York Stream.
- 6.12 This application relates to the part demolition of the car park currently all laid to hardstanding. Thus Officers do not consider that the proposal would increase flooding. Any walls proposed are to make good on the existing car park and are needed for clear health and safety reasons. This would not increase flooding. This application is for demolition, it does not relate to the infilling of York stream. For these reasons the proposed development is not considered to impact on flooding.
- 6.13 In any event the applicants have submitted a FRA which confirmed that:

'the demolition will consist of the removal of the hard-standing elements of the car park and a licensed waste remover deployed to remove from site all the demolition debris. The ground levels at the site will then be restored to the existing pre-demolition levels and no dumping of site materials into the watercourse will take place. The structural integrity of the existing banks of the York Stream including the bank levels will be maintained and no infilling of the York Stream will be undertaken.'

- 6.14 Notwithstanding the above conclusions, the EA have been re-consulted on this additional information and Members will be updated on this matter at the Maidenhead Development Panel Meeting. However unless the EA have strong advice to the contrary this is unlikely to affect the officers recommendations that this application will not impact on flooding.

Highway considerations

- 6.15 A Construction Management Statement and Demolition Method statement have been submitted in support of this application. The purpose of the reports are to ensure that the works associated with the development does not impact on the surrounding area and do not rise any issues in terms of highway safety (including pedestrian safety). The Highway Authority has raised a number of matters which they consider have not been adequately addressed in these reports and are required in order for the application to be acceptable.
- 6.16 This additional information has been submitted by the applicants and at the time of writing the report is currently with the Highway Authority for review. The outcome of this further consultation will be reported in the Panel Update.
- 6.17 The loss of parking has been addressed above in the principle considerations

Environmental Considerations

Impact on adjacent trees

- 6.18 In terms of the potential impact on trees, there are off site adjacent chestnut trees. The application is supported by Tree Protection details. The Council's Tree Officers' considers that the Method Statement for the proposed works should incorporate these tree protection details. Officers are satisfied that this can be secured by way of condition to ensure compliance with the tree protection details. This is contained in recommended condition 3.

Sustainable Urban Drainage

- 6.19 The Government has strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications which was introduced from 6 April 2015 (Paragraph 103 of National Planning Policy Framework and Ministerial Statement on SuDS). As per the guidance issued by the Department of Communities and Local Government (DCLG), all 'major' planning applications being determined from 6 April 2015, must consider sustainable drainage systems. Developers are advised to assess the suitability of sustainable drainage systems in accordance with paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance (PPG) for Flood Risk and Coastal Change. Sustainable drainage systems should be designed in line with national Non-Statutory Technical Standards for SuDS.
- 6.20 In accordance with The Floods and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority, is a statutory consultee for all major applications. As set out in the flooding section this proposals is simply for demolition and making good on the land and will not raises any issues in terms of flooding or drainage. This is supported by the consultation response from the Lead Local Flood Authority who raises no objection to this application.

Pollution considerations: including noise and dust

- 6.21 A Method Statement has been submitted which sets out how the demolition will take place and how this will look to prevent and mitigate against pollution including noise and dust. In line with the consultation response from the Environmental Protection Team, this is considered acceptable and conditions to secure compliance with this statement are therefore recommended.

Archaeological matters

- 6.22 Berkshire Archaeology Officer was consulted on this application and has confirmed that as established under the previous applications for the wider sites redevelopment, any archaeological potential outside of the footprint of the car park. Therefore there are no archaeological implications from this current application

Impact on Neighbouring Amenity

- 6.23 Any potential impact on neighbouring amenity relating to this application is in terms of noise and disturbance associated with the demolition process. Such matters are controlled under the environmental pollution acts which are dealt with under Environmental Protection Act(s) and sit outside of the remit of the Local Planning Authority.

Other Considerations

- 6.24 It is considered that the above has considered all relevant matters.
- 6.25 The planning history sets out two other pending applications on this site, notably applications 17/01726/FULL for the redevelopment of the wider site and applications 17/02124/FULL for the demolition of the colonnade. There are a few matters outstanding on these applications which still need to be resolved. This application can and is being considered independently to assist the developers in proceeding with works on site.

- 6.26 With reference to the below consultation a number of consultations have been undertaken which are required for a development of this nature. As this site forms part of the wider Chapel Arches redevelopment site, for consistency all previous consultees and neighbours were notified of this application.
- 6.27 In response, a number of consultees have not responded to this application. It is considered that those that are necessary in order to consider this application have provided a response and have been addressed above.
- 6.28 The Maidenhead Waterways have made a number of comments regarding York Stream and the need for a coordinated approach in its restoration. They have recommended that there should be a condition requiring an agreement by the waterway project team to the final method statement to ensure this is not overlooked. Whilst this recommendation is noted, it is for the LPA to approve any conditions attached to a planning decision issued (in consultation with any other parties as required). Whilst the issue about ensuring a coordinated approach is noted, this sits outside of the remit of planning. Moreover this application is for the demolition of the car park and does not involve York Stream. Accordingly such a condition is neither reasonable nor necessary.

7 CONSULTATIONS CARRIED OUT

Comments from interested parties

- 7.1 Some 276 neighbours and interested parties (from previous applications on this site) were notified directly of the application. A planning officer also posted a notice advertising the application at the site on 03.05.2017 and the application was published in the press on the 4 May 2017.
- 7.2 Further to this no representations have been received from local residents in connection with this application.

Consultees

Consultee	Comment	Where in the report this is considered
Historic Buildings Officers	No objections.	Para 7.9
Tree Officer	This method statement will need to include the protective fencing to be installed and mention in the 'method statement for demolition works' that the works will be carried out in such a way as to avoid contact with and/or damage to the trees.	Para 7.18 and 7.19
Environmental Protection	No objections subject to the demolition being completed inline with the method statement.	Para 7.22
Environment Agency	Raise objections due to the absence of a Flood Risk Assessment and potential impact on flooding from the proposal.	Para 7.10-7.14
Lead Local Flood Authority	No objection regarding the application	Para 7.20 and 7.21
Berkshire Archaeology	The site has no archaeological potential and raises no objections	Para 7.23
Highway Authority	Additional information required to consider this application	Para 7.15 and 7.16
Buckinghamshire County Council Highway	No highway objections to the proposals and in this instance no conditions to include on any planning consent that you may grant.	Acknowledged

Authority		
Maidenhead Waterways	<p>Flow down York Stream is currently diverted into Moor Cut to enable the RBWM contracted waterway works to be undertaken, but we need to return the flow as soon as feasible to the newly completed sections before they deteriorate.</p> <p>A workaround might be needed, whatever approach is adopted it needs to be firmly agreed between the two separate project teams to avoid conflict.</p> <p>We recommend that agreement by the waterway project team to the final method statement becomes a planning condition, to ensure this is not overlooked.</p>	Para 7.29
Highways England	Do not offer any objections to this proposal as development is some distance from the M4 motorway.	Acknowledge. This matter does not require any further clarification
RBWM Ecologist	No comments received	Para 7.28
Natural England	No comments received	Para 7.28
Bracknell, South Bucks, Wokingham, Runnymede, Wycombe and Surrey Heath Borough/ District Council were consulted on this application	No comments received	Para 7.28

8. APPENDICES TO THIS REPORT

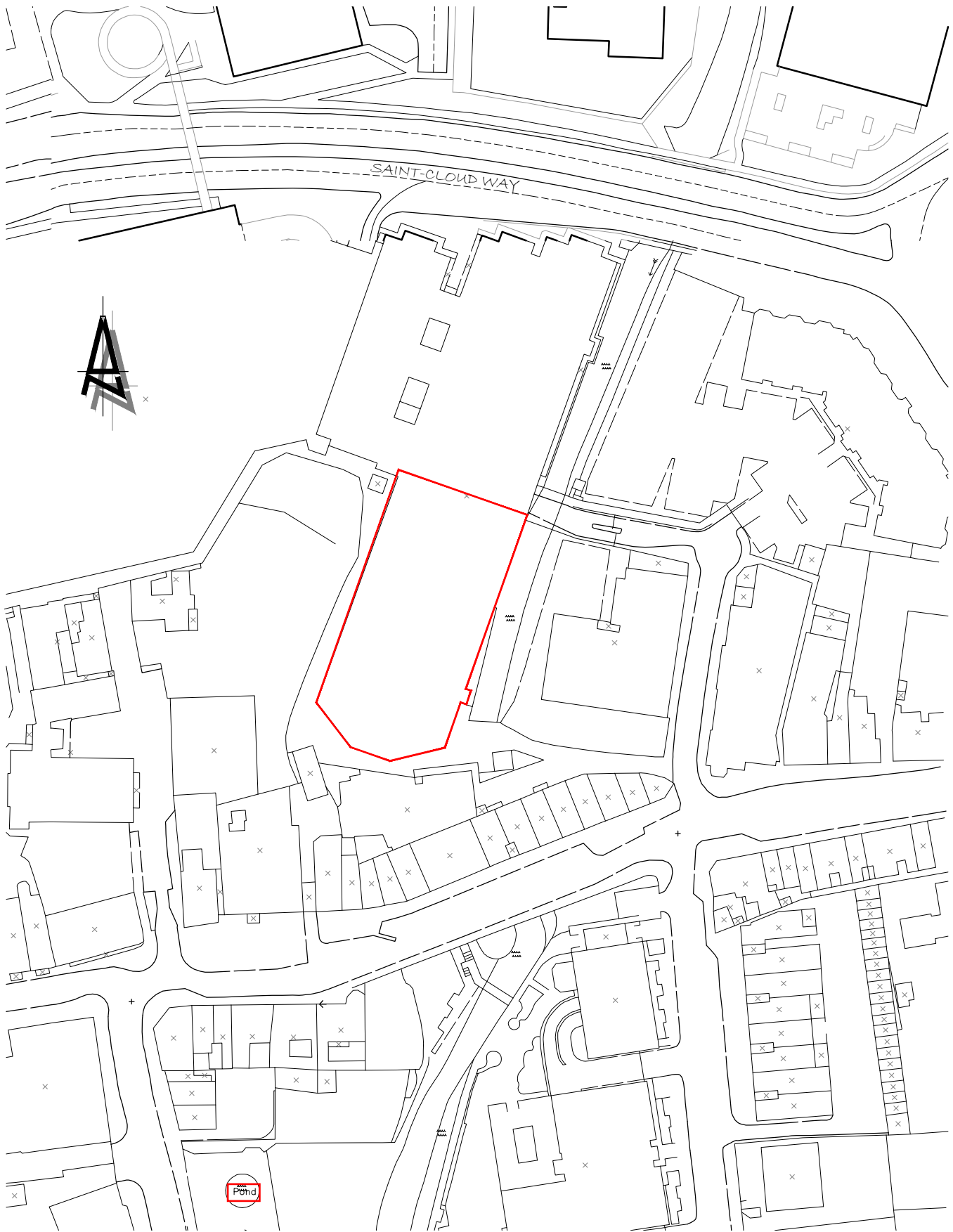
- Appendix A - Site location plan
- Appendix B - Plans and elevation drawings to make good on wall in existing car park

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 in the walls required to 'make good' on the existing car park must be of a similar appearance to those used in the construction of the exterior of the existing car park unless first otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 Notwithstanding the approved Method Statement(s) or any indication given otherwise, works taken on this site should be done in strict accordance with the approved tree protection details as set out in condition 4, or such other details as agreed by the Local Planning Authority. Such tree protection should be in place prior to the demolition takes place and should be in situ for the duration of the works. Reasons: To ensure suitable tree protection for any off site tree as required by policy N6 of the Borough Local Plan (2003)
- 4 Notwithstanding the approved plans or any indication given otherwise, the demolition works should be undertaken in accordance with the details as set out in the following documents,

unless otherwise agreed in writing by the Local Planning Authority: Delivery route plan provided by Greenford Civil Engineering Contractors Amended Tree Protection Plan prepared by ACD Environmental numbered SH21148-03 received by the Local Planning Authority on 07/09/2017 Flood Risk Assessment - Technical Note (job number 7-036) prepared by Odyssey dated July 2017 Site Waste Management Plan prepared by Shanly Homes dated March 2017 Method Statement for Demolition works (and its associated appendices) MK13 prepared by Euro Plan Group and dated 18/02/2016 Construction method statement prepared by Shanly Homes dated March 2017. Demolition of Sainsbury's 2 Storey Car Park order of works prepared by Shanly Homes dated 19.01.16 rev A Reason: To ensure the scheme is carried out in an acceptable manner which will not impact on highway safety, will not affect off site trees and does not raise any issues in terms of flooding, noise, dust or pollution as required by the National Planning Policy Framework (2012) and its associated guidance, The Borough Local Plan (2003) and the Maidenhead Area Action Plan (2011)

- 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below: Location Plan DWG. NO. 971.PLN.DL01 dated 17.03.2017 Proposed wall/ crash barrier: Drawing number 0971.SH.29.110 rev P2 dated October 2016 Proposed wall numbered 971_DWP3 dated 17.01.2017 Revised demolition Plan numbered 971_DF_D101
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



1:1250 0 20m 40m 60m 80m

SHANLY
HOMES

Drawing Title

Location Plan -

section of multistorey to be demolished

Scale

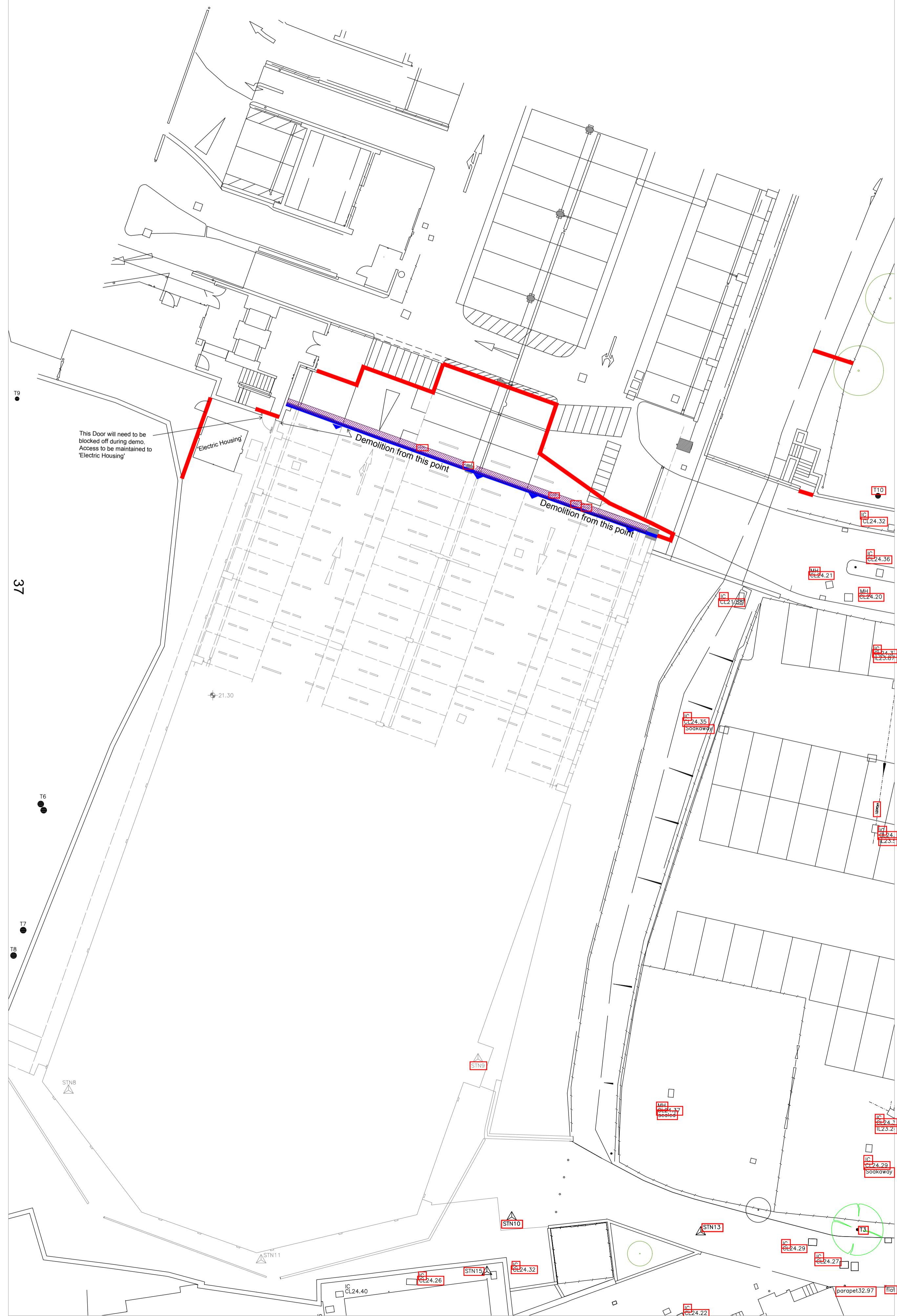
1:1250

Date

17.03.2017

DWG. NO. 971.PLN.DL01

GROUND FLOOR



FIRST FLOOR



- Temporary Hoarding Line
- Demolition Line
- Proposed wall
- Temporary Traffic Route

Consultant

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All dimensions and levels must be checked on site and verified prior to construction

Notes

Rev.	Description	Date

Project
**Proposed Development
 at Chapel Arches
 Maidenhead.
 Phase 3
 Crown Lane**

Drawing Title
**Multistorey demolition
 Plan**

**SHANLY
HOMES**

'Sorbon', Aylesbury End, Beaconsfield,
 Buckinghamshire, HP9 1LW
 Tel: 01494 671331
 Fax: 01494 676417
 DX 34507 Beaconsfield

Drawn By: se	Date: 18.01.2016
Scale: 1:200	A1
Drawing No. 971_DF_D101	Revision

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All dimensions and levels must be checked on site and verified
prior to construction

Notes

Rev.	Description	Date

Project
CHAPEL ARCHES PHASE III
Proposed development at
Crown Lane
Maidenhead
Berks

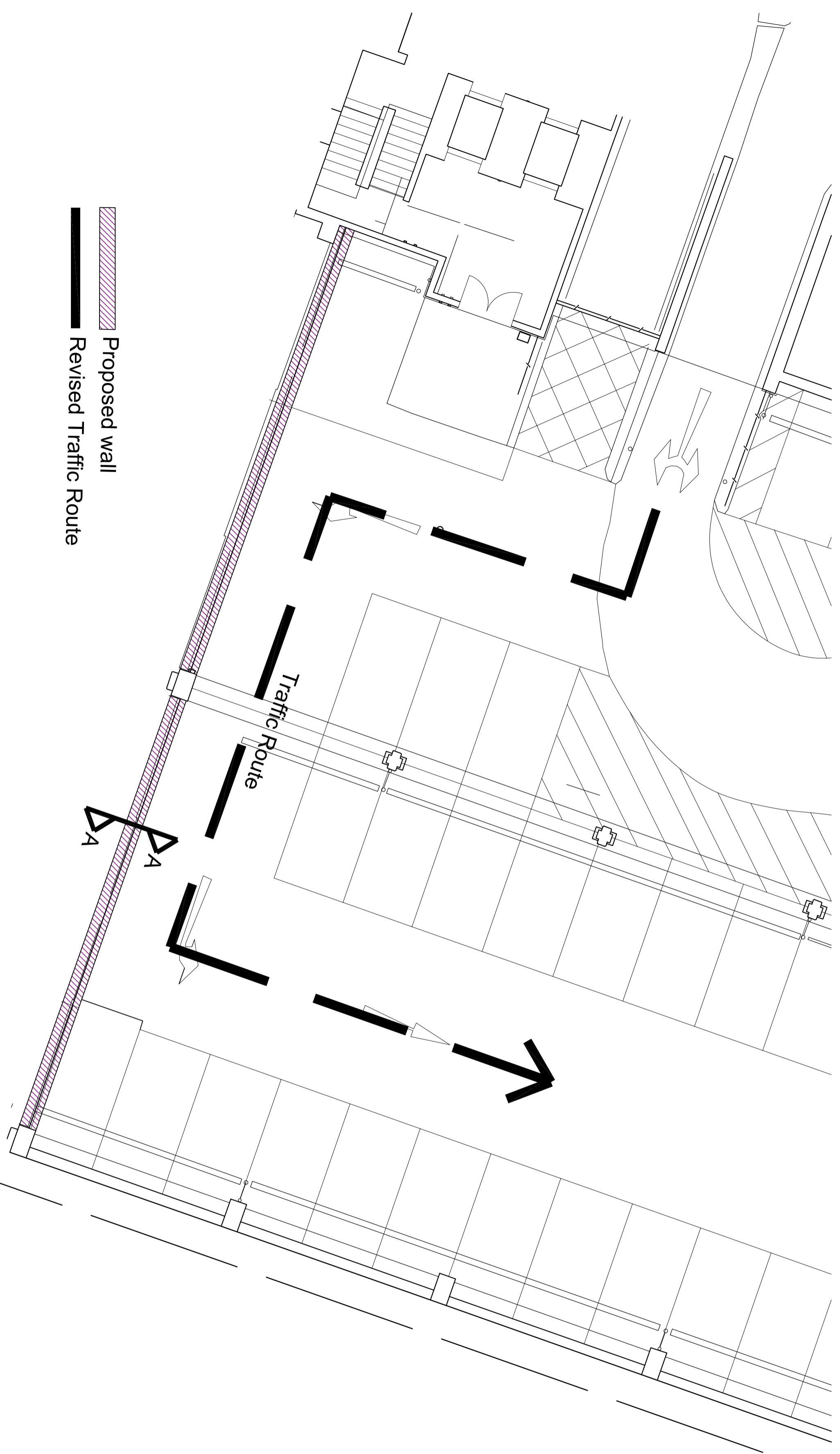
88

Drawing Title
**Development Works plan
Proposed First floor**

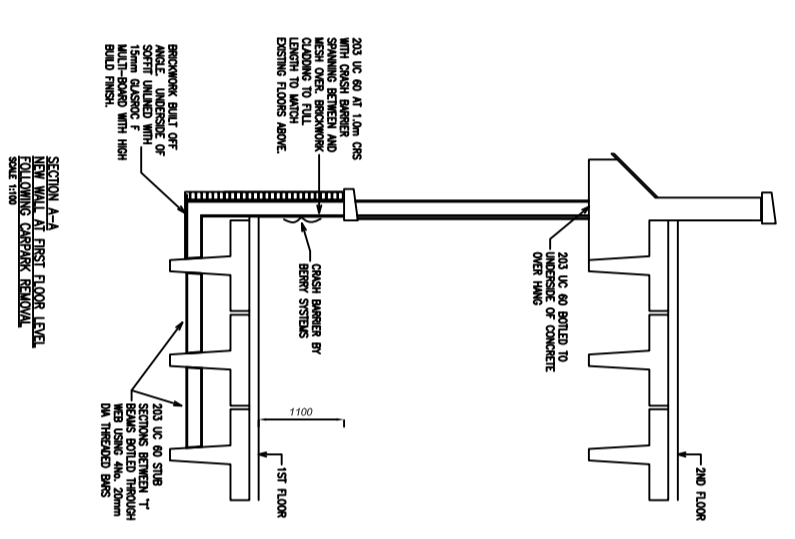
'Sorbon', Aylesbury End, Beaconfield,
Buckinghamshire. HP9 1LW
Tel: 01494 671331
Fax: 01494 676417
DX 34507 Beaconfield

W:\027 Library\Drawings Templates\Drawings\Home\A2.dwg

Drawn By: **SE** Date: **17.01.2017**
Scale: **1:100** A2
Drawing No. **971_DWP3** Revision

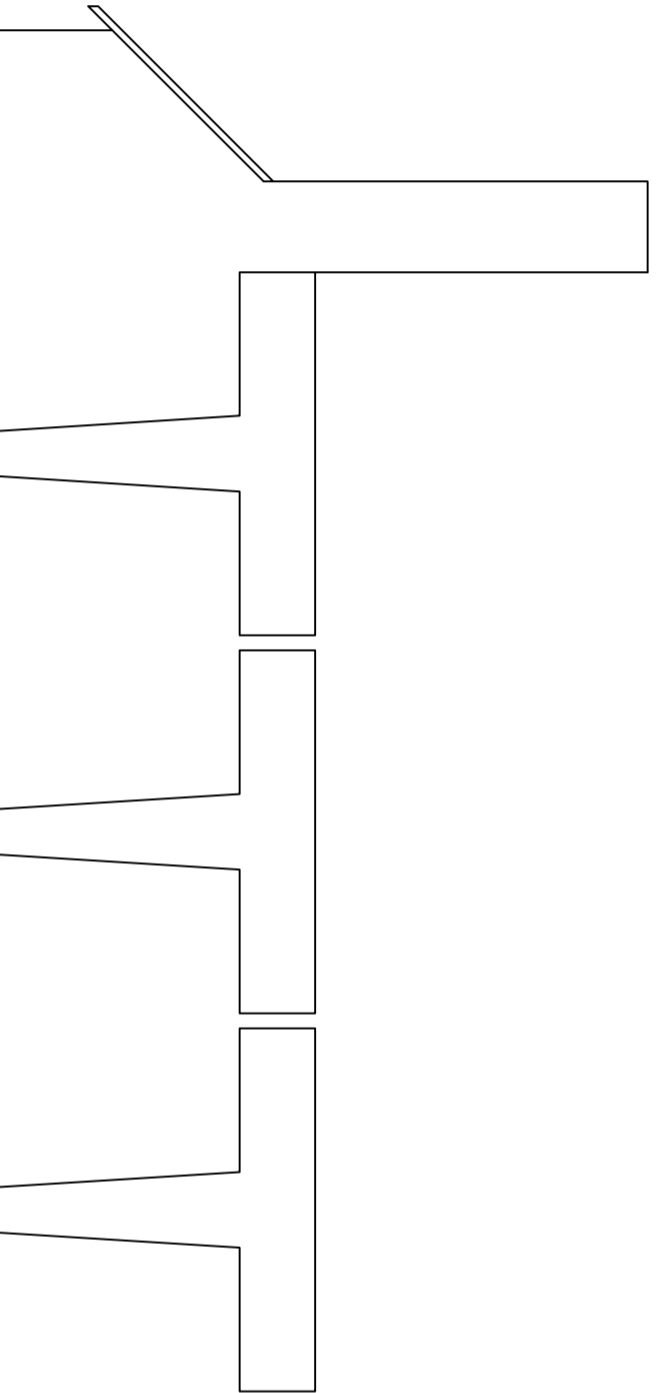


Proposed wall
Revised Traffic Route

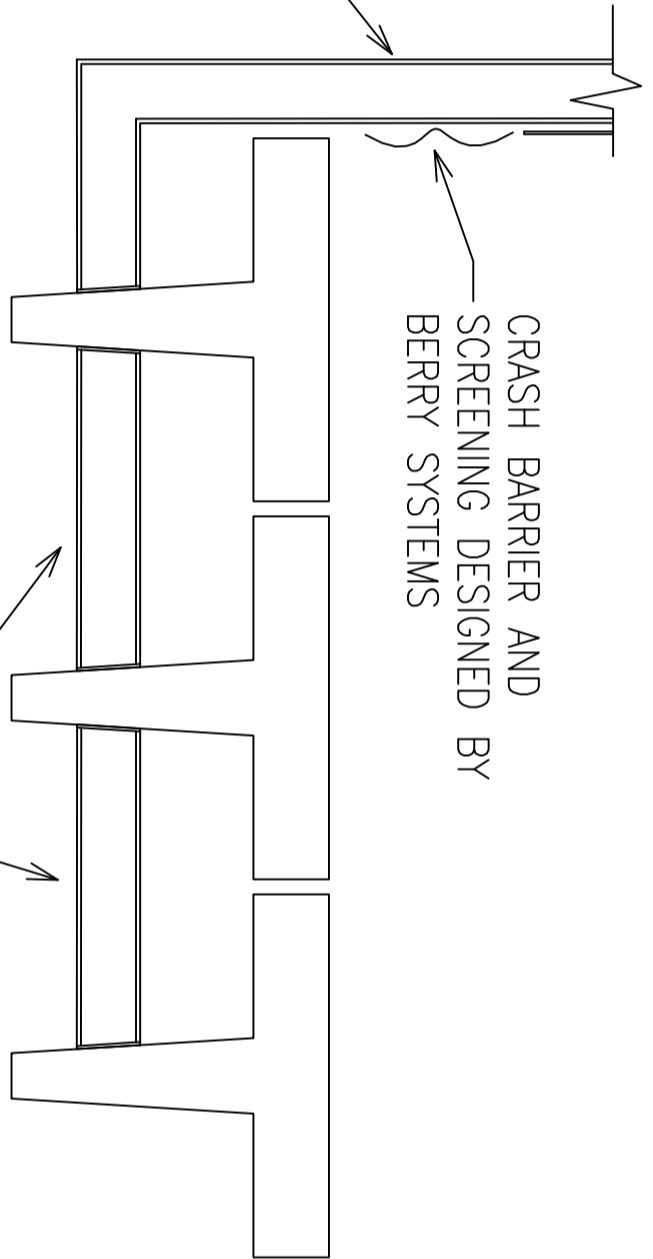


GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE
2. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECT'S, SERVICE ENGINEERS, SPECIALISTS AND OPUS ENGINEERING CONSULTANTS LTD DRAWINGS, BILLS OF QUANTITIES AND SPECIFICATIONS.
3. FOR THE PURPOSES OF CONSTRUCTION THIS DRAWING MUST NOT BE SCALED AND ONLY WRITTEN OR CALCULATED DIMENSIONS USED.
4. THIS DRAWINGS SHALL BE USED IN CONJUNCTION WITH ALL SITE INSTRUCTIONS.
5. REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER BEFORE CONSTRUCTION.



203 UC 60 BOLTED TO UNDERSIDE OF CONCRETE OVER HANG



CRASH BARRIER AND SCREENING DESIGNED BY BERRY SYSTEMS

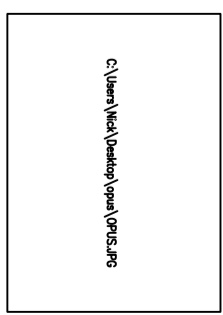
203 UC 60 STUB SECTIONS BETWEEN 'T' BEAMS BOLTED THROUGH WEB USING 4No. 20mm DIA THREADED BARS

203 UC 60 AT 1.0m CRS WITH CRASH BARRIER SPANNING BETWEEN AND MESH OVER. BERRY SYSTEMS TO AGREE SUITABILITY AND ADVISE ON OTHER SYSTEMS

SECTION AT FIRST FLOOR ADJACENT CARPARK REMOVAL
SCALE 1:50

Rev	Description	Dwn	CHK	Date
P2	DETAILS ADDED		NPK	18.01.17
P1	ISSUED FOR INFORMATION		NPK	22.08.16

REVISIONS		DRAWING STATUS	
Preliminary Issue	Submitted for S104	As Built	
Planning Issue	Issued for Tender		
Submitted for S38	Issued for Construction		
Submitted for S278	As Built		



7 St Mary's Close, Abbotskerswell, Devon TA12 5QF
T: 01314734101, e: npk@opusengineeringltd.co.uk



CHAPEL ARCHES PHASE 3
CROWN LANE, MAIDENHEAD

HINES MEADOW CAR PARK
PROPOSED WALL AT FIRST FLOOR
LEVEL

DATE	ISSUED	BY	SCALE
OCTOBER 2016	NPK	NPK	1:200, 1:50 @ A1

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

27 September 2017

Item: 3

Application No.:	17/02159/FULL
Location:	15 Ray Drive Maidenhead SL6 8NG
Proposal:	Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective
Applicant:	Coghlan Lodges Limited
Agent:	Mr Kaleem Janjua
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward

If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk

1. SUMMARY

- 1.1 **The propose change of use of the property from a guest house (C1) to a residential institution (C2) is considered acceptable in principle. The property was previously occupied as a 10 bed guest house and the current proposal is for a 10 bed residential home providing supported living accommodation. No external changes to the building are proposed.**
- 1.2 **A flood risk assessment has been submitted with this application which overcomes the previous reason for refusal and demonstrates that the proposed development would not increase flood risk.**
- 1.3 **Additional information has also been submitted regarding how the facility is run and confirmed staffing levels, based on this further information officers consider that the proposal would not result in a significant increase in noise and disturbance.**
- 1.4 **No objections are raised on highway grounds.**

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Adam Smith in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site is situated within the Developed Area of Maidenhead and on land designated as Flood Zone 2. The site is located on the northern side of Ray Drive. The Conservation Area is situated directly to the north of the site.
- 3.2 In the most recent application for the site, it was established that the last lawful use of the building was as a guesthouse.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the change of use from C1 (guesthouse) to C2 (Residential Institution). The proposal is the same as that refused under planning reference 17/00328/FULL. The two reasons for refusal were as follows:
1. In the absence of the site-specific Flood Risk Assessment the proposal fails to demonstrate that development is appropriately flood resilient and resistant including access to a safe access and escape route and any residual risk can be safely managed, therefore increasing the number of people at risk from flooding. The proposal is therefore contrary to paragraph 103 of the NPPF and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003)
 2. Due to the increase in activity and movement of people and vehicles to and from the site the proposal would result in an increase in noise and disturbance to the detriment of neighbouring amenity, contrary to Core Principle 4 of the National Planning Policy Framework (2012).
- 4.2 The principle of the change of use from C1 to C2 was considered acceptable however insufficient information had been submitted to determine the impact of the proposal on flood risk and on the noise and disturbance to surrounding neighbouring amenity. To support this current application, further information has been submitted which includes a Flood Risk Assessment (FRA) and additional statement regarding the business.

4.3

Ref.	Description	Decision and Date
17/00328/FULL	Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective	Refused. 03.05.17

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:

Within settlement area	Highways and Parking	Flooding
DG1	P4	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

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.

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

Other Local Strategies or Publications

5.4 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:

- i whether the proposed change of use is acceptable in principle;
- ii impact on the risk of flooding;
- iii impact on residential amenity;
- iv other issues.

Whether the proposed change of use is acceptable in principle

6.2 The aim to boost significantly the supply of housing represents a key element of national planning policy as set out in paragraph 47 of the NPPF. Local Plan policy H8 states that the Borough will expect residential development to contribute towards improving the range of housing accommodation in the Borough, including providing for those with special needs.

6.3 Given that the proposal would provide residential use and would contribute to the range of housing, there is no conflict with the above mentioned policies. It would also provide accommodation for those with special needs which is encouraged. There is no objection to the loss of visitor accommodation.

6.4 The principle of the change of use was considered acceptable under planning application 17/00328/FULL and this still stands.

Impact on the risk of flooding

6.5 The site is located in Flood Zone 2. Both the guesthouse and the residential institution are classified in the NPPF as 'more vulnerable' and this classification is considered appropriate development in Flood Zone 2. As the proposal is for a change of use, a sequential test is not required however the proposal should be accompanied by a flood risk assessment (FRA). This

should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that development remains safe throughout its lifetime.

- 6.6 Local Plan policy F1 states that new residential development will not be permitted unless it can be demonstrated that the proposal would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people at risk from flooding. Whilst there would be no increase in ground cover, there will still be a need to determine whether or not the change of use would result in an increased number of people being at risk from flooding.
- 6.7 An FRA has been submitted to support the application. The risk of flooding has been addressed and a list of flood resilient measures is provided. Some of the measures include the relocation of electrical sockets and the sealing of all service entries. These measures are considered acceptable and with these in place it is not considered that an increased number of people would be at risk from flooding. A condition will be included on any permission to ensure that these measures are implemented in accordance with the FRA. A condition will also be included to ensure that the SuDS measure which included rainwater harvesting are implemented. An informative will also be included to advise the applicants to sign up to the Environment Agency's Flood Warnings Direct as suggested in the FRA.
- 6.8 It is considered that the level of detail submitted and the mitigation measures put forward within the FRA are, subject to conditions relating to implementation, sufficient to overcome the concerns raised in the first reason of refusal of application 17/00328/FULL.

Impact on residential amenity

- 6.9 Core Principle 4 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In terms of intensity of use and impact on living conditions of nearby residents, the guesthouse was originally converted with 10 bedrooms. Supporting information provided by Coghlan Lodges Limited has been submitted to provide details on the daily running of the Residential Institution. This document confirms that the property provides for 10 bedrooms with two rooms being used as an office and a staff room. It also confirms that 3 staff members work during the day (9am to 6pm) and two during the night (8pm to 8am) and professional visits during the day are limited to between 10am and 3.30pm. When assessing the impact of the level of activity, it would be reasonable to compare this to the level of activity that occurred by the use as a guesthouse.
- 6.10 Concerns were raised in the previous application, 17/00328 that the proposed use would result in an increase of activity leading to noise and disturbance. However as mentioned in the previous case officer report, inconsistent information was submitted regarding the level of staffing which has now been clarified under this application. Whilst there is still some concern that the level of coming and goings from the site would result in a certain level of noise and disturbance, it is not considered that this is significantly greater or different from that resulting from the previous use of the site as a guesthouse. Therefore a refusal on this basis cannot be justified.
- 6.11 As there is no proposed increase in floorspace, the proposal would not either result in any detrimental impact on the outlook, overlooking or loss of light to the amenity areas of neighbouring dwellings. Concerns have been raised regarding the light pollution from the site as a result of lights being on at the property 24h a day. It is not considered that this level of light would which is related to residential use would have any direct impact on the living conditions of neighbouring dwellings to justify a refusal on this basis. Furthermore, Environment Protection has confirmed they have no objection to the proposed change of use.

Other issues

- 6.12 The proposal site is located 1.7km from Maidenhead Railway Station and 1.4km from Maidenhead Town Centre therefore the site is considered to be in an area of poor accessibility. In this context, the parking standards would be a maximum of 1 space per 3 residents (including allowance for visitors) and 1 space per full time member of staff. Whilst the parking spaces shown on the submitted block plan are not highly practical in terms of one car parking behind another, it

is considered that there is sufficient amount of space to the front/side of the property to accommodate for the required parking spaces.

6.13 Permission has recently been granted retrospectively, reference 17/00888/FULL, for the front boundary wall and a condition under this permission deals with the visibility splays. Based on this, there is no concern in terms of the proposed access to the site. Furthermore, it is not considered that the number of vehicle movements would be at a level to warrant refusal in terms of impact on highway safety or impact on local highway infrastructure.

6.14 No external changes have been proposed as part of this application. In terms of impact on character from the change of use it is considered that residential institution would be more in keeping with the prevailing character of the area, which mainly comprises of single family dwellings, than a guesthouse.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal does not propose any additional floorspace and therefore is not CIL liable in line with the Council's Charging Schedule.

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 on 08.07.17.

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

Comment		Where in the report this is considered
1.	Disruption to neighbours from residents	Not a material planning consideration
2.	Anti-social behaviour from residents	Not a material planning consideration
3.	Application is similar to that recently refused	See 4.2
4.	No detailed flood risk assessment submitted	See Issue 2
5.	Increase in activity from staff, visitors, deliveries etc.	See Issue 3
6.	Unsuitable highway for disabled residents	See 6.12
7.	Light pollution as light is on at property 24h	See 6.11

Other consultees

Consultee	Comment	Where in the report this is considered
Environment Protection	No objection	Noted

9. APPENDICES TO THIS REPORT

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

- Appendix C - Existing and proposed floor plans

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be carried out in accordance with the approved Flood Risk Assessment Document produced by Uk Flood Risk and within 6 months of the date of the decision notice the building shall be modified in accordance with the recommendations included within the FRA.
Reason: To prevent the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.
- 2 Within 6 months of the date of the decision notice a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development in accordance with local plan policy F1.
- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

Appeal Decision Report

22 August 2017 - 14 September 2017

Maidenhead

Appeal Ref.: 17/60060/PRP A **Planning Ref.:** 16/03566/TPO **Plns Ref.:** APP/TPO/T0355/6155

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

Decision Type: Delegated **Officer Recommendation:** Partial Refusal/Partial Approval

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**

Appeal Decision: Dismissed **Decision Date:** 21 August 2017

Main Issue: The Inspector noted that the proposed pruning works would create many wounds that could unnecessarily shorten the life of the tree. The Inspector also stated that the proposed work would have a detrimental effect on the appearance of the beech tree, reducing the contribution it currently makes to the character and appearance of the area. The Inspector concluded that on balance the harm to the tree was not justified in the circumstances of this case.

Appeal Ref.: 17/60068/REF **Planning Ref.:** 16/02300/FULL **Plns Ref.:** APP/T0355/W/17/3174346

Appellant: Ms Caroline McHardy - Berkeley Homes (Western) Ltd c/o **Agent:** Mr Alex Cresswell JPPC Bagley Croft Hinksey Hill Oxford OX1 5BD

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

Description: Erection of 28 x dwellings with associated works

Location: **Open Space Between Terrys Lane And Poundfield Lane Cookham Maidenhead**

Appeal Decision: Withdrawn **Decision Date:** 1 September 2017

Planning Appeals Received

22 August - 14 September 2017

MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the 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: Cookham Parish
Appeal Ref.: 17/60068/REF **Planning Ref.:** 16/02300/FULL **PIns Ref.:** APP/T0355/W/17/3174346
Date Received: 21 August 2017 **Comments Due:** 2 October 2017
Type: Refusal **Appeal Type:** Inquiry
Description: Erection of 28 x dwellings with associated works
Location: **Open Space Between Terrys Lane And Poundfield Lane Cookham Maidenhead**
Appellant: Ms Caroline McHardy - Berkeley Homes (Western) Ltd **c/o Agent:** Mr Alex Cresswell JPPC
Bagley Croft Hinksey Hill Oxford OX1 5BD

Ward:

Parish: Maidenhead Unparished
Appeal Ref.: 17/60084/REF **Planning Ref.:** 17/00876/FULL **PIns Ref.:** APP/T0355/D/17/3177671
Date Received: 31 August 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: The erection of two storey side extensions and part single part two storey rear extensions and installation of front gate to the existing boundary wall opening
Location: **The Chase Tollgate Maidenhead SL6 4LJ**
Appellant: Mr And Mrs R And A Agrawal And Dixit **c/o Agent:** Mrs Fiona Jones Cameron Jones
Planning 3 Elizabeth Gardens Ascot SL5 9BJ

Ward:

Parish: Bray Parish
Appeal Ref.: 17/60086/REF **Planning Ref.:** 17/01386/FULL **PIns Ref.:** APP/T0355/D/17/3179010
Date Received: 5 September 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Two storey rear extension, single storey side extension, front dormer window and replacement porch.
Location: **4 Forest View Cottages Forest Green Road Holyport Maidenhead SL6 2NS**
Appellant: Mr & Mrs Maxwell **c/o Agent:** Mr S Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

Agenda Item 7

By virtue of paragraph(s) 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 8

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Agenda Item 9

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Agenda Item 10

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