

NOTICE OF MEETING

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MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 14TH FEBRUARY, 2018

at

7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

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

SUBSTITUTE MEMBERS

COUNCILLORS CARWYN COX, JUDITH DIMENT, MOHAMMED ILYAS,
MARION MILLS, MJ SAUNDERS, HARI SHARMA AND CHARLES HOLLINGSWORTH

Karen Shepherd
Democratic Services Manager
Issued: Tuesday, 6 February 2018

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

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

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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.

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AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the minutes of the meeting of 17 January 2018.		5 - 6
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		7 - 122
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		123 - 128
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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

17.01.18

PRESENT: Councillors Derek Wilson (Chairman), Clive Bullock, Maureen Hunt, Philip Love, MJ Saunders, Derek Sharp, Adam Smith and Claire Stretton.

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

Also Present: Councillor Geoffrey Hill and Councillor Asghar Majeed

53 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Burbage and Kellaway. Councillor Saunders was substituting at the meeting.

54 DECLARATIONS OF INTEREST

Councillor Hunt declared a personal interest in Item 1 as she owns a property near the development but is attending the meeting with an open mind.

Councillors Love and Wilson declared a personal interest for item 1 as they are both Members of PRoM and MTP. Councillor Love also declared that he attended all the meetings between RBWM and the Joint Venture Partner, Countryside.

Councillor Saunders declared a personal interest in Item 1 as he was a Board Member of the RBWM and the Joint Venture Partner, Countryside.

Councillor Stretton declared a personal interest in Item 1 as she was a member of PRoM.

Non-voting Member

Councillor Hill declared a personal interest in Item 1 as he owns a property near the development but he was a non-voting panel member at the meeting.

55 MINUTES

The Panel **Unanimously Voted** that the Minutes of the last meeting were a true and correct record after amending the Apologies section to include Councillor Derek Sharp.

The Chairman informed the Panel that Item 3, 17/02812/OUT from December Panel had been deferred for one cycle. It had been agreed between the applicant and the local authority that the item would now be on the February Agenda.

56 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.

*Item 1	Erection of 1 No. 8 storey building and 2 No. 7 storey buildings to provide 154 apartments with associated access and servicing, landscaped courtyards and podium level and 176 car parking spaces following
17/03466/FULL	
Desborough Bowling Club	York Road

<p>Maidenhead SL6 1SF</p>	<p>demolition of existing buildings.</p> <p>Councillor Smith put forward a motion to refuse the application, in line with the Officer's recommendation. This was seconded by Councillor Stretton.</p> <p>The Panel VOTED UNANIMOUSLY that the application be REFUSED as per the Officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Kevin Scott, Agent.)</p>
<p>Item 2 17/03635/FULL</p> <p>29 Holmanleaze Maidenhead SL6 8AW</p>	<p>Retention of rear dormer.</p> <p>Councillor Smith put forward a motion to refuse the application, in line with the Officer's recommendation. This was seconded by Councillor Hunt.</p> <p>The Panel VOTED UNANIMOUSLY that the application be REFUSED as per the Officer's recommendation.</p> <p>(Speakers: The Panel was addressed by Neil Davies, Agent.)</p>
<p>Item 3 17/03773/FULL</p> <p>Furze Platt Junior School Oaken Grove Maidenhead SL6 6HQ</p>	<p>Installation of single window.</p> <p>Councillor Saunders put forward a motion to approve the application, in line with the Officer's recommendation. This was seconded by Councillor Love.</p> <p>The Panel VOTED UNANIMOUSLY that the application be APPROVED as per the Officer's recommendation.</p>

57 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

58 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 7.00 pm, ended at 8.14 pm

Chairman.....

Date.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

14th February 2018

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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.	17/02812/OUT	Recommendation	REF	Page No.	9
Location:	Land Including Thames Auto Sales And The Amber Centre And Former Unit 5 Oldfield Road Maidenhead						
Proposal:	Outline application (means of access, appearance, layout and scale only to be determined) for demolition of existing buildings, erection of a three storey building in the southern part of the site, erection of a part two/part three/part four storey building in the northern part of the site to provide 67 residential dwellings and associated parking.						
Applicant:	Shanly Homes Ltd	Member Call-in:	Cllr D Wilson	Expiry Date:	6 December 2017		

Item No.	2	Application No.	17/03288/FULL	Recommendation	PERM	Page No.	29
Location:	South East Water The Keleher Water Treatment Works Monkey Island Lane Bray Maidenhead SL6 2AZ						
Proposal:	Proposed improvement works to water treatment works including new process and filter plant, tanks, kiosks and associated works, replacement landscaped areas, alterations to internal access road within the site and creation of areas of hardstanding for operational purposes. Replacement of existing fence along the western boundary with a security fence 3.5m high. Temporary contractor's compound with temporary offices, welfare facilities, parking area and storage areas on land north of the existing operational site, with temporary gated access off Monkey Island Lane.						
Applicant:	South East Water	Member Call-in:	N/A	Expiry Date:	16 February 2018		

Item No.	3	Application No.	17/03372/FULL	Recommendation	PERM	Page No.	46
Location:	Braywick Park Driving Range Braywick Road Maidenhead						
Proposal:	Erection of new leisure centre; formation of outdoor sports pitches; vehicle parking; and associated works including retention of adventure golf course and hire shop/office building						

Applicant:	Royal Borough Of Windsor And Maidenhead	Member Call-in:	N/A	Expiry Date:	31 January 2018
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Item No.	4	Application No.	17/03949/FULL	Recommendation	PERM	Page No.	92
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Location: Great Oaks Forest Green Road Holyport Maidenhead SL6 3LQ

Proposal: Change of use of land for sports use in association with Holyport College and continuing use of the existing land as Polo/Equestrian

Applicant:	Great Oaks Services Ltd	Member Call-in:	Cllr Walters	Expiry Date:	23 February 2018
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Item No.	5	Application No.	17/04000/FULL	Recommendation	PERM	Page No.	100
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Location: Walnut Tree Cottage Cookham Dean Common Cookham Maidenhead SL6 9NZ

Proposal: Two storey side extension

Applicant:	Mr & Mrs Saunders	Member Call-in:	N/A	Expiry Date:	6 March 2018
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Item No.	6	Application No.	17/04031/FULL	Recommendation	REF	Page No.	110
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Location: Delmere Moneyrow Green Holyport Maidenhead SL6 2NA

Proposal: Replacement dwelling

Applicant:	Mr And Mrs Dmoch	Member Call-in:	Cllr Coppinger	Expiry Date:	21 February 2018
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Appeal Decision Report	Page No. 127
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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 1

Application No.:	17/02812/OUT
Location:	Land Including Thames Auto Sales And The Amber Centre And Former Unit 5 Oldfield Road Maidenhead
Proposal:	Outline application (means of access, appearance, layout and scale only to be determined) for demolition of existing buildings, erection of a three storey building in the southern part of the site, erection of a part two/part three/part four storey building in the northern part of the site to provide 67 residential dwellings and associated parking.
Applicant:	Shanly Homes Ltd
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Laura Ashton on 01628 682977 or at laura.ashton@rbwm.gov.uk	

1. SUMMARY

- 1.1 Part of the proposed development would result in the loss of designated employment land. Whilst this is only relevant to part of the site in the absence of any evidence to demonstrate that there is no reasonable prospect of the site's continued employment use, the development proposals are unacceptable. The proposed development would also have a negative impact upon the character and appearance of the area due to its height and lack of space for any meaningful landscaping. The development fails to make appropriate provision for refuse collection within the development scheme and fails to demonstrate that the development will not pose a threat to trees that are of importance to the character of the area. The development proposals have also failed the sequential test which seeks to direct development towards areas at a lower risk of flooding.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposal results in the loss of employment land in the absence of evidence to demonstrate that the site has no reasonable prospect of remaining in an employment use.
2.	The proposed development will be harmful to the character and appearance of the area due to its height and bulk relative to surrounding buildings and a lack of space for any meaning full landscaping
3.	The proposed development's proximity to trees on the railway embankment will lead to the trees overshadowing living and amenity spaces to the detriment of the amenity of future occupiers and the sustainability of the trees due to pressures to prune or fell them.
4.	The submitted Sequential Assessment fails to demonstrate that the proposal cannot be located on an alternative site that is reasonably available with a lower probability of flooding.
5.	The scheme fails to make appropriate provision for refuse servicing on the development site and subsequently poses a threat to highway safety and convenience.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson – “Panel to consider the application as part of an overall housing scheme. The use of voids similar to other schemes permitted in Fathingales, Oldacres and the Chiltern Road Estate, as the proposal is contained within the functional floodplain.”

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of three elements: Thames Auto Sales (a single storey car sales unit and associated forecourt), the Amber Centre (a two storey commercial building divided into two units), and a piece of previously developed land that has been cleared (former commercial site).
- 3.2 The whole site is located to the east of Maidenhead town centre, and fronts both Oldfield Road which forms part of the circulatory route around the town centre and the suburban residential street of Oldacres to the north. To the north Oldfield road leads to the A4, while to the south it goes underneath the railway bridge and connects with roads leading to the M4 and Windsor.
- 3.3 The site is within identified employment land and its surrounding character is mixed; comprising low level commercial and residential land uses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning application seeks outline consent for the demolition of the existing buildings on site and the erection of a three storey building on the southern part of the site and the erection of a part two, three and four storey building on the northern part of the site to provide 67 flats. The application requests that matters relating to means of access, appearance, layout and scale be considered as part of the current application. Issues surrounding landscaping will be dealt with under reserved matters in the event that outline permission is granted.
- 4.2 The table below provides a summary of the site's planning history:

Application	Description	Status
03/40374/FULL	Erection of a two storey storage and distribution warehouse with ancillary parking	Approved
04/00114/COU	Use of building for single occupier B1(office) purposes	Approved
04/41736/FULL	Erection of a two storey storage and distribution warehouse	Approved
04/00461/OUT	Erection of a two storey storage and distribution warehouse with ancillary parking (revision to approved 03/40374)	Refused (Appeal Allowed)
08/02161/FULL	Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping	Refused (Appeal Allowed)
12/01892/FULL	Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping. Renewal of planning permission 08/02161 (allowed on appeal)	Refused (Appeal Allowed)
13/00569/OUT	9 Dwellings and associated works	Refused (Appeal Allowed)
14/02892/REM	Reserved Matters associated with 13/00569/OUT for 9 dwellings	Approved
15/01215/VAR	Vary Condition 1 of 13/00569	Approved
15/01388/FULL	Change of use of premises to use as a tyre retailing and fitting centre (sui generis use)	
15/02846/VAR	Vary Condition 17 of 15/01215/VAR	Refused
15/02851/VAR	Vary Condition 1 of 15/01226/VAR	Approved

15/02111/OUT	9 Flats and associated works	Withdrawn
15/03979/CONDIT	Discharge of conditions required by 12/01892	
16/02209/OUT	9 flats and associated works	Refused
16/01519/CONDIT	Details required by condition 2 (material samples) 4 (flood evacuation plan) 9 (sustainability measures) 10 (hard surface for driveways and road) 12 (construction management plan) 13 (tree protection) 14 (scheme of remediation) 15 (environmental noise assessment) of planning permission 15/01215/VAR as approved under 13/00569 for outline planning application (with appearance, landscaping, layout and scale reserved) for the erection of 9 residential dwellings, with associated car parking and landscaping	Discharged

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	Trees	Employment	Flooding
DG1, H10, H11	P4, T5	N6	E2 & E5	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
Housing Mix & Type	HO1
Affordable Housing	HO3
Design in keeping with character and appearance of area	SP2, SP3
Employment Sites	ED2
Manages flood risk and waterways	NR1
Trees, Woodland & Hedgerows	NR2
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 ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. 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
- Affordable Housing Planning Guidance December 2016

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 Townscape Assessment – view at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/20
- RBWM Parking Strategy – view at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/13

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on the Character of the Area
- iii Amenities of Neighbouring Occupiers
- iv Amenities of Future Occupiers
- v Highways & Parking
- vi Flood Risk
- vii Surface Water Drainage
- viii Trees & Landscape
- ix Ecology
- x Affordable Housing
- xi Environmental Health
- xii Archaeology

Principle of Development

- 6.2 The site is located within a defined Employment Area as shown on the adopted proposals map. In this location, in accordance with Saved Local Plan Policy E5, the council will not permit development, redevelopment or change of use for any other purpose other than business, industrial or warehousing use. This however should be weighed against paragraph 22 of the NPPF which states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose...Where there is no reasonable prospect of a site being used for employment use, applications should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

- 6.3 It is therefore necessary to assess whether there is any *reasonable prospect* of the site being used for an employment use having regard to the relative need to increase the supply of homes as advocated by the NPPF. The applicant has not submitted any evidence of the site being marketed recently for employment use and is relying heavily on the lack of five year housing land supply to justify the loss of employment land. This is contrary to the approach advocated by the NPPF.
- 6.4 Whilst the applicant highlights that planning permission was granted for the residential use of part of the site in 2013 (13/00569), this application was accompanied by information that demonstrated an unsuccessful four year marketing campaign relating to the commercial use of the site. There does not appear to be any recent attempt to market the site for commercial use and this is regrettable considering the potential difference in the market now compared to 2009 which most noticeably coincided with the recession. In any event the 2013 extant consent only applies to the northern section of the site and does not include land associated with the Amber Centre.
- 6.5 The applicant seeks to argue that the site is not a significant generator of employment. A site that has been mostly cleared of buildings is obviously not going to be a significant generator of employment. There is no reason in the future why the site could not be developed for a more employment intensive use. If the site is redeveloped for housing there is no prospect of it returning to an employment use. It is important to note that the purpose of policy E5 to protect employment land and to keep it available for business, industrial and warehousing uses. Employment buildings inevitably become obsolete over time but there is no reason why an obsolete building cannot be redeveloped to provide a modern building that meets the requirements of potential business premises occupiers.
- 6.6 The applicant wishes to highlight the fact that not all of the site is in “business” use. Here they are referring to the fact that the southern corner of the site is occupied by a car sales use which is a Sui Generis use. It is not unusual to find car sales premises in employment areas particularly at edge of centre locations. Whilst it is not a protected use per se, there is no reason why it would be undesirable for this land to remain as a car sales premises or to be redeveloped for a B Class Use in the future. It is also important to note that the car sales will be an employer of people and will contain an element, albeit small, of B1 and storage use.
- 6.7 The applicant also suggests that the site should be re-developed for housing because the employment allocation is not carried forward in the Borough Local Plan. As previously stated, the policies within the Borough Local Plan are currently held in limited weight. In the event that an examining Inspector were to find that the Borough Local Plan is not providing enough employment floorspace/land then this site would be a logical contender to be re-allocated for an employment use. Notably the Council’s latest evidence highlights a particular need for B1 uses.
- 6.8 In summary, due to a lack of evidence being provided to demonstrate that there is no reasonable prospect of the continued employment use of the site, the proposed development is considered to be unacceptable in principle and planning permission should be refused on this basis.

Impact on the Character of the Area

- 6.9 Whilst there is no objection to the scale and appearance of Block B, there is concern relating to the scale of Block A and its relationship with the traditional, suburban-style two storey dwelling houses on Oldacres. The buildings in the site's surroundings are predominantly two storeys in height. The site is very much a transitional zone between the commercial area to the west and the suburban residential area to the east. Being on the east side of Oldfield Road, the site bears a closer physical relationship with the residential area which is suburban in character and scale. The proposed elevation that fronts Oldacres will be, for the most part, two storeys higher than the dwelling houses opposite. This is considered to result in an uncomfortable visual relationship which will be harmful to the character and appearance of the area. Whilst the height of parts of this frontage have been reduced since the earlier planning application was withdrawn, it still exceeds the height of the scheme that was approved by the appeal inspector (12/01892/FULL). With the exception of a small section of this elevation in the north east corner of the site which was 1.2 metres less in height than the current proposal, 44.75 metres of the elevation will be taller than the appeal scheme. Subsequently the main bulk of this elevation would be between 3.4 and 6 m taller than the appeal scheme. The 6 m difference in height can be explained by the crenelated form of the Oldacres elevation of the appeal scheme. This served to allow sections of the building to be of reduced height which successfully broke up the bulk and massing of the earlier scheme. The building as currently proposed is taller and lacks the measures that broke up the massing of the appeal scheme's elevation (see Street Sections).
- 6.10 The proposed layout also leaves limited opportunity for landscaping on the street frontage which is particularly regrettable given the sylvan character of Oldacres. Whilst it is acknowledged that the set back of Block B is comparable with that of the appeal scheme and a larger area is retained in the north east corner for planting, the scheme currently being considered includes a much larger building and subsequently it would be clearly preferable to have more opportunities for planting to soften the appearance of the substantial built form. Oldacres is sylvan in nature and as previously identified the application site has a stronger physical relationship with the area and so it would only be appropriate for the sylvan nature of Oldacres to be reflected in the any scheme on the application site. Opportunities to enhance the character of the area have clearly been missed. On this basis it is recommended that planning permission is refused due to the scheme's negative impact on the character and appearance of the area. The development proposals are considered to be contrary to Saved Local Plan policies DG1, H10 & H11 and paragraph 64 and Core Principle 4 of the NPPF.

Amenity of Neighbouring Occupiers

- 6.11 The separation between Blocks A and B and the adjacent neighbouring properties is considered to be reasonable and the fenestration has been laid out so as not to lead to any harmful loss of privacy that would warrant the refusal of this planning application. The proposed arrangement is considered to be acceptable when assessing its impact on the amenities of neighbouring occupiers when considering the potential for loss of light, privacy or overbearing impacts. The earlier objection to this scheme was based on an inaccurate measurement and so the previous objection to the scheme on amenity grounds has been withdrawn.

Amenity of Future Occupiers

- 6.12 All of the flats, whilst small, are of a reasonable size and a number of the flats have access to private amenity space and the site is in close proximity to areas with opportunities for outdoor recreation. Other than the issues with the proximity of boundary trees discussed later, the flats are considered to provide a reasonable standard of amenity to future occupiers. There is subsequently no objection to the proposals on this basis.

Highways & Car Parking

Access Arrangement

- 6.13 Drawing number 1294.PLN.301 shows that there is to be one point of vehicular access to the site and this will be in the form of a two-way priority junction with Oldfield Road, broadly in the same location as one of the two existing (centrally located) access points currently serving the Amber Centre.
- 6.14 Paragraph 3.7 of the TA, states that pedestrian and cycle access to the site would be facilitated in the same location as the singular point of vehicle access to Oldfield Road. Two further points of access for pedestrians are also proposed.
- 6.15 According to the TA, an Automated Traffic Counter (collecting survey data for vehicle flows and speeds) was in place on Oldfield Road adjacent to the site over a 7-day period Friday 02 September to Thursday 08 September 2016. The data is sufficiently robust to determine the extent of visibility splays appropriate to serve the proposed development.
- 6.16 The proposed access arrangements and visibility splays are deemed acceptable in highway terms. The Highways Officer has recommended that the existing three redundant points of vehicular access to Oldfield Road are stopped up and reinstated to an adopted footway, as part of the development proposal. An opportunity should also be taken to widen the existing footway across the whole of the planning application site frontage (eastern side) of Oldfield Road to at least 2.0m to enhance pedestrian movement including wheel chair use. These works could be secured by way of a separate agreement made with the council under S278 of the Highways Act 1980.

Parking Provision/requirement

- 6.17 This section of Oldfield Road is predominately subject to double yellow lines on both sides with the exception of a short area opposite Thames Auto Sales which has a 1 hour no return within 1 hour (Mon-Sat; 8am to 6pm) for 4 vehicles. Old Acres has a residents parking scheme. None of the future residents of the new flats would qualify for residents parking permits.
- 6.18 The site is located approximately 1.3km from Maidenhead train station and is therefore outside the 800m distance to fall within an area of good accessibility. The Transport assessment correctly states that the proposed total on-site vehicle parking provision of 95 spaces (for the 49 x 2-bed and 18 x 1-bed units) does not meet the maximum standard for areas of poor accessibility as defined in the Council's Parking Strategy dated May 2004.
- 6.19 It is worth noting with regards to the use of maximum parking standards, that in a Planning Update to the House of Commons on 25th March 2015, the then secretary of state at the Department for Communities The RT. Hon. Sir Eric Pickles MP; said that the government was keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets. He went on to say that the government abolished maximum parking standards in 2011 under the National Planning Policy Framework (NPPF) with parking standards being covered in paragraph 39 of the NPPF. The Council are in the process of revising the local parking standards for residential and non-residential development in light of current national advice.
- 6.20 If the council's current full parking standard for this level of development (in Areas of Poor Accessibility) is to be used then a total of 116 on-site parking spaces would be required. In light of some similar developments which have been on the periphery of "Areas of Good Accessibility (such as this site) a ratio of 1.5 spaces for a 2 bedroom apartment has been deemed acceptable by the Council. Therefore the Highways Officer will accept that 1 car parking space is provided for a 1 bedroom unit and 1.5 spaces are provided for a 2 bedroom unit. This would equate to a requirement of 92 car parking spaces. As mentioned above 95 car parking spaces are provided therefore the proposals are acceptable in this sense.

- 6.21 The Highways Officer recommends that all 95 car parking spaces are retained for communal use in association with the proposed development and not be allocated such as sold or let separately to any of the 67 individual flats.

Traffic Generation / Road Safety

- 6.22 The TA has undertaken a qualitative highway safety assessment for the surrounding highway network in respect of the latest three year period between 1st of June 2013 to 31st May 2016.
- 6.23 There is no reason to disagree with the conclusion as set in paragraph 2.32 & 2.33 of the TA, in that the local highway network has a good Personal Injury Collision record and the proposed development will not give rise to any unacceptable road safety issues within the area studied.
- 6.24 Section 5 of the TA assesses the number of vehicle movements that is likely to be generated by the proposed development and comparing this with likely vehicle trips emanating from the existing/permitted uses on site, all using survey information contained in the TRICS database.
- 6.25 The TA using this TRICS survey data predicts the total existing trip generation to be 160 vehicle movements per day and estimates the proposed development would result in 183 daily vehicle movements (a slight increase in vehicle movements at 23 per day). This equates to a daily trip ratio of 2.725 vehicle movements per dwelling. It is considered that the increased traffic likely to be generated as a result of this level and scale of residential development can be accommodated on the adjoining highway network.

Cycle Provision

- 6.26 60 cycle spaces have been provided on the ground floor of Block A within 3 separate stores. From looking at drawing number 1294.PLN.306 (Rev d) the cycle store, spacing and manoeuvrability appears to be very constrained. More detailed plans and information will be required showing which type of facility will be used to park bicycles. This information can be secured by way of condition

Refuse Provision

- 6.27 The Highways Officer originally raised an objection to the proposed refuse arrangement due to the distance that residents would need to carry their waste and requested a swept path analysis to demonstrate that a refuse lorry could safely manoeuvre within the site. The applicant has produced an updated site plan showing 4 refuse stores of which 2 are proposed to be serviced from Oldacres and the other 2 are proposed to be serviced from Oldfield Road.
- 6.28 Although this can be accepted along Oldacres which is a quiet residential cul de sac, servicing two refuse stores which will accommodate a high number of refuse bins from Oldfield Road will have a detrimental effect on the free flow of traffic and to highway safety. There is also the problem that there are currently no dropped kerbs close to the 4 refuse stores. The Project Centre would require that an area is provided within the site (accompanied with a swept path analysis) to enable the two refuse stores (near to Oldfield Road) to be serviced on site rather than along Oldfield Road.
- 6.29 The Highways Officer therefore objects to the planning application on the basis that the refuse arrangement would pose a threat to highway safety and convenience.

Flood Risk

- 6.30 The site falls within Flood Zone 3a and as such the applicant has submitted a Sequential Test and an Exception Test. The applicant will also need to demonstrate compliance with the requirements of Saved Local Plan policy F1 as well as paragraph 103 of the NPPF.

Sequential Test

- 6.31 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst the NPPG suggests that a pragmatic approach should be taken to the availability of alternatives, the applicant has failed to consider an adequate catchment area for alternative sites and has also discounted a number of sites for reasons that Officers consider to be unjustified. The evidence provided is not considered robust enough to conclude that the proposed development could not reasonably come forward on an alternative site in an area of lesser flood risk. Given the failure to pass the Sequential Test, legal advice provided to the Council suggests that it is not necessary to proceed to consider the Exceptions Test. The development proposals are subsequently contrary to paragraph 100-102 of the NPPF. Planning permission should be refused on this basis.

Surface Water Drainage

- 6.32 The LLFA are satisfied that the proposals and the mitigation measures are in line with NPPF/Non-statutory technical standards for SuDS, Ciria SuDS Manual C753. The applicant has provided microdrainage calculations that have been updated to reflect previous concern regarding the infiltration rate used. The LLFA have confirmed that they are satisfied with the additional information and subsequently raise no objection to this planning application.

Trees & Landscape

- 6.33 Issues surrounding Landscaping would be considered under a future reserved matters application if this application were to be approved. The Tree Officer has, however, considered the development's impact on trees in detail. The Tree Officer objected to the development proposal on the basis that it poses a threat to the sustainability of trees T1-T11. Given however that the positioning of the proposed building is very similar to that of the extant office scheme that was approved at appeal and the trees are equally threatened, unfortunately it would be unreasonable to object on this basis.
- 6.34 Other trees are however impacted by the development proposals. The Ash and Sycamore trees (G1) growing on the railway embankment are a mixture of self-sown saplings through to semi mature trees. Considering their elevated position they are, as a collective group, a key amenity feature within the local landscape. Taking into account the position of the south elevation of the apartments to the northern canopies of these trees (0.75m at the closet point) and future growth potential of these trees (mature height of ash 25-30m with a crown spread of 20m) there will be a future conflict with the building, resulting in post development pressure for either their removal or significant detrimental pruning. Network Rail has carried out vegetation clearance to provide a 6m buffer from the new Crossrail overhead power cables. No evidence has been presented to confirm the remaining trees growing within the embankment will be removed.
- 6.35 A detailed shade assessment, taking into current and future crown height/spread, and elevated position of trees growing within the embankment has not been submitted to support the application. Even in the absence of such an assessment, it is clear from BS5837:21012 section 5.2.2 note 1, the south and west elevation of plot 'B' (kitchen/dining room – for mid plots kitchen/dining room/bedroom) will be heavily shaded during the day as the sun rises in the east and sets in the west passing through a southern azimuth. There is also no provision for new trees to form any meaningful landscape planting to soften the impact of plots A and B.
- 6.36 Due to the concerns raised above the Tree Officer objects to this planning application as failing to comply with Saved Local Plan policies N6 and DG1 and paragraph 118 and Core Principle 4 of the NPPF. It is acknowledged that ACD has provided a rebuttal to the Tree Officer's comments yet the Tree Officer continues to disagree with their assertions and maintains the objection

Ecology

- 6.37 A phase 1 habitat survey has been submitted in support of this planning application from which the following observations have arisen.

Designated Sites

- 6.38 Bray Meadows Site of Special Scientific Interest (SSSI) lies within 1km of the proposed development site and several other SSSI's are located within 2km. Sites of Special Scientific Interest (SSSI's) are statutory designated sites protected under the Wildlife and Countryside Act 1981, as amended. The planning authority must consider whether a planning application will affect an SSSI or its features of interest, with section 28G stating that "*Public bodies must take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of SSSI's*". The Council's Ecologist requested that Natural England be consulted in respect of this planning application. Natural England have responded and raise no comments in response to the consultation request.

Bats

- 6.39 The buildings on site were assessed for their potential to support roosting bats. None of the buildings had potential to support roosting bats due to the unsuitable construction and/or supporting no suitable features. No further survey on the buildings is deemed necessary.
- 6.40 There are mature trees along the railway embankment to the south of the site, which are likely to provide features suitable to support roosting bats and provide suitable habitat for foraging and commuting bats. It is understood that this area is to be retained and protected during development and therefore no further survey is necessary.
- 6.41 The proposed development is likely to increase the levels of light at the site which, without appropriate mitigation, could have a negative impact on the local distribution/ abundance of bats that use adjacent habitats. The applicant's ecologist has recommended that a sensitive lighting strategy for the site is designed in order to limit the light spill onto the adjacent tree belt. This should include minimising the effects of lighting by avoiding lighting sensitive areas, use of narrow spectrum lights, using light sources which emit minimal UV, avoiding blue and white wavelengths, use of luminaires or other directional light accessories and timing of light use. A sensitive lighting strategy should be prepared and provided to the local planning authority for approval. If the application were to be approved this could be secured by an appropriately worded condition.

Reptiles and small mammals

- 6.42 The northern part of the site was recorded as having very low potential to support reptiles and small mammals such as hedgehogs. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile and hedgehogs are Species of Principal Importance (SPI) under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. As a precaution, the applicant's ecologist has provided recommendations for sensitive clearance of this part of the site including hand searches of the area prior to vegetation clearance and ecological supervision during works. If the application were to be approved this could be secured by an appropriately worded condition. If the application were to be approved this could be secured by an appropriately worded condition.

Breeding Birds

- 6.43 The vegetation on site was recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to nesting birds during the breeding bird season. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition or informative note.

Biodiversity Enhancements

- 6.44 Section 40 of the Natural Environment and Rural Communities Act 2006 states that "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In addition, Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

6.45 The applicant's ecologist has provided a number of recommendations for ecological enhancement in order to provide compensation for any habitats lost and in order to provide a net gain in biodiversity at the site. These include incorporating native species or species with a known value to wildlife into the landscaping, incorporation of green/ brown roofs, installation of bird nesting features and bat roosting features onto the new buildings. These enhancements seem appropriate for this size of development. If this application were to be approved, it is recommended that a landscape management plan is provided as part of the reserved matters. The management plan would be required to detail the creation, maintenance and management of all biodiversity enhancements to be included within the proposed development. This could be outlined in an appropriately worded condition if this application were to be approved.

Affordable Housing

- 6.46 Current policy requirements are for 30% affordable housing on sites of 0.5Ha or over, or schemes proposing 15 or more net additional dwellings. This is confirmed in the affordable housing supplementary planning guidance document produced in December 2016.
- 6.47 This application proposes 67 residential dwellings resulting in a policy requirement to provide 20 affordable homes. The applicant has however submitted a viability report in support of this planning application that seeks to demonstrate that the proposed development is unable to make an affordable housing contribution without the scheme becoming unviable. This report has been scrutinised by the Borough Valuer who concluded that the all private scheme shows a small deficit of £13,249 against a benchmark profit of 20%. On this basis the Borough Valuer is of the view that the proposed scheme is only just viable as an all private scheme and therefore cannot support any level of affordable housing contribution or additional s106 contributions. They do however suggest that if the Council were to be minded to grant consent, the section 106 agreement should include a timescale for delivery which if not met triggers a viability review.

Environmental Health

- 6.48 Issues surrounding contamination can be satisfactorily dealt with through an appropriately worded condition if this planning application is approved. An Air Quality Assessment was submitted in support of this planning application. The air quality impacts associated with the scheme to be acceptable. There are therefore no objections to the development proposals on environmental health grounds.

Archaeology

- 6.49 Although partly previously developed, the site is of archaeological potential. In view of the potential impacts of the development proposal on below ground deposits, a programme of archaeological work is merited should the application be permitted, in accordance with Paragraph 141 of the NPPF. No objection is raised to the proposed development subject to the use of a condition to secure a programme of archaeological field evaluation in accordance with a written scheme of investigation.

Other Material Considerations

Housing Land Supply

- 6.50 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.
- 6.51 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. The Council currently cannot demonstrate a five year supply of deliverable housing sites against the objectively assessed housing need of 712 dwellings per annum set out in the Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) (2016). Work is progressing to prepare the Borough Local Plan that sets out a stepped housing trajectory over the plan period (2013-2033). A five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development would be £386,500 on the basis of a net increase of 3865 sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

15 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12TH September 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on the 21st September 2017.

No letters were received supporting the application.

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

Comment		Where in the report this is considered
1.	Objects to loss of business. This site is important to local business and local jobs mean shorter journeys to work	See paras 6.2-6.8
2.	Not enough car parking provided	See paras 6.17-6.21
3.	Concern regarding congestion	See paras 6.22-6.25

4.	Lack of landscaping/amenity space	See para 6.10-6.33
5.	Concern regarding flood risk	See paras 6.30-6.32
6.	Concern regarding overlooking	See paras 6.11
7.	Concern regarding construction impacts	Not a planning consideration
8.	Concern regarding scale of proposed development	See para 6.9-6.10
9.	Wants point of contact to raise concerns during construction and for concerns to be dealt with within a pre-defined time frame/process	Panel should consider this should they overturn the recommendation
10.	Concern regarding future/viability of boundary hedges	6.39-6.36

Consultees

Consultee	Comment	Where in the report this is considered
Trees & Landscape Officer	Object	6.33-6.36
Highways Officer	Object	6.13-6.29
Environment Agency	Object	Noted
Drainage Officer	No Objection subject to condition	6.32
Ecology	No objection subject to conditions	6.37-6.45
Natural England	No comments	6.38
Environmental Health	No objection subject to conditions	6.48
Archaeology	No objection subject to condition	6.49
Housing Officer	See 6.41-6.43	6.46-6.47

Other consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Overdevelopment Flats too small Lack of amenity space Height, bulk and mass to north inappropriate	6.9-10 6.12 6.12 6.9-10

9. APPENDICES TO THIS REPORT

- Appendix A – Information Plan & Site Location Plan
- Appendix B – Street Sections
- Appendix C – Elevations Block A 303
- Appendix D – Elevation Black A 304
- Appendix E - Elevations Block A 305
- Appendix F – Elevations Block B 308

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal results in the loss of employment land in the absence of evidence to demonstrate that the site has no reasonable prospect of remaining in an employment use. The development proposals are therefore unacceptable in principle and contrary to Saved Local Plan policy E5 and paragraph 22 of the NPPF

- 2 The proposed development will be harmful to the character and appearance of the area due to its height and bulk relative to surrounding buildings and a lack of space for any meaning full landscaping contrary to Saved Local Plan policies DG1, H10 & H11 and paragraph 64 and Core Principle 4 of the NPPF
- 3 The proposed development's proximity to trees on the railway embankment will lead to the trees overshadowing living and amenity spaces to the detriment of the amenity of future occupiers and the sustainability of the trees due to pressures to prune or fell them contrary to Saved Local Plan policies N6 and DG1 and paragraph 118 of the NPPF
- 4 The submitted Sequential Assessment fails to demonstrate that the proposed development cannot be located on an alternative site that is reasonably available with a lower probability of flooding contrary to saved Local Plan policy F1 and paragraphs 100 & 101 of the NPPF...
- 5 The development proposals fail to make appropriate provision for refuse servicing on the development site and subsequently poses a threat to highway safety and convenience contrary to saved Local Plan policy DG1.

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Appendix B – Street Sections



EXISTING GROUND
PROPOSED GROUND

SECTIONS



SHANLY
ARCHITECTS
1000 10th Avenue
New York, NY 10018
Tel: 212 691 1234
Fax: 212 691 1235
www.shanly.com

Project: 1000 10th Ave
Date: 10/1/2011
Scale: 1" = 10'

Appendix C – Elevations Block A 303D

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ELEVATIONS - BLOCK A

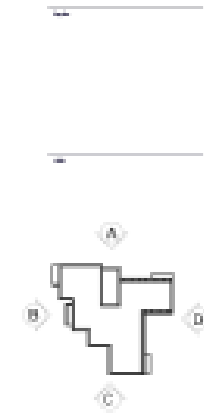
Appendix D – Elevation Black A 304B



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 2

Application No.:	17/03288/FULL
Location:	South East Water The Keleher Water Treatment Works Monkey Island Lane Bray Maidenhead SL6 2AZ
Proposal:	Proposed improvement works to water treatment works including new process and filter plant, tanks, kiosks and associated works, replacement landscaped areas, alterations to internal access road within the site and creation of areas of hardstanding for operational purposes. Replacement of existing fence along the western boundary with a security fence 3.5m high. Temporary contractor's compound with temporary offices, welfare facilities, parking area and storage areas on land north of the existing operational site, with temporary gated access off Monkey Island Lane.
Applicant:	South East Water
Agent:	Mrs Debra Ivory
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Laura Ashton on 01628 682977 or at laura.ashton@rbwm.gov.uk	

1. SUMMARY

- 1.1 This planning application proposes improvements to the Water Treatment Works at Monkey Island Lane. The improvements are required as part of South East Water's legal obligations to maintain a constant and efficient supply of water within its authority area. The works are essential in maintaining a sufficient water supply. The site is located in the Green Belt where the proposed development by definition is inappropriate and harmful to the Green Belt. Development of this nature may only be approved where Very Special Circumstances exist that outweigh the harm to the Green Belt as well as any other harm associated with the development. The need to maintain a water supply to homes and businesses, as well as the lack of alternative options and the low Green Belt functionality of the site are considered to represent the Very Special Circumstances that outweigh the harm caused to the Green Belt. As no other harm has been identified it is therefore recommended that the Panel grants planning permission.

It is recommended that the Panel defers and delegates the grants of planning permission to the Head of Planning subject to the following:

- the conditions listed in Section 11 of this report;
- No objection being raised by Natural England
- The Environment Agency removing their objection
- A scheme of Drainage being secured to the satisfaction of the LLFA
- Completion of a satisfactory legal agreement to ensure the construction traffic routes are used as recommended by the Construction Traffic Management Plan

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 comprises a long established water treatment works which are located on Monkey Island Lane in Bray. The CEMEX Quarry bounds the site to the south and west, beyond

which Bray Lake is located to the west. An area of housing is located to the south beyond the Quarry. Bray Marina is located on the opposite side of Monkey Island Lane to the east of the site.

- 3.2 The site is well screened by landscaping and bunds that were secured as part of the landscaping scheme associated with the original consent for the water treatment works. The site is otherwise relatively flat.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning application proposes improvements to the water treatment works. South East Water propose to construct on the operational site additional structures housing plant and machinery to provide filtration, treatment and waste processes very similar to those already existing on the site. Four control cabinets or kiosks are also proposed plus four steel tanks as part of the sludge process on site with associated pipework and transformer compound. The internal access road to the west of the existing operational tanks and filters is also proposed. Some additional security fencing will be erected. The new installations will predominantly be located in the western and north western sections of the site.
- 4.2 The site at present is constrained by earth mounds. To facilitate the construction of the new process units, several of the earth mounds will be removed and the ground levelled. The removed soil will be re-used where possible to re-provide the mounds. Any excess soil from these mounds will be disposed of at a licensed site. A temporary construction compound will be required for the duration of the construction works. This will be located towards the north of the site.
- 4.4 **The table below provides a summary of the site's planning history:**

Ref.	Description	Decision and Date
90/00117/OBS	The extraction of sand and gravel and restoration to a nature reserve; and restoration of old silt lagoons to agriculture	Approve 04.03.1991
93/00128/REM	Details of outline permission 425368 to erect a water treatment works with associated external works and landscaping	Approve 23.08.1993
94/00121/OBS	Use of land for stockpiling of topsoil Subsoil and spoil	Approve 15.04.1994
94/00122/OBC M	Variation of condition 3 on planning permission 424141	Approve 08.08.1994
97/31276/OBC M	Variation of condition 3 for extension of time and non compliance of condition 5 of permission 424141 regarding silt disposal and restoration.	Approve 16.06.1997
98/32867/FULL	To construct car park (approx.13 spaces) adjoining Bray Lake for use by walkers and cyclists and resurfacing part of access road.	Approve 22.10.2001
11/00350/FULL	Construction of a building containing ultraviolet disinfection plant	Approve 22.03.2011

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

	Green Belt	Design	Flood Risk	Trees & Ecology	Highways/Parking issues
Local Plan	GB1 & GB2	DG1	F1	N6 & N7	T5, P4

These policies can be found at

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

Borough Local Plan: Submission Version

Policy	Topic
SP3	Character and Design of New Development
SP5	Development in the Green Belt
NR1	Managing Flood Risk & Waterways
NR2	Tree, Woodland & Hedgerows
IF8	Utilities
HA23	Land West of Monkey Island Lane

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 ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. 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 Landscape Character Assessment - view at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/11
- RBWM Strategic Flood Risk Assessment - view at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/6

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development – Green Belt Issues
- ii Flood Risk
- iii Surface Water Drainage
- iv Highways
- v Impact on Character of the Area / Visual Impact
- vi Impact on Neighbouring Amenities
- vii Ecology
- viii Trees
- ix Environmental Protection
- x Public Rights of Way

Issue 1 – Principle of Development – Green Belt Issues

- 6.2 Paragraph 87 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 88 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.3 Paragraph 89 of the NPPF gives the example that “*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*” and follows with a limited list of exceptions. It is acknowledged that much of the proposed development does not constitute *buildings*, as defined by section 55 of the 1990 Town & Country Planning Act yet neither do the proposals fit neatly within the list of exceptions. In this instance it is important to note that the NPPF is guidance rather than policy or legislation and the fundamental purpose of Green Belt is to “prevent urban sprawl by keeping land permanently open” (paragraph 79) . Being mindful of the purpose of this designation and the fact that the proposal will be introducing reasonable additional built form to the site, it is thus considered reasonable to regard the development proposals as inappropriate and assess the development proposals accordingly. This is with the exception of the works to the bunds which is considered to constitute an engineering operation which is “not inappropriate” in accordance with paragraph 90 of the NPPF.
- 6.4 Although the Local Plan pre-dates the NPPF, Policy GB1 adopts a broadly similar approach. In summary the erection of the additional facilities at the water treatment works is defined as inappropriate development and by virtue of the introduction of additional built form, will have a significant detrimental impact upon the openness of this Green Belt site. The development is therefore categorised as inappropriate development; is harmful; prejudices the openness of the Green Belt in the locality of the site; and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. **Substantial weight** should be attached to this harm.
- 6.5 In order to assess this planning application it is thus necessary to establish if Very Special Circumstances exist that outweigh the harm to the Green Belt posed by the development and any other harm associated with the scheme. The case for Very Special Circumstances is outlined in full at the end of this report and balanced against any “other” sources of harm that have been identified through the other development management considerations.

Issue 2 – Flood Risk

- 6.6 The site is located within Flood Zone 2 with a small area of the site being within Flood Zone 3. Table 3 of the NPPG defines appropriate land uses for each flood zone and helps guide development to areas of lower flood risk. As the development is categorised as Essential Infrastructure the development is “appropriate” and consideration of the Exceptions Test is therefore not required. A Sequential Test is required. It is accepted, however, that the proposals are an extension to an existing facility and given the nature of the operation it would not be practical or reasonable to request South East Water to consider alternative sites. Given the need for access to the River Thames, in any event alternative locations would likely also be in Flood Zone 2 or higher. The Sequential Test requirement is thus considered satisfied.
- 6.7 The development will however need to be accompanied by a site specific FRA that demonstrates that, in accordance with paragraph 103 of the NPPF, the development is appropriately flood resilient and resistant and that any residual risk can be safely managed. It is also required to demonstrate that there would be no loss of flood plain storage. Along these lines Saved Local Plan policy F1 will require any application to demonstrate that the development will 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.
- 6.8 At the time of writing there is an objection from the Environment Agency in that the submitted FRA does demonstrate how a loss of flood plain storage will be mitigated. The applicant is working with the EA to overcome this objection and this will be dealt with in an update to the Panel.

Issue 3 – Surface Water Drainage

- 6.9 The LLFA initially raised an objection to this planning application based on the submitted Drainage Strategy being inadequate. The applicant has however provided further details to address the concerns of the LLFA and this will be dealt with in an update to the Panel.

Issue 4 - Highways

- 6.10 The site is located on the south section of Monkey Island Lane where vehicular access is derived from the A308 Windsor Road. The site currently benefits from a single vehicular access off Monkey Island Lane which is a private road. The application proposes introducing a temporary site access off Monkey Island Lane for the duration of the works. Upon completion of the works the temporary access, compound, access road and gates will be removed and the highway reinstated. The Water Treatment Works only employs a small number of staff and these move from facility to facility and so there are never a large number of people at the works at any one time. This will not change as a result of the development proposals. The main highway impacts would therefore be associated with the construction of the proposed development. A Construction Traffic Management Plan (CTMP) has been prepared and submitted in support of this planning application. The applicant proposes using the following two routes for construction traffic:
1. Route A used by HGV and 7.5t vehicles are prohibited from turning right (west) onto the A308 Windsor Road towards Maidenhead. All vehicles will turn left and head east towards the A332/M4 (Junction 6).
 2. Route B only be used by cars and small commercial vans travelling to and from the site.
- 6.11 The CTMP does not mention the level of traffic the proposal is likely to generate. However, the report does state that, *‘Because of the increase in heavy road traffic warning signs will be placed in the areas shown in Figure 4 to warn local residents and people visiting the local businesses of the heavy construction traffic’*. Although the CTMP omits to include the likely increase in vehicular activity generated by the proposal, the mitigation measures proposed are sufficient to ensure that the works do not pose a significant harm to those residing or commuting in the

immediate and surrounding road network. Condition 19 will ensure that the development is carried out in accordance with the CMTP and a legal agreement will be entered into to ensure the construction traffic routes are adhered to. No objection therefore arises to this planning application on Highways grounds.

Issue 5 – Impact on Character of the Area / Visual Impact

- 6.12 The proposed alterations and additions to the Water Treatment Works replicate the form and appearance of development that is already on site and subsequently forms part of the established character of the area. The form and appearance of the proposed development is unremarkable and as you would expect on a water treatment works site. The development proposals are therefore considered to be acceptable when considering their impact upon the character of the area.
- 6.13 The water treatment works is visible from only very limited public views due to surrounding trees and bushes and the topography of the land surrounding the site. The works are only visible from Monkey Island Lane in the vicinity of the entrance to the site and there are some glimpses through some gaps in the vegetation from the lane to the north. The site visit was undertaken during the winter and so represented a “worst case” scenario. Notably the works are not visible from the opposite banks of Bray Lake. Taking this into account, with an appropriate scheme of landscaping, the visual impact of the development is considered to be low.

Issue 6 – Impact on Neighbour Amenities

- 6.14 The site boundary is a minimum of 120 metres from the nearest residential property. This is considered to be sufficient separation to avoid any harmful noise and disturbance associated with the additional processing that will occur as a result of the proposals. It was noted during the site visit that, whilst there were some noisy rooms on the premises, the site itself wasn't particularly noisy when experienced from outside. There was of course the sound of rushing water yet this type of noise from a distance does not give cause for concern.
- 6.15 The separation distances are such where no impacts associated with privacy, light or overbearing impact are expected arise as a result of the development proposals.

Issue 7 - Ecology

- 6.17 The following observations and recommendations have been made in respect of ecology.

Designated Sites

- 6.18 Bray Pennyroyal Field Site of Special Scientific Interest (SSSI) is located immediately to the south-east of the proposed development site. Natural England has been consulted on this application with regards to the impact on the features of the SSSI. At the time of writing a response has not been received. This however will be dealt with in an update to the Panel.

Bats

- 6.19 The buildings and trees on site were assessed for their potential to support bats. The majority of the trees were recorded as having negligible potential to support roosting bats, one tree was identified as having the potential to support roosting bats. It was recommended that once the design plans had been finalised, an up to date bat survey was undertaken, focusing on the structures and trees which will be impacted by the works. A bat roost assessment was undertaken in February 2017 and it has been concluded that no further surveys are required for the works. However, the results of the survey and justification as to why further surveys are not required have not been provided, given the previous potential of the buildings and a tree to support roosting bats. **It is recommended that this information is provide to the LPA prior to the determination of this application in order for the LPA to ensure bats and their roosts will not be affected by the proposed development.**

Badgers

- 6.20 A badger survey was undertaken in August 2016. No signs of badgers or their setts were recorded. Mammal tracks were recorded in October 2016 and therefore trail cameras were used to establish the species using the site. Only rabbits were recorded and it was concluded that badgers were not utilising the site. Badgers are protected under the Protection of Badger Act 1992 and all mammals are protected under the Wild Mammals (Protection) Act 1996.
- 6.21 As a year has passed since the original survey and badgers are highly mobile animals, it is recommended that the entire site and a 30m buffer around the site is subject to a walkover for badgers by an ecologist within six months of the works commencing and any signs or setts recorded. If a badger sett is discovered, mitigation and a license from Natural England may be required. The results of the walkover survey for badgers and appropriate mitigation/ licenses, if required, should be provided to the council for approval prior to any site works. In addition, as the site provides good foraging habitat for badgers and other mammals, there is the chance of them being present within the site during construction works. If permission is granted it is recommended that measures to protect badgers and other mammals from being trapped in excavations, pipes or culverts during development be incorporated into a suitably worded condition. This conditions 3 and 21 based on the advice above are included in section 11 of this report.

Great Crested Newts

- 6.22 Three waterbodies were recorded as being within 500m of the proposed development site. The site and surrounding area was surveyed for great crested newts (GCN) in 2007 and none were recorded. Given the age of the surveys and the suitable terrestrial habitat for GCN in the north of the site, further survey for GCN was recommended. Great crested newts receive full legal protection under the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to deliberately injure, kill, capture or disturb a great crested newt, or to damage, destroy or obstruct any places used for shelter and protection.
- 6.23 An ecological walkover was undertaken in 2016 and concluded that the presence of GCN was unlikely given the fact that two of the waterbodies were unsuitable due to their large size and usage and the smaller waterbody previously recorded no longer existed. Therefore no further survey is required.

Reptiles

- 6.24 The grassland in the north of the site, in which the temporary compound will be situated, was recorded as having suitable habitat for reptiles. The remaining site was not considered to offer habitat to support reptiles. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy.
- 6.25 A presence/ absence survey for reptile was undertaken at the site in 2016 and no reptiles were recorded. Precautionary habitat management was undertake in October 2016 and February 2017 to ensure the grassland areas are maintained in a short condition to deter reptiles moving into the areas. No further survey or mitigation for reptiles is required as long as this management regime is being adhered to.

Breeding Birds

- 6.26 The trees, shrubs and hedgerows on and in the vicinity of the site were recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to nesting birds during the breeding bird season. This advice has been incorporated into recommended condition 4 as set out in section 11 of this report.

Plants

- 6.27 A botanical survey of the entire site was undertaken in 2016. A single pennyroyal plant was recorded at the northern most end of the vegetated area. This plant species is included in Schedule 8 of the Wildlife and Countryside Act 1981, as amended and listed in the British Red Data Book of vascular plants. It was concluded that the area was unsuitable to support a population of this plant given the well-established taller vegetation structure already present. However, the applicant's ecologist has recommended a precautionary approach to development within the vicinity of this area and includes creating a buffer zone/ barrier around the plant to restrict movement in this area. This advice has been incorporated into condition 6 in section 11 of this report.

Biodiversity Enhancements

- 6.28 Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".
- 6.29 The development has the potential to increase the biodiversity at the site. It is recommended that a Biodiversity Enhancement Plan is produced and provided to the local planning authority for approval, which details all the enhancements for biodiversity at the site. These could include but not be limited to planting of native species, installation of bird and bat boxes on to buildings and retained mature trees and construction of log piles. This advice has been incorporated into a condition in section 11 of this report.
- 6.30 In summary with the condition 5 along with conditions 4 and 6, listed in section 11 of this report, the Council's Ecologist raises no objection to this planning application.

Issue 8 – Trees

- 6.31 The submitted Arboricultural report is considered to be sound in that due to the extent of the proposed works including level changes and alterations to the bunds the majority of trees growing along the western and northern boundaries will need to be removed as part of the proposed development. The trees to be removed include a line of Lombardy poplar and groups of semi mature broadleaf trees. The loss of these trees will be screened from view on Monkey Island Lane by the trees retained on the eastern boundary.
- 6.32 Additional arboricultural information will need to be submitted and approved before any works are undertaken on site. These details will need to include a detailed Arboricultural Method Statement and Tree Protection Plan in accordance with British Standard 5837:2012. Outline details for the replacement tree planting have been provided. Additional landscaping details including are provided if this planning application is approved. This would include a landscaping scheme that references compliance with industry standards for plants, plant handling, planting and maintenance, as well as the species, quantity, density, stock type, size, position and a program of planting of all trees, shrubs, and hedges and that includes details of site/soil preparation and a five year maintenance schedule (watering, mulching, weeding, support etc.) to ensure establishment. Conditions 7-9 to secure the information requested by the Tree Officer are set out in section 11 of this report. Subject to the use of these recommended conditions, the Tree Officer raises no objection to this planning application.

Issue 9 – Environmental Protection

- 6.33 The Environmental Protection Officer has raised no objection to this application subject to conditions to minimise the potential for noise disturbance and to control dust as well as conditions to manage issues surrounding the potential for contamination. These conditions, 10-17, are listed in section 11 of this report.

Issue 10 – Public Rights of Way

- 6.34 The section of Monkey Island Lane from the A308 Windsor Road to the application site is a public bridleway (Bridleway 73 Bray), and also forms part of the national cycleway network. It is noted that the Bridleway will remain open and available for public use throughout the construction period. Taking into account the measures for protecting users of the bridleway set out in the Construction Traffic Management Plan, the Public Rights of Way Officer raises no objection to this planning application.

PLANNING BALANCE:

7. Very Special Circumstances and Conclusions

- 7.1 The development proposals will be harmful to the Green Belt and will clearly impact upon its openness and this needs to be given substantial weight. An assessment therefore remains to be made as to whether Very Special Circumstances exist that clearly and demonstrably outweigh the harm caused by the proposed “inappropriate” development within the Green Belt and any other harm. The applicant has put forward a case to this effect which is as follows:

The Need for the Proposed Works

- 7.2 The development proposals will allow South East Water to increase the water treatment capacity of Keleher Water Treatment Works from 45 million litres per day of fresh drinking water to 68 million litres. This will contribute to South East Water meeting its water supply obligations which is essential to life, environmental health and the economy. South East Water has a statutory duty under section 8 of the Water Industry Act 1991 to develop and maintain an efficient and economical system to maintain a clean and reliable supply of water in its area. The Water Treatment Works supplies Berkshire, Surrey, Hampshire, Sussex and Kent. If the water supply at Keleher Water Treatment Works is not increased there is a danger that there could be a shortfall in the water supply.
- 7.3 Considering the case for Very Special Circumstances, the need to provide fresh drinking water in the region is a compelling case – particularly considering the growing population – in this instance this need is held in **substantial weight**.

Location of the Development

- 7.4 The siting of the proposed development within the Green Belt is dictated by the location of the operational Water Treatment Works for which access to the River Thames is essential. Given the nature of the operation it would not be considered practicable or desirable for South East Water to consider alternative locations for a new works. The lack of available alternative locations for this development is held in **significant weight**. The intensification of the existing site is also recognised as making efficient and prudent use of land.

The Site’s “Green Belt Function” Performance

- 7.5 The Council’s Edge of Settlement Study (2016) assessed the function of the Green Belt in this location – in a land parcel that included the mineral processing works - assessing it against the five purposes of the Green Belt as set out in paragraph 80 of the NPPF. The site was found to perform moderately considering its role of preventing the unrestricted sprawl of the built-up area on the basis that the parcel is not contained by the built-up area nor does any surrounding feature provide a sense of visual containment. The boundaries of the parcel were identified as durable comprising a lake edge, water course and public road. The existing boundary of the Green Belt is durable, consisting of well-defined and regular property boundaries.

- 7.6 The parcel was found to have no or limited function in performance when considering the Green Belt function of preventing neighbouring towns from merging. This is on the basis that the parcel does not form or contribute to a gap between settlements and therefore makes no discernible contribution to separation. The parcel was found to be mixed in character and on balance was considered to have an urban edge character and so is considered to offer a lower performance when considering the parcel's role in safeguarding the countryside from encroachment. Overall the Green Belt function performance of the application site is considered to be low this is on the basis that of the parcel assessed, the application site portion is the most urban and the application site itself has defensible boundaries. In summary the low Green Belt performance of the site is held in **significant weight** when considering the case for Very Special Circumstances.

Conclusion

- 7.7 Subject to the use of the recommended conditions and the drainage and flood risk issues being resolved – and these issues are expected to be resolved in advance of the Panel meeting – no harm has been identified in the assessment of development management issues and so no “other harm” can be apportioned to the development. The proposed development is for essential infrastructure improvements that are required to maintain a reliable water supply to Berkshire, Surrey, Hampshire, Sussex and Kent. If the improvement works cannot be carried out there could be a shortfall in the water supply. The water treatment works cannot reasonably look at alternative sites. This combined with the lower Green Belt function of the site is considered to constitute Very Special Circumstances that outweigh the harm to the Green Belt associated with the loss of openness and encroachment of built development into the countryside. It is therefore recommended that planning permission is granted.

8. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is not a sort from which Community Infrastructure Levy is sought.

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 neighbouring occupiers were notified directly of this planning application. The planning officer posted a notice advertising the application at the site on the 7th November 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 9th November 2017. No representations have been received as a result of the publication of the planning application

Consultees

Consultee	Comment	Where in the report this is considered
Trees & Landscape	No objection subject to conditions	6.31
Ecology	No objection subject to conditions	6.17-6.30
Natural England	Awaiting response – will be dealt with in Panel Update	6.18
Highways	No objection subject to conditions	6.10-6.11
Environmental Protection	No objection subject to conditions	6.33
LLFA	Awaiting updated response – Will be dealt with in Panel Update	6.9
Environment Agency	Awaiting updated response – Will be dealt with in Panel Update	6.6-6.8
PROW Officer	No objection	Noted

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing Elevations
- Appendix C – Proposed Elevations

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

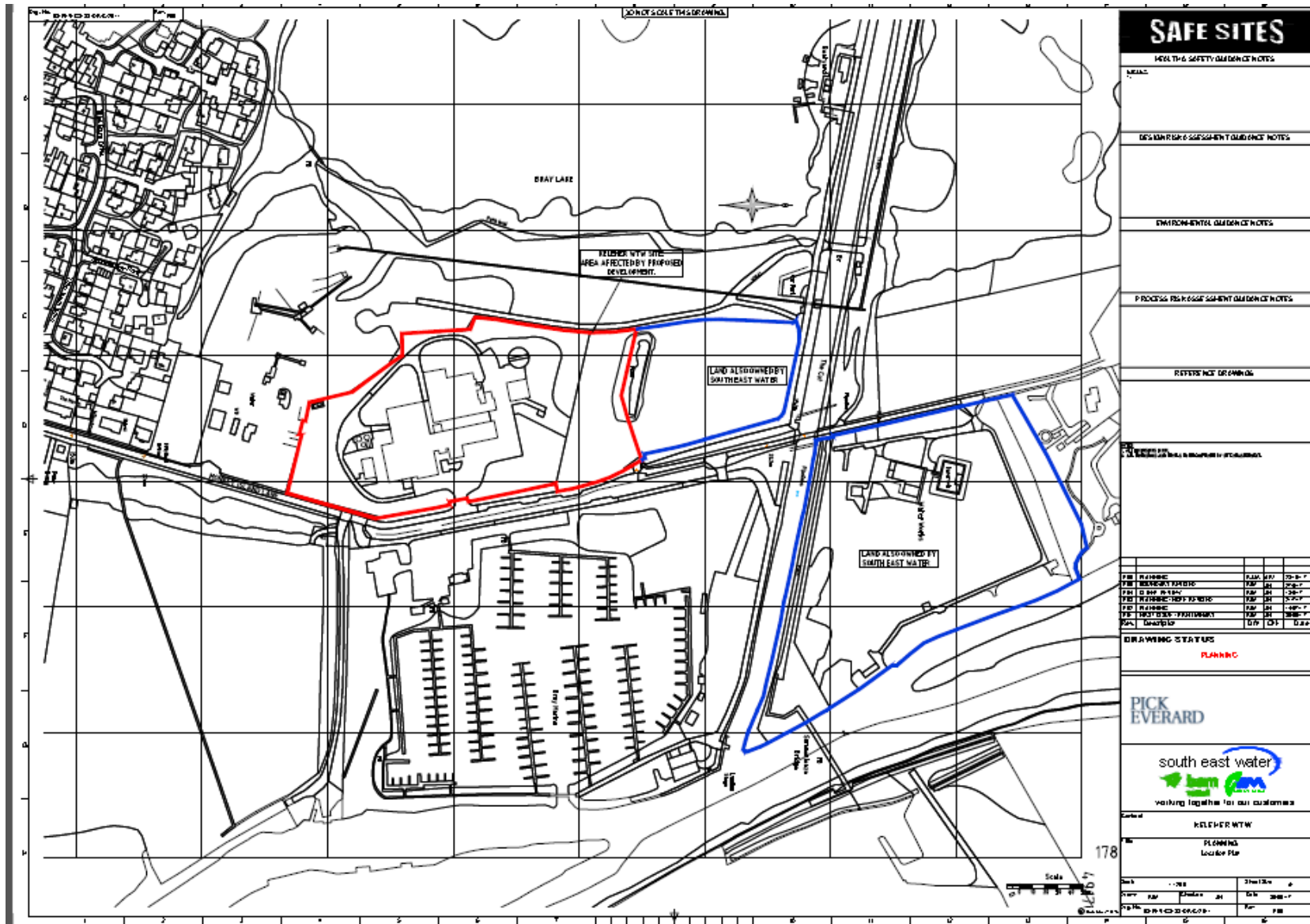
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing water treatment works facilities unless first otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 Within the six months prior to the commencement of development the entire site and a 30m buffer around the site shall be subject to a walkover survey to check for evidence of badgers. Any signs of setts shall be recorded. If a badger sett is discovered, a suitably qualified ecologist shall be contacted for advice and the appropriate mitigation organised and thereafter undertaken in full. The results of the walkover survey for badgers and appropriate mitigation/ licences, if required, shall be provided to the Council for approval in writing prior to the commencement of development on site. Reason: To protect any badgers using the site in accordance with the Protection of Badger Act 1992 and the Wild Mammals (Protection) Act 1996 and Paragraphs 109 & 118 of the NPPF.
- 4 No removal of scrub or trees shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation clearance and provided written confirmation that no birds will be harmed and/ or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the council. Reason: To protect breeding birds, their eggs and active nests in accordance with the Wildlife and Countryside Act 1981, as amended and Paragraphs 109 & 118 of the NPPF
- 5 Prior to the Commencement of Development a Landscape and Ecology Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail a range of biodiversity enhancements and include details of the creation/ installation, maintenance, and management of the biodiversity enhancements for at least the first five years. The plan shall cover all areas of existing and proposed landscaping and shall include long-term design objectives, management responsibilities and maintenance schedules. Reason: To ensure that ecological enhancements are secured and managed as part of the development, to ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant policies/Legislation: Paragraphs 109 & 118 of the NPPF; Saved Local Plan policies DG1, N6 & N7 Section 40 of the Natural Environment and Rural Communities Act 2006, Conservation of Habitats and Species Regulations (2010) as amended; the Countryside Rights and Way Act 2000; and the Wildlife and Countryside Act 1981.
- 6 Prior to the commencement of the development a plan shall first be submitted to and approved in writing by the Local Planning Authority showing full details of a buffer zone or barrier that will be installed to restrict movement towards the location of the penny royal plant that was found on site. The buffer or barrier shall be implemented in accordance with the aforementioned details prior to the commencement of the development and maintained as such throughout construction unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect a species listed in Section 8 of the Wildlife and Countryside Act 1981 Relevant legislation: the Wildlife and Countryside Act 1981

- 7 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of the first use of the buildings for their permitted use. Any approved tree work shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority in writing. Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 8 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing and ground protection in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 9 No development shall take place until full details of both hard and soft landscape works, including replacement bunds, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation. Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 10 The rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc. (collectively) associated with this application shall be lower than the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15minute period).Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3 and paragraph 17 and 123 of the NPPF.
- 11 The permitted working hours of the site during construction including site preparation, plant, equipment, machinery, their maintenance or repair, vehicle delivery and despatches are as follow: Monday to Friday 08:00 - 18:00Saturdays 08:00 - 13:00No work shall be undertaken outside these hours or on Sundays, Public or Bank Holidays. REASON: To protect the amenity of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3, NPPF paragraphs 17 and 123, and NPPF Technical Guidance.
- 12 All plant, equipment and machinery shall comply with current noise emission/silencing standards and shall be maintained in good working order at all times. Any breakdown or malfunctioning leading to increased noise and/or dust emissions shall be dealt with promptly. Site operations shall be adjusted or suspended until normal working conditions of any malfunctioning plant, equipment and machinery is restored. REASON: To protect the amenity of the area and prevent nuisance arising from noise. Relevant Policies: Saved Local Plan policies NAP3, Paragraph 17 and 123 of the NPPF and the NPPF Technical Guidance.

- 13 Prior to the commencement of the development a plan showing full details of the access road and layout of the site shall be submitted to and approved in writing by the Local Planning Authority. The layout shall be arranged so as to allow vehicles fitted with reversing alarms to turn without the need to reverse. Where reversing alarms are used on earth-moving plants, quieter or silent types shall be used. The access road and layout of the site shall be constructed in accordance with the approved plan. REASON: To protect the amenity of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3 and paragraphs 17 and 123 of the NPPF
- 14 No activity hereby permitted shall cause dust to be emitted from the site. In the event dust emissions occur, the activity shall be suspended until this can be resumed without causing any further emissions. REASON: To protect the amenities of the area. Relevant policy: Paragraph 123 and 124 of the NPPF and the NPPF Technical Guidance
- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:- a survey of the extent, scale and nature of contamination;- as assessment of the potential risks to: - human health- property (existing or proposed) including buildings, crops, livestock, adjoining land,- groundwater and surface waters,- ecological systems,- archaeological sites and ancient monuments:- an appraisal of remedial options, and proposal of preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.4. Reporting Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 in accordance with condition 3.5. Long Term Monitoring and Maintenance monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period years to be determined based on the findings of the aforementioned investigations, and the provision of reports on the same must

be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's ' Model Procedures for the Management of Land Contamination, CLR 11'. Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4 and paragraph 120, 121 and 123 of the NPPF

- 16 Prior to the commencement of the development a complaint procedure showing details of how the operator will record, address and respond to complaints from local residents relating to environmental matters including noise, dust, HGVs traffic and lights, shall be submitted to and approved in writing by the Local Planning Authority. REASON: To prevent and resolve nuisance complaints
- 17 To minimise the air quality impact the operator shall ensure that its own vehicles used for site deliveries and dispatches are compliant with Euro V or higher and for non-road mobile plant are compliant with Stage IV standards. REASON: To reduce the impact on local air quality Relevant Policies: Paragraph 123 and 124 of the NPPF
- 18 Within three months of the water treatment facilities hereby approved being completed, the temporary site compound and any equipment, structures and machinery within it; the temporary access, access road and gates will be removed and the highway reinstated and the land made good in accordance with a scheme of hard and soft landscaping that shall first be submitted to and approved in writing by the Local Planning Authority. Reason: To protect the visual amenity of the site and the openness of the Green Belt. Relevant policies: Saved Local Plan policies DG1, GB1 and T5.
- 19 The development hereby approved shall be carried out in accordance with the Construction Traffic Management Plan contained within the Transport Statement prepared by South East Water dated 6th Oct 2017 unless agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety and convenience. Relevant Policies - Saved Local Plan policy T5.
- 20 The development will be carried out in accordance with the methodology and recommendations contained within the Asbestos Works Methodology prepared by South East Water and dated 19th September 2017 unless agreed in writing by the Local Planning Authority. Reason: In the interests of public health and safety relevant policies: Paragraph 123 of the NPPF
- 21 Any trenches within the working area of the site will either be covered over-night, or planks of wood will be secured within any trench to form a ramp to allow badgers to escape; any temporarily exposed open pipes shall be capped or covered in such a way to prevent badgers gaining access; and night working will not be permitted. Reason: In order to ensure badgers are not harmed during construction Relevant Policies/Legislation: Protection of Badgers Act 1992 and the Wild Mammals (Protection) Act 1996 (as amended)



Appendix A – Site Location

Appendix B – Existing Elevations

Appendix C – Proposed Elevations

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 3

Application No.:	17/03372/FULL
Location:	Braywick Park Driving Range Braywick Road Maidenhead
Proposal:	Erection of new leisure centre; formation of outdoor sports pitches; vehicle parking; and associated works including retention of adventure golf course and hire shop/office building
Applicant:	Royal Borough Of Windsor And Maidenhead
Agent:	Stephen Richards
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Laura Ashton on 01628 682977 or at laura.ashton@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development is defined as inappropriate by Green Belt policy and guidance and is harmful by virtue of its inappropriateness, the loss of openness and encroachment of built development into the countryside. This harm should be held in **substantial weight**. The development would only be acceptable if Very Special Circumstances can be demonstrated that outweigh the harm to the Green Belt and any other harm associated with the development. This report sets out the Applicant's case for Very Special Circumstances which are that there is an existing and growing demand for the Leisure Centre, an appropriate facility can no longer be provided on the existing Magnet Centre site and there is no available alternative location for the Leisure Centre outside of the Green Belt. There is also a tangible and far reaching public benefit associated with the proposed development when considering the role it plays in enabling healthier lifestyles, providing opportunities to participate in sports and the community function the building would offer.
- 1.2 The case made by the Applicant is considered to constitute Very Special Circumstances that outweigh the Green Belt harm associated with the development. As set out in this report no harm is considered to arise as a result of the visual impact associated with the proposals and no other harm has been identified in this report that would not be outweighed by the Very Special Circumstances. Subject to a number of minor issues identified in this report being resolved and the Panel being updated accordingly, it is recommended that planning permission is granted as set out below.

It is recommended the Panel authorises the Head of Planning to grant planning permission subject to:	
1.	<p>i) The satisfactory completion of an unilateral undertaking to secure the following:</p> <ul style="list-style-type: none"> • A Travel Plan • Bus Stops on St Clouds Way • A shuttle bus to serve the Leisure Centre • Improvements to access junction • Landscape & Ecology Enhancement & Management Plan • To secure public access and retain leisure use. <p>ii) The conditions listed in section 10 of this report</p> <p>iii) Referral to the Secretary of State through the National Planning Case Work Unit and there being no call-in as a result of the referral</p>

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a golf driving range and adventure golf course which is located at the southern end of Braywick Sports & Recreation Ground. The driving range itself is a single storey, open fronted structure which is located at the western end of the site. A club house is located in the north western corner of the site. The site is predominantly laid out as manicured grassland although there is a tree belt running north to south bisecting the eastern quarter of the site. There are a number of individual trees located in the south-west corner of the site and there is a woodland copse on the boundary with the nursery.
- 3.2 Braywick Cemetery forms part of the site's southern boundary. The existing golf club car park, Braywick Nurseries and Maidenhead Target Shooting Club's rifle range from the site's northern boundary, beyond which a Toby Carvery and Maidenhead Rugby & Football Club are located. Braywick Road bounds the site to the west. A footpath/track forms the site's eastern boundary beyond which there are a number of playing pitches associated with the rugby and football club. Braywick Park is located to the east of the sports pitches and is used for informal recreation purposes.
- 3.3 Braywick Sports & Recreation Ground is also home to Maidenhead Athletics Club, Braywick Park Gym and Sports Able which offers sports facilities and training to the disabled. The site is located within the Green Belt and a small section of the site towards the eastern end, beyond the tree belt, is located in Flood Zone 2. This is likely associated with The Cut watercourse which is located 300 m to the east of the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning application proposes the provision of a new leisure centre on the site of the driving range at Braywick Sports & Recreation Ground. The leisure centre is proposed to provide some 9,500 sq m of internal floorspace which would include a swimming pool and children's training pool; squash courts; a fitness suite; a spinning studio; a multipurpose sports hall; fitness and holistic studios; a crèche, a café; and a multi-functional hall for use for community functions. Outdoor games pitches are also proposed and pedestrian and cycle paths are proposed to be provided and would link the site with the wider network. Car, cycle and coach parking would be accommodated on the site.
- 4.2 The leisure centre building is proposed to be located some 140 metres into the site and would be fronted by a car parking area which would appear as an extension of the existing car park that is located in front of the nursery. Outdoor sport pitches would be located to the rear of the proposed building.
- 4.3 The table below sets out a summary of the site's planning history:

Ref.	Description	Decision and Date
15/03459/FULL	Changes in ground levels and landscaping of the existing driving range to create a multi-shot driving range and six hole junior academy course	Approved 31 st May 2016
10/00365/FULL	Erection of a covered seating area within the minigolf course	Approved 6 th April 2010
09/02530/FULL	Construction of a 9-hole Scandinavian Mini-golf course	Approved 27 th January 2010
06/01170/FULL	Erection of two sections of ball stop mesh fencing on metal posts, 100 metres long by 12 metres high and 20 metres long by 4 metres high	Approved 7 th August 2006
06/00948/FULL	Construction of a single storey sports pavilion	Approved 12 th July 2006

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan (1999)

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

	Green Belt	Design	Leisure	Protected Trees	Flood Risk	Highways issues
Local Plan	GB1, GB2	DG1	R7, R8	N6, N7	F1	T5, P4

These policies can be found at

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

Borough Local Plan: Submission Version (2017)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Trees, Woodland & Hedgerows	NR2
Nature Conservation	NR3
Makes suitable provision for infrastructure	IF1
Contaminated Land & Water	EP5
New Sports & Leisure Development at Braywick Park	IF6
Community Facilities	IF7

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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

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 Landscape Character Assessment - view at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/11
- RBWM Parking Strategy - view at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/13
- RBWM Strategic Flood Risk Assessment - view at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/6
- Built Facilities Strategy, Dec 2016
- Open Space Study Dec 2016
- Infrastructure Delivery Plan May 2017

https://www.google.co.uk/search?q=rbwm+IDP&ie=utf-8&oe=utf-8&client=firefox-b-ab&qfe_rd=cr&dc=0&ei=9gVyWoGrGMX38AeDg5-ADQ

- Indoor Sports and Leisure facility Strategy March 2016
https://www3.rbwm.gov.uk/downloads/file/3365/indoor_sport_and_leisure_facility_strategy

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt – Principle of Development
- ii Loss of Golf Facility and Open Space
- iii Impact on Character of the Area/Visual Impact
- iv Design
- v Flood Risk & Surface Water Drainage
- vi Highways
- vii Trees & Landscape
- viii Ecology
- ix Residential Amenity
- x Design & Crime
- xi Environmental Protection
- xii Air Quality
- xiii Archaeology
- xiv Conservation

Principle of Development

6.2 Section 8 of the NPPF establishes the importance of promoting healthy communities through the planning process. It recognises that the planning system plays an integral role in facilitation social interaction and delivering robust, healthy and inclusive communities. Relevant to this application are those elements of section 8 that talk of the delivery of social, recreational and cultural facilities and services the community needs. To do this the NPPF explains that planning policies and decisions should (inter alia):

“Plan positively for the provision and use of shared space, community buildings (including meeting places, sports venues and cultural buildings) and other local services to enhance the sustainability of communities and residential environments”

“Guard against the unnecessary loss of valued facilities and services”

6.3 Section 9 of the NPPF set out the Government’s approach to development in the Green Belt. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The NPPF apportions five purposes to the Green Belt:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

- 6.4 Green Belt Boundaries can only be altered in exceptional circumstances through the preparation or review of a Local Plan. Whilst the site is proposed for removal from the Green Belt in the Borough Local Plan Submission Version, the plan has not yet been examined and so the site should be assessed as per its current Green Belt status.
- 6.5 Paragraph 87 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 88 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.6 The NPPF explains that the construction of new buildings should be regarded as inappropriate in the Green Belt and sets out a limited list of exceptions. Buildings for indoor sport do not fall within the list of exceptions. Although the adopted Local Plan pre-dates the NPPF, Policy GB1 adopts a broadly similar approach. Whilst the exceptions do include "*the provision of appropriate facilities for outdoor sport and outdoor recreation*"... "*as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*" and part of the development is for the provision of outdoor pitches, once part of the development constitutes inappropriate development, planning case law indicates that the development as a whole should be considered as inappropriate.
- 6.7 The erection of a building for indoor sports with a footprint of 6,564 square metres, introduction of car parking and the laying out of sport pitches/courts, therefore constitutes inappropriate development and by virtue of the introduction of significant built form, would have a significant impact upon the openness of this Green Belt site. The leisure centre development therefore prejudices the openness of the Green Belt in the locality of the site; and would conflict with the Green Belt purposes of safeguarding the countryside from encroachment and to prevent urban sprawl. **Substantial weight** should be attached to this harm.
- 6.8 In summary the proposals are contrary to paragraphs 89 and 90 of the NPPF and Local Plan policies GB1 and GB2(a). It is therefore necessary to demonstrate whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm to the Green Belt associated with the development and any other harm identified. The applicant has made a case for VSC and this case is considered in the planning balance at the end of this report.

Loss of Golf Facility and Open Space

- 6.9 Whilst the driving range facility would be lost as a result of the scheme, the adventure golf course would be retained and the driving range would be replaced by a golf simulator and so some golfing facilities would be retained. (see condition 22).
- 6.10 Sport England has confirmed that England Golf raises no objection to the loss of the driving range and that Sport England recognises that the development proposals meet an identified need for this type of facility. It is acknowledged that the leisure centre would provide facilities for a greater range of sports that could be enjoyed by a larger proportion of the population as well as a flexible community space.

- 6.11 Sport England, whilst supporting the proposal in principle, has requested some clarification as to whether the sports facilities meet the relevant standards of Sport England and the governing bodies of the various sports offered. The applicant has provided more details in respect of the form of the courts and sports pitches and whether the facilities meet the relevant standards will be dealt with in a written update to the panel, circulated at the meeting.
- 6.12 The need for a new Leisure Centre to serve this part of the Borough is outlined in the Council's Indoor Sport & Leisure Facility Strategy (2016-2021) and draft Infrastructure Delivery Plan (most recently updated in 2018) which relies upon the proposed Leisure Centre to provide an improved facility as well as 20% uplift in the capacity over and above that currently provided by the Magnet Centre. The need for a new Leisure Centre is also carried forward into the Submission Version Borough Local Plan where policy IF6 seeks to allocate the application site to provide the required facility. At Regulation 19 stage 78 comments were identified against this particular policy. As the plan is yet to be examined this policy is therefore afforded only limited weight.
- 6.13 An assessment has to be made as to whether there would be a loss of open space. Whilst there would be no loss of open space accessible to the general public not participating in the golfing activity on the site the NPPF defines open space as, *"all open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity."* Paragraph 74 of the NPPF goes on to say that existing open space, sports and recreational buildings and land including playing fields should not be built upon unless:
- An assessment has been undertaken which clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.14 The proposal would result in the partial loss of a sporting facility and an area of open space. However this loss is considered acceptable because the need for the proposed development, as evidenced in this report, clearly outweighs the loss. In this respect the development proposals are in accordance with Saved Local Plan policy R7.

Impact on Character of the Area/Visual Impact

- 6.15 The site's surroundings are of an urban edge character and the site's immediate surroundings are in sport/recreational land uses. As Braywick Park already forms a sports campus the addition of a leisure centre is considered to be appropriate and would not be harmful when considering its impact upon the character of the area in terms of its use and general appearance.
- 6.16 The proposed leisure centre building is large – being between 5.12 and 14.62 metres high, between 63.69 and 99.83 metres wide; and 57.87 and 70.63 metres deep. The building would also be set in an expansive area of hard standing, new landscaping and pitches and courts. The proposals would therefore have a clear visual impact upon the landscape. It should be noted that visual impact should not be confused with the concept of openness which is discussed elsewhere in this report. It should be noted that the landscape is not of any special quality at present. The visual impact of the development on the landscape is also considered to be mitigated in part by the topography of the land surrounding the site, the positioning of the proposed building within the site and existing and proposed tree/hedge cover.
- 6.17 One of the key views of the development would be from Braywick Road. During the summer, the proposed building would be largely obscured by the existing mature trees that are located on the site boundary. The parking area would be visible but this would be viewed in the context of the existing parking area and would be softened by the landscaping scheme. In the winter, when the trees shed their leaves, the building would be more apparent although the impact would be reduced due to the building being set back 140 m from the road and viewed in the context of the existing built form and hard standing in Braywick Park.

- 6.18 There would be very limited views of the building from the residential area on the opposite side of Braywick Road to the park, as these would be largely obscured by the deciduous trees and bushes that are located on the central reservations. The proposed development would not be visible from Bray Road or Hibbert Road due to the separation distances involved and tree and hedge cover.
- 6.19 The main views of the building would be from within Braywick Park itself. Here it would be viewed within the context of the existing buildings and sports facilities and would appear as an extension of the existing built form. Views from the north again would be partly obscured by and viewed within the group of existing buildings within the park. The biggest visual impact would be to views from Green Lane. Only a small portion of Green Lane however would be impacted and it should be noted that the proposed building is considered to be of high quality design and would appear as an extension of the existing sports/recreational land uses and so would not appear out of place.
- 6.20 The development proposals include low level bollard lighting to the car parking areas and flood lighting and fencing to serve/contain the outdoor sports pitches/courts. The impact of this element of the development needs to be assessed in terms of the impact on the character of the area and the potential for any nuisance associated with light pollution. The flood lights would be 10 metres high. There would be six floodlights serving the football pitch and the netball courts would be served by eight floodlights. Whilst the physical presence of the lights and fences will have a visual impact this is not considered to be harmful because floodlights and fencing is already prevalent in the site's surroundings, serving the existing sports facilities and subsequently form part of the established character of the area. The floodlights and fences will also be viewed in the context of the leisure centre building and would be contained within the sports complex area.
- 6.21 In summary, and as supported in the applicant's visual impact assessment submitted with the application, the impact on the character of the area and in long and short views is considered to be acceptable. The loss of open space is justified against the NPPF and in compliance with local plan policy.

Design

- 6.22 As identified above the site and its surroundings are of a character more akin to an edge of town centre location than a rural one. This in-part offers an explanation of the lower Green Belt functionality of the site which is discussed later in this report. None-the-less, the visual impact of the scheme and its subsequent impact on the openness of the Green Belt needs to be fully assessed. The Design & Access statement sets out that the building has been designed to blend into the landscape as much as possible. To avoid "overwhelming" the parkland with the physical presence of a large building, the Design & Access Statement explains how the concept of the floating curved roof sitting over a predominantly glazed elevation was devised. It is considered that this serves to create a more organic form and give the perception of a light-weight structure by reducing the massing and bulk of the building. The curved 'floating roof' would sit over glazing which would include vertical external louvres in timber or timber effect vertical louvres. This form of the building was designed with the intention of reducing the impact of what would otherwise form a solid barrier.
- 6.23 To break down the massing and perceived height of the glazed frontage, the first floor fitness suite has been elevated over a colonnade of white circular columns, with the ground floor accommodation set back and largely glazed. It is considered that this architectural technique would further reduce the perceived scale and massing of the south west elevation.
- 6.24 The orientation of the building and its position has been determined by the existing trees on site and poor ground conditions to the north east. Having the building pushed back into the site by some 140 metres increases the separation with the existing dwelling houses on Braywick Road and also reinforces the existing building line created by the nursery and carvery restaurant. This also serves so that the new building would be viewed in the context of existing built development thus seeking to minimise its visual impact.

- 6.25 The less active frontages of the building which include the pool and sports halls are proposed to face towards, and be shielded by, the tree and vegetation bands adjacent to them. It is considered that the car parking and servicing areas would appear as an extension to the existing car parking area. It is also considered that the car parking would be softened by proposed extensive tree planting. Existing trees, where possible, have been integrated into the landscaping scheme to maintain the landscape maturity of the site. These details would be secured by condition.
- 6.26 Whilst there is nothing of the proposed Leisure Centre's scale in the site's surroundings it is considered that the proposed building would not appear out place due to the surrounding land uses. As explained above, measures have also been taken to reduce the bulk of the building and to assimilate it into the landscape thus mitigating its impact. The design and appearance of the scheme overall is considered to be acceptable in its context and in compliance with Policy DG1 of the Local Plan and emerging policy SP3 of the Borough Local Plan Submission Version.

Flood Risk & Surface Water Drainage

Fluvial Flooding

- 6.27 Part of the site is located within Flood Zone 2. An assembly and leisure use is classed as a "less vulnerable use" and is subsequently regarded as appropriate development that can be located in Flood Zone 2. As set out in the NPPF an Exceptions Test is therefore not required. The planning application is however required to be accompanied by a Sequential Test. A Sequential Assessment has been submitted in support of this planning application. Having reviewed the submission it is considered that the submitted Sequential Assessment demonstrates that there is no suitable, alternative site available in Flood Zone 1.
- 6.28 The Environment Agency was not consulted in respect of this planning application because the development is not within 20 metres of a main river and the development is classed as a "less vulnerable use" and is not a land or building used for agriculture or forestry; a waste treatment site; a mineral processing site, a water treatment plant; or a sewage treatment plant. As such there is no requirement to consult. Furthermore there is no 'standing advice' from the Environment Agency for this sort of development. The proposal has therefore been assessed by officers on the basis of policy and the submitted Flood Risk Assessment (FRA).
- 6.29 Given that the building would be located in Flood Zone 1, the development would not be expected to impede the flow of flood water or reduce flood plain storage. It is noted from the submitted FRA that the Finished Floor Level (FFL) associated with the proposed building would be set at 27.500m AOD. This proposed FFL is approximately 200mm above the adjacent nursery building FFL which was existing at the time of preparing the original 0.1% AEP flood mapping and shown to be outside of the associated flood extent. A condition will be applied to secure the appropriate FFL which will ensure that the building would be flood resilient (See condition 29).
- 6.30 Considering the need for safe access, given that most of the site, the building and Braywick Road are located in Flood Zone 1; safe and dry access/egress will be possible during a flood event. There is nothing to suggest that any user of the building would be in danger of becoming stranded. The proposed development would therefore not increase the number of people at risk of flooding and is thus considered to be safe.
- 6.31 For the reasons above the proposed development is considered to be in compliance with paragraph 103 of the NPPF.

Surface Water Drainage

- 6.32 The LLFA is satisfied that the surface water drainage system serving the proposed development, as set out in the submitted Flood Risk Assessment, is acceptable in principle. Normally infiltration testing to Building Research Establishment note 365 would be expected to demonstrate the workability of a surface water drainage system relying on infiltration. It is however noted that falling head tests have been undertaken and that the results of these tests demonstrate that infiltration will be practical. The LLFA raises no objection to planning permission being granted subject to the imposition of a suitably worded pre-commencement planning condition requiring submission of full details of the proposed surface water drainage system and supporting

calculations based on on-site infiltration testing undertaken in accordance with BRE365. This condition is included in section 10 below (see condition 9).

Highways

The Site and the surrounding area

- 6.33 The main access to Braywick Park is directly off the A308 Braywick Road dual carriageway where the site has extensive frontage to the main road. Hibbert Road runs along the southern boundary to the site. Tip Lane is located on part of the northern boundary before joining Stafferton Way which accesses the A308 Braywick Road by way of a roundabout junction just south of Maidenhead Railway Station. Further to the north, on the other side of the railway station, the A308 joins the A4 Reading to Slough Road at Castle Hill/Frascati Way/Marlow Road/Bad Godesberg Way before heading in a north-westerly direction to link with the A404 Maidenhead to High Wycombe Road at Bisham. The A308 Braywick Road continues as a dual carriageway to the south past the site and connects to the A308 Windsor Road, A330 Ascot Road and the A308 (M) at Bray Wick. The A308 (M) then links to Junction 8/9 of the M4. There is peak hour congestion on roads approaching and at the junctions through Maidenhead Town Centre and also those at and approaching Junction 8/9 of the M4.
- 6.34 Maidenhead Railway Station where the Elizabeth Line is scheduled to operate (with effect from 2019) is located about 1km north of the main site entrance. Local services and amenities in Maidenhead Town Centre can be accessed within a short walking distance from the railway station.
- 6.35 The main access to the existing leisure facilities at Braywick Park is located off the main A308 dual carriageway which is subject to a local 40mph speed restriction. There is an existing right turn lane facility which enables northbound traffic (from the strategic highway network) to access the site by crossing the southbound traffic lanes of the dual carriageway. Ingress and egress for southbound traffic entering and leaving the site access is segregated.

Baseline Surveys

- 6.36 The following junctions were tested through RBWM's 2017 strategic transport model;

- A308 Braywick Road/Stafferton Way/Rushington Avenue
- A308 Windsor Road/A308 (M)/ A330 Ascot Road
- A Manual Classified Turning Count (MCTC) was completed at the site access along Braywick Road.

Magnet Leisure Centre Surveys

- 6.37 The submitted Transport Assessment (TA) reports that a series of counts and surveys were carried out to determine the vehicular and pedestrian activity arising from the existing leisure centre and from the nearby health centre. The results suggest that a significant number of vehicular and pedestrian movements occur during the am and pm peak periods. The parking occupancy rate during the weekdays is evenly spread throughout the day, except during the am and pm peak periods. However, during the weekend the peaks are concentrated during the morning periods, peaking between 10:00 and 11:00am.

Accident Records

- 6.38 Whilst there have been 4 recorded personal injury accidents in the past 5 years, the data obtained from Royal Borough of Windsor and Maidenhead shows no re-occurring patterns to suggest there are inherent problems on the local highway network.

Access

- 6.39 The development proposes retaining, but also modifying, the existing access junction to allow for coach movements. The improvements to the proposed access would be secured through a unilateral undertaking and condition 22. The development also provides a pedestrian and cycle link from the site's south east boundary to footpath 8 at Green Lane

- 6.40 It is noted that a number of residents have commented or raised concern in connection with pedestrian access to the site with particular reference to the lack of a pedestrian crossing on Braywick Road. Whilst there is no zebra, pelican or puffin crossing on Braywick Road, there are a number of drop kerb pedestrian crossings along the road. The Highways Officer suggests that this application in isolation would not warrant the formation of a more formal crossing and so one has not been requested as part of this application.
- 6.41 A meandering path has been proposed connecting the site to Green Lane. A straight path has been not been proposed due to level difference – the curves create a reasonable gradient along the path's length which would make it safe for all users. This is considered to be acceptable but a condition (condition 31) would be applied to any consent to ensure the path is designed to be Inclusive Mobility compliant.

Car Parking Provision

- 6.42 The TA includes an extract from the Borough's Parking Strategy (2004) for the various use classes within the developments. The Borough Parking Strategy defines good accessibility as being within 800m distance of a railway station with a regular half hourly or better train service. The site is however located just over 1 km from the railway station. It is acknowledged that the area has been described in a recent planning appeal as being within an accessible location, with easy access to the town centre, public transport and retail and commercial facilities. Subsequently an average range between good and poor accessibility has been applied when determining the parking requirement for the development. Based on an average parking standard the Sports Hall and Cafe attracts a demand for 202 and 26 parking spaces respectively. The remaining assembly and leisure (Class D2) elements, the swimming pool, the sports court and the hockey pitch were individually assessed since these could be used more extensively than a sports field. The approach and assumptions made to determine the parking provision for these use classes is considered acceptable and would lead to a demand for 446 spaces. However, the TA remarks that the swimming pool is not expected to regularly reach a maximum capacity and as such a parking provision of 430 spaces is sufficient for the proposed development.
- 6.43 The parking plan shows a parking provision of 430 spaces which are allocated as follows:
- Parking bays – 388 spaces
 - Accessible bays – 28 spaces
 - Staff bays – 14 spaces

The provision for electric vehicle charging is as follows:

- Active Electric Charging area – 6 spaces
 - Passive Electric Charging area - 80 spaces
- 6.44 The development also proposes 48 visitor cycle parking spaces, 10 staff cycle spaces and 22 motorcycle parking spaces. The applicant also proposes replacing 16 visitor cycle parking spaces. Overall it is considered that the proposed vehicle and cycle parking provision is acceptable.
- 6.45 The TA states, "*Where possible, cycle and motorcycle parking will be covered, well-lit and include extra security such as CCTV or sited at locations where security is high.*" The design and arrangement of the cycle and motorcycle parking would be covered by planning condition (condition 20).
- 6.46 The TA also mentions the provision of a free shuttle bus service between the site and the town centre. This would run every 15 minutes, seven days a week from bus stops at Saint-Cloud Way. The shuttle bus and the Saint-Clouds Way bus stops would be secured through a legal agreement.

Trip Generation

- 6.47 The methodology used to predict the traffic generated by the new leisure centre is considered to be acceptable.

Modelling

6.48 The RBWM strategic transport model has been developed by the Planning Authority with its consultant (WSP) to assess the impact of developments on the local highway network. The following junctions were assessed, both with and without the proposed development:

- *The A308 Braywick Road/Stafferton Way/Rushington Avenue roundabout;*
- *The A308 Braywick Road/Site Access priority junction;*
- *The A308 Windsor Road/A308 (M)/A330 roundabout*

6.49 The submitted TA concludes that the proposed development would not have a severe impact in the context of Paragraph 32 of the NPPF. The development alone does not give the rise to a requirement to undertake any junction improvements.

Construction Management

6.50 No Construction Management Plan has been submitted in support of this application. This however can be secured through a condition, as set out in condition 18 in section 10 below.

Travel Plan

6.51 A draft Travel Plan has been submitted in support of the planning application which aims to promote the use of sustainable transport modes. There are however a number of areas that require addressing before this can be approved and finalised. The final Travel Plan could also include penalties that are currently not considered in the draft version. A condition (condition 21) would be applied to ensure a robust Travel Plan is devised and adopted. The Travel Plan would also be secured through a legal agreement to enable monitoring of its outcomes.

Summary

6.52 In summary there is no objection to the development proposals on highways grounds subject to the following being provided: improvements to the access junction being secured; cycle parking and motorcycle parking details; a swept path analysis for buses, coaches and service vehicles; and a Construction Management Plan. These details would be secured by condition. A Travel Plan which would be secured by condition and through a legal agreement to enable monitoring. The bus stop and shuttle bus recommendations would also be secured through a legal agreement. With the aforementioned requirements being secured the development proposals are considered to be in compliance with Saved Local Plan policies DG, P4, T5 & T7 and paragraphs 32 & 34 – 36 of the NPPF

Trees & Landscape

6.53 One mature 'B' category tree is proposed to be removed, but the other main landscape trees are shown for retention. A number of poorer quality trees are also shown for removal, but it is considered that the proposed planting would mitigate this. Whilst there is no "in-principle" objection to the application proposals, some small amendments have been requested and these will be detailed in an update to the panel. As there is no fundamental objection to the scheme on trees and landscaping grounds and it is anticipated that the outstanding issues can easily be resolved, no objection is raised and condition 5 is recommended to secure a detailed scheme of Landscaping. With the outstanding issues being resolved the proposed development is considered to comply with Saved Local Plan policies N6 and N7.

Ecology

Designated Sites

6.54 Bray Meadows Site of Special Scientific Interest (SSSI) is located approximately 285m from the site. The site is designated for its improved grassland habitats and the species it supports. The Council's ecologist recommended that Natural England be consulted in respect of this planning application, given the site's proximity to a SSSI. Natural England indicated that it raises no objection to this application.

- 6.55 The site is also located within 100m of Braywick Park Local Nature Reserve (LNR) and 200m from Braywick Park Local Wildlife Site (LWS). LNR and LWS are protected by local plan policy N9 which states "In considering development proposals affecting Local Nature Reserves and Wildlife Heritage Sites (known also as Local Wildlife Sites), the council will have particular regard to the need to protect natural features and the availability of mitigation measures, Measures will be required to safeguard and enhance Wildlife Heritage Sites included within any development proposals".
- 6.56 The applicant's ecologist has recommended that appropriate mitigation measures are incorporated into the development in order to avoid potential impacts (including potential dust and groundwater pollution) of the development on these sites. The applicant should provide a Construction Environmental Management Plan which shall include details of the protection of the designated sites which lie in close proximity to the development site, the prevention of pollution events (including dust pollution) and decreasing the noise and light pollution. Should the Panel be minded to grant planning permission this can be secured by condition 12.

Bats

- 6.57 Two buildings and two trees which are going to be directly affected by the development were deemed to have the potential to support roosting bats and therefore further survey work was undertaken. All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside & Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. Seven bat species are considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006. As legally protected species, the potential for impacts to bats is a material consideration when making planning decisions (paragraph 98 of the ODPM Circular 06/2005). No bats were recorded emerging or returning to roost within these buildings and trees and therefore no further survey is deemed necessary.
- 6.58 A precautionary approach to the felling of the two trees with bat potential has been recommended within the ecology report and includes a further dawn survey immediately prior to felling, in order to confirm the absence of bats, and that the trees are soft felled. The survey should be undertaken at an appropriate time of year following best practice guidelines. It is recommended that this advice be incorporated into a suitably worded condition (see condition 14). Should bats be found to be present during these further surveys, a European Protected Species Licence is likely to be required in order for the development to proceed lawfully.
- 6.59 All other trees with the potential to support bats are currently to be retained and protected and therefore no further survey on trees is necessary. However, if the plans change and further trees with bat potential are to be removed, further survey and mitigation, if appropriate, would be required prior to the determination of this application.
- 6.60 The site was recorded as having good foraging and commuting potential for bats and eight species of bats were recorded on site during the bat activity surveys. The proposed development would increase the levels of light at the site which, without appropriate mitigation, could have a negative impact on the local distribution/ abundance of bats that use the site. Recommendations with regards to sensitive lighting at the site in order to minimise these effects has been provided and includes avoiding lighting sensitive areas such as trees, hedgerows and woodland, maintenance of dark corridors across the site, use of narrow spectrum lights, using light sources which emit minimal UV, avoiding blue and white wavelengths, use of luminaires or other directional light accessories and timing of light use. A sensitive lighting strategy should be prepared and provided to the local planning authority for approval following the recommendations within the ecology reports as stated above. This advice is incorporated into a condition (see condition 15).

Herpetofauna

- 6.61 One pond was recorded approximately 200m from the proposed development. Although some habitats on site had the potential to support great crested newts in their terrestrial phase, the applicant's ecologist concluded that it is very unlikely that great crested newts were using the

proposed development site due to the distance, lack of local records and the fact that there is more suitable habitat closer to the pond. No further survey is required.

- 6.62 Small areas of the site were recorded as having the potential to support reptiles and toads. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile and toads are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. As there is suitable surrounding habitat for reptiles and toads, the applicant's ecologist has recommended a precautionary working method with regards to these species including sensitive timing of works, habitat manipulation and removal of sheltering features by hand. This should all be undertaken under the supervision of a suitably qualified ecologist and further detailed within a reptile and amphibian method statement. A suitably worded condition can be applied to any consent requiring a reptile and amphibian method statement to be produced and provided to the local planning authority for approval.

Breeding Birds

- 6.63 A number of birds were recorded on site and the woodland, trees, scrub and hedgerows have the potential to support breeding birds. Details of how breeding birds are going to be safeguarded during the proposed development has been provided within the ecology report. In addition as there would be loss of foraging and nesting habitat for birds, it has been recommended that replacement habitat should be provided (appropriate planting and nest boxes) within the landscape designs as part of the application. This would be secured by condition. (See condition 13).

Badgers and other mammals

- 6.64 No badger setts were recorded during the ecology survey, however, their presence could not be completely ruled out as the areas of dense scrub were inaccessible at the time of survey. There was evidence of fox and rabbits on the site and potential for hedgehogs. The ecology report makes recommendations for the protection of badgers and other mammals during construction including sensitive clearing of scrub habitat under ecological supervision, and covering trenches and open pipes overnight. This can be secured by condition 27. Whilst not a planning consideration, in accordance with protected species legislation the applicant will be advised that should a badger sett be recorded prior to the commencement of development, ecological supervision should be sought and a licence from Natural England may be required.

Biodiversity Enhancements

- 6.65 Section 40 of the Natural Environment and Rural Communities Act 2006 states that "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In addition, Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".
- 6.66 The applicant's ecologist has provided a number of recommendations for ecological enhancement in order to provide compensation for any habitats lost and in order to provide a net gain in biodiversity at the site. These include incorporating native species or species with a known value to wildlife into the landscaping, expansion of scrub habitats, creation of dead wood habitats, installation of bird (swift, house sparrow and starling), bat and invertebrate boxes onto the new buildings and retained mature trees. A landscaping plan has been provided with the application and includes new native planting including grassland, swale, wetland and tree habitats, native scrub and a species-rich native hedgerow is planted along the pathway in the north of the site in order to maintain connectivity across the site for bats. In addition, all the biodiversity enhancements which are to be incorporated into the site, in line with the ecologist's recommendations, should be provided in a Landscape & Ecology Enhancement & Management Plan. Details within this document should include the creation/ installation, maintenance, and management of the biodiversity enhancements for at least the first five years (see condition 13). This would also be included in a legal agreement to enable monitoring.

- 6.67 In summary, subject to the mitigation secured by the recommended conditions, the proposed development is considered to be acceptable when considering its impact upon protected species in accordance with paragraphs 109 and 118 of the NPPF.

Residential Amenity

- 6.68 The nearest residential property to the south is located approximately 278 metres from the southern boundary of the application site and the nearest residential property to the west is located approximately 40 metres from the site's western boundary and is separated from the site by Braywick Road. Given the separation distances there are not expected to be any negative impact on neighbouring amenities when considering the potential for loss of privacy, overbearing impacts or loss of light in accordance with Core Principle 4 of paragraph 17 and paragraph 56 of the NPPF. Due to the distance from the nearest residential property and the fact that the floodlights would be angled towards the court/pitches they serve, no nuisance is expected to arise when considering the potential for light pollution. In any event, as discussed below, the hours of use of the outdoor pitches would be controlled by condition 28.
- 6.69 The layout of the scheme has been designed to be mindful of potential amenity impacts on the neighbouring cemetery. No openings are proposed on the elevation adjacent to the shared boundary and any mechanical plant on this elevation would be fitted with sound attenuation baffles to minimise any potential disturbance from plant noise (see conditions 25 and 31).
- 6.70 In summary considering the points above and those explored in the Environmental Protection section, there is no objection to the proposals on the grounds of neighbour amenity and the development proposals are considered to accord with Core Principle 4 of paragraph 17 and paragraph 56 of the NPPF.

Design & Crime

- 6.71 At the time of writing no response has been received from Thames Valley Police (TVP) in connection with design and crime. Officers are however satisfied that TVP provided a substantive response to the earlier pre-application enquiry and the advice, with conditions (see conditions 20), can be followed through into the current planning application.

Environmental Protection

- 6.72 The application submission was supported by documents assessing the various impacts considered below:

Acoustics

- 6.73 The planning application is supported by the *Braywick Leisure Centre, Maidenhead Planning Submission Acoustics Report 19/10/2017 Revision 1 Acoustics* prepared by SG and verified by JNB of Hoare Lea. This report has measured the current sound levels along the south eastern boundary of the site to assess the impact of the development upon the nearest noise sensitive receptors.

Equipment and Plant Noise

- 6.74 The leisure centre would have equipment and plant including heating, hot water, water treatment for the swimming pool, air conditioning and extraction systems, such as from the kitchen for the cafe. The noise from this equipment needs to be assessed and controlled so that it does not harm the amenity of those living nearby.
- 6.75 The impact of noise of equipment can be assessed using British Standard 4142:2014 and sound limits can be set using this standard. L_A Tr is a noise rating that refers to specific noise level plus any adjustment for characteristic features of the noise. Section 5 of the Hoare Lea Acoustics report recommends levels of L_A Tr 33 decibels (dB) beside the residential properties and L_A Tr 48 dB beside the cemetery. It is considered that these levels are achievable and reasonable.

- 6.76 The selection of the equipment would not be finalised until towards the end of the fitting out of the leisure centre so compliance with these sound levels cannot be confirmed until then – it is however known that it is possible to comply with the levels. To ensure these sound levels are achieved a condition will be applied requiring a sound report listing the equipment, its noise levels and confirmation that the levels quoted above will be achieved (see condition 25).

Loud Voices and Whistles

- 6.77 The leisure centre plans show 4 additional external sports pitches. The sound of loud voices and whistles is known to be a frequent complaint about sports pitches, especially late in the evening when the volume of background sound has reduced making the sound of voices and whistles noticeable.
- 6.78 The applicant commissioned an outdoor noise assessment to assess the potential for a harmful increase in outdoor noise. This modelled the noise from the proposed pitches using noise levels supplied by Sport England and verified by measurements. Current noise levels in the area have been measured. The distance attenuation to the nearest residential properties, Halcyon Cottage and Bray Broc Hall has been calculated. The calculations show that the noise from the sports pitches would be $L_{Aeq (1 \text{ hour})}$ 42 dB (decibels) 11 dB below the measured existing noise ambient level between 22:00 -23:00 of $L_{Aeq (1 \text{ hour})}$ 53 dB. The ambient noise level is considerably louder during the rest of the day.
- 6.79 The noise from the sports pitches, being at least 11dB below the existing ambient noise levels, has been considered on the basis that there would be no cause for a justifiable complaint. No harmful noise is therefore expected to arise from the development to an extent where it would justify the refusal of this planning application. The Environmental Protection Officer has however suggested restricting the hours of use of the outdoor sports pitches to protect neighbouring residents from general noise and light disturbance, it is considered that this approach is reasonable. A condition 28 to this effect is included in section 10 below.

Internal Sound levels

- 6.80 Swimming pools and sports halls have a high amount of hard surfaces that reflect sounds making them reverberant sound environments. The reverberation would make the internal sound environment echo and uncomfortable, the volume of sound will be louder and it will make speech unintelligible. This is a particular problem in sports halls that may be used for other activities Measures can be implemented to reduce the amount the reverberation in these areas.
- 6.81 The reverberation time of sound in spaces used for the performance of music and drama has to be carefully managed. There is a careful balance between too much and not enough. The reverberation would need to be assessed and mitigation designed to achieve an acceptable internal acoustic environment. Particular care will need to be taken for the acoustic environment in the sports and cultural space. Whilst the internal sound environment is of limited consequence from a planning point of view, it is an important design consideration.
- 6.82 Whilst a condition has been recommended restricting the hours of use of the outdoor sports pitches, it is not considered necessary to restrict the hours of operation of the leisure centre itself. This is on the basis that other leisure centres in the borough operate on an unrestricted basis and no complaints have arisen from this. A restrictive condition is therefore not considered to be justified in this instance.

Odour

- 6.83 A café is shown on the plans which would be ancillary to the main leisure centre use offering a selection of cold and hot food. From the application submission it is noted that adequate ventilation and extraction has been designed into the building and no additional extraction equipment is necessary. (Ventilation chimneys have been designed into the building and are shown on the elevations).

Contaminated land

- 6.84 RPS Consulting was commissioned by the applicant to investigate any potential pollutant linkage, which can affect the proposed redevelopment for commercial end use. The results of intrusive site investigations showed presence of lead and asbestos within the footprint of the former landfill area. Therefore, it is considered that the proposed excavation of made ground of min. 300mm and replacement with clean topsoil/subsoil will be satisfactory.
- 6.85 Ground gas protection standards for commercial buildings require consideration. The design of water supply pipes should also be taken into consideration when installed in remaining made ground. A validation report would be required to confirm the above and the applicant will be required to consult the Environmental Agency with regards to risk to controlled waters. This can all be appropriately controlled by the use of condition 7. With these conditions the development proposals are considered to comply with saved Local Plan policy NAP4.

Working hours

- 6.86 To minimise the disturbance to nearby residents an informative shall be applied to any consent reminding them of the hours during which construction work should take place.
- 6.87 In summary the development proposals are considered to comply with Saved Local Plan policies NAP3, NAP4 and paragraphs 121-124 of the NPPF subject to the use of the recommended planning conditions 7, 25 & 28 and the Environmental Protection elements of informative 1 that are listed in section 10 below.

Air Quality

- 6.88 The Maidenhead Air Quality Management Area is located approximately 335 metres from the site. An Air Quality Assessment was commissioned by the applicant to assess potential air quality impacts during construction and operation of the proposed leisure centre. The assessment has been reviewed and the following conclusions drawn.
- 6.89 The impacts of the construction works on dust and ambient PM10 (particulate matter) concentrations have been assessed and predicted to be “not significant”. This is based on the recommendation that good practice control measures, as highlighted in Table 10 of the Document, would need to be implemented. Condition 10 is included in section 10 below to ensure that dust mitigation measures are implemented.
- 6.90 The air quality impacts from vehicle exhaust emissions and the energy combustion plant emissions generated by the proposed development have been assessed. The energy combustion plant is predicted to give rise to a potentially significant impact, however there is no relevant exposure within the area where the NO₂ (Nitrous Oxide) concentration is predicted to increase, and therefore the impact is considered to be not significant.
- 6.91 There are no exceedances of the annual mean NO₂ objective predicted at any of the existing receptors. However, receptors located close to the junction of Braywick Road and Hibbert Road are predicted to experience a moderate impact. The predicted annual mean concentrations at all receptors meet the NO₂ annual mean objective and no mitigation measures have been recommended as a result of the operational phase.
- 6.92 It is recommended that a Travel Plan is devised to encourage the use of alternatives to single-occupancy car use has been submitted with the application, this ties in with the comments from the Highway Authority in relation to the submitted Transport Assessment. Overall the findings and conclusion of the Air Quality Assessment and the air quality impact associated with the development is considered to be not significant. The proposals are subsequently considered to be in compliance with 124 of the NPPF.

Archaeology

- 6.93 The application site is accepted to be of high archaeological potential. Berkshire Archaeology has reviewed the results of the geophysical survey prepared by the applicant. Berkshire Archaeology is content that further field evaluation of the application area prior to the determination of this application is not merited. The survey has established that the eastern third of the site has been subject to historic gravel extraction. The survey has not identified any anomalies certainly of archaeological origin in the west of the site but the results may mask more subtle anomalies. In view of the area involved (c. 2.8ha outside the area of the former quarry), the potential impacts of the proposed development and the high archaeological potential of the Middle Thames Valley, further archaeological investigation is merited but this can be secured by an appropriately worded condition, should permission be granted. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should '*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*'. Condition 8, as recommended by Berkshire Archaeology is listed in section 10 below.

Conservation

- 6.94 A row of five Grade II Listed cottages are located approximately 320m south of the site and are separated from the site by Braywick Cemetery and the nature reserve. Grade II listed 'The Clocktower' lies approximately 450m north of the site. Grade II* listed 'Braywick House' lies approximately 380m south west of the site. The setting, features and views of these Listed Buildings would not be impacted by the proposed development due to the separation distances involved.

Other Matters

Safeguarding

- 6.95 Whilst not a planning matter there have been a number of complaints about voyeurism at Windsor Leisure Centre. The walls of the cubicles in the shared changing area do not extend all the way down to the floor. This has allowed the taking of photographs, under the wall, of those in the neighbouring cubicle the applicant has been advised of this as it can't be the subject of a planning condition.

Food safety

- 6.96 Whilst not a planning matter the kitchens must comply with current food safety requirements and be registered with the Royal Borough informative 1 is recommended to highlight these requirements.

Licensing

- 6.97 Whilst not a planning matter the leisure centre would require a premises licence if it intends to supply alcohol and regulated entertainment. A licence for the performance of live and / or record music and dancing including dancing performances may also be required. Informative 1 part c will be applied to any decision notice to notify the applicant of this requirement.

CONCLUSIONS

- 6.98 The development proposals would be harmful to the Green Belt and would clearly impact upon its openness and two of the five Green Belt purposes. This is required to be given substantial weight in the planning balance. An assessment therefore remains to be made as to whether Very Special Circumstances exist that clearly and demonstrably outweigh the harm caused by the proposed "inappropriate" development within the Green Belt. The applicant has put forward a case to this effect which is as follows:

Need for the Facility

- 6.99 The applicant sets out that the need for a new, larger and more expansive Leisure Centre is explained by population growth, people's increasing activity levels and demand on leisure facilities, and the recognition that taking part in sports and recreational activities can help in

checking the growth of obesity and other health issues. The Council's own Indoor Sport & Recreation Study (March 2016), prepared to support the infrastructure position in the BLP Submission Version, states that swimming provision is good within the Borough, but highlights that the Magnet Leisure Centre is past its best and needs to be replaced. Market segmentation analysis suggests that there is further potential demand for swimming, both within the existing population and as a consequence of population growth.

- 6.100 It is accepted that the need for a new facility is also explained by the fact that the original Magnet Leisure Centre is approximately 40 years old and is nearing the end of its operable life. The size, age and condition of the Magnet Centre are making it increasingly challenging to provide a high quality sports offering. Maintenance and running costs are high compared to newer facilities. It is understood that the quality of the user experience is declining and without significant investment and/or new provision, the situation will worsen. The facilities in the Magnet Centre have also been found to fail to comply with minimum standards required to adhere to best practice set by Sport England.
- 6.101 The applicant sets out that the Magnet Centre is struggling to cope with the increased demand for its facilities. Its use over the last four years has risen from 696,659 to 783,287, an increase of 11.1%. The population increase for the same period was only 1.7%. The applicants' case is that this highlights that, in general, people are using this type of facility more often. The applicant further sets out that with the DCLG Household projections from 2014 to 2039 showing a 16% increase in the population nationally, the demand for such facilities will continue to grow exponentially, reaching twice the figure that use the Magnet Leisure Centre on an annual basis.
- 6.102 Sport England has carried out research about people's activity (aged 16+). The research is split up into three age groups with the number of people undertaking sport and recreational activities being the highest for the 35 to 54 year old age range. This age range and the older one (55+) account for 61.3% of the adult population. Growth in the 45+ age range is also high. Facilities in which to take part in sport and other forms of physical activity will be increasingly significant in helping the 'get active' message and the opportunity to engage and 'be active'. According to Sport England most recent published Active People Survey, an estimated 42.3% of adults in RBWM participate in at least 30 minutes of moderate intensity sporting activity per week (the national average is 35.8%). These figures support the applicant's position that there is a significant demand for the facilities being provided for at the new Leisure Centre, and that with the increase in the older population taking part in sports and recreational activities, this demand is going to continue into the future.
- 6.103 Further, Sport England has broken down the type of sports and recreational activity that takes place nationally and the largest increase in sport and recreation was volleyball followed by swimming. These, having a year on year difference of 56% and 47% respectively. This supports the inclusion of the improved court space and the better equipped swimming pool being provided by the new Leisure facility. In addition, the need for general keep fit and gym facilities remains, with this being the most popular activity over the survey period.
- 6.104 Sport England's market segmentation profile for Windsor and Maidenhead indicates that the Borough's demographic profile is one of high sports and fitness participation and indicates high existing and growing demand in particular for health and fitness, swimming and cycling provision. The profile and importance of health has also grown immeasurably over recent years.
- 6.105 The next five to ten years will see significant growth in Maidenhead both in population and housing as Crossrail is developed and implementation of plans for the regeneration of its town centre continue. Population growth will increase demand for sport and recreation facilities. Over the Strategy period (2015-2020) the socio-economic profile of the Authority will remain broadly the same. Sports and activities which are popular now in RBWM, going to the gym, exercise classes, cycling, swimming and running will continue to be the most popular.
- 6.106 The proposed leisure centre is relied upon to make provision for the Borough's sport, recreational and leisure needs in the Draft Infrastructure Delivery Plan (2018) that underpins the Submission Version Borough Local Plan. It is accepted that there is an existing and growing need for a modern leisure centre in Maidenhead. Due to its age, general condition and inability to meet

accessibility requirements it is accepted that the Magnet Centre does not meet current standards and is not capable of being made fit for purpose in its current format. The applicant has also presented evidence of the growing demand for the types of sports facilities that have been proposed. In summary the need for the facility is held in **significant weight**.

Sequential Test

6.107 A sequential site assessment has been undertaken by GL Hearn. It considers alternative possible sites for the leisure centre and forms part of the Council's evidence in support of the Borough Local Plan Policy IF 6. This test assesses the proposal against paragraph 24 of the NPPF which requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. This advice requires Local Planning Authorities to require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are still not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The sites that have been considered within the Sequential Site assessment have been drawn from a variety of sources as set out below:

- RBWM Development Plan Search; Identification of sites allocated for development in the following adopted or emerging local planning documents:
- RBWM Local Plan (adopted July 1999) with alterations (June 2003) – Saved Policies (September 2011)
- Maidenhead Town Centre Area Action Plan (adopted September 2011)
- Submission Version Borough Local Plan (published July 2016)
- Local Plan evidence base documents;
- Strategic Housing Land Availability Assessment (SHLAA) (January 2014)
- Housing Site Assessment (January 2014)
- Edge of Settlement Analysis: Preferred Options (January 2014)
- Edge of Settlement Analysis: Green Belt Purpose Assessment (July 2016)
- Employment Land Review (2013)
- Green Belt Boundary Study (December 2013)
- Green Belt Purpose Assessment (July 2016)
- On the ground site survey and discussions with RBWM Officers

6.108 The sites identified through the aforementioned sources have subsequently been sifted based on their proximity to Maidenhead, and therefore suitability for the re-provision of the existing leisure centre, with only those sites either within or adjoining the Maidenhead Settlement Boundary taken forward for further consideration. Through this preliminary sifting exercise 28 sites have been identified for further assessment. These sites are listed below.

Allocated Sites – MTC AAP Opportunity Areas (OA):

Broadway OA

West Street OA

York Road OA

Railway Station OA

Stafferton Way OA

Non Allocated Sites:

DTC Research Centre

Boyn Valley Road

Whitebrook Park

Land south of Ray Mill Road East

Shoppenhangers Manor

Reform Road
Land at Woodlands Park Avenue
Cannon Court Farm
Spencers Farm
Blackamoor Lane and North Town Moor
Land opposite Green Lane Allotments
Maidenhead Golf Course
Land North of Ockwells Road
Summerleaze Road
Land North of Breadcroft Lane
Area South of Harvest Hill Road
Howarth Road
Land south of Stafferton Way
St Cloud Gate (existing MLC)
Braywick Park, Golf Driving Range
Land at Ockwells Road

- 6.109 The criteria used in the assessment of each of the 28 sites, identified through the Initial Site Identification, was informed by the Council's requirements for the relocation of the Leisure Centre as well as the requirements for sequential assessments as set out in National policy / guidance. The criteria therefore considered site requirements, proximity to the Town Centre, policy allocations, site constraints and accessibility. A traffic light scoring system has been applied to determine the appropriateness of each site, with each criteria assessed as being either positive (green), neutral (amber) or negative (red). The full assessment of all 28 sites is included in Appendix A.
- 6.110 Following assessment of the 28 sites against the above criteria, 18 sites were rejected. The remaining 10 sites have been taken forward for further assessment and considered against a further three criteria to assess the deliverability of leisure uses on each site. This stage 3 assessment is based upon the availability of the site, the suitability of the site and the achievability of development in this location as set out within National and Local Planning Policy. This is set out in the table below:

Site	Available	Achievable	Suitable	Comment
ALLOCATED				
York Road OA	Yes	No	No	The YROA site is in multiple ownerships; RBWM's ownership within the YROA is available however this is too small to accommodate a new leisure facility alongside the AAP proposals.
Stafferton Way OA	No	No	No	RBWM has freehold ownerships but these are let on long term leases. Given the modern nature of existing use, development is not achieved in 5 years. The site is allocated for employment uses.
NON ALLOCATED				
St Cloud Gate (existing MLC)	Yes	No	Yes/No	Much of the site is owned by RBWM. MLC will be required to remain open during reprovision of a new facility and the Ten Pin Bowling site (0.3ha) is not large enough to provide this. The site is identified in the DBLP for residential development (500 units)
Maidenhead Golf Club	No	No	Yes	The site is safeguarded for residential development in the DBLP. The site is not available in the required timescales.
Reform Road	No	No	No	The site is identified in the DBLP for residential, educational and employment use. Parts of the site are subject to long leases.
Howart Road	No	No	No	The site is in economically active use and is identified in the DBLP for employment use.
DTC Research Centre	No	No	NO	The site is privately owned and identified in the DBLP for residential and employment use.
Braywick Park (Driving Range)	Yes	Yes	Yes	The site is in RBWM ownership. The site is of a suitable size, an accessible location and in close proximity to existing outdoor leisure facilities. Leisure development in this location is considered achievable within 5 years subject to the removal of the
Land south of Ray Mill Road East	Yes	No	No	The site is in RBWM ownership and identified in the DBLP for residential use.
Land south of Stafferton Way	Yes (Part)	No	Yes	The site is of low green belt value and is in close proximity to existing outdoor leisure facilities. Only part of the site in RBWM ownership and has been promoted for development

- 6.111 Following completion of the sequential test the application site was the only option found to be achievable, suitable and available. It is recognised that the Golf Driving range site currently lies in the Green Belt but there were no other sites coming forward that were of the right size, achievable and deliverable.
- 6.112 The existing Magnet Centre site was discounted because of the costs involved in refurbishing the existing centre and the need to provide a continuous service. In order to meet the required standards significant re-modelling and extension of the existing building would be required and this would not be cost effective. The redevelopment of the existing site has been discounted because the existing leisure centre would need to remain operational along with the 166 space car park during the construction of a new leisure centre. The remaining available space would allow for a building with a footprint incapable of providing the identified essential facility mix.

- 6.113 In summary it is accepted that there is no alternative, suitable site for the proposed leisure centre. Furthermore, Braywick Park is a short walking distance from Maidenhead town centre, is accessible by public transport, and in a highly prominent and accessible location. This is held in **significant weight** when considering the case for very special circumstances.

Health & Well Being

- 6.114 The NPPF recognises the role that high quality sports and recreational opportunities play in the health and well-being of a community. It is accepted that the proposed development would enhance opportunities for residents to participate in activities that promote good health and well-being.
- 6.115 NHS Statistics on Obesity, Physical Activity and Diet produced for England in 2017 have been presented by the applicant and these confirm that obesity prevalence has grown from 15% in 1993 to 27% in 2015. The NHS acknowledges that “physical activity contributes to a wide range of health benefits and regular physical activity can improve health outcomes irrespective of whether individuals achieve weight loss”. The Government support this and the Physical activity guidelines for 19 to 64 year olds advises 150 minutes of activity each week, with swimming highlighted as one of the activities that will provide much needed vigorous intensity. As described below the centre will participate in a GP referral programme.
- 6.116 The health benefits that the scheme will offer to the community are held in **significant weight** when considering the case for VSC.

Community Benefits

- 6.117 The NPPF recognises the role that planning plays in facilitating social interaction and creating healthy, inclusive communities (paragraph 69). The NPPF also, at paragraph 70, advocates positive decision making in planning for shared space and community facilities, including sports venues, in order to enhance the sustainability of communities and residential environments.
- 6.118 The leisure centre would act as a community recreational hub and as well as providing for a range of major sports it would also cater for those requiring specialist equipment/courts. Studios would be available for aerobic, dance and holistic classes. The facility would support participation in sport at entry level and would be inclusive.
- 6.119 The Leisure Centre would be managed to ensure that it is accessible to all including the disabled and those on low incomes. The RBWM Learning Disability Partnership would help promote this and the applicant has set out that the centre would work closely with Sportsable – an organisation that encourages people with disabilities to participate in sport. The applicant has been working with the Braywick Park User Group ensuring the new centre would provide complimentary facilities which would further consolidate the Park as the town's foremost sports and recreational centre. Relationships would also be established with local schools. The details to achieve this would develop ahead of the opening of the Sports Centre. However, one approach would be through the Council's Advantage card scheme, which is free to all residents. It has many advantages including discounts when accessing the leisure centres. There is also the advantage plus scheme targeted at recipients of benefits, and the GP referral scheme. The latter operates with all local GP surgeries where they can refer patients with specific health issues to the Leisure centre to access healthy workouts in a discounted membership scheme. In addition, there would be the SMILE club at the centre targeting the over 50s. This presently attracts well over 100 users a week, and the oldest is aged 94. It is also intended to carry on running classes for Cardiac rehabilitation, cancer rehabilitation and stroke rehabilitation. These are all based in the gym environment where physical activity is used to assist in rehabilitation. Other opportunities would arise through work with SportsAble.
- 6.120 The RBWM Access Advisory Committee have written in support of this planning application and state that they “*believe the inclusivity being built in to the design and fit-out of the leisure centre will help raise sport and leisure participation by residents and visitors with disabilities*”. They have also noted a number of improvements when compared to the existing Magnet Centre. These include the following:

- Significant enhancements in inclusive activity programmes
- The number of blue badge spaces, their dimensions and proximity to the leisure centre entrance
- The inclusion of a blue badge parking space in the electric charging area
- Level access from the car park to the leisure centre entrance
- The design of the foyer and reception desk
- An induction loop
- Improved signage and way-finding through the leisure centre
- Minimising the number of doors to be navigated
- Level access throughout both ground and first floors
- The inclusion of a Changing Places facility and its location near the entrance
- Disabled changing rooms in both the Wet and Dry areas
- A pool lift and hoist
- Doors to the sports hall being wide enough for sports wheelchairs
- One of the two lifts being wide enough for sports wheelchairs
- Disabled WCs on both the ground and first floors
- Wheelchair user spectator points over the main swimming pool
- Safety refuge points on the first floor
- More inclusive gym equipment

6.121 It is however noted that SportsAble has objected to the planning application. SportsAble has been given an additional opportunity to respond to provide details of the specific nature of their objection. A response has not been provided at the time of writing this report and so any forthcoming details will be dealt with in an update to the panel.

6.122 Due to the range of activities on offer and opportunities being taken to engage with schools and local sporting clubs, the community benefits of the development are considered to be far reaching and of wider community benefit compared to the existing Golf Driving Range which would be used by a narrower demographic than that associated with the leisure centre. The community benefits associated with the scheme are held in **significant weight** when considering the case for VSC.

Borough Local Plan Submission Version

6.123 Due to lack of testing the draft allocation within the Borough Local Plan and other policies within it can only be held in **limited weight** at this time. Weight will however be afforded to the lower Green Belt function of the site, as discussed below, and the rationale behind its proposed Green Belt release.

6.124 Paragraph 73 of the NPPF explains that “*access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.*” The rationale behind the need for the leisure centre and the proposed Green Belt release are set out in the evidence base that supports the Borough Local Plan Submission Version.

Green Belt Function

6.125 The level of harm associated with the scheme should also be assessed by considering the site’s performance when considering the Green Belt functions set out in paragraph 80 of the NPPF. The Edge of Settlement Study, which was undertaken in support of the Borough Local Plan, has already assessed the site’s performance in this respect - in the context of the wider Braywick Park land parcel. It is accepted that the site, in its parcel, makes a lower contribution to the Green Belt purpose of preventing the unrestricted sprawl of a built-up area. The parcel is well related to the built-up area of Maidenhead and is partly enclosed by it. Whilst the parcel is not fully contained, mature trees and buildings act to provide some sense of visual containment although this is not uniform across the parcel. The existing boundary of the Green Belt is durable, consisting of roads and well defined and regular property boundaries. The proposed development itself is not considered to amount to or contribute to “unrestricted sprawl”.

- 6.126 The parcel makes a moderate contribution to preventing settlements from merging. The parcel forms part of a gap between the excluded settlement of Maidenhead and the Green Belt settlement of Bray. Development across the parcel would reduce the actual distance between the settlements. The presence of wider built form within the gap increases the importance of open areas and the gaps sensitivity to further development. The scale of the gap is therefore important to restricting the merging of the settlements. Notwithstanding this, given the size of the parcel and the stronger relationship of the northern section to Maidenhead, some development in this area may be possible without the risk of the settlements merging provided the overall scale and strength of the gap is maintained. Development in the southern area would significantly reduce the actual and perceived distance between the settlements. On balance, considering the role of the site within its parcel, due to the surrounding built form the proposed building it is not considered that the proposal would reduce the separation between the settlements of Maidenhead and Bray.
- 6.127 The parcel makes a lower contribution to safeguarding the countryside from encroachment. The parcel displays a mixed character. The western section of the parcel is characterised by its use for formal sports and recreation, containing associated built form. The eastern section comprises a natural area and as a result has a largely rural character. Views to the eastern section from beyond the parcel are largely restricted by mature trees. It is considered that the parcel displays an urban fringe character. The boundaries of the parcel are durable comprising public road, a stream and well defined property boundaries. The existing boundary of the Green Belt is durable, consisting of roads and well defined and regular property boundaries.
- 6.128 The parcel does not contribute to preserving the setting or special qualities of a historic place. The parcel does not adjoin or provide direct views of an identified historic settlement. The parcel does not retain characteristics of a wider historic environment which is considered relevant to the assessment of this Green Belt purpose.
- 6.129 The parcel is not in proximity to a regeneration project. However the development would assist in facilitating urban regeneration in that the relocation of the leisure centre would enable the regeneration of the Magnet Centre and would “free up” the site for a residential led mixed use scheme. This would be capable of delivering new homes in a sustainable form of development on a brownfield site adjacent to the town centre to help meet RBWM housing needs. As a whole the Braywick Park land parcel has been found to make a lower contribution to the purposes of including land within the Green Belt and as such this reduces the harm that the development would cause. The lower Green Belt function of the site will be held in **significant weight**.

Location of the Development

- 6.130 It is recognised that Maidenhead is the major service centre of the Borough. The proposal reflects this vision by providing a much needed facility which enhances the leisure facilities in the area and complements the existing environment.
- 6.131 The relocation of the leisure centre at Braywick Park would create a sports and leisure hub for both able and disabled users. This aligns with Sport England’s strategy for inter-generational recreation and sport, whereby a family can enjoy a diverse range of activities at one destination, thereby increasing participation. The leisure centre would also be well located to promote the use of the adjacent footpaths and cycle ways and build on links to the countryside, the National Cycle Route, the Green Way, and other parts of the town. The “street” included in the scheme will be key to linking the leisure centre with the surrounding parkland and the layout maximises this but also helps strengthen the links to the town centre.
- 6.132 The appropriateness of the proposed location of the Leisure Centre, when considering the surrounding land uses, will be held in **significant weight**. Some elements of the scheme can be seen as assisting in the government’s objective to provide opportunities for outdoor sport and recreation which will be held in **moderate weight**. Moderate rather than significant weight is apportioned to this benefit, due to the fact that most of the facilities are indoors.

Biodiversity

- 6.133 The biodiversity enhancements are a welcome benefit but as these are required to make the scheme acceptable in planning terms they are afforded **no weight** when assessing the case for VSC.

Previously Developed Land

- 6.134 Realistically only a small part of the site can reasonably be described as PDL and so this will be held in **limited weight** when considering the case for VSC.

Public Consultation Response

- 6.135 Whilst public support is welcome and the support for the scheme is clear, when considering VSC and Green Belt impacts this will be held in **no weight**. It is however acknowledged that the support for the scheme will arise from enthusiasm for the health and community benefits of the scheme that, as noted above, will form part of the case for VSC.

Conclusion – Weighting of Green Belt harm Against Very Special Circumstances

- 6.136 The main harm associated with the development would be 1) the harm by definition due to inappropriate development and 2) the loss of openness associated with the building.
- 6.137 Whilst the building's impact is minimised through its design, location and landscaping; under Green Belt policy the scheme by definition is inappropriate development and therefore harmful and substantial weight should be apportioned to this harm. A case for Very Special Circumstances therefore needs to be assessed in order for the development to be considered to be acceptable. As discussed in the development management issues section of this report beyond Green Belt harm, with the conditions recommended in Section 10 of this report and the legal agreement, no other harm can be apportioned to the development.
- 6.138 There is an existing and growing demand for the leisure centre and an appropriate facility can no longer be provided on the Magnet site. Other alternative locations have also been demonstrated to be unavailable or inappropriate. There is a clear public benefit associated with the proposal in terms of enabling people to live healthier lifestyles and promoting participation in sports and the building and facilities it offers will contribute to the pursuance of sustainable development in the borough. The benefits to the community associated with the development are considered to be wide reaching. The health and community benefits associated with the scheme are those which are promoted in chapter 8 of the NPPF. These factors should be held in substantial weight and, in combination, are considered to constitute Very Special Circumstances. This clearly outweighs the substantial weight given to the harm by definition, the actual physical openness of the site and the harm to two of the five purposes of the Green Belt – namely to protect settlements from merging and protecting the countryside from encroachment. It is therefore considered that the development proposals are acceptable when assessed against restrictive Green Belt policy.
- 6.139 It is recommended that planning permission is granted with the recommended legal agreement and the conditions listed in Section 10 of this report.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposed development is not CIL liable this is on the basis that it is not a type of development that would attract a CIL payment.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

42 neighbouring occupiers were notified directly of this planning application and four site notices were displayed around the periphery of the site on the 9th November 2018. The planning application was also publicised in the Maidenhead & Windsor Advertiser on 16th November 2017.

As a result of the public consultation detailed above 3 letters were received supporting the application, summarised as:

Comment		Officer Comment/Where in the report this is considered
1.	Centralisation of sporting activity welcomed	Noted
2.	Investment in sport campus positive – LC will be asset to the town	Noted
3.	The development will be more accessible by bike	Noted
4.	Effective use of parking area	Noted
5.	Are encouraged by the plans – acoustic and aesthetic implications should be considered in treatment of hall and its potential to be used for orchestral concerts	6.80 - 6.81

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

Comment		Officer Comment/Where in the report this is considered
1.	Green Belt concerns/application premature (raised in 5 letters)	6.98-9.139
2.	Parking inadequate (raised in 1 letter)	6.42-6.44
3.	Air quality/pollution from traffic (raised in 4 letters)	6.88-6.92
4.	LC should stay in town/could be accommodated elsewhere (raised in 3 letters)	6.107-6.113
5.	Loss of open space used for a variety of purposes (raised in 1 letter)	6.13
6.	Concern regarding noise from events/vehicles/general disturbance (raised in 4 letters)	6.77-6.82
7.	Objection to café and events space - will compete with other commercial venues (raised in 1 letter)	Competition is not a planning consideration
8.	Difficult for pedestrians to access site/ no pedestrian crossing (raised in 4 letters)	6.40
9.	Travel Plan inadequate (raised in 1 letter)	6.51
10.	Loss of wildlife habitat (raised in 1 letter)	6.54 – 6.67
11.	Concern regarding highway safety (raised in 3 letters)	6.38
12.	Bus service inadequate/needs improving (raised in 4 letters)	6.46
13.	No consideration of other planned development (e.g. school)	TA and Highways Officer have considered future planned developments. Any future development and its planning merits will be considered fully when a planning application is submitted.

Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to conditions	6.93
Ecology	No objection subject to conditions	6.54-6.67
Environmental Protection	No objection subject to conditions	6.72-6.92
Recreation & Lands	No response received	NA
Sport England	Pending confirmation on court/pitch standards – will be explored in panel update	6.10-6.11
Rights Of Way Officer	No comment	NA
Thames Valley Police	No response received	6.71
Natural England	No objection	Noted
Trees & Landscape	No objection subject to conditions and clarification to be explored in panel update	6.53
Highways	No objection subject to conditions and legal agreement	6.33-6.51
SportsAble	Object – specifics to be dealt with in panel update	6.121
Lead Local Flood Authority	No objection subject to condition	6.32
Maidenhead Civic Society	Measured comments – would ask relocation to be reconsidered but notes: <u>Positive</u> Welcomes performance area Parking probably adequate Design, layout and elevations positive <u>Negative</u> Magnet site could be upgraded Braywick Road access/egress inadequate Difficulty for pedestrians crossing road Bus transport to site non-existent <u>Neutral</u> Emergency access should be evaluated Décor, staging, acoustics, lighting and sound should be considered	Noted Noted Noted 6.100 6.39 6.40 6.46 Building Regs These internal elements aren't planning considerations
RBWM Access Advisory Forum	Supports application	6.120

9. APPENDICES TO THIS REPORT

- Appendix A – Sequential Test Table 1
- Appendix B – Site location
- Appendix C - Landscape Masterplan
- Appendix D – Proposed Elevations 1
- Appendix E – Proposed Elevations 2

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 Notwithstanding the information already submitted, prior to the commencement of development or other operations on site, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 Notwithstanding the information already submitted, prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 5 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation. Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 6 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens. Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination. A Site Characterisation an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local

Planning Authority. The report of the findings must include: o a survey of the extent, scale and nature of contamination; o as assessment of the potential risks to: o human health o property (existing or proposed) including buildings, crops, livestock, adjoining land, o groundwater and surface waters, o ecological systems, o archaeological sites and ancient monuments; o an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'. B. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. C. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. D. Reporting Unexpected Contamination. In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B of this condition, 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 in accordance with part C of this condition. E. Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years to be determined following the results of the investigations detailed above, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

- 8 Prior to the commencement of development the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a subsequent mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. Reason: To allow the archaeological potential of the site to be fully assessed and to enable the protection of any archaeological deposits. Relevant policies: Saved Local Plan policies Arch1 and Arch 3 and paragraph 128 of the NPPF.
- 9 Prior to the commencement of development a surface water drainage scheme for the development, based on sustainable drainage principles will be submitted to and approved in writing by the Local Planning Authority. Details shall include: o Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details. o Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365

confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter. Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere. Relevant Policies: Paragraph 103 of the NPPF

- 10 Prior to the commencement of the development a dust management plan detailing mitigation measures to control dust emission arising from site remediation, construction, and demolition work shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved dust management plan. Reason: To protect the amenities of the area and prevent dust nuisance Relevant Policies: Saved Local Plan policy NAP3
- 11 Prior to the commencement of development full details of the means of enclosure and nets associated with the outdoor pitches and courts hereby approved will be submitted to and approved in writing by the local planning authority. Reason: To protect the character of the area and the openness of the Greenbelt Relevant Policies: Saved Local Plan Policies GB1 and DG1
- 12 Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This document will include details of measures taken to protect designated sites that lie in close proximity to the development, the prevention of pollution including dust, noise and light. Reason: To ensure that the development's impact on biodiversity is minimised and to enhance the natural environment where possible relevant policies/Legislation: Paragraphs 109 & 118 of the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006
- 13 Prior to the Commencement of Development a Landscape & Ecology Enhancement Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan should detail all the biodiversity enhancements recommended in the Ecological Appraisal prepared by Austin Foot Ecology dated July 2017 and include details of the creation/ installation, maintenance, and management of the biodiversity enhancements for at least the first five years. Reason: To ensure that ecological enhancements are secured and managed as part of the development Relevant policies/Legislation: Paragraphs 109 & 118 of the NPPF; Saved Local Plan policies N6 & N7 Section 40 of the Natural Environment and Rural Communities Act 2006, Conservation of Habitats and Species Regulations (2010) as amended; the Countryside Rights and Way Act 2000; and the Wildlife and Countryside Act 1981
- 14 In order to confirm the absence of bats in tree TN5 and tree TN3, prior to the felling of these trees a further dawn survey should be undertaken (between May and August inclusive), and the results submitted to and approved in writing by the Local Planning Authority. Should any evidence of bats be found, a European Protected Species Licence must be obtained from Natural England. Trees TN5 and TN3 will be soft felled unless agreed in writing by the Local Planning Authority. Reason: To protect bats that might be using trees on the site. Relevant policies/legislation: Conservation of Habitats and Species Regulations (2010) as amended; the Countryside Rights and Way Act 2000; and the Wildlife and Countryside Act 1981 and paragraphs 109 and 118 of the NPPF
- 15 Prior to the commencement of development a sensitive lighting design strategy for the site, in accordance with the recommendations found within the Austin Foot Ecology Report dated July 2017, should be submitted to and approved in writing by the local planning authority. This should include full details of all artificial lighting of the building(s) and sports pitches(s) and measures taken to minimise the level of unwanted light emanating from the said building(s) and pitches(s) The scheme shall including the number make and model of the luminaires, lamps, location and height of lighting columns angle of the luminaires and an isolux plan of the lit area including details of spill and back light. All external lighting shall be installed in accordance with the specifications and locations set out within the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be

installed without prior consent from the local planning authority Reason: To protect bats that might be using the site and the amenities of neighbouring occupiers. Relevant policies/legislation: Saved Local Plan policy DG1, Conservation of Habitats and Species Regulations (2010) as amended; the Countryside Rights and Way Act 2000; and the Wildlife and Countryside Act 1981 and paragraphs 109 and 118 of the NPPF

- 16 Prior to commencement, a reptile and amphibian method statement should be submitted to and approved by the Local Planning Authority. The method statement shall include details of the protection of amphibians and reptiles at the site and include timing of works, habitat manipulation and removal of sheltering features by hand. All works must be carried out under ecological supervision. Reason: To protect toads and reptiles that might be using the site relevant policies/legislation: Wildlife and Countryside Act (1981) as amended and Section 41 of the NERC Act (2006) and paragraphs 109 and 118 of the NPPF.
- 17 No removal of or trees, scrub or hedgerows shall take place unless an appropriately qualified ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests and badger setts immediately before site clearance and provided written confirmation that no nesting birds or badgers setts will be harmed/disturbed and/ or that there are appropriate measures in place to protect nesting birds and badgers on site. Details of these measures shall be submitted to and approved by the local planning authority prior to works commencing. Reason: In order to ensure no badgers and/or breeding birds are harmed as a result of the development Relevant Policies/legislation: Protection of Badgers Act 1992, the Wild Mammals (Protection) Act 1996 (as amended) and the Wildlife & Countryside Act 1981 (as amended) and Saved Local Plan policy NR2
- 18 Prior to the commencement of any works a Construction 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 shall be 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 convenience Relevant Policies - Saved Local Plan policy T5.
- 19 Prior to the commencement of development a swept path analysis showing the movement buses, coaches and refuse vehicles shall first been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety relevant policies: Saved Local Plan policy DG1
- 20 No part of the development shall be occupied until covered, lit and secure cycle parking and motorcycle facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times. Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant policies: Saved Local Plan policies T7 and DG1
- 21 No development shall commence until details of a Travel Plan Framework has been submitted to and approved by the Local Planning Authority. Full details of the Final Travel Plan shall be submitted for approval within 6 months of the development first being brought into use. Reason: To comply with the principles as set out in the National Planning Policy Framework relating to opportunities to encourage the use of sustainable travel modes.
- 22 Prior to the commencement of development full details of the replacement golf facilities will be provided to and agreed in writing by the Local Planning Authority. Reason: to ensure the provision of some of the golf facilities that currently exist on the site. Relevant policies: Saved Local Plan policy R7 and paragraph 74 of the NPPF

- 23 No other part of the development shall commence until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 24 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: Saved Local Plan policy P4 and Saved Local Plan policy DG1
- 25 Prior to the occupation of the development, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority, the scheme as approved shall be fully implemented before the use hereby permitted is commenced and maintained in accordance with the agreed details thereafter. The scheme shall include details of the number, make, model and location of the equipment assessed. The scheme shall include a report in accordance with British Standard 4142:2014, "Methods for Rating and Assessing Industrial and Commercial Sound. "Reason: To protect the amenity of the users of neighbouring land from noise pollution relevant policy: Paragraph 17 of the NPPF
- 26 Unless agreed in writing by the local planning authority the permitted hours of construction and deliveries of construction materials shall be 08:00 and 18:00 Monday to Friday 09:00 and 13:00 Saturday No time Sunday or Public Holidays
- 27 Any trenches within the working area of the site will either be covered over-night, or planks of wood will be secured within any trench to form a ramp to allow badgers to escape; any temporarily exposed open pipes will be capped or covered in such a way to prevent badgers gaining access; and night working will not be permitted. Reason: In order to ensure badgers are not harmed during construction Relevant Policies/Legislation: Protection of Badgers Act 1992 and the Wild Mammals (Protection) Act 1996 (as amended)
- 28 The outdoor sports pitches/courts hereby approved may be used between the hours of 0700 and 2200 only. Reason: To protect the amenities of occupiers of nearby residential properties. Relevant Policies: Saved Local Plan policy R8 and NAP3
- 29 The finished floor level of the building hereby approved will be set at no less than 27.500m AOD.Reason: In the interests of flood resilience and community safety Relevant Policies: Paragraph 103 of the NPPF
- 30 The proposed footpath linking the leisure centre to Green Lane will be constructed to Inclusive Mobility Standards unless agreed in writing by the Local Planning Authority. Reason: To ensure the footpath is accessible to those with impaired mobility including wheelchair users. Relevant Policies: Paragraphs 17 and 57 of the NPPF
- 31 No openings are permitted or may be installed on the southern elevation of the building hereby approved unless first agreed in writing by the Local Planning Authority. Reason: To protect the amenities of the cemetery users to the south. Relevant policies: Saved Local Plan policy NAP3 and Paragraph 17 of the NPPF

Informatives

1 Environmental Protection Informatives:

- A. Odour informative to satisfy standard condition Odour/Fume Filtration/Extraction, details should be provided in accordance with Annex B of the, "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at:<http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust/documents/kitchenreport.pdf>.
- B. Food Safety. As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with the Royal Borough of Windsor and Maidenhead. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. The applicant is advised to contact the Commercial Services Team by emailing Commercial.Services@RBWM.gov.uk
- C. Licensing If the premises is intended to provide alcohol, regulated entertainment or food after 11pm or before 5 am it may require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team by emailing licensing@RBWM.gov.uk. Smoke Control Informative
- D. 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.
- E. Dust Control Informative The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and 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: the 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.
- F. Hours of Construction

MONDAY TO FRIDAY	8:00am to 6:00pm
SATURDAY	8:00am to 1:00pm
SUNDAY AND BANK HOLIDAYS	No work allowed

- 2 To protect the users of the building hereby approved from crimes and reduce the fear of crime, the applicant is advised that the partition walls and doors forming any changing room cubicle will extend from floor to ceiling.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
1	DTC Research Centre, Belmont Road	2 ha – the site would meet the size requirement of 2 ha.	The site is located outside the AAP boundary. The AAP boundary is approximately 500m from the site.	Draft Borough Local Plan Allocation HA23: 15 residential units in addition to retained employment use.	The site is within an area of archaeological potential for prehistoric remains. There are a large number of mature trees and part of wooded areas covered by TPOs. The site includes land that may have historic contamination or contaminative uses.	The site is well accessed by road but has poor direct access to the town centre. Bus stops are located within 100m of the site and Maidenhead Train Station is approximately 1.3km away. The cycle network is within 200m of the site. Existing access from Belmont Road in the south eastern corner of the site, and two service accesses from Hargrave Road. There is potential for access onto A308.	Yes - Consider site at Stage 3	The site has been promoted for residential/employment use development and is privately owned. The site is therefore considered unavailable for leisure development.	The site consists of a number of 1 and 2 storey large industrial and office buildings and associated tarmacked car parking area set in green and leafy grounds, along with a tennis court. The surrounding area is predominantly residential. St Pirans Primary School is located to the east of the site. The location is not considered suitable for a leisure facility.	The DBLP designates the site for residential and employment use and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is designated for residential and employment use in the DBLP and is located outside the APP boundary within a residential area.
2	Boyn Valley Road	1.29 ha – the site is too small to meet the required 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 900m from the site.	Adopted Local Plan Policy E2(e): Boyn Valley Industrial Area, allocated for industrial and small scale storage. Draft Borough Local Plan allocation HA14: 60 residential units Draft Borough Local Plan Policy BLP26 Defined Employment Sites: 4d, Kings Grove/Boyn Valley Industrial Area	The site is within an area of potentially rich archaeology. The site Includes land that may have historic contamination or contaminative uses and is in close proximity to the railway line.	Existing access from Boyn Valley Road. The stretch of road bordering the site is fairly straight and therefore a number of accesses could be taken. However, parking is a problem on Boyn Valley Road with cars parking often on both sides of the road. Buses travel within 400m of the site and there are bus stops approximately 700m away. Maidenhead train station is approximately 1.1km away. The cycle network is within 400m of the site.	No - site rejected	The site has been promoted by the land owner, for residential development provided a suitable alternative site can be provided for Travis Perkins. The site is privately owned and is therefore considered unavailable for leisure development.	The site is currently used as a timber yard and includes a number of buildings including large sheds and some 1 and 2 storey brick buildings. There are large areas of hardstanding used for parking and storage of materials. The surrounding area is predominately residential to the north and the railway line bounds the site to the south. The site is distant from existing Leisure facility.	The DBLP designates the site for residential use and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility and is designated for residential use in the DBLP. Furthermore, the site is located outside the APP boundary within predominantly residential area.
3	Whitebrook Park	1.38 ha - the site is too small to meet the required 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 3km from the site.	The site is currently vacant but part of a designated employment site.	Almost the entire site is located within flood zone 3a (high risk). The site is within an area of archaeological potential due to nearby prehistoric settlement and includes land that may have historic contamination or contaminative uses.	Bus stops within 400m of the site. Cycle network 1.4km away from the site. Furze Platt Train Station approximately 3.2km away and Maidenhead Train Station approximately 4.3km away. Existing access to the site is via the A4094 and Lower Cookham Road through employment area to the east. Revised arrangements would likely be required to make redevelopment satisfactory.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The site consists of 2 storey office/laboratory buildings and its associated tarmacked parking area and landscaping. The surrounding area is predominantly residential to the south and open land to the north. A playing field is located to the east. The site is distant from existing Leisure facility.	The site has been promoted for residential use. The site is too small to accommodate a leisure facility.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility. The site is located outside the APP boundary and distant from existing leisure facilities.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
4	Land South of Ray Mill Road East	2.37 ha – the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 400m from the site.	Adopted Local Plan designation as 'important urban open space'. Draft Borough Local Plan allocation HA3: 60 residential units	The entire site is within flood zone 2 (medium risk) and the eastern half of the site is in flood zone 3 (high risk).	Buses travel within 75m of the site along Blackamoor Lane to the west of the site. Furze Platt train station is approximately 1.5 km away and Maidenhead train station is 1.8 km. The cycle network is within 400m of the site. The site has existing access from Ray Mill Road East.	Yes - Consider site at Stage 3	The site is owned by the Council and is therefore available now.	The site is an undeveloped area of grassland bound by residential development on all sides. There are a number of public and privately run community facilities within 800m of the site. The surrounding area is predominantly residential with a new residential development to the South (Boulters Meadow Development).	The DBLP designates the site for residential use and as such the site is not considered achievable for a new leisure facility.	Available: Yes Achievable: No Suitable: No The site is designated for residential use in the BLP and is located outside the APP boundary within a predominately residential area. The site is considered available however, it is not achievable or suitable.
5	Shoppenhangers Manor	1.84 ha – the site is too small to meet the required 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 1.5km from the site.	The site has outline Planning Permission for 56 residential units.	Potential for archaeological finds and some of the trees in proximity to the site of the former Shoppenhangers Manor are protected through TPOs.	Bus routes within 200m and bus stops within 500m. Cycle network 700m away from the site. Maidenhead train station is 1.5 km away. Two existing accesses to Manor Lane and a 30 mph road linking Shoppenhangers Road and Harvest Hill Road.	No - site rejected	The site has outline planning permission for 56 residential units and is therefore not available for leisure development.	The site is adjacent to a Premier Inn hotel to the north and the Maidenhead Golf Course to the east. The site is distant from existing leisure facilities.	The site has outline planning permission for 56 residential units and is therefore not deliverable for leisure development.	Available: No Achievable: No Suitable: No The site has outline planning permission for residential development.
6	Reform Road	6.99 ha – the site would meet the size requirement of 2ha.	The site is outside but adjacent to the AAP boundary (to the west).	Adopted Local Plan Policy E2(c): Reform Road/Oldfield Road Industrial Area, allocated for industrial and small scale storage. Draft Borough Local Plan allocation HA6: mixed use comprising 100 residential units, educational facilities including a primary school, and employment floorspace. Draft Borough Local Plan Policy BLP26 Defined Employment Sites: 5a Reform Road - Mixed use area	The site is within an area with potential for archaeological interest and is adjacent to a waterway and a railway embankment that provides valuable habitats. The entire site is within flood zone 2 (medium risk) and the northern and eastern areas of the site are in flood zone 3 (high risk). There are 2no. listed buildings within 100m of the site. The site is within the Boroughs air quality management area. There is potential for historic contamination or contaminative uses on the site.	Buses travel within 75m of the site with the nearest stop just over 150m away on Bridge Road. Maidenhead train station is approximately 1.3 km away. The A4 is just over 100m travel distance. Cycle network is just over 200m away. Existing site access is from is via Waldeck Road which in turn is accessed directly from the A4 Bridge Road where there is a right hand turning lane in place.	Yes - Consider site at Stage 3	RBWM own freehold of 4ha of the light industrial units. Some 2.5 ha of the 4 ha are subject to long leases and are therefore not available for immediate development.	Much of the site is occupied by light industrial units in economically active use and the northern part of the site contains residential units. The site is in close proximity to existing leisure facilities including the Magnet Leisure Centre.	A programme of site assembly and a relocation strategy and/or compensation for existing light industrial tenants would be needed. The BLP designates the site for residential use and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is designated for residential, educational and employment use in the DBLP and is located outside the APP boundary. Parts of the site are subject to long leases.
7	Land West of Cannon Lane	19.56 ha – the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 3.3km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have strong green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt and is Grade 2 Best and Most Versatile Agricultural Land. It is within 500m buffer of ancient woodland and there are protected species in the area.	The cycle network is 0.6km away. Bus routes are in close proximity along Cannon Lane. Maidenhead Train Station is approximately 2.8km away. Potential for site access from Cannon Lane to the east or Firs Lane to the south.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is considered to be of strong green belt value therefore development in this location is considered unachievable.	The surrounding area is predominantly residential and distant from existing leisure facilities.	The site is Green Belt and has been promoted for residential development. Development in this location is considered to have an adverse impact. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is of strong green belt value and is distant from the AAP boundary and existing leisure facilities.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
8	Land at Woodlands Park Avenue	8.27 ha – the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 3.3km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have low/moderate green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt and is Grade 2 Best and Most Versatile Agricultural Land. The land near Woodland Park industrial estate is within a contamination buffer for factory works.	Bus stops are located in close proximity along Woodlands Park Road. Maidenhead Train Station is approximately 3.3km away. The site could be accessed from Woodlands Park Avenue to the west and Woodlands Park Road to the north.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The surrounding area is predominately residential with Woodlands Business Park located to the south. The site is distant from existing leisure facilities.	The site is green belt and has been promoted for residential development. Development in this location is considered to have an adverse impact. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is green belt and is distant from the AAP boundary and existing leisure facilities.
9	Cannon Court Farm	98.96 ha – the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 1.8km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have strong green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt and is Grade 2 Best and Most Versatile Agricultural Land. The site is located in an important gap between the settlements of Maidenhead and Cookham. There are Berkshire Protected Species on the site and it is adjacent to an area of Ancient Woodland. A Local Wildlife Site abuts the north east boundary. There is contamination to the west of the site and a noise buffer zone to the south due to its proximity with the A road.	Furze Platt Train Station is approximately 700m away and Maidenhead Train Station is approximately 2km away. Bus stops are located along Furze Platt Road. Existing vehicular site access is via a private road from Furze Platt Road (A308) and a further pedestrian access along this road to the west. There is a public right of way across the site.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The surrounding area is predominantly residential. Furze Platt Senior School is adjacent to the site along its southern boundary.	The site is Green Belt and has been promoted for residential development. Development in this location is considered to have an adverse impact. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is of strong green belt value and is distant from the AAP boundary and existing leisure facilities.
10	Spencers Farm	19.61 ha – the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 1.7km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have low/moderate green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt. The Greenway Corridor runs through the north east of the area which is designated as a Local Wildlife Site for its ecological value. The site is within an area of high potential for archaeological remains and an area containing Berkshire Protected Species. The east of the site is within Flood Zone 3a (high risk) with land to the east, south and north is within Flood Zone 2 (medium risk). A number of TPOs trees are located to the south of the site.	Furze Platt Train Station is approximately 500m away and Maidenhead Train Station is approximately 2km away. Bus stops are located along Furze Platt Road. The site is approximately 200m from the cycle network. Potential for access spurs from Aldebury Road to the south.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The surrounding area is predominantly residential. St Mary's Primary School is located within 300m of the site.	The site is Green Belt and has been promoted for residential development. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is green belt and within flood zones 2. The site is distant from the AAP boundary and existing leisure facilities.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
11	Blackamoor Lane and North Town Moor	17.9 ha - the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 700m from the site.	The site (in part) was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have strong green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt and largely rural in character. The site is within Flood Zone 3 (high risk).	Furze Platt Train Station is approximately 800m away and Maidenhead Train Station is approximately 1.7km away. Potential for access from Ray Mill Road West (south) and Blackamoor Lane (east).	No - site rejected	Part of the site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The site largely comprises open land, but also includes allotments and a former plant nursery. Residential areas lie to the east and west of the site and industrial use to the south. The site is distant from existing leisure facilities.	The site has strong green belt value and is located in flood zone 3. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is green belt and within flood zone 3. It is unknown whether this site is available for development.
12	Land at Manor Lane	5.16 ha - the site would meet the size requirement of 2ha.	The site is located outside the AAP boundary. The AAP Boundary is approximately 1.6km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have low green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt. The east of the site comprises Manor House.	Bus routes are located within 200m of the site and bus stops are within 500m. The cycle network is approximately 700m away from the site. Maidenhead train station is approximately 1.6 km away. Existing access from Manor Lane.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The west of the site comprises open land to the south of the former Shoppenhangers Manor and the east of the site comprises Manor House. The Maidenhead Golf Course to the east. The site is distant from existing leisure facilities.	The site is Green Belt and has been promoted for residential development. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is green belt and has been promoted for residential development.
13	Land opp allotments, Green Lane	1.41 ha - the site is too small to meet the required 2ha.	The site is outside but adjacent to the AAP boundary (to the north).	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have low green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt and lies within flood zone 3a (high risk).	The site is in close proximity to the town centre. Maidenhead Train Station is approximately 800m away and bus stops are within 200m. Existing access via Green Lane is very narrow and crosses 'The Cut' river. Alternative access arrangements would be required (i.e. development of adjacent land).	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The site is located adjacent to allotments to the north, Oldfield Primary School to the south east and residential development to the east. The site is within close proximity to the town centre and existing leisure facilities at Braywick Sports and Recreation Ground.	The site is too small and has unsuitable access therefore leisure development in this location is considered unachievable.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility, green belt and within flood zone 3a.
14	Maidenhead Golf Club	53.12 ha – the site would meet the size requirement of 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 300m from the most northern part of the site.	Draft Borough Local Plan allocation SA1: safeguarded land for development for residential purposes plus associated infrastructure. The site is considered to have low green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt. The trees in the area are considered to be of local importance and the mature woodland to the north of the site is assumed to be ancient. The site contains some Berkshire protected species. The north east of the area falls within a buffer of an Air Quality Management Area and there are some areas of potential contamination.	Maidenhead Train Station is approximately 300m from the most northern part of the site and 2km from the south. The area is approximately 70m away from the national cycle network and there are bus routes along Braywick Road to the east and Shoppenhangers Road to the west. Access to the highway network is derived from the north of the area via the existing golf course entrance situated opposite a school on the eastern side of Shoppenhangers Road, a classified un-numbered road.	Yes – Consider site at Stage 3	An agreement with the Golf Club owners has been reached which will see the land back in RBWM ownership, however given the condition of the existing MLC and the need to deliver housing in the town centre, the site is not considered to be deliverable within the required timescales.	The site is in existing use as a Golf Course and associated facilities. The site is outside the settlement boundary but connected on three sides. It is in a sustainable location which at its northern point is in close proximity to Maidenhead Town Centre and opposite to existing leisure facilities at Braywick Sports and Recreation Ground.	The emerging masterplan does not envisage/ include provision for indoor sports and leisure facilities. a Leisure Facility in this location would require a number of significant infrastructure provisions (i.e. roads, services etc.) to be in place prior to development and subsequently the development is not considered to be viable.	Available: No Achievable: No Suitable: Yes The site is safeguarded for residential development in the DBLP. The northern part of the site could be suitable for leisure development given its proximity to MTC however the site is not available within the necessary timescales and would require significant infrastructure provisions making development in this location unviable and subsequently unachievable.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
15	Land north of Ockwells Road	10 ha - the site would meet the size requirement of 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 2.1km from the most northern part of the site.	The site is within the Maidenhead Settlement Boundary, however is proposed for addition to the green belt within the Green Belt Boundary Study 2013.	The east of the site is within flood zone 2 (medium risk).	Maidenhead Train Station is approximately 2.1 km away. Potential access from Shoppenhangers Road (north) or Cox Green Lane (east).	No - site rejected	Unknown.	The site is bound by residential development to the west, north and east. Open countryside/farm land lies to the south. The site is distant from existing leisure facilities.	The site is proposed for addition to the green belt and therefore development in this location is considered unachievable.	Available: No Achievable: No Suitable: No The site is proposed for addition the green belt and is distant from existing leisure facilities. The site is not considered available, achievable or suitable.
16	Summerleaze Road	1 ha - the site is too small to meet the required 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 1km from the site.	Draft Borough Local Plan allocation HA16: 100 residential units.	The site is designated as green belt and lies within flood zones 2 (medium risk) and 3 (high risk). The site is part of a minerals extraction site and could therefore have biodiversity value. The site lies on land that may have historic contamination or contaminative uses.	Maidenhead and Furze Platt Train Stations are approximately 1.6 km away. A bus route runs along Summerleaze Road providing a connection with Maidenhead and other local towns and villages and the nearest bus stop is within 100m of the site. The cycle network runs along the western edge of the site. There is existing site access from the corner of Blackamoor Lane and Summerleaze Road.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is currently used for the removal of aggregates from the nearby minerals works and therefore the site will only be available for development once its current use ceases. The site is therefore not considered available for leisure development.	The site is currently used for an office and workshop associated with a neighbouring minerals extraction. To the north and east are residential dwellings and to the west and north is open land/fields. The site is distant from existing leisure facilities.	The BLP designates the site for residential use and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility and is allocated for residential development in the DBLP.
17	Land North of Breadcroft Lane	3.85 ha - the site would meet the size requirement of 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 4km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have no/low green belt value (GB Purpose Assessment, July 2016).	Approximately 75% of the area lies within a contamination or railway buffer from the surrounding land uses. There are also potential noise pollution issues from surrounding land uses. There is moderate potential for archaeological finds.	The area has access to bus services to the south of the area along Woodlands Park Road and Waltham Road. Maidenhead Train Station is approximately 4km from the site. Potential access from Cannon Lane.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The site is in close proximity to Manor Green School and Cox Green Leisure Centre therefore there is some synergy with surrounding uses, however providing an additional leisure facility in this location could result in overprovision of uses. Maidenhead Business Park to the north on the opposite site of the railway line and residential areas lie to the east and south. Waltham Airfield to the west.	The site is Green Belt and has been promoted for residential development. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is located in close proximity to existing leisure facilities at Cox Green Leisure Centre however the new leisure facility is required to serve Maidenhead and is therefore located too far from MTC boundary.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
18	Area south of Harvest Hill Road	34.5 ha - the site would meet the size requirement of 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 1.8km from the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have moderate green belt value (GB Purpose Assessment, July 2016).	The west of the site is classified as Grade 3 Best and Most Valuable Agricultural Land. There are Berkshire protected species in the area. In the south west the area is in the setting of Braywick House, a Grade II* listed building. To the west of the site is an area of safeguarded for secondary / recycled minerals aggregates (Kimbers Lane).	The area is approximately 65m away from the national cycle network, benefits from bus routes along Braywick Road to the east, and is 1.8km away from Maidenhead train station. The strategic road network is easily accessible to the south east. The eastern part of the area has frontage to Harvest Hill Road a classified un-numbered road. Access to the network to the west is derived by way of a priority T-Junction to Shoppenhangers Road. There are a number of existing points serving agricultural land and residential properties at Harvest Hill.	No - site rejected	The site has been promoted for residential development and is privately owned. The site is therefore considered unavailable for leisure development.	The site is predominantly open land with some residential dwellings and is located to the south of Maidenhead Golf Course. The site is distant from existing leisure facilities.	The site is Green Belt and has been promoted for residential development. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site is of moderate value green belt and is privately owned.
19	Stafferton Way Opportunity Area	5 ha (approx.) – the site would meet the size requirement of 2ha.	The site is located within the AAP boundary and outside but adjacent to the Maidenhead Town Centre Commercial Boundary.	Maidenhead Town Centre Area Action Plan – Opportunity Area 6, allocated for employment development.	Part of site (south east) within flood zone 2.	Sustainable edge of centre location – good access by road and rail. Crossrail station commencing services in 2018. Maidenhead Train Station is approximately 400m away. Existing access from Stafferton Way. The Council has proposals for the construction of the Stafferton Way Link Road which will connect the A308 Braywick Road with the B3028 Bray Road.	Yes - Consider site at Stage 3	The council has freehold ownerships but these are let on long ground leases to economically active and high value leases, therefore the site is not considered to be available.	Land at Stafferton Way is currently occupied by office, retail and industrial development.	Given the relatively modern nature of existing uses development within 5 years is not considered to be achievable.	Available: No Achievable: No Suitable: No The development plan policies and proposals (APP) are for continued and new employment uses and therefore is not suitable for a new indoor/sports leisure facility. The site is not considered available, achievable or suitable.
20	Howarth Road	2 ha (approx.) – the site would meet the size requirement of 2ha.	The site is located within the AAP boundary and outside but adjacent to the Maidenhead Town Centre Commercial Boundary.	Local Plan adopted policy E2(d): Howarth Road Industrial Area, Industrial small scale distribution and storage uses Draft Borough Local Plan Policy BLP26 Defined Employment Sites: 4d Howarth Road, Stafferton Way - Industrial Area	The site is located within flood zone 2.	The site has good road access being on the Stafferton Link road and is a short walking distance (600m) of Maidenhead Train Station. Existing access from Stafferton Way. The Council has proposals for the construction of the Stafferton Way Link Road which will connect the A308 Braywick Road with the B3028 Bray Road.	Yes – Consider site at Stage 3	RBWM owns the freehold of the estate and lets the commercial units on long ground leases and shorter term lease. The units are in economically active use, therefore the site is not considered to be available.	The site is currently in employment use comprising 7 industrial units, including Royal Mail depot, offices and light industrial.	The DBLP designates the site for employment use and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is in economically active use and is designated for employment use in the DBLP.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
21	Land south of Stafferton Way	13.8 ha – the site would meet the size requirement of 2ha.	The site is outside but adjacent to the AAP boundary.	The northern part of the site has been granted planning permission for residential development. The site is considered to have low green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt but considered to be of low value. Most of the area is in a contamination buffer and a small area is subject to road noise. The area is within 500m of ancient woodland at Maidenhead Golf Course. Part of the site is located within flood zone 2 (medium risk).	The site has good road access being on the Stafferton Link road and is a short walking distance (700m – most northern part) of Maidenhead Train Station. Poor pedestrian access to remainder of the town centre. Existing access from Stafferton Way. The Council has proposals for the construction of the Stafferton Way Link Road which will connect the A308 Braywick Road with the B3028 Bray Road.	Yes - Consider site at Stage 3	The area including the hardstanding (former parking facility) and the undeveloped land has been promoted as being available. The allotments and household waste recycling site are Council-owned. The remainder of the area has not been promoted as available at the present time.	The site comprises a mix of municipal and utility facilities and contains allotments. The site is located adjacent to Braywick Sports and Recreation Ground and therefore Leisure development in this location would create synergy surrounding uses.	Only part of the site has been promoted for development at this stage. The northern part of the site has planning permission for residential. The site is not considered achievable for a new leisure facility.	Available: Only part Achievable: No Suitable: Yes – synergy with existing uses Leisure development in this location would be in synergy with surrounding facilities however this is not considered achievable as only part of the site has been promoted for development and the northern part of the site has existing planning permission for residential development.
22	Broadway Opportunity Area	1.34 ha - the site is too small to meet the required 2ha.	The site is located within the AAP boundary and the Maidenhead Town Centre Commercial boundary.	MTC APP: Maidenhead Town Centre Area Action Plan: Opportunity Area 1, allocated as an area for future major retail led mixed use development including 'complementary leisure'. The site has outline planning permission for a major mixed use scheme ('The Landing') comprising retail and residential use with associated public realm and landscaping (15/00420/OUT).	The site adjoins the Maidenhead Town Centre Conservation Area.	The site has good access by road and rail; Maidenhead Train Station is located within approximately 200m away. Existing access arrangements in place.	No - site rejected	The site is within various private ownerships and therefore considered unavailable for leisure development.	The site is located within Maidenhead Town Centre in close proximity to existing leisure facilities.	The MTC APP designates the site for major mixed use development and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility and has planning permission for a major mixed use scheme ('The Landing').
23	West Street Opportunity Area	0.84 ha - the site is too small to meet the required 2ha.	The site is located within the AAP boundary and the Maidenhead Town Centre Commercial boundary.	MTC APP: Maidenhead Town Centre Area Action Plan: Opportunity Area 2, allocated as an area for residential and office led mixed-use development. Within a tall building area.	Includes Grade II listed United Reform Church. Southern part of site is within the Maidenhead Town Centre Conservation Area.	Good access by road and rail; Maidenhead Train Station is approximately 300m away. Existing access along West Street.	No - site rejected	The site has a number of owners including RBWM, Telereal and private. The site is therefore considered unavailable for leisure development.	The site is located within Maidenhead Town Centre in close proximity to existing leisure facilities.	The MTC APP designates the site for residential and office led mixed use development and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The site is too small for a new leisure facility and has a number of owners.
24	York Road Opportunity Area	4.18 ha - the full YROA site would meet the size requirement of 2ha.	The site is located within the AAP boundary and the Maidenhead Town Centre Commercial boundary.	MTC APP: Maidenhead Town Centre Area Action Plan: Opportunity Area 3, allocated for residential led mixed use development. The site could include development of a multi-use cultural and leisure facility (reprovision of Desborough Facility).	The Grade II listed library is located to the north of the site. The sites eastern boundary is within Flood Zone 3a (high risk).	Good access by road and rail; Maidenhead Train Station is approximately 200m away. Existing access arrangements in place. By virtue of its central location, and the one-way restrictions within the local road network, the York Road Opportunity Area is less accessible by private vehicle than the other opportunity areas.	Yes – Consider site at Stage 3	The site has a number of owners including RBWM, Maidenhead FC, St Johns Ambulance, Maidenhead Spiritual Church and the Shanley Group. RBWM ownership is available for development however the rest of the site is considered unavailable.	The site is located within Maidenhead Town Centre in close proximity to existing leisure facilities.	The MTC APP designates the site for residential led mixed use development and as such the site is not considered achievable for a new leisure facility.	Available: Only part Achievable: No Suitable: No It is considered RBWM ownership (1.53 ha) is too small to accommodate a new leisure/sports centre alongside the AAP proposals. Whilst the site is partly available, the site is not considered to be achievable or suitable.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

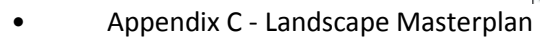
Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
25	Railway Station Opportunity Area	2.9 ha total OA – but the developable area would be considerably less – therefore the site is too small to meet the required 2ha.	The site is located within the AAP boundary and the Maidenhead Town Centre Commercial boundary.	Maidenhead Town Centre Area Action Plan – Opportunity Area 4, allocated for office led mixed use development and Tall Building Area.	No identified site constraints.	Good access by road and rail; the site includes Maidenhead train station. Existing access arrangements in place.	No - site rejected	The site has a number of owners including Crossrail Network Rail, Royal London and M&G. RBWM has a comparatively small freehold ownership of Station Road car park which is leased out. The site is therefore considered unavailable for leisure development.	The site currently includes Maidenhead train station, station forecourt, offices and a multi-storey carpark. The site is located within Maidenhead Town Centre in close proximity to existing leisure facilities.	The APP designates the site for office led mixed use development and as such the site is not considered achievable for a new leisure facility.	Available: No Achievable: No Suitable: No The OA is considered to be unavailable for Leisure Centre development and not suitable, given the development plan policies which call for a high density of office/residential and interchange facilities.
26	St Cloud Gate (Existing Magnet Leisure Centre Site)	2.5 ha - the site would meet the size requirement of 2ha.	The site is located within the AAP boundary and outside but adjacent to the Maidenhead Town Centre Commercial Boundary.	Draft Borough Local Plan allocation HA2: 500 residential units	Eastern part of the site falls within Flood Zone 2 (medium risk).	Good accessibility with a pedestrian subway and footbridge providing access to the town centre. Good access by road and rail; Maidenhead Train Station is approximately 800m away. Existing site access from St Cloud Way.	Yes - Consider site at Stage 3	The site is currently in Use as Magnet Leisure Centre (MLC) and associated surface car parking is owned by RBWM (operated by Parkwood). RBWM negotiated the buyback of the Ten Pin Bowling site lease. RBWM own the freehold of Ivy Leaf Social Club which has a leasehold interest. The site is owned by the Council and is therefore available now.	The site contains the existing MLC and therefore has synergy with existing leisure uses.	The MLC and car parking will be required to remain open during reprovision of a new facility and the ten pin bowling site (0.3ha) is not large enough to provide this. The site is therefore not considered achievable.	Available: Yes Achievable: No Suitable: Yes The site is owned by RBWM and is therefore available. Given the sites current use and accessibility it is a suitable location for indoor leisure facilities. However, refurbishment of the existing centre would not provide the require leisure mix/standards require for current and future needs or offer a viable development. The MLC will be required to remain open during reprovision of a new facility and the ten pin bowling site (0.3ha) is not large enough to provide this. The site is therefore not achievable.
27	Braywick Park – Golf Driving Range	5.06 ha - the site would meet the size requirement of 2ha.	The site is located outside the Maidenhead Town Centre AAP boundary. The Maidenhead Town Centre AAP Boundary is approximately 900m from the site.	The site is considered to have low/moderate green belt value (GB Purpose Assessment, July 2016).	The site is designated as green belt.	Good site access bility. The site is within 1km from Maidenhead Train Station and bus route and bus stops are located along Braywick Road. Existing access from Braywick Road.	Yes – Consider site at Stage 3	The site is owned by the Council and is therefore available now.	The site is in current use as a Golf Driving Range. The site is located adjacent to Braywick Sports and Recreation Ground and therefore Leisure development in this location would create synergy surrounding uses.	Development of a leisure facility in this location is considered achievable within 5 years.	Available: Yes Achievable: Yes Suitable: Yes The site is available (RBWM ownership), achievable (within 5 years and well accessed with no nationally significant designations or constraints) and suitable (size and location) – subject to the removal of the site in the green belt.

APPENDIX B - Maidenhead Leisure Centre Sequential Test: Stage 2 Initial Site Assessment and Stage 3 Further Site Assessment

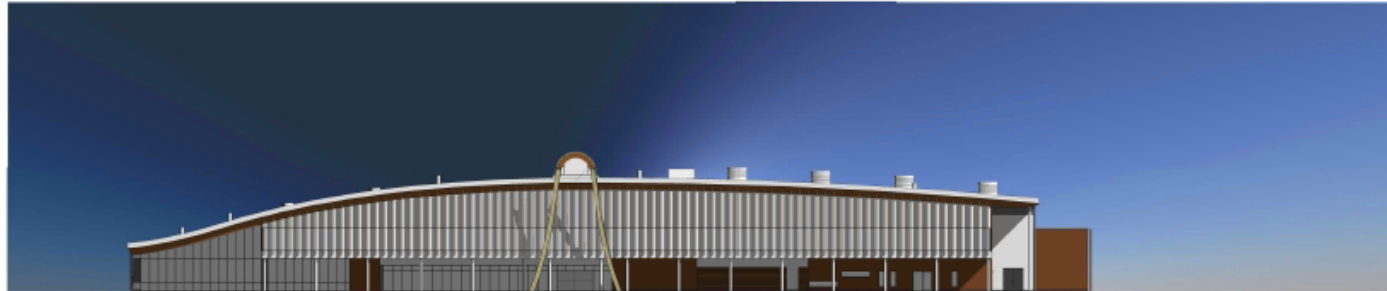
Site no.	Site Name	Stage 2: Initial Site Assessment					Does the site meet the Stage 2 Requirements	Stage 3: Further Site Assessment			Summary
		Site Requirements		Planning and Environmental Considerations				Deliverability			
		Site size (ha) – does the site meet the size requirement of 2ha	Proximity – is the site in close proximity to the MTC AAP boundary	Policy Allocations - are there any adopted or emerging site specific planning policy allocations	Site Constraints – does the site have any physical or environmental designations	Accessibility – is the site well served by a range of transport modes and can the site be accessed (existing or potential)		Availability – is the site available for development and deliverable within the required 5 year timescale	Suitability/Synergy – would leisure development in this location be suitable and would it be in synergy with its existing surroundings	Achievability – does the site have potential to deliver a leisure facility	
28	Land at Ockwells Road	14.4 - the site would meet the size requirement of 2ha.	The site is outside the AAP boundary. The AAP Boundary is approximately 2km from the most northern part of the site.	The site is not allocated in any adopted or emerging planning policy. The site was rejected as an undeveloped green belt site in the SHLAA 2014. The site is considered to have strong green belt value (GB Purpose Assessment, July 2016).	The site is within Flood Zone 2 (medium risk) and Flood Zone 3 (high risk) and Grade 3 Best and Most Valuable Agricultural Land. Land to the south and east is likely to be subject to noise pollution. The south west of the site is within a 500m buffer of ancient woodland contained in nearby Great Thrift Wood.	The area is approximately 750m away from the national cycle network, the nearest bus route is along Shoppenhangers Road and Woodlands Park Road to the north. Maidenhead train station is approximately 2.1km away. Site access currently unachievable.	No - site rejected	The site has been promoted for development and is privately owned. The site is therefore not considered available for leisure development.	The area contains a farm to the north with some residential dwellings. Overall the area is characterised by agricultural land with some mature trees and vegetation providing demarcation. The site is distant from existing leisure facilities.	The site is Green Belt and has been promoted for residential development. Leisure development in this location is not considered achievable.	Available: No Achievable: No Suitable: No The site has strong green belt value and has been promoted for residential development. The site is not considered available, suitable or achievable.



- Appendix B – Site location



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1,200



1,200

ANALYSIS

- **Grade Silver** has 10 to 16 hours in Science and 5 hours in Science
- **Grade** is a **Silver** to be **Pearl** Course **Students** (The **Class**)
- **Rate** in **Course** to be **Pearl** Course **Students** (The **Class**)
- **General** **Red** **Light** **Production** is **Classing** **Pearl** Course **Students** **Class** **W/ing**

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- Vertical Curve to Front Elevation to be Timbered Red Pine Cuts
- Drain of Farm to Multiple Basins to Front Elevation to be Sand

Journal of



- Appendix E – Proposed Elevations 2



(32)02 Proposed East Elevation
1 : 200



(32)04 Proposed West Elevation
1 : 200

No.	Description	Date
1	Further development to the elevation	26.06.16
2	Stage 1 Report	16.10.17
3	Planning application	25.10.17
4	Planning application	21.05.17
5	Planning application to be developed	01.11.17
6	Building raised to be by 200mm	19.12.17
7	Building raised to be by 200mm	19.12.17
8	Planning application to be by 200mm	19.12.17
9	Planning application to be by 200mm	19.12.17
10	Planning application to be by 200mm	19.12.17
11	Planning application to be by 200mm	19.12.17
12	Planning application to be by 200mm	19.12.17
13	Planning application to be by 200mm	19.12.17
14	Planning application to be by 200mm	19.12.17
15	Planning application to be by 200mm	19.12.17
16	Planning application to be by 200mm	19.12.17
17	Planning application to be by 200mm	19.12.17
18	Planning application to be by 200mm	19.12.17
19	Planning application to be by 200mm	19.12.17
20	Planning application to be by 200mm	19.12.17

Materials & Finishes

WALLS

- External walls to be rendered in white
- Internal walls to be rendered in white
- Roof to be rendered in white
- Ground floor to be rendered in white
- First floor to be rendered in white
- Second floor to be rendered in white
- Third floor to be rendered in white
- Fourth floor to be rendered in white
- Fifth floor to be rendered in white
- Sixth floor to be rendered in white
- Seventh floor to be rendered in white
- Eighth floor to be rendered in white
- Ninth floor to be rendered in white
- Tenth floor to be rendered in white

ROOF

- Roof to be rendered in white
- Roof to be rendered in white
- Roof to be rendered in white
- Roof to be rendered in white
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- Roof to be rendered in white
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EXTERNAL WALLS

- External walls to be rendered in white
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- External walls to be rendered in white
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- External walls to be rendered in white



BURKE RICKARDS
ARCHITECTS
100-102, High Street, Windsor, SL1 1LH
Tel: 01753 834444
Email: info@burkerickards.co.uk

Client: RBWM

Project: Braywick Leisure Centre

Title: Proposed Elevations 2

Drawn by: 200 Project number: 2169

Date: 01/11/17 Scale: 1:200

Check by: 200 Project number: 2169

Date: 01/11/17 Scale: 1:200

2169 - (4100)02

Project name: Braywick Leisure Centre

Project number: 2169

Date: 01/11/17

Scale: 1:200

Project name: Braywick Leisure Centre

Project number: 2169

Date: 01/11/17

Scale: 1:200

Project name: Braywick Leisure Centre

Project number: 2169

Date: 01/11/17

Scale: 1:200

Project name: Braywick Leisure Centre

Project number: 2169

Date: 01/11/17

Scale: 1:200

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 4

Application No.:	17/03949/FULL
Location:	Great Oaks Forest Green Road Holyport Maidenhead SL6 3LQ
Proposal:	Change of use of land for sports use in association with Holyport College and continuing use of the existing land as Polo/Equestrian
Applicant:	Great Oaks Services Ltd
Agent:	Belvedere Property Management
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: James Langsmead on 01628 685804 or at james.langsmead@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks planning permission for the change of use of a field within the curtilage of Great Oaks, Forest Green Road, from Polo and Equestrian use to a mixed use of Polo/Equestrian for the occupiers of Great Oaks; and, sport / recreation playing field associated with the education curriculum of the College (D2 Use Class). The playing fields are to be used by the Holyport College for sports and recreation activities in line with their educational curriculum; and, the existing Equestrian/Polo use for the occupiers of Great Oaks is to be retained, as currently established. Whilst a change of use is unacceptable in terms of National policy (NPPF) on Green Belt, the applicant has presented Very Special Circumstances which outweigh the harm to the Green Belt.
- 1.2 Holyport College currently have a shortfall of on-site recreational / sports grounds to meet the needs of their educational sports curriculum. The College has a legal agreement with Eton College, which establishes the heads of terms for educational sponsorship (non-financial), facilitating the use of Eton's sport facilities to enable the College to deliver its sports education. It would be of significant benefit to the College to provide this education within close proximity to the College site. The Very Special Circumstances that support this, in this instance, are that the change of use is considered to be sustainable development, reducing the College's need to transport its students off-site for sports and recreation activities covered in their curriculum. This will reduce the financial and environmental (carbon emissions) implications of the College's current practices. There will still be a need to use facilities offsite, however, the outdoor field sports needs would be met by the proposed provisions and the environmental and financial implications of current practices would be significantly reduced. Furthermore, the proposal would retain open land, with no proposed permanent structures. Therefore, the change of use would preserve the openness of the Green Belt, and would not conflict with the purposes of including land in the Green Belt. Accordingly, the Local Planning Authority consider the proposals to be an appropriate sustainable use of the site, as per the definition of 'sustainable development' contained in Paragraph 14 of the National Planning Policy Framework.

It is recommended the Panel defers and delegates approval to the Head of Planning subject to no new material considerations being raised in response to the public consultation, which have not been addressed in the Officer's report.
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Leo Walters, on the grounds that the review of change of use of the field would be within the Public's interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to an enclosed field off of Ascot Road (south-east side), opposite Leslions Farm. Holyport College is situated to the south-west of the site within the Green Belt. The north east of the site is bound by more enclosed fields. The field falls within the curtilage of Great Oaks a residential property accessed on Forest Green Road. The field's current planning use is recognised equine use in association with sport use i.e. for the purposes of playing Polo. Part of the site is situated within a Flood Zone identified as having a flood risk of category 2.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application proposes a change of use of the application site from Polo and Equestrian to use to a mixed use of Polo/Equestrian for the residents of Great Oaks; and, sport / recreation playing field (D2 Use Class) associated with the education curriculum of Holyport College. There are no permanent structures (e.g. changing rooms, sports pavilions or other buildings) proposed in connection with either use. The field would continue to be used by the residents of Great Oaks as an Equestrian / Polo field, as and when; and be utilised for sports in connection with the College's curriculum and co-curriculum programme for no more than 180 days of the calendar year.
- 4.2 The site is approximately 116m (width) x 180m (length), equating to 20,880sqm (2.08 hectares). This is the equivalent to approximately 2 rugby pitches (at 1 hectare each) or 2.5 – 3.3 football pitches (at 0.62 or 0.82 hectares each).
- 4.3 Access is obtained through an existing secure gate on the north east boundary of Holyport College's grounds. A narrow un-kept / beaten path runs adjacent to Ascot Road, inside the curtilage of the land identified as being in Great Oak's ownership.

Ref.	Description	Decision and Date
17/01499/FULL	Change of use of existing land from Polo/Equestrian use to a mixed use of Polo/Equestrian and sports use in association with Holyport College.	Withdrawn: 02.11.2017
03/40197/FULL	Horse exercise track and bund alongside Ascot Road. (Retrospective)	Permitted: 12.09.2003
03/40082/FULL	Formation of polo field and enlargement of existing pond	Permitted: 12.09.2003
99/34415/FULL	Erection of new entrance gates, walls and fences at Great Oaks and Impala Polo. Retrospective.	Permitted: 23.03.2001
89/00478/FULL	OUTDOOR SAND RIDING AREA	Permitted: 23.11.1989
89/00477/SEC53	PROPOSED SAND RIDING AREA	Permitted: 03.11.1989

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Paragraphs 14, 89

Royal Borough Local Plan

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

Issue	Local Policy	Plan	Compliance
Acceptable impact on character and appearance of area	DG1		Yes
Acceptable impact on Green Belt	GB1, GB2		Yes
Acceptable impact on the residential amenity	NAP3		Yes
Sufficient parking space available	P4		Yes
Does not increase flood risk	F1		Yes
Trees and development	N6		Yes

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

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 ran from June to September 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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Green Belt
- ii Impact on Character and Appearance of the of the site and surrounding area
- iii Impact on neighbouring Residential Amenities
- iv Flooding

Impact on the Green Belt

- 6.2 The site is located within the Green Belt where most development is considered to be inappropriate. The NPPF sets out the basis for development within the Green Belt and makes it clear that changes of use of land are inappropriate development. Although the Local Plan pre-dates the publication of the NPPF, Policy GB1 adopts a broadly similar approach to national policy.
- 6.3 On this basis, the proposed change of use from equestrian and polo to a mixed use of Polo/Equestrian for the residents of Great Oaks; and, sport / recreation playing field associated with the Colleges curriculum is regarded as inappropriate development, and thus, the onus is on the applicant to set out a case for very special circumstances (VSC). The judgement then is whether the case for VSC outweighs the harm to the Green Belt in principle, any other Green Belt harm, and then, any additional harm by conflict with other policies in the Local Plan. In this case, the applicant cites the benefits of mitigating the financial and environmental implications that arise from the College's current sports and recreations operations, as the basis for the VSC justification of this proposal. This is assessed later in this report in the assessment of the Planning Balance.

Impact on the character and appearance of the of the site and surrounding area

- 6.4 Officers consider that the proposed change of use from Polo and Equestrian to mixed use of Polo/Equestrian for the residents of Great Oaks; and, sport / recreation playing field associated with the education curriculum of the College will not have a significant impact on the character and appearance of the site. As the applicant has stated in the planning statement submitted, there would be no permanent structures (e.g. changing rooms, sports pavilions or other buildings) to be constructed in connection with these uses. Existing changing rooms and storage facilities for equipment are available at the College site, and this will negate the need to provide any such structures on the application site in future. Furthermore, a condition will be recommended to ensure that no structures shall be placed on the application site (Condition 8). Given that the Equestrian and Polo use is the site's established use, which does not have any existing or proposed associated built development, it is considered that the impact on the Green Belt's purpose, openness and visual amenity would not be demonstrably affected by the retention of this use, to an extent that would warrant the application's refusal on character and appearance grounds.
- 6.5 With respect to the sports and recreation use in connection with the College's curriculum and co-curriculum programme, the field would be utilised for activities such as football, rugby, cricket, hockey and athletics. From time to time, temporary field markings and sports equipment (e.g. football goals, rugby posts and corner flats) would be erected on the field to facilitate proper use. The applicant states that use of the field would only commence after 9am during school hours and conclude no later than daylight hours. No floodlighting is intended and no use of sound equipment such as PA systems during regular use associated with the College's curricular use is proposed. As such, it is considered that the physical impact on the application site would not be demonstrable to an extent that would warrant the applications refusal on character and appearance grounds.

Impact on neighbouring Residential Amenities

- 6.6 Given the rural nature of the surrounding area; the small number of residential uses within the immediate vicinity of the site; and, that the College already exists and operates 'play' and sporting activities on a number of grounds within their own site, it is considered that the change of use of the neighbouring field for 'play' and sporting use during college hours would not introduce any greater impact on the neighbouring residential occupiers to an extent that would warrant the applications' refusal on these grounds. Whilst the applicant has indicated that there will be spectators from time to time, existing parking onsite at the school would be used and the number

of spectators would be limited. As noted, in the character and appearance section, the applicant does not propose the installation of floodlighting, or the regular use of a Public Address (PA) system. As such, the Local Planning Authority would recommend application of a restrictive condition, limiting the use of PA equipment (Condition 6).

- 6.7 In respect of the of the Equestrian / Polo use, this is the current established use of the site which was granted permission under application referenced 03/40082/FULL. The use was granted planning permission subject to the condition that the field is only to be used for Equestrian / Polo by the occupiers of Great Oaks and their guests and not for competitive matches and events. As such, the use constraints with respect Polo / Equestrian use would remain the same - and shall be formally conditioned as such (Condition 4) – and therefore, it is not considered that the retention of this use would give rise to any greater impacts on the residential amenities of neighbouring occupiers.

Flooding

- 6.8 The application site is located with Flood Zone risk categories 2 and 3. A Flood Risk Assessment has been provided which identifies that the grounds keeper and teachers will make an assessment of the field prior to any 'play' or sports use to ensure that it is safe for the students. In the event that pitch is rendered unusable due to flooding, the field will not be used. Accordingly, the Local Planning Authority consider this approach to be acceptable and are of the view that as there are no associated permanent built structures proposed, the change of use will not result in any increased risk of flooding to the site or beyond the site.

Sustainability

- 6.9 As noted above in the section on Green Belt, the use of the neighbouring field by the College will enable the mitigation of financial and environmental implications arising from current practices and is therefore considered to be an appropriate sustainable use of the site, as per the definition of 'sustainable development contained in Paragraph 14 of the National Planning Policy Framework.

Planning Balance

- 6.10 In accordance with Paragraph 88 of the NPPF, the Local Planning Authority attaches substantial weight to harm to the Green Belt, which in this instance solely arises from the proposed inappropriate change of use of the land. Such a change is identified as a policy harm, rather than physical harm. Notwithstanding this, the applicant has presented a case for Very Special Circumstances (VSC) which outweighs the identified harm to the Green Belt as is detailed in the following paragraphs.
- 6.11 The applicant has made the case that the proposed change of use would make a valuable contribution towards to the education of the students attending the college and would also reduce financial and environmental (e.g. carbon emissions) implications and costs that currently arise from the College making arrangements to transport students to sports facilities that are off site. Currently, Holyport College has a legal agreement with Eton College, which establishes the heads of terms for educational sponsorship. The sponsorship is not a financial sponsorship, but instead agrees the provision of support through Eton's resources as set out in the agreement (available at: [http://www.holyportcollege.org.uk/media/cms_page_media/41/Holyport%20HoTv4%20\(002\).pdf](http://www.holyportcollege.org.uk/media/cms_page_media/41/Holyport%20HoTv4%20(002).pdf)).
- 6.12 One such term of the agreement is that Eton College, from time to time, will provide access for Holyport pupils to use its sports facilities, some 6+ miles from Holyport College. The Officer's delegated report for the original application (Ref: 13/00287/FULL) for site's redevelopment into Holyport College as it currently stands, was approved on acknowledgement that the College has a need to run a fleet of mini-buses to transport children to sports pitches and facilities at Eton College during the school day. As the college grows in its pupil numbers, the applicant has made the case that the access to these facilities may become less viable due to timetabling and capacity constraints. Additionally, such arrangements have environmental, financial and logistical costs and implications as stated above, and thus, the benefits of being able to facilitate the

college's physical education and sports curriculum closer to the college site will minimise these unnecessary costs and implications, providing benefits that effectively outweigh the harm to the Green Belt and improve the sustainable practices of the College. In order to protect the application site, and the vested interests of both parties (Holyport College and Great Oaks), Holyport College have agreed to the terms of a lease agreement provided by Great Oaks, in which it is stated that the field shall only be utilised by the College for 180 calendar days of the year, primarily during term time. Occasional use outside of this are to be agreed between parties and no vehicles are to be allowed on site, except for a single vehicle to assist with the transportation of sporting equipment. As such, the terms of this agreement help to minimise harm to the openness and visual amenity of the Green Belt. Furthermore, planning conditions 1-8 are also recommended in order to protect the Green Belt. Use of the field by the Great Oaks occupiers for Polo / Equestrian use would continue as established, and thus there would be no greater impact on the Green Belt from the retention of this existing use.

- 6.13 It is considered that the proposals would retain the application site as open land and therefore would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. As such, the applicant has demonstrated a case for Very Special Circumstances which would outweigh the substantial harm to the Green belt.
- 6.14 In summary, it is considered on balance that there would no demonstrable harm to openness of the Green Belt or to the purposes of including land in the Green belt. No other harm has been identified. As such the proposal is considered to be acceptable.

OTHER MATTERS

- 6.15 Public consultation for this application is still ongoing until **14 February 2018**, therefore, in the event that further material considerations are brought forward the Local Planning Authority will assess their impact on the appropriateness of the proposed development and undertake its duty in accordance with the Panel resolution, as necessary.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

At the time of publication of this report no comments have been received from the 2 neighbouring properties notified, or in response to the Site Notice displayed 8th January 2018. Notwithstanding this, the application was requested for review at Panel by Cllr Walters, on the grounds on of the proposals being within the public interest.

The following Consultation comments were received from Statutory / Other Consultees:

Consultee Comment	Officer response
Bray Parish Council: No Objections - recommend for approval.	<i>Noted.</i>
Environmental Protection: No Objection.	<i>Noted.</i>
Highways: No Objection.	<i>Noted.</i>

8. APPENDICES TO THIS REPORT

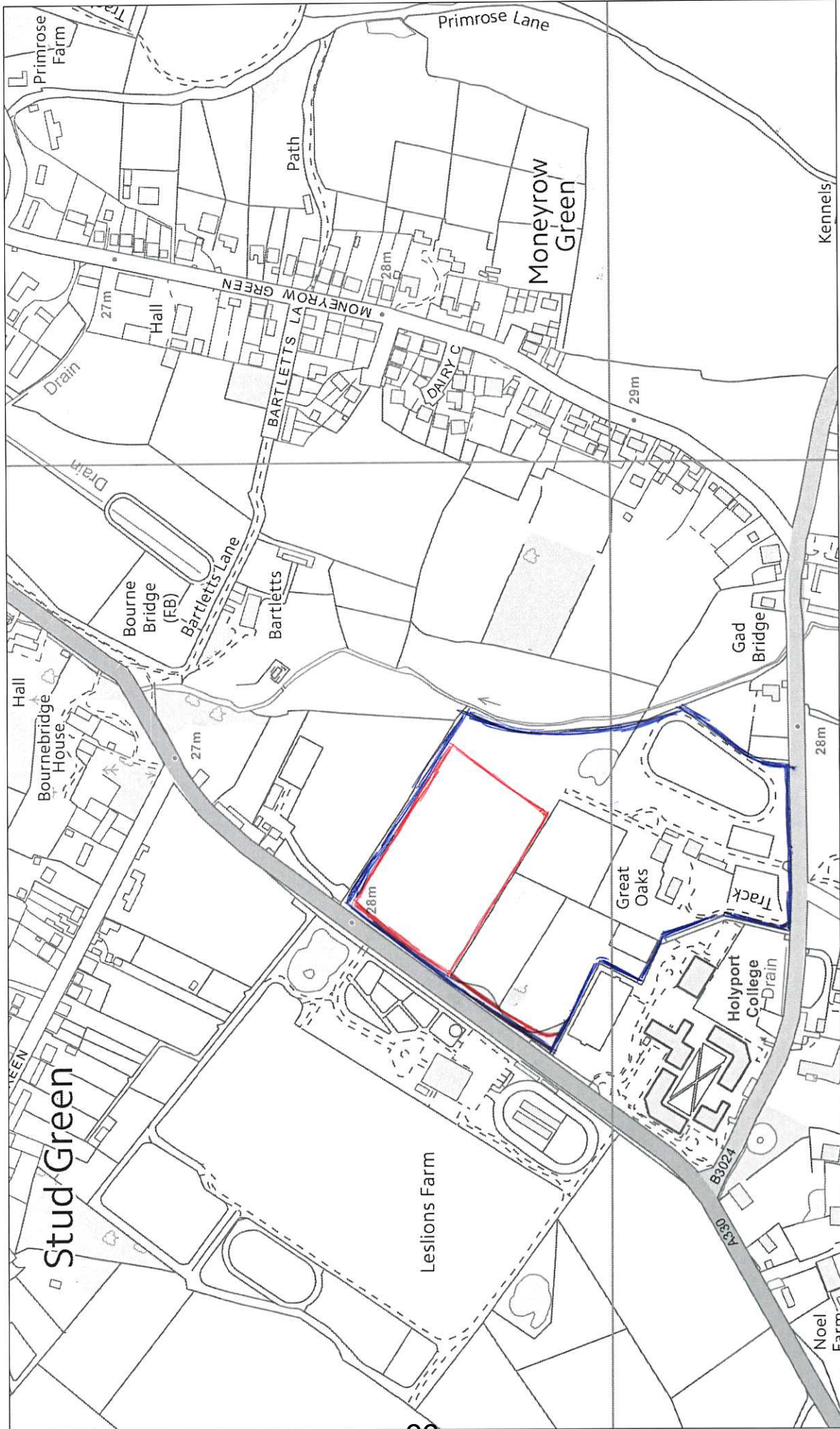
- Appendix A - Site location plan (Ref: LAND AT SL6 3LQ – Dated: 31.07.2017)

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The leisure (D2 Use Class) sporting facilities hereby approved shall only be used in connection with sporting lessons, matches and other related activities that Holyport College is actively taking part in. Reason: To protect the amenities of local residents; and, the purpose and openness of the Green Belt. Relevant Policy - Local Plan NAP3, GB1, GB2
- 3 Unless otherwise first approved in writing by the Local Planning Authority the pitch shall not be used for College activities outside of term time and shall not be used for formal or informal sports and / or by spectators outside the following hours: i) In the months of April to September the pitches and facilities shall only be used between the hours of 0900 and 2100 hours on Mondays to Thursday and from 0900 to 1930 hours Fridays to Sundays and Bank Holidays falling within term time. ii) In the months of October to March the pitches and facilities shall only be used between the hours of 0900 and 1930 hours Monday to Sunday and Bank Holidays falling within term time. Reason: To protect the amenities of local residents. Relevant Policy - Local Plan NAP3
- 4 The use of the site for polo hereby approved shall be used for practice and recreation by the occupiers of Great Oaks and their house guests only and no competitive matches or events shall be held. Reason: To accord with the terms of the application and to ensure that the development does not impact on the neighbouring residential amenities or generate a disproportionate level of traffic likely to prejudice road safety and the free flow of traffic on the surrounding road network. - Local Plan NAP3, T3
- 5 Unless otherwise first agreed in writing by the Local Planning Authority, no starter gun and no whistle(s) shall be used in association with the use of the approved facilities other than between the hours of 0900 and 1800.
Reason: To protect the amenities of local residents. Relevant Policies - Local Plan NAP3.
- 6 No public address system including loud hailers (PA) may be used in association with the use of the approved facilities, other than for a maximum of five days for each of the five calendar years of 2017, 2018, 2019, 2020 and 2021, and these days shall be selected from Mondays to Saturdays only. PA equipment may not be used in connection with the approved facilities on Sundays, Bank Holidays or outside of school term time, and on those days selected by the school for its use. PA equipment shall be used only between the hours of 0900 and 1930. In addition, the school shall keep a log of the dates on which the PA equipment is used, to be kept available for reference by the Local Planning Authority if and when required. Reason: To protect the amenities of local residents. Relevant Policy - Local Plan NAP3
- 7 All sports equipment erected on the site (including, football goals, rugby posts, corner flags) shall be dismantled and removed from the land outside of the College's academic teaching term. Reason: To protect the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2
- 8 No built structures or free-standing containers shall be placed on the site. Reason: To protect the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Land at SL6 3LQ



Digimap for Schools



Jul 31, 2017 11:01
applicant
Holyport College
Ascot Road
Holyport
SL6 3LE

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 5

Application No.: 17/04000/FULL

Location: Walnut Tree Cottage Cookham Dean Common Cookham Maidenhead SL6 9NZ

Proposal: Two storey side extension

Applicant: Mr & Mrs Saunders

Agent: Miss Stefania Petrosino

Parish/Ward: Cookham Parish/Bisham And Cookham Ward

If you have a question about this report, please contact: Hannah Gillett on 01628 683939 or at hannah.gillet@rbwm.gov.uk

1. SUMMARY

- 1.1 The site lies in the Green Belt and within the Cookham Dean Conservation Area. The proposal is for a two storey side extension to the dwelling. The cumulative increase in floor space over the original dwelling would total 55%. In this case, the increase is subordinate in scale and therefore on this basis is not considered to constitute a disproportionate addition and is therefore considered appropriate development in the Green Belt. The bulk and scale of the proposal is considered appropriate in relation to the original dwelling and the extensions are not considered to result in harm to the openness of the Green Belt. The scale and design of the extensions are considered in keeping with the character of the existing dwelling and the surrounding area. It is considered the proposal would not result in significant harm to any neighbouring property in relation to loss of privacy, outlook, daylight, sunlight or otherwise and the proposal complies with relevant Local Plan policies in relation to parking and trees. The proposal is considered to comply with all relevant Local Plan policies.

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

2. REASON FOR PANEL DETERMINATION

- As the applicant is an elected member of the Council, 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 to the west of Cookham Common, in Cookham and comprises a two storey detached dwelling. The site is located within the Green Belt and is located within the Cookham Dean Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of a two storey side extension.

Ref.	Description	Decision and Date
12/03043/FULL	Replacement porch and minor alterations.	Permitted. 10.12.2012
10/01338/FULL	Two storey side extension with open entrance porch following demolition of existing garage	Permitted. 13.09.2010

	(amended description).	
98/32302/FULL	Replacement of flat roof with tiled pitched roof and two dormer windows and fully glazed porch.	Permitted. 31.03.1998

The current proposal is identical to a previously submitted scheme which was approved but not implemented (application reference: 10/01338).

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan (1999)

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1	Yes	
Acceptable impact on appearance of area	H14	Yes	
Acceptable impact when viewed from nearby occupiers	H14	Yes	
Maintains acceptable level of privacy for nearby residents	H14	Yes	
Maintains acceptable level of daylight and sunlight for nearby occupiers	H14	Yes	
Sufficient parking space available	P4	Yes	
Appropriate development in the Green Belt	GB1	Yes	
Extensions proportionate to original dwelling	GB4	Yes	
Acceptable impact on Green Belt	GB2	Yes	
Preserves or enhances Conservation Area	CA2	Yes	
Acceptable impact on trees important to the area	N6	Yes	
Complies with the Cookham Village Design Statement	G6.1, G6.2, G6.3, G6.5, G6.8, G6.9	Yes	

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
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Historic Environment	HE1, HE3

5.2 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 ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and set out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

- 5.3 This document can be found at:
<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>
- 5.4 The Council's planning policies in the Local Plan can be viewed at:
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

- 5.5 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy
 - Conservation Area appraisal – view at
https://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration/666/conservation_areas_and_listed_buildings

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. EXPLANATION OF RECOMMENDATION

- 7.1 The key issues for consideration are:
- i. Whether the development is appropriate in the Green Belt and if not, whether there are any very special circumstances;
 - ii. The impact on the character and appearance of the existing dwelling and the character and appearance of the surrounding area;
 - iii. The impact on the amenities of neighbouring properties;
 - iv. Parking implications; and
 - v. Impact on trees important to the area

7.2 Green Belt

Section 9 of the NPPF sets out the Government's approach to protecting Green Belt land. Paragraph 87 of the NPPF states: 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 89 of the NPPF advises that local planning authorities should regard the construction of new buildings as inappropriate however; there are a limited number of exceptions to this general rule. One of the exceptions includes; 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

Policy GB4 of the Local Plan relates to residential extensions in the Green Belt and this policy states floor space calculations will be a guiding factor in assessing whether a proposal is disproportionate. Extensions which increase the floor space by more than 50% over the original dwelling are generally deemed disproportionate. However, the bulk and scale of the proposed extensions and their effect on the openness of the Green Belt must also be assessed.

Policy GB4 House Extensions in the Green Belt		
		% increase
Floor space of original dwelling or at 01/07/1947	130 sqm	
Extensions added prior to the current application	11.4 sqm	8.8%
Current proposal	60 sqm	46.2%
Total floor space added	71.4 sqm	55%

In determining whether additions are disproportionate, Policy GB4 states the percentage increase in floor space is not the sole determining factor; it is important also to assess the bulk and scale and the effect on the openness of the Green Belt. The application is identical to a previous application (application ref: 10/01338/FULL) and during the course of the previous application, amended drawings were received in order to overcome concerns raised regarding the scale of the extensions. The proposed extensions are considered to be subordinate to the original dwelling and together with previous additions, would not form a disproportionate addition to the original dwelling.

Policy GB2 indicates that permission will not be granted for a new development within the Green Belt if it would have a greater impact on the openness of the Green Belt than the existing development on the site or if the development would harm the character of the countryside by virtue of its scale and siting or by making a material increase in the scale of development of the site. The site is within the built-up area of the village. Although the separation distance between the application dwelling and neighbouring property Cherry Tree Cottage would be reduced, a minimum distance of 1.4 metres would be maintained. The side extension would be set down from the maximum ridge height of the dwelling, and the roof would pitch away from this neighbour which would contribute to the maintenance of the spacious character of the surrounding area. Overall, the impact on openness is considered to be minimal.

The site is located within the Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt, for this reason, permitted development rights for further additions to the dwelling have been removed by condition.

7.3 Impact on the character and appearance of the existing dwelling and the character and appearance of the surrounding area

The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy CA2 states development in conservation areas must enhance or preserve the character and appearance of the area. The Cookham Village Design statement states extensions should be subordinate in scale and should sympathetically reflect the design of the original building.

The Conservation Officer has raised no objection to the proposal. The scale and design of the proposed extension are considered appropriate to the existing dwelling and the additions would appear in keeping with the host dwelling. The proposal is therefore considered to be acceptable in terms of its design in relation to the character and appearance of the existing dwelling and the street scene.

7.4 Impact on the amenities of neighbouring properties

The proposal is not considered to result in significant harm to any immediate neighbouring property in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

7.5 Parking implications

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

7.6 Impact on trees important to the area

There are no Tree Preservation Orders covering the site, however, as the site is located within a conservation area, permission would be required to remove any trees. It is considered the proposed two storey side extension would be sited a sufficient distance from the trees on the site and provided suitable tree protection measures are taken it should be possible to construct the extension without having a significant impact on the trees or hedging. Further tree protection measures have been secured by condition.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 3 occupiers were notified directly of the application.
The application was advertised in the Windsor and Maidenhead Advertisers on 18/01/2018.
The planning officer posted a statutory notice advertising the application at the site on 11/01/2018.
- 8.2 No letters of representation have so far been received from any neighbouring property.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation officer	<i>Thank you for consulting conservation on the application 17/04000/FULL. After reviewing the proposals I note that they are identical to those submitted and approved in 2010. In this instance the assessment of the impact on the conservation area remains the same, namely that it will preserve and therefore I do not raise an objection to the proposal.</i> Condition recommended.	Section 7.3
Tree officer	<i>I have visited the above site and would like to offer the following comments on the information that has been provided to date.</i> <i>This site includes several mature trees and boundary hedging that is all shown to be retained on the Scheme Proposals Plans and Elevations (Dwg. No PL-200 A). Unfortunately no arboricultural information has been submitted with this application to show how the trees and hedging would be protected as part of the development.</i> <i>The proposed two storey extension has been sited away from the trees and if suitable tree protection measures are taken it should be possible to construct the extension without having a significant impact on the trees or hedging.</i> Conditions recommended.	Section 7.6

9. APPENDICES TO THIS REPORT

- Appendix A – Existing Layouts Plans and Elevations
- Appendix B – Scheme Proposals Plans and Elevations

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

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

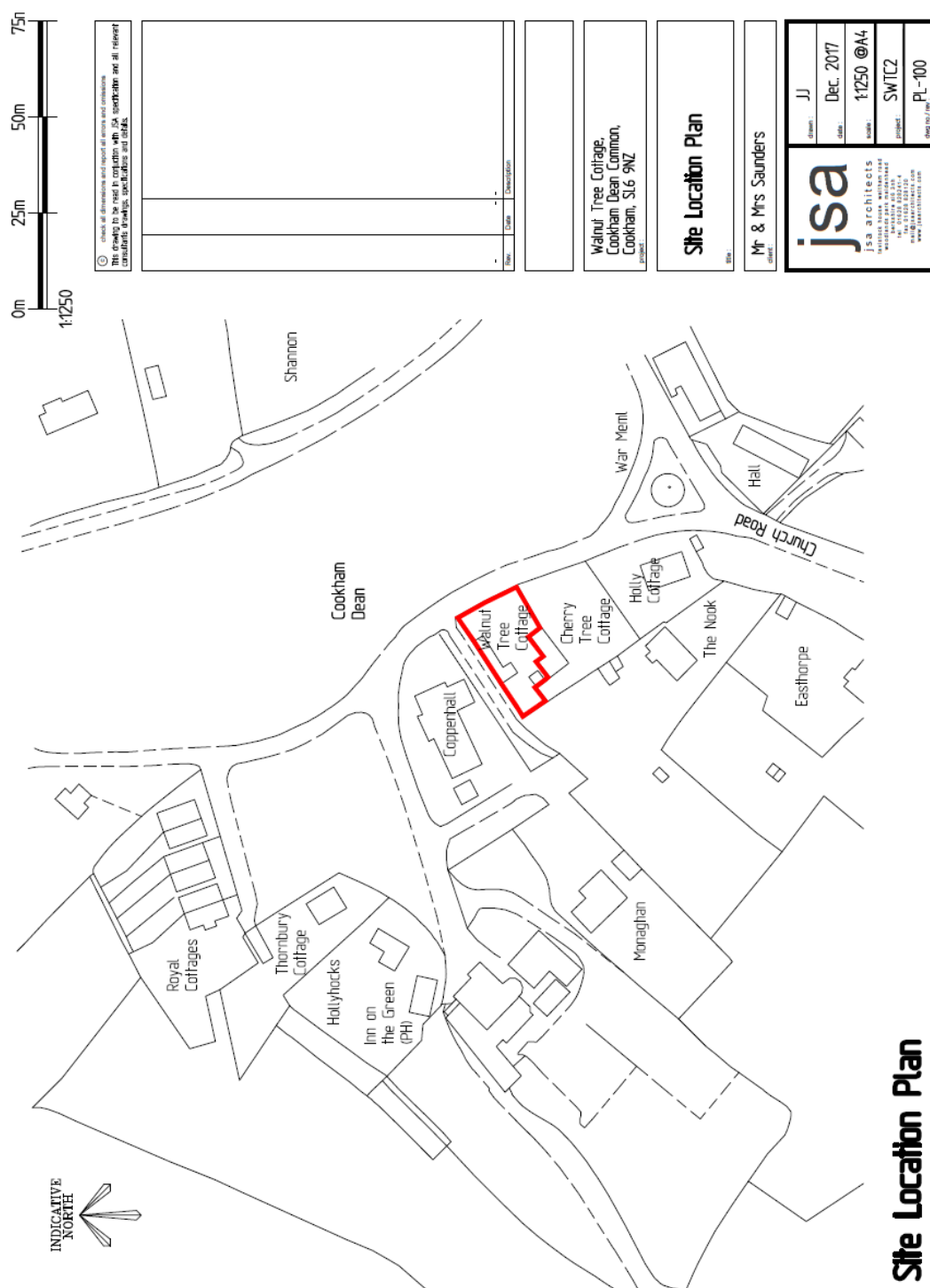
In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

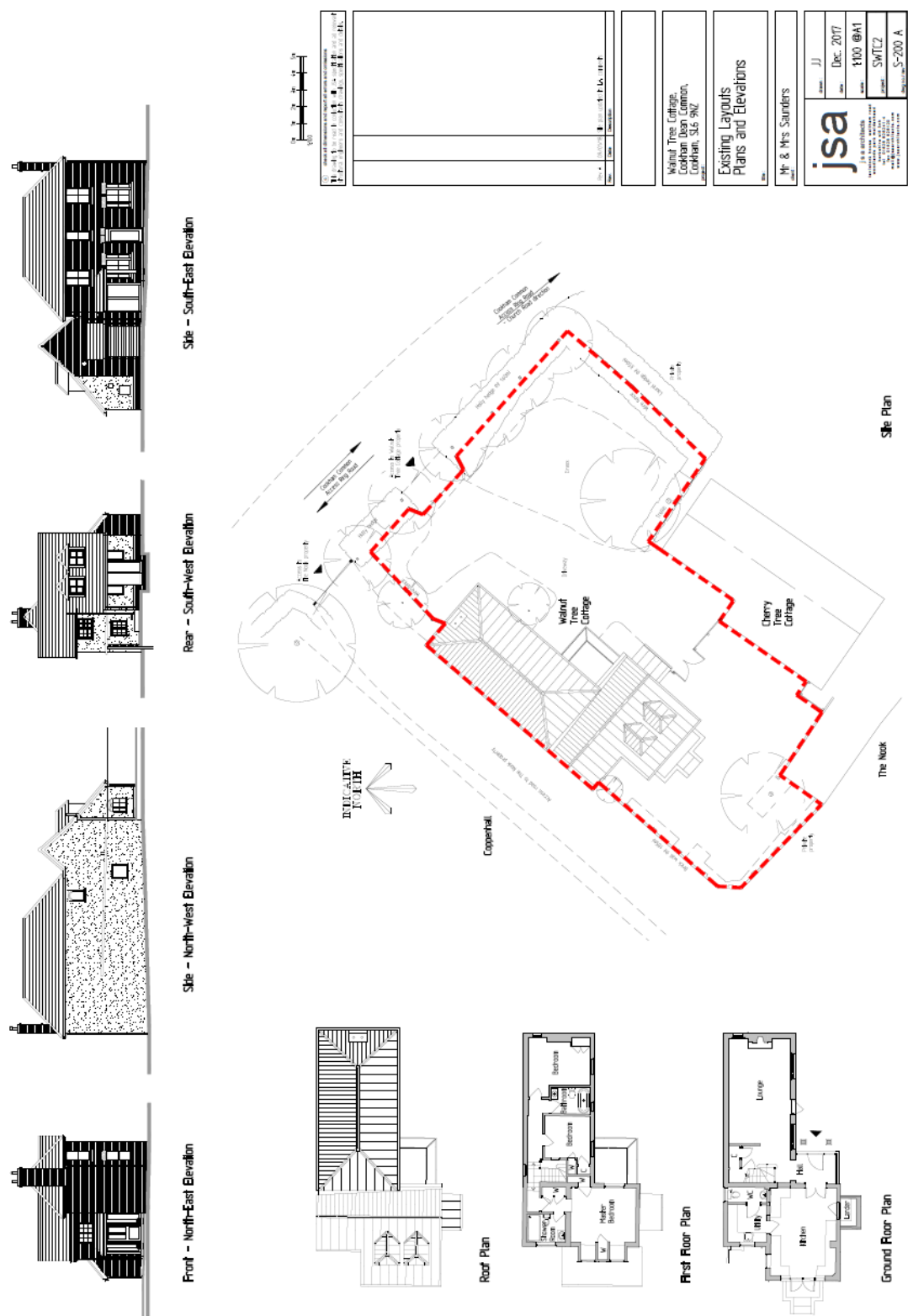
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used in any exterior work shall match those used in the construction of the exterior of the existing dwelling house 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, CA2
- 3 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority. Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 4 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 5 Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) , no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to Walnut Tree Cottage; dwelling house the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwelling house as such be constructed or placed on any part of the land covered by this permission. (ND14A)
Reason: The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt.
- 6 No development shall take place until any extensions, buildings and/or enclosures constructed under Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) following the granting of this permission and prior to the commencement of works the subject of this permission, have been removed or demolished in their entirety. All materials resulting from such removal/demolition shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner.
Reason: The site is located within the Metropolitan Green Belt wherein strict control over development is necessary to maintain the openness of the Green Belt and to ensure a satisfactory development in accordance with the terms of the application.
- 7 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

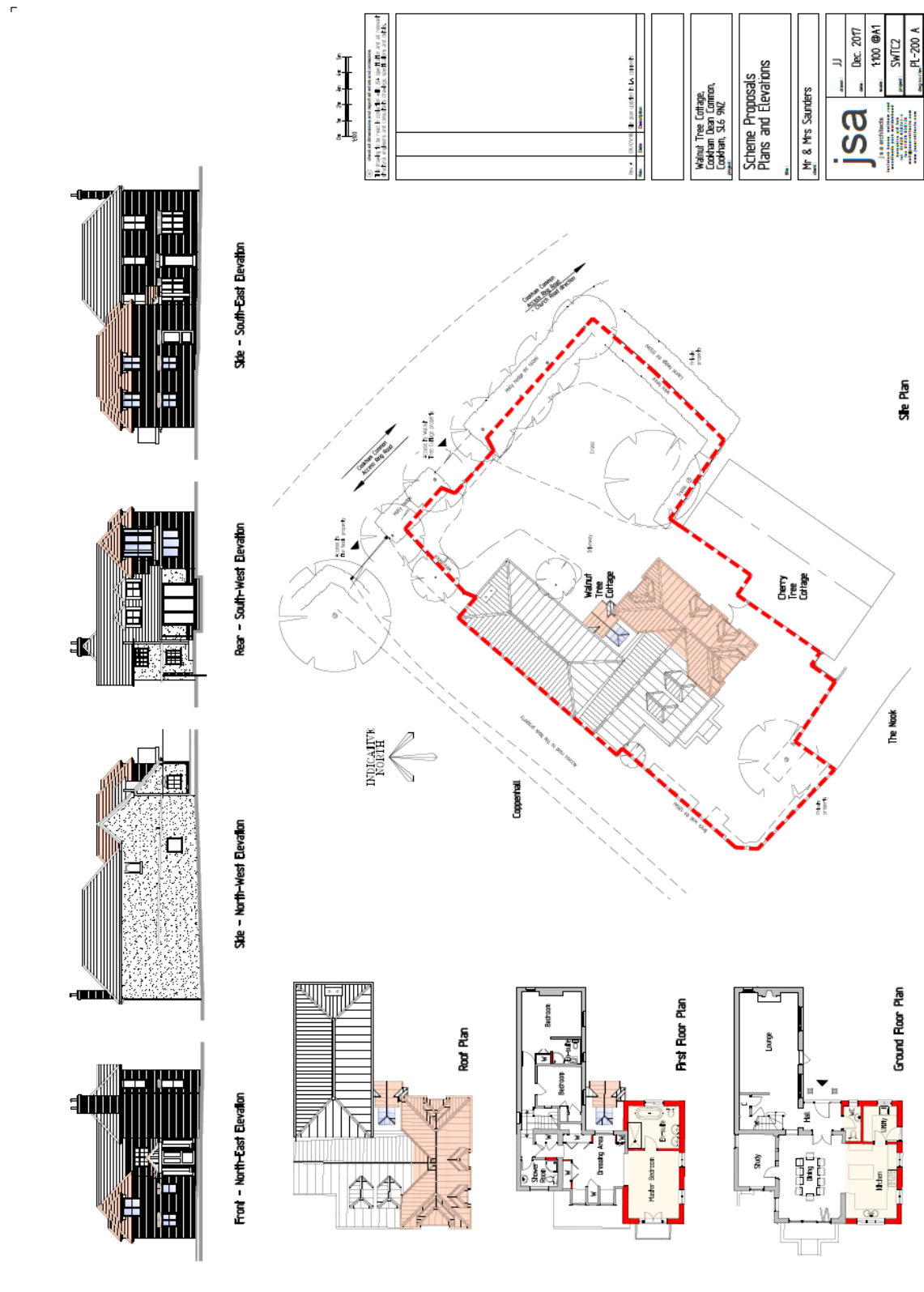
Appendix A – Site Location



Appendix B – Existing Plans



Appendix C Proposed Plans



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

14 February 2018

Item: 6

Application No.:	17/04031/FULL
Location:	Delmere Moneyrow Green Holyport Maidenhead SL6 2NA
Proposal:	Replacement dwelling
Applicant:	Mr And Mrs Dmoch
Agent:	Miss Stefania Petrosino
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for a replacement dwelling in the Green Belt which due to its proposed form, bulk and scale would be materially larger than the one it would replace. The proposal would therefore constitute inappropriate development within the Green Belt as outlined under paragraph 89 of the NPPF. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. A case of Very Special Circumstances that would outweigh the harm by inappropriateness has not been demonstrated.
- 1.1. The proposal is considered to be acceptable in terms of impact on the general character of the area, neighbouring amenity, highway safety and parking.

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

- | | |
|-----------|---|
| 1. | The proposed replacement dwelling, by reason of its form, bulk and scale, particularly at first floor level, would be materially larger than the one it is replacing. The proposal therefore constitutes inappropriate development in the Green Belt as outlined under paragraph 89 of the NPPF and local plan policy GB3. No Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness. |
|-----------|---|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor D. M. Coppinger if the application is recommended for refusal in the public interest

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site comprises a detached bungalow sitting within a sizable plot on the north-west side of Moneyrow Green. The site is located within the Green Belt and just inside the boundary of Holyport Conservation Area. The area is characterised predominantly by detached dwellings of differing scales and the development is spaciouly set out within the street scene. To the south of the application site lies land comprising a scout hut, village hall and community playing fields.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Permission exists by virtue of the General Permitted Development Order 2015 for a single storey rear extension to the dwelling house, ref: 15/01739/CPD. There is also an extant planning permission for extensions to the dwelling house, including raising the ridge of the dwelling house and the insertion of front and rear dormer windows, under planning application ref: 15/03010/FULL.

- 4.2 An application for a replacement dwelling house was submitted under planning application ref: 17/03091/FULL, but was withdrawn because the Council had concerns over the bulk and scale of the roof of the proposed dwelling house.
- 4.3 The current proposal is for a replacement dwelling house in a similar position on the plot to the existing dwelling house, with accommodation over two floors, incorporating front and rear projecting gable sections with semi-hipped roofs and front and rear dormer windows.

Ref.	Description	Decision and Date
15/01739/CPD	Certificate of lawfulness to determine whether a proposed single storey side extension is lawful	Approved - 15.06.2015
15/03010/FULL	Single storey side and front porch extensions, raising of ridge, and installation of 3 front and 3 rear dormers	Approved – 04.11.2015
17/03091/FULL	Replacement dwelling	Withdrawn – 04.12.2017

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework (NPPF) Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 9 (Protecting Green Belt Land) and 12 (Conserving and Enhancing the Historic Environment).
- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Royal Borough Local Plan

Issues	Local Plan Policy	Compliance
Acceptable impact on appearance of area	DG1, H10, H11	Yes
Acceptable impact on Conservation Area	CA2	Yes
Acceptable impact when viewed from nearby Occupiers	H11	Yes
Maintains acceptable level of daylight and sunlight for nearby occupiers	H11	Yes
Maintains acceptable level of privacy for nearby Residents	H11	Yes
Sufficient parking space available	P4	Yes
Appropriate development in the Green	GB1	No
Acceptable impact on Green Belt	GB2, GB3	No
Acceptable impact on trees important to the Area	N6	Yes
Impact on highways safety	T5	Yes

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
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3, HE1

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 ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. 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 Townscape Assessment
- RBWM Parking Strategy
- Holyport Conservation Area Character Appraisal

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 development is appropriate development within the Green Belt
- ii impact on the character of the area;
- iii impact on neighbouring amenities;
- iv parking and highways safety;
- v landscaping; and
- vi other considerations.

Green Belt

6.2 The site lies within the Green Belt with the fundamental aim to keep land permanently open as set out in paragraph 79 of the NPPF. Paragraph 89 of the NPPF outlines that the construction of new buildings is inappropriate development in the Green Belt apart from a few limited exceptions. One of the exceptions is the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. Local Plan policy GB1

adopts a broadly similar approach to national policy and sets out the general types of appropriate development in the Green Belt. GB1 only allows for residential development in accordance with policies GB3 to GB5. GB3 is the most relevant and it sets out the limited circumstances when new residential dwellings will be acceptable. This includes proposals that relate to the rebuilding or one-for-one replacement of an existing habitable dwelling.

- 6.3 There is no real definition of materially larger provided within the NPPF, however it has emerged from various appeal decisions that it is a matter of fact and degree and that an assessment should consider all of the relevant circumstances which could include, among other things, the floor area, volume, height and form of the proposed building.
- 6.4 Firstly, regarding floor area, it is accepted from previous planning records that the dwelling house has a total existing floor area of 194 sq.m. It should be noted that the existing garages, lean-to and rear conservatory are of limited height and bulk. Indeed the southernmost garage is more of a carport structure and is of a very dilapidated state and thus the impact on the openness of the Green Belt as a result of these structures is very limited.
- 6.5 In comparison the proposed dwelling house would have a floor area of approximately 249.5 sq.m which would result in an increase in built form of approximately 29%. In some instances increases in floor area of up to 30% may be considered acceptable, however the assessment of whether a replacement building is materially larger is not simply a question of floor area. In this case, there is also an increase in the height of the dwelling house from 5.3m to 5.8m, the introduction of a flat-top or crown roof, front and rear projecting gable sections and dormer windows. The scale and bulk of the proposed dwelling is therefore significantly greater at roof level than the existing bungalow, resulting in an obvious two-storey development, which has a markedly different character to the existing bungalow which takes on a more subservient appearance within the landscape. Whilst the agent's floor area figures differ marginally from the Council's (set out in paragraphs 8.3-8.5 of the Design and Access statement), fundamentally what has been shown here is that the current proposal would result in significantly more floor space at first floor level than the existing dwelling. It is concluded therefore that as a result of the increase in floor area, height, scale and bulk of the dwelling house, particularly at first floor level, that the proposed replacement dwelling house would be materially larger than the one it is to replace and thus does not constitute appropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 6.6 It is a material consideration that the existing dwelling house could be extended under the two previous planning permissions as referenced above. Indeed the Design and Access statement states that the proposed replacement dwelling house would result in a 10% reduction in floor area when compared to these permitted developments. It therefore needs to be established whether either of these permissions would justify the approval of the inappropriate development as described above. Turning first to the single storey rear extension deemed to be permitted development under application ref: 15/01739/CPD, this would result in a 4m deep ground floor projection along the width of the original dwelling house. Whilst the overall floor area of the current proposal may be marginally less than the existing dwelling house and permitted extension, given the limited height and bulk of this extension and the fact that it would be situated to the rear of the dwelling house, it would have a very limited impact on the openness of the Green Belt. As stated above, an assessment based on floor area alone is not a strong enough indicator of overall impact on the Green Belt. Turning now to the extensions approved under full planning application ref: 15/03010/FULL, whilst there would be a minor increase in ridge height to the dwelling house and the insertion of front and rear dormer windows, a ridge line would be maintained and thus the resultant development would not stray too far from that of the existing bungalow in terms of form, bulk and scale. Furthermore, whilst the agent states that the overall floor area would be slightly less than that of the proposed replacement dwelling house, again, the majority of the floor area would be single storey and thus the impact on the Green Belt would be limited. This is demonstrated on drawing No. PL-402A which shows that the proposed first floor would be significantly deeper than either permitted schemes. It is therefore concluded that neither fallback position would be as harmful to the Green Belt as the current proposal and therefore they can only be given very limited weight in the decision making process.

- 6.7 Concerns have been raised that the existing dwelling house has a negative impact on the character of the Conservation Area and the proposed replacement dwelling house would be an improvement to the character of the area and thus should be justified. Whilst no objections have been raised by the Council's conservation officer to the current scheme, it is noted that no objections were raised to the previous application ref: 15/03010/FULL and thus it cannot be stated that this fallback position would be more harmful to the character of the Conservation Area. Furthermore, such an argument is not commonly accepted as constituting a Very Special Circumstance.
- 6.8 Finally, whilst it is noted that the proposal has been amended from the scheme submitted under planning application ref: 17/03091/FUL, to which the Council previously raised concerns, it should be noted that the only changes to the scheme are that the projecting front and rear gables have been designed with semi-hipped roofs. This has reduced the bulk at first floor level only very marginally and thus the concerns held by the previous case officer still remain.
- 6.9 Thus to conclude this section of the report, a case for Very Special Circumstances has not been demonstrated.

Impact on the character of the area

- 6.10 The site lies within Holyport Conservation Area. The application building is neither designated as negative or a significant non-listed building within the Conservation Area Appraisal and thus it is considered that it has a negligible effect on the character of the Conservation Area. As stated above, no objection has been raised by the Council's Conservation and Design Officer to the proposed dwelling house subject to the use of appropriate materials within the development.
- 6.11 The street scene is generally characterised by detached traditional styled dwellings. The dwellings immediately opposite the application site are chalet style with semi-hipped roofs, such as that currently proposed. Therefore, despite the specific concerns raised above relating to the impact on the Green Belt, there are no objections to the character of the street scene or the character of the area in general.

Impact on neighbouring amenities

- 6.12 The application site is bordered by playing fields to the south and an access road to the north. The nearest neighbouring properties are a considerable distance away from the proposed development such that the proposal would not materially affect the living conditions of these neighbouring occupiers in terms of loss of light, loss of privacy or overdominance.
- 6.13 Noise and disturbance experienced by neighbouring occupiers or users of the community facilities adjacent to the site as a result of demolition and construction works is not a material planning consideration. Any works that become a statutory nuisance can be reported to the Environmental Protection department of the Local Authority.

Parking provision and highway safety

- 6.14 The proposal is for a one-for-one replacement dwelling and therefore there would be no intensification of the site. Therefore, there was no requirement to consult the Highways Authority on the application.
- 6.15 Sufficient space would exist on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

Trees and Landscaping

- 6.16 The trees and vegetation within the site and on the site boundaries are of limited importance. Mature trees which lie on the access road to the north are sufficiently far enough away from the proposed redevelopment not to be affected.

Other Material Considerations

- 6.17 Concerns have been raised regarding the use of part of the existing and proposed dwelling as a podiatry surgery. This issue was investigated by the Council's Enforcement team in 2012 and no breach of planning control was found. The use of part of a dwelling house for business purposes does not necessarily result in a material change of use. In this case, only a small part of the dwelling house is used for the podiatry surgery and not on a permanent basis, the applicant receiving only one client at a time, and as such, it does not materially alter the use of the property from a dwelling use (class C3). The proposed plans indicate that there would be a small home office on the ground floor and therefore, it is assumed that the applicant's business would continue in the same manner and the proposed dwelling house would be predominantly used for residential purposes. As there is no material change of use, the Planning Authority cannot get involved in issues such as parking (other than to ensure there is a sufficient number of spaces for a dwelling house of this size) – if visitors to the premises are parking on neighbouring driveways, this would be a civil between the applicant and the neighbour. Likewise, issues such as disposal of medical waste and whether the applicant is paying business rates would not be covered under the planning remit.
- 6.18 Safe demolition of the dwelling house does not fall to be considered as part of the current planning application and would be a matter for any subsequent building regulations application.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In accordance with the Council's charging schedule the proposal is CIL liable, but it has not been demonstrated by the applicant what the chargeable floor area would be, if any. However as the proposal is recommended for refusal no further action is required at this stage. Should the application be approved, it would be necessary for the relevant CIL forms to be completed and submitted to the Council.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 18.01.2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 18.01.2018

3 letters have been received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The existing dwelling detracts from the character of the Conservation Area	6.7
2.	The replacement dwelling would enhance the character of the Conservation Area and area in general	6.7
3.	The applicant has a legitimate and realistic fallback option	6.6
4.	It is necessary to grant permission to prevent the fallback option being implemented which is less attractive	6.6

1 letter of objection has been received, summarised as follows:

Comment		Where in the report this is considered
1.	Part of the existing property is used as a Podiatry surgery. This information is not included within the current application nor has it been declared formally to the Local Authority.	6.17
2	It is not clear whether the new dwelling will be used for business purposes. If it is, this information needs to be made clear to the Local Authority.	6.17
3	The use of the premises for business purposes result in parking issues for neighbours	6.17
4.	How is medical waste being disposed of?	6.17
5	There is no risk assessment relating to the demolition of the existing dwelling and safe disposal of harmful materials.	6.18
6	Demolition and construction works could impact users of the community facilities adjacent to the application site and neighbouring occupiers	6.13

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	None received	NA

Other consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection subject to condition regarding use of materials	6.10

9. APPENDICES TO THIS REPORT

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

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed replacement dwelling, by reason of its form, bulk and scale, particularly at first floor level, would be materially larger than the one it's replacing. The proposal therefore constitutes inappropriate development as outlined under paragraph 89 of the NPPF and local plan policy GB4. It is not considered that there any very special circumstances that would outweigh the harm by inappropriateness.



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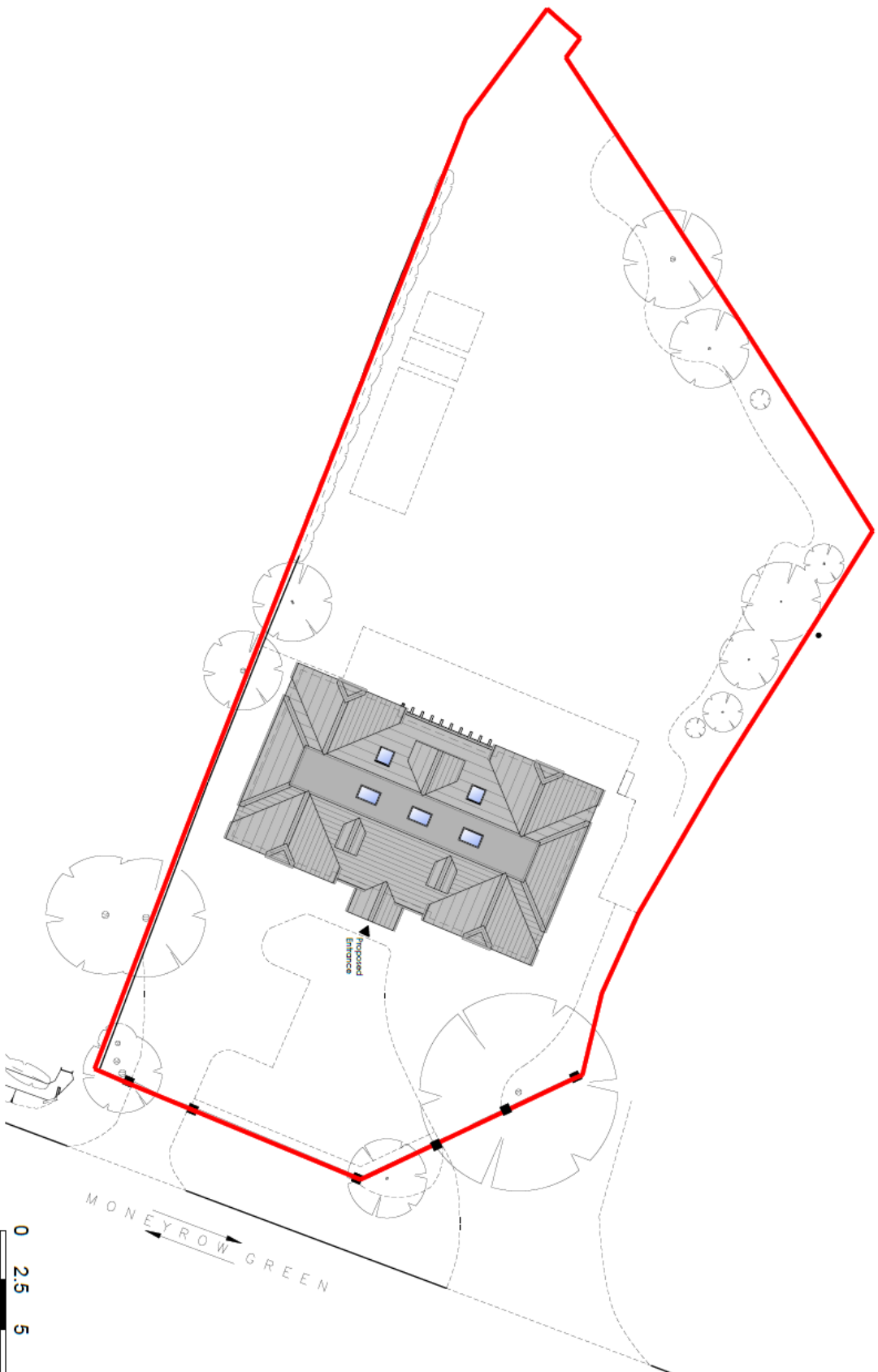
■ Mr & Mrs Dmoch
Delmere, Moneyrow Green, Holyport
■ Location Plan

■ Project DDMG
■ Dwg No/rev. PL-100
■ Scale 1:1250@A4
■ Date MAY 2015
■ Checked by AW

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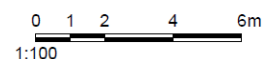
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jsa architects



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Mr & Mrs Dmoch
Delmere, Moneyrow Green, Holport
Proposed Site Plan

Project DDWG
Dwg No/rev. PL-102B
Scale 1:200@A3
Date May 2017
Checked by D.G

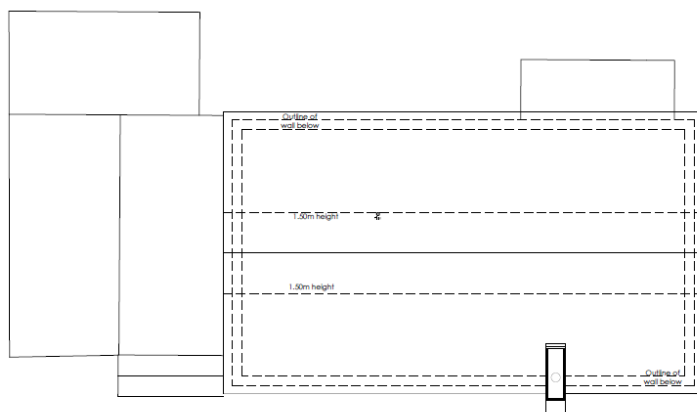


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 ■ Dwg No/rev. PL-200
 ■ Scale 1:100@A3
 ■ Date July 2016
 ■ Checked by D-T



Project DDMG
 Dwg No/rev. PL-202A
 Scale 1:100@A3
 Date May 2017
 Checked by D.G

Existing and proposed first floor plan

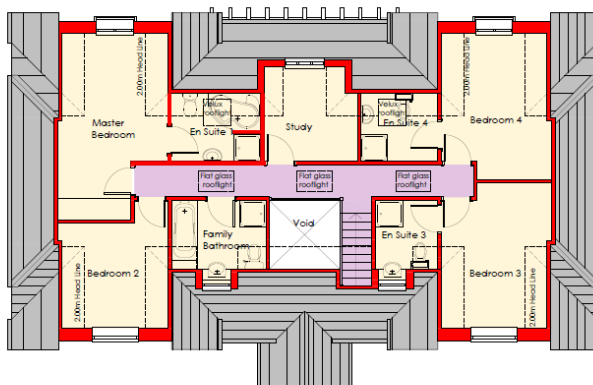


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■ Mr. & Mrs. Dmoch
Delmere, Moneyrow Green, Holyport
■ Existing Roof Plan

■ Project DDMG
■ Dwg No/rev. PL-201
■ Scale 1:100@A3
■ Date July 2016
■ Checked by D-T



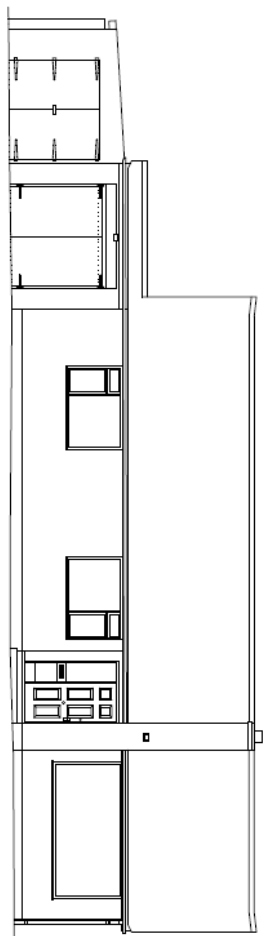
Loft Floor Plan

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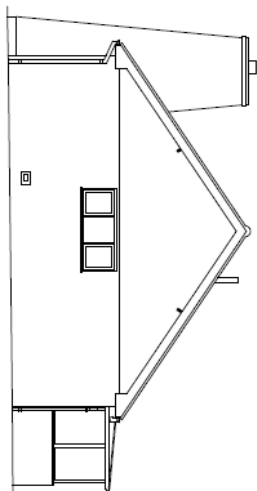
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■ Mr & Mrs Dmoch
Delmere, Moneyrow Green, Holyport
■ Proposed Loft Floor Plan

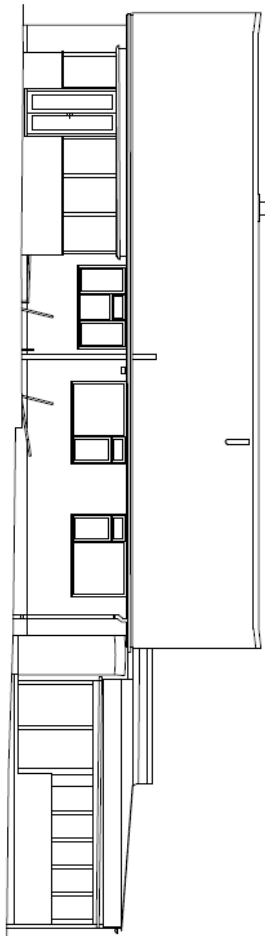
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■ Checked by D.G



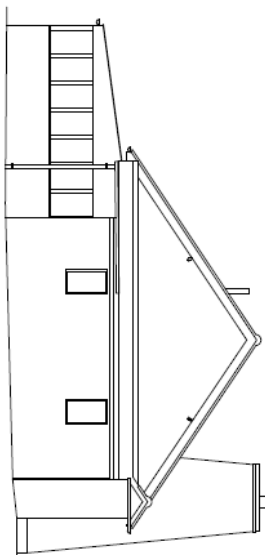
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation



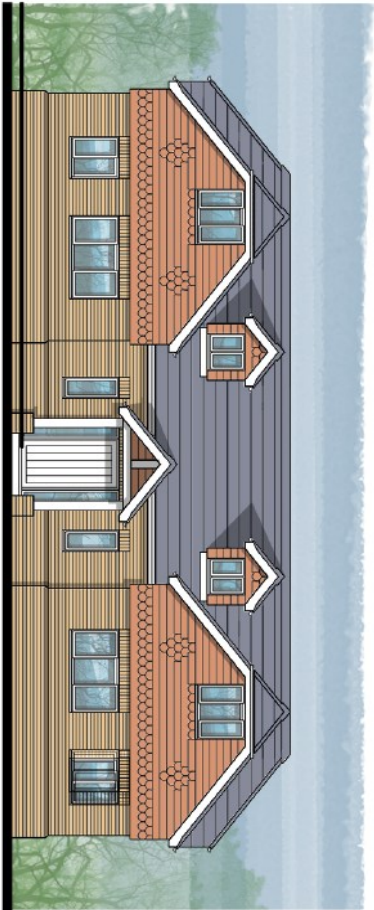
Side (South) Elevation



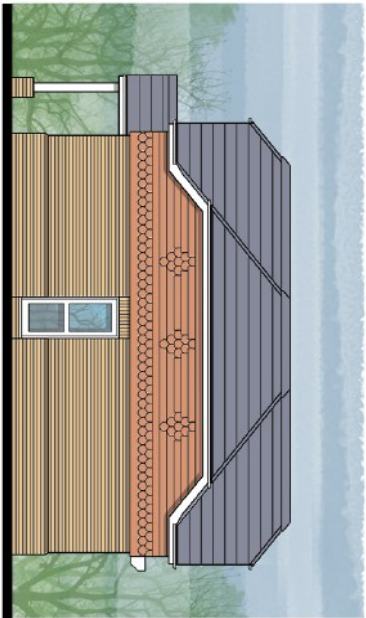
■ Mr. & Mrs. Dmoch
■ Delmere, Moneyrow Green, Holypot
■ Proposed Elevations

■ Project DDMG
■ Dwg No/rev. PL-400
■ Scale 1:100@A3
■ Date July 2016
■ Checked by D-T

jsa architects
1401/1402 Hous. Nathan Road
Kowloon, Hong Kong
Tel: 01878 82821-4
Fax: 01878 82812-2
Mobile: 99581112
www.jsaarchitects.com



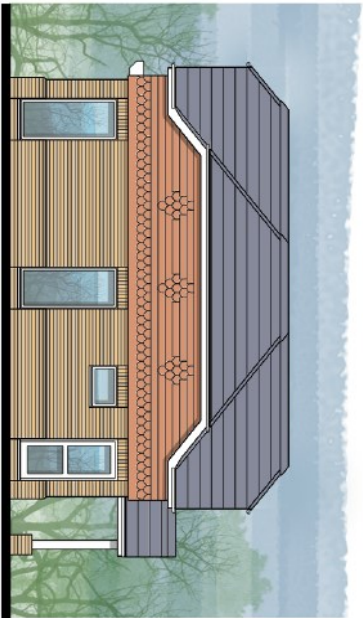
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation



Side (South) Elevation



■ Mr & Mrs Dmoch
Delmere, Moneyrow Green, Holyport
■ Proposed Elevations

■ Project DDWG
■ Dwg No/rev PL-401B
■ Scale 1:100@A3
■ Date June 2017
■ Checked by D.G

jsa architects
14010101 House, William Road
Woodlands Park, Maidenhead
Tel: 01328 828211-4
Fax: 01328 828210
e: jsa@jsaarchitects.com
w: www.jsaarchitects.com

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

Planning Appeals Received

6 January 2018 - 2 February 2018

MAIDENHEAD

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

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

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

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60002/REF **Planning Ref.:** 17/00830/FULL **PIns Ref.:** APP/T0355/D/17/3185468

Date Received: 8 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Remove existing outbuildings and storage. Erection of a two storey rear and side extension.
Location: **27 Redriff Close Maidenhead SL6 4DJ**
Appellant: Mr Asheed c/o **Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60003/REF **Planning Ref.:** 17/00828/FULL **PIns Ref.:** APP/T0355/W/17/3185403

Date Received: 9 January 2018 **Comments Due:** 13 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of 7 x 1 No. bedroom dwellings with access, parking and amenity space
Location: **31 - 33 Belmont Road Maidenhead**
Appellant: Mr L Tusz c/o **Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

Ward:
Parish: Waltham St Lawrence Parish
Appeal Ref.: 18/60005/REF **Planning Ref.:** 17/02327/FULL **PIns Ref.:** APP/T0355/D/17/3187904

Date Received: 11 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of new gate and driveway following removal of existing hard surface.
Location: **The Barn The Straight Mile Shurlock Row Reading RG10 0QP**
Appellant: Mr G Mornard c/o **Agent:** Mrs Rebecca Lord Rebecca Lord Planning Delfryn Portesbery Road Camberley GU15 3TD

Ward:
Parish: Waltham St Lawrence Parish
Appeal Ref.: 18/60006/REF **Planning Ref.:** 17/01142/FULL **Plns Ref.:** APP/TO355/D/17/3189155
Date Received: 11 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of a replacement detached garage with accommodation in roofspace
Location: **Waltham Lodge Nut Lane Waltham St Lawrence Reading RG10 0HJ**
Appellant: Mr Simon Kelly **c/o Agent:** Mr Edward McGill McGill Urban Design Holly Tree House 15 Green Lane Radnage Buckinghamshire HP14 4DJ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60009/REF **Planning Ref.:** 17/00210/VAR **Plns Ref.:** APP/TO355/W/17/3191516
Date Received: 11 January 2018 **Comments Due:** 15 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Erection of front boundary wall as approved under planning permission 16/02734/FULL for the removal of condition 4 (stone boulders)
Location: **High Trees Ray Mill Road East Maidenhead SL6 8SR**
Appellant: Mr Anthony Cochrane High Trees Ray Mill Road East Maidenhead SL6 8SR

Ward:
Parish: Cox Green Parish
Appeal Ref.: 18/60010/REF **Planning Ref.:** 17/02131/FULL **Plns Ref.:** APP/TO355/W/17/3189076
Date Received: 11 January 2018 **Comments Due:** 15 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Demolition of all buildings within the existing compound area and erection of a terrace of 5(no) x 2-storey residential properties and erection of a pair of semi-detached 2-storey residential units (7 units in total)
Location: **Compound At Thrift Wood Farm Ockwells Road Maidenhead**
Appellant: Cromwell Trust **c/o Agent:** Mr Philip Andrews WvH Planning Ltd Elmwood High Park Avenue East Horsley Leatherhead Surrey KT24 5DD

Ward:
Parish: Cox Green Parish
Appeal Ref.: 18/60011/PRPA **Planning Ref.:** 17/02844/TPO **Plns Ref.:** APP/TPO/TO355/6583
Date Received: 17 January 2018 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast-track
Description: (T1) - Ash - Fell. (TPO 21 of 2002)
Location: **12 Repton Close Maidenhead SL6 3DS**
Appellant: John Maguire 12 Repton Close Cox Green Maidenhead SL6 3DS

Ward:
Parish: Cookham Parish
Appeal Ref.: 18/60014/REF **Planning Ref.:** 17/01004/FULL **Plns Ref.:** APP/TO355/W/17/3181907
Date Received: 17 January 2018 **Comments Due:** 21 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Single storey rear extension
Location: **Cromwell Cottage Alleyns Lane Cookham Maidenhead SL6 9AD**
Appellant: Mr Keevill **c/o Agent:** Mr Andy Moth Vale Garden Houses Ltd Londonthorpe Road Grantham Lincolnshire NG31 9SJ

Ward:
Parish: Cookham Parish
Appeal Ref.: 18/60015/REF **Planning Ref.:** 17/01005/LBC **Plns Ref.:** APP/T0355/Y/17/3181905
Date Received: 17 January 2018 **Comments Due:** 21 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Consent for a single storey rear extension
Location: **Cromwell Cottage Alleyns Lane Cookham Maidenhead SL6 9AD**
Appellant: Mr Keevill **c/o Agent:** Mr Andy Moth Vale Garden Houses Ltd Londonthorpe Road Grantham Lincolnshire NG31 9SJ

Ward:
Parish: Cookham Parish
Appeal Ref.: 18/60016/COND **Planning Ref.:** 16/03324/VAR **Plns Ref.:** APP/T0355/W/17/3181493
Date Received: 22 January 2018 **Comments Due:** 26 February 2018
Type: Appeal against conditions imposed **Appeal Type:** Written Representation
Description: Single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation as approved under planning permission 15/02302 without complying with condition 2 (matching materials) 4 (approved plans) to remove the boarding/render to the first floor rear elevation and replace with facing brickwork and alterations to fenestration. Replace approved drawing.
Location: **Tudor Lea 15 Sutton Close Cookham Maidenhead SL6 9QU**
Appellant: Mr And Mrs Smith Tudor Lea 15 Sutton Close Cookham Maidenhead SL6 9QU

Ward:
Parish: Cox Green Parish
Appeal Ref.: 18/60018/REF **Planning Ref.:** 17/02609/FULL **Plns Ref.:** APP/T0355/W/17/3187940
Date Received: 23 January 2018 **Comments Due:** 27 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of x2 bin sheds (retrospective)
Location: **Land At 36 And 38 Wessex Way And 2 And 4 Cumbria Close And 2 To 24 Northumbria Road Maidenhead**
Appellant: Mr James Rogers Housing Solutions Crown House Crown Square Maidenhead SL6 8BY

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60019/REF **Planning Ref.:** 17/02159/FULL **Plns Ref.:** APP/T0355/W/17/3188043
Date Received: 23 January 2018 **Comments Due:** 27 February 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective
Location: **15 Ray Drive Maidenhead SL6 8NG**
Appellant: Coghlan Lodges Limited **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd 22 Tanglewood Close Pyrford Woking Surrey GU22 8LG

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60022/REF **Planning Ref.:** 17/02696/FULL **Plns Ref.:** APP/T0355/D/17/3189227
Date Received: 30 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Two storey rear extension, front open porch, 1 No. front rooflight and alterations to fenestration.
Location: **64 Oaken Grove Maidenhead SL6 6HH**
Appellant: Mr & Mrs P Horner **c/o Agent:** Mrs Emily Temple ET Planning Ltd Beechey House 87 Church Street Crowthorne RG45 7AW

Ward:
Parish: Cookham Parish
Appeal Ref.: 18/60024/REF **Planning Ref.:** 17/02261/FULL **Plns Ref.:** APP/T0355/D/17/3190418
Date Received: 30 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of replacement garage with habitable accommodation over, single storey rear annexe and first floor extension over existing study, following demolition of existing garage and outbuilding
Location: **The Field House 10 Sutton Close Cookham Maidenhead SL6 9QU**
Appellant: Mr Clive Nicholls **c/o Agent:** Mr Stuart Keen SKDdesign Ltd Unit 3 Woodlands Business Park Woodlands Park Avenue Maidenhead SL6 3UA

Appeal Decision Report

6 January 2018 - 2 February 2018

MAIDENHEAD

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Appeal Ref.: 17/60053/ENF **Enforcement Ref.:** 16/50097/ENF **Plns Ref.:** APP/T0355/C/17/3171088

Appellant: Mr Robert Johnston **c/o Agent:** Mr John A Andrews John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY

Decision Type: No Further Action **Officer Recommendation:** No Further Action

Description: Appeal against the Enforcement Notice: Without planning permission the material change of use of the land from the keeping of horses for recreational use, including stabling and grazing of horses, and training and exercising of horses in the approved ménage; to a commercial stud farm and livery with residential occupation.

Location: Fairview Stables Darlings Lane Maidenhead SL6 6PB

Appeal Decision: Withdrawn **Decision Date:** 17 January 2018

Appeal Ref.: 17/60099/REF **Planning Ref.:** 17/00591/FULL **Plns Ref.:** APP/T0355/W/17/3179457

Appellant: Mr J Harris-Cohen **c/o Agent:** Mr Neil Dowlman Neil Dowlman Architecture Ltd 14 Main Ridge West Boston Lincolnshire PE21 6QQ

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

Description: Proposed alterations and extension to existing flats

Location: 1 Laburnham Road Maidenhead SL6 4DB

Appeal Decision: Dismissed **Decision Date:** 22 January 2018

Main Issue: The Inspector found that the proposal would be likely to unacceptably harm the long term health and viability of a street tree, and would be likely to lead to its loss, which would be to the significant detriment of the character and appearance of the locality. She also found that the proposal would be likely to harm the living conditions of the future occupiers of Flats 1 and 3, with regard to outlook.

Appeal Ref.: 17/60112/REF **Planning Ref.:** 17/02231/FULL **Plns Ref.:** APP/T0355/D/17/3187866

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

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

Description: Part single part two storey rear extension

Location: 45 Summerleaze Road Maidenhead SL6 8EW

Appeal Decision: Dismissed **Decision Date:** 26 January 2018

Main Issue: The proposal, by reason of its siting, height and rear protrusion would exacerbate an already poor situation in respect of levels of outlook from, and daylight to, the occupiers of No. 43. It is therefore considered that the proposal would have an unacceptable effect on the living conditions of occupiers of No. 43. In the absence of a Flood Risk Assessment the flood risk resulting from the proposal is not known and the proposal is therefore considered contrary to policy related to Flooding.

Appeal Ref.: 17/60113/REF **Planning Ref.:** 17/00806/FULL **Plns Ref.:** APP/T0355/D/17/3184452

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

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

Description: Part demolition. Reconstruction and enlargement of dwellinghouse.

Location: **2 Lexington Avenue Maidenhead SL6 4HW**

Appeal Decision: Dismissed **Decision Date:** 26 January 2018

Main Issue: The Inspector found that due to its bulk, massing, siting and design the proposal would be an overly prominent and incongruous form of development that would have an unacceptable effect on the character and appearance of the host property, the terrace of which it forms part and the street scene. The Inspector also found that the proposal would have an unacceptable effect on the living conditions of the occupiers of No. 4. The Inspector also found that the proposal would have an unacceptable effect on highway safety.
